



# The Bangsamoro Framework Agreement and the Mindanao Problem: Foregrounding Historical and Cultural Facts and Concepts for Social Justice and Peace in the Southern Philippines

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## **Introduction**

### The Bangsamoro Framework Agreement

WITH THE SIGNING of the Bangsamoro Framework Agreement between the Philippine Government (GPH) and the Moro Islamic Liberation Front (MILF) on October 15, 2012, the hope for peace among the Muslims in Mindanao has become alive.

The Framework Agreement defines the nature, structure, and powers of the political entity called the Bangsamoro that will replace the Autonomous Region in Muslim Mindanao (ARMM), which President Aquino acknowledged as “a failed experiment.” Among the salient features of the Agreement are the following:

- 1) Creation of a Transition Commission, which shall draft the Bangsamoro Basic Law and make proposals to amend the Philippine Constitution, if necessary. While the Transition Commission is being organized, the

negotiating panels will continue to work on the annexes on power-sharing, wealth-sharing, normalization and transitional mechanisms, which are expected to be accomplished in 2012. The MILF shall gradually decommission its forces “so that they are put beyond use” and law enforcement shall be transferred to a civilian police force.

- 2) The Bangsamoro shall have the power to create its own sources of revenues, as well as to have an equal share in the revenues derived from natural resources. The Central Government will have reserved powers on defense and external security, foreign policy, common market and global trade, coinage and monetary policy, citizenship and naturalization and postal service; and the Bangsamoro will have its exclusive or devolved powers.
- 3) Once the Bangsamoro Basic Law is signed by the President, a plebiscite shall be conducted in the envisioned territory of the Bangsamoro, which includes the current ARMM provinces, the cities of Cotabato and Isabela, and a number of named municipalities and barangays in Lanao del Norte and North Cotabato; and
- 4) The Bangsamoro Transition Authority shall be created to organize the ministerial form of Bangsamoro government “asymmetrically” related to the Central Government of the Philippines. It will also facilitate the transition between the period of the plebiscite and the 2016 election. In the 2016 election, the MILF and other political forces will participate through political parties and seek power through democratic means (OPAPP 2013).

In his 10 December 2012 *Philippine Daily Inquirer* article, Doronila emphasized that what has been agreed so far was “to work out the terms of a peace agreement the two parties can agree with.” The details are in the Annexes being negotiated by the two parties as of this writing. These include issues related to wealth-and-power-sharing, normalization, modalities and arrangements that constitute the so-called road map for the implementation of the comprehensive peace agreement. The annexes on modalities and arrangements include the mechanics and structures of generally the “whole process” of the peace agreement.

### Reactions on the Framework Agreement

When the Agreement was published, it elicited different reactions from the public. Expressions of support were cautious while criticisms were mostly based on legal interpretations from concerned lawyers whose pessimism about the outcome of the final agreement arises from doubts as to whether it could be substantiated with appropriate annexes that can solve the Mindanao problem. One newspaper columnist writes that the Agreement “is a curse to the nation” and an “agreement for PH dismemberment.” Another one argues that the Bangsamoro Framework Agreement “fails to uphold the Constitution and overlooks inviolate provisions on sovereignty and territorial integrity.” A careful reading of the Agreement, however, does not affirm such views; on the contrary, it upholds Philippine territorial integrity and national sovereignty.

The specific provision that solicits legal reaction is in Paragraph VII (4b), which provides that the Transition Commission will “work on proposals to amend the Philippine Constitution for the purpose of accommodating and entrenching in the constitution the Agreements of the Parties whenever necessary without derogating from any prior peace agreements.” On this, Marvic Leonen, the chief peace negotiator clarifies that the Philippine Government “is not bound” to have the charter amended as President Aquino “did not guarantee the acceptance of (such) proposal (for amendment). It is clear,” Leonen pointed out, “that the transition

commission can only make recommendations, but it is up to Congress to dispose.” In the Philippine Constitution, amendments fall within the jurisdiction of the Congress.

Another critical point is in Paragraph 1 (4), which states that the relationship of the Central Government and the Bangsamoro Government shall be asymmetric.” The term “asymmetric” is derived from the “asymmetric theory” popularized by Professor Brantly Womack of the University of Virginia. Womack originally used the theory to analyze the relationship between China and smaller and weaker nations. “Symmetry” is what characterizes the different states that make up the United States of America. The states enjoy the same status among themselves vis-à-vis the central government. “Asymmetrical” is a term that has been applied with reference to constituent units in both unitary states and federal systems, (such as) Aceh in the unitary Republic of Indonesia, which has an asymmetrical relationship with the Indonesian government; also the ARMM and the Cordillera Autonomous Region “are different from the regular local governments in the provinces, cities and municipalities, and the relationship of the autonomous regions to these regular local governments is asymmetrical.”

The word “asymmetric,” as clarified by the members of the Philippine peace panel is not a legal term but a political one. This is clarified by Prof. Miriam Coronel, who writes that “in political science, there is ‘asymmetry’ when a territorial unit within a political system enjoys a distinct or special status because of its peculiarities.” Coronel describes this asymmetry as “a relationship that enhances the status of one part without diminishing the standing or sovereignty of the central over its parts. In concrete terms, the President shall have supervisory powers over the Bangsamoro and shall likewise have jurisdictions over major powers such as defense and foreign affairs, among others.”

The critics of the Agreement, however, do not share the same positive meanings of the term. One critic interprets “asymmetric affiliation” as “dysfunctional, divisive and impaired, making assimilation extremely

difficult if not impossible” (Yasay, *UCCP Cosmopolitan Church Forum*, 21 November 2012). As such, assimilation has been unacceptable to the Muslims. They regard it similar to a plague; Peter Gowing refers to it as the Muslim’s “Christian problem,” which threatens the security and integrity of their distinct *bangsa* or Muslim identity. Assimilation for the Muslims is tantamount to “psychological death” and preventing it from happening to their “Muslim way of life” lies at the core of their struggle in Mindanao for centuries.

Another portion in the Agreement that generates misinterpretation is the provision on the authority of the Bangsamoro to receive “block grants and subsidies from the Central Government” as “the power to block grants” (IV:3). Critics read it as “block” (to hinder) grants, which is different from the original meaning in the agreement. Coronel defines “block grants” as “lump sum funds for special development programs or projects. It is a technical term used in financing and economics. It is not used here as a verb to refuse or prevent.”

On the other end, supporters of the Agreement such as Conrado de Quiros, describes it as a “landmark event.” “What the signing achieved,” he writes in the 16 October 2012 *Philippine Daily Inquirer*, “was to signify the breaking down of distrust. That distrust, built deceit by deceit, betrayal by betrayal, death by death, is not just decade-old, it is centuries-old... Trust is what makes for peace.”

Cielito Habito, a Filipino economist, raises “hopes” (as well as thorns) and points to the economic potentials that the agreement could bring. He writes that the “Bangsamoro possesses a vast scope for economic growth and diversification owing to Mindanao’s link to the BIMP-EAGA (Brunei-Indonesia-Malaysia-Philippines East Asia Growth Area) — a linkage that is of greater significance and potential for Muslim Mindanao relative to the rest of the country...(The fact that) the Muslims comprise the majority in Southeast Asia gives Bangsamoro the potential edge in meeting the regional market’s particular demand for goods and services” (*Philippine Daily Inquirer*, 15 October 2012). However, he challenges the

Bangsamoro and Central government to set up the proper condition and to provide the needed infrastructures to attract foreign investments “that will boost jobs and income in the long-troubled Bangsamoro region” which he described as a “gem in the rough.”

On the whole, while legal arguments dominate the debate about the Agreement, the historical and cultural contexts of the problem are relegated to the sideline. The main issue of the problem, which is primarily historical and cultural in context, is not widely communicated to nor understood by the public. The present concern is a repeat of the government’s shortcoming while soliciting popular support during the 1996 Peace Agreement between itself and the MNLF. The lack of information was described as a case of “misunderstood war that leads to misunderstood peace” (Philippine Daily Inquirer). What was lacking, then and now, has been the historical and cultural explanations of the causes of the problem in Mindanao. With no such explanations and presentations of facts and figures, so to speak, it is not surprising for the Agreement to be bombarded with criticisms, doubts and fears from non-Muslim opinion makers.

At this junction, the succeeding paragraphs discuss the historical and cultural contexts of the Muslim struggle for independence in Mindanao.

### The Historical-Cultural Approach and the Problem of Representation

To understand the Mindanao problem, this discussion makes use of a historical framework which outlines the Muslim history and cultural nuances vis-à-vis Philippine history. Muslim history in the Philippines articulates a history of power and sovereignty of the Muslim peoples and informs how the incorporation of this once-sovereign community into what is now the Republic of the Philippines was facilitated through anomalous means.

The cultural discussion emphasizes the profound beginnings and motivations of the Muslim struggle for freedom and social justice. As a tool for analysis, the cultural approach regards culture as an ideational system instead of as a formal or structural-functional one. According to

Edgar Schein (1990:26) “to understand a group’s culture, one must attempt to get at its shared basic assumptions” which Schein defines as the “taken-for granted and hard-to-decipher belief systems which are operational at the unconscious level.” Filipino Muslims associate their culture with *Deen* or Islam, and with *addat* or customs; therefore their belief system serves as a potent force in sustaining their life and identity as a people.

In this paper, both the Muslim culture and Philippine history are regarded as significant concepts in determining the root cause of the Mindanao problem. Together, they are also seen as potent antidotes to the problem of “representation.”

Representation as a problem is explained by Edward Said as a highly artificial means of enacting or positioning a subject, such as Muslim history and culture through texts of mainstream scholarship (Said 1978/1991:21). The representation of Philippine Muslim history and culture in mainstream information channels, such as schools and mass-media, involves a systematic means of selecting, excluding and distributing these texts to restructure and exercise control over the lives of the Muslim inhabitants in the Philippines.

Such problem of representation manifests when the primary roots of the Mindanao struggle is defined as largely economic or legal, instead of being regarded as a historical and cultural issue. Identifying the nature of the issue as inherently legal or economic confuses the outcome from the cause, and in the process, the Muslims appear as culprits rather than victims. Likewise, the Muslim struggle for freedom and justice is misread as the *root* rather than the *effect* of the problem.

### The Bangsamoro and the ARMM

The Muslim groups in Mindanao, numbering about four to five million, include the Tausug of Sulu, Sama of Tawi-tawi, Maranao of Lanao, Maguindanao of Cotabato and Yakan of Basilan. As a socio-political group they are called *Bangsamoro* (or Moro nationality). *Bangsa* literally means “nationality,” which is technically defined as “a people

who, because of their belief in their common descent and their mission in the world, by virtue of their common cultural heritage and historical career, aspire to sovereignty over a territory or seek to maintain or enlarge their political or cultural influence in the face of opposition” (Wirth 1936: 723).

The term “Moro” originated from the “Moors” of Mauritania, an irony used by the Spaniards to call anyone who is Muslim. The term is also used to refer to quarrelsome and uncivilized people during the era of Spanish conquest, and Muslim Filipinos used it with caution. However in the 1970s, when fighting between the Muslim communities and the Philippine government dramatically escalated, the term came back into common use on both sides (Gowing 1979:xii). For the Muslims, the name “Bangsamoro” symbolizes the anti-colonial struggle for freedom and justice.

Since becoming Philippine citizens, the Bangsamoro people continue to suffer from severe economic conditions and problematic relations with the other inhabitants in Mindanao. Unlike other Muslim groups in Southeast Asia who have regained freedom from colonizers and have been living progressively, Muslims in the Philippines continue to suffer.

Sixty-three percent (63%) of the population of ARMM is living below poverty line. Four of its provinces are among the 10 poorest provinces nationwide: Sulu ranking first, Tawi-Tawi third, Maguindanao sixth and Lanao del Sur seventh. Tawi-Tawi’s population has the lowest lifespan, where most of the adult population does not survive beyond 40 years. Further, lack of access to water, unemployment and inadequate economic opportunities aggravate poverty in the ARMM (Philippine Human Development Report, 2002).

## **HISTORICAL CONSTRUCT AND FACTS OF HISTORY**

### **The Philippine History as a Social Construct**

Philippine history as a social construct has been tied to the development of power structure. As a construct, its language and texts are



framed and selected to correspond to the culture of power operating in the production of knowledge. This problem of “historical construction” is now being gradually addressed by the implementation of Republic Act 10086, which mandates the National Historical Commission of the Philippines (NHCP) to oversee the resolving of historical issues in the Philippines. It is hoped that much would be accommodated to correct the “historical wrongs inflicted (upon the history of Muslims in the Philippines).” In the recently signed Bangsamoro Framework Agreement there is a provision in Article VIII, Section 12 to “correct historical injustices and address human rights violations.”

Unless substantially addressed and reformed, the exteriorization of Muslim history in mainstream scholarship will fail to provide Philippine history a comprehensive representation of the issues that are part of the making of the present nation-state. As expressed by MCM Santamaria: “apparently biased dominant Christian discourse seems to disable us from recognizing the great achievements of the (Muslims in the Philippines)—the setting up of state organizations beyond the level of the *barangay* and the maintenance of military might with the well-tested capability to resist the West” (*Business Mirror*, 16 July 2008).

### Philippine Muslim History of Power and Sovereignty

For centuries, the Philippine Muslims had maintained their sovereign independence. The Muslim sultanate’s obligation to promote the interest of its inhabitants and to conduct foreign relations was an assertion of that sovereignty. Blair and Robertson (1909:190) reveal that the Spanish accounts from the 16th and 17th centuries have readily acknowledged the sovereignty of the Muslim rulers in Mindanao and Sulu, “who, unlike those of Luzon are accustomed to power and sovereignty.”

The Maguindanao Sultanate reached the zenith of its glory during the reign of Sultan Kudarat in 1630-40, when it controlled most parts of Mindanao. Sultan Kudarat entered into a treaty with the Spaniards, who recognized the sultan’s territory from Sibugay, which flows from Sibugay

Bay in the present provinces of Zamboanga to the Tagalook Bay (the present Davao Gulf) (Majul,1970:150 citing the data of Combes, pp. 269-348, 425-433).

As to the Sultanate of Sulu, it was the richest Muslim settlement in pre-Spanish Philippines. Sulu's strategic location and possession of rich maritime and forest resources made it a primary center of international trade. During the height of its glory, the rulers of Sulu controlled vast territories<sup>1</sup> including parts of Kalimantan; it also established international relations by entering into treaties with foreign powers.<sup>2</sup> What the Sulu leaders signed "was a treaty, strictly so-called that is one between two sovereign and independent states, each is recognized as such by the other;" a Jesuit scholar wrote in 1935 (H. de la Costa S.J. 1935/1965:97).

### **The Mindanao Problem**

The conflict in the southern Philippines, which has often been oversimplified in mainstream media as an economic and/or integration problem, has a multi-dimensional component which needs to be understood holistically and dealt with positively. An American scholar, Peter Gowing, rooted the problem in the fact that "the Muslims in the Philippines constitute a nationality distinct from and older than the Filipino nationality" (Gowing 1979).

Structurally and administratively, the unitary or highly centralized structure of the Philippine government has been inappropriate in administering peoples of different cultures with different historical experiences, such as the Islamized and Christianized peoples of the Philippines. Politically, the unitary structure of the Philippine government has been less responsive to the needs of the Muslims for political empowerment and for adequate representation in multi-oriented governmental functioning and management.

On the socio-psychological problem of Muslim-Christian relationship, the negative Moro image in the minds of many, if not most

Christian Filipinos, continues to operate and manifest, especially in times of crisis. These and other causes of the so-called Moro Problem are summarized in the succeeding parts of this paper.

### How the Muslims were dispossessed of their lands in Mindanao

The Cadastral Act of 1913, which called for a general survey, parceling and allocation of “public lands” to American planters and homesteaders, opened up the portals of Mindanao and soon displaced the Muslims and other indigenous inhabitants. Between 1913 and 1917, seven agricultural colonies were established in Moroland—six in Cotabato Valley and one in Lanao. During this period alone, some 8,000 colonists and their dependents settled in Cotabato and Lanao (Magdalena in *Moro Kurier* 1990:17). By 1930, Moroland accommodated 4,194 families of colonists or a total of 19,441 persons (Mastura 1981 in Magdalena 1990:17). A vigorous program of agricultural colonization came into place with the creation of the National Land Settlement Administration (NLSA) in 1939 to sustain the earlier aim of greater migration (Pelzer 1945:125 in Magdalena 1990:18). Upon the grant of independence in 1946, the Philippines embarked on an accelerated program of moving people into the areas inhabited by the Muslims and the *Lumad* in Mindanao. Several resettlement programs were organized after World War II, such as, among others, the Rice and Corn Administration (RCA) in 1949, the Economic Development Corporation Farms (EDCOR), the Land Settlement and Development Company (LASEDECO) in the early 1950s, and the National Resettlement and Rehabilitation Administration (NARRA) in 1954 during the time of President Magsaysay.

The impact of agricultural settlement and the consequent migration into Moroland can be discerned from the “phenomenal growth” of population in Mindanao since World War II. The following statistics show that the population of Mindanao doubled in only ten years, or twice as fast as the national average:

### DATA ON MINDANAO POPULATION

Year	Muslim population (Moros)	Christian population (Indios)
1850	500,000	89,500
1918	417,768	491,218
1939	920,436	1, 285, 868
1960	1,300,839	3, 846, 759
1970	1, 584,394	5, 610,709
	<b>% increase</b>	<b>% increase</b>
1918- 1970	274.2%	1, 141.8%
	Increase per annum	Increase per annum
<b>1918-1970</b>	<b>5.3 %</b>	<b>29.9%</b>

*Sources:* Data from 1850 (McMicking,1967; Bowring ,1963); from 1918 (Forbes,1928), from 1939 through 1960 (Census of the Philippines). The above figures do not include the data from Palawan. These data were taken from the discussion paper of Dr. Federico Magdalena in *Moro-Kurier*, January-June 1990 issue. Data from 1970 was derived from Thomas J. O'Shaughnessy, *Philippine Studies*, 23/3 (1975), 375-382.

Commenting on the population shift in Mindanao as a result of the government's program of migration and resettlements, a scholar writes that "it was aimed to obliterate the distinct character of the Muslims and the *Lumad*. The consequent dislocation and displacement of the local population by migrants, eventually led... to the takeover and control over economic resources and political power" (Rodil 1987: 15). Another scholar, Dr. Federico Magdalena writes that "it is one of massive displacement of the native Moros... (who) have become marginalized and minoritized in their own homeland..." (1990:8).

How the Muslims lost their lands to the settlers is described in the following accounts by Gowing: "The Muslims have been protesting against the sending of settlers into their territories... powerful business interests or wealthy Christians, in connivance with corrupt bureau officials... grab

from (the Muslims) large tracts of their best lands” (1978: 190). In 1963, the Senate Committee on National Minorities reports that “lands applied by the natives were awarded to Christians and that government surveyors do not pay attention to the minorities... Connivance between influential people, local politicians and government agents in charge of disposition of land matters were blamed for the occurrence of land problems in Mindanao” (Philippine Senate, 1963:4). In 1971, the Senate Committee on National Minorities reported that “through either indifference, insincerity or lack of foresight, the seeds of discord were sown when the Commonwealth Government embarked on a policy of bringing settlers from Luzon and Visayas to Mindanao without a parallel program of helping the natives legitimize their land holdings or assisting them in making their farms productive after the Second World War... the prior influx of settlers and immigrants to the verdant valleys of Cotabato continued... the prior rights of the natives were disregarded and even trampled upon” (Philippine Senate, 1971: 22,23).

### The 1898 Treaty of Paris and the “anomalous” transaction that happened

Aside from “land grabbing,” another critical point of historical injustice was the Treaty of Paris of December 10, 1898. The “anomalous” incorporation of the Muslims into the Philippines through this treaty is an ugly chapter in Philippine history. On this regard, Dr. Onofre D. Corpuz writes:

In Paris in 1898, when Spain and the new imperialist United States were selling and buying a country and people, Spain sold something it did not own or possess. What it sold was paper; pieces of paper that said that Sulu was part of the Spanish crown and that Mindanao and Basilan and Sulu and Tawi-Tawi were a province of Filipinas... (emphasis supplied)

Another reflection of that event is presented by a Mindanao scholar: “the supposed transfer of the Spanish possession to the Americans by the Treaty of Paris and the further transfer of the same by the Americans to the Republic of the Philippines is an exercise of the *Regalian Doctrine*, plain and simple... For the Republic of the Philippines to base its possessory rights from the Americans is a complete disregard of the historical realities before them. The Philippine possession is to sustain the legitimacy of the *Regalian Doctrine* and uphold colonialism. Worse, this colonial act is enshrined in the Philippine Constitutions of 1935, 1973 and 1986” (Rodil, 1987:28, emphasis added).

### Summary and Conclusion

Based on the previous discussion, the following factors contribute to the Mindanao problem: (1) lack of cultural awareness on the Muslim way of life by the public; (2) exteriorization of Muslim history in the larger history of the Philippines, particularly on Muslim sovereignty prior to the era of colonialism; (3) the inadequacy of the central structure of the Philippine government in the administration of multiple ethnicities with unique historical experiences; (4) the existence of unequal playing fields in the socio-political and economic affairs in the Philippines that hinder the proper representation of the Muslims in government administration; (5) economic problems that have turned the Muslim communities into the “poorest of the poor,” as seen in the provinces of the ARMM; (6) land problems especially in guaranteeing of the remaining ancestral domains for the Muslims; (7) and the persistence of the “Moro image,” a negative perception of the Muslims in the psyche of the majority of non-Muslim Filipino citizens.

A Philippine senator once said that solving the Mindanao struggle requires “extraordinary measures.” Such measures must accommodate historical narratives and cultural facts which are vital to the problem. Regarding the issue as inherently economic, legal or purely structural-functional in nature confounds the root cause as the effect and vice versa, and also hinders the process of finding proper, just and lasting solutions to

the issue. As such, the programs and mechanisms used to handle the issue have failed to provide answers and contributed to the worsening of the situation that resulted in social injustice, poverty and loss of lives.

The Bangsamoro Framework Agreement has recently been signed, but until it has been affirmed by the Congress and substantiated with annexes based on historical and cultural realities, only then can the Muslims in Mindanao finally harvest the “fruits of peace.” When realized, this can be a win-win situation for all concerned: for the Philippines, it may be the preservation of territorial integrity and national sovereignty; and for the Muslims in Mindanao, progress and development under the Bangsamoro identity. Only then can the long struggle of the Muslims in the Philippines can be finally put to rest.

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## Notes

- 1 Sulu territory became very extensive in the 1760s, as can be read from the account of a European writer and traveler, Alexander Dalrymple, who was in Sulu in 1761 and 1764. He writes that "Sooloo...as an independent sovereignty had dominion so extensive (which included) Palawan, the Northwest and Northern parts of Borneo, and the intermediate islands were acquired from the King of Borneo... and were the price of the Sooloo aid in a civil war in the Kingdom of Borneo. About the year 1704, the Sultan of Borneo made a cession of the north part of Borneo from Keemanes northward with the islands of Palawan, Banguay, Balambangan, etc to Sooloos" (Majul, 1973:180-181, citing a London 1774 document, pp.18-19).
- 2 The Sulu Sultanate had treaty relations with Spain in 1578, 1646, 1725, 1737, 1805, 1837, 1851, and 1878; with the British in 1761, 1764, 1769, 1849, and 1878; with the French in 1843 and 1845; and with the Americans in 1842, 1899 and 1915 (Majul 1973).

The Comprehensive Agreement on the Bangsamoro is the main peace agreement to be signed worldwide since the agreement that stopped the armed conflict in Nepal in 2006. This report analyses the keys that allowed the parties to reach an agreement and the challenges facing the Philippines in terms of implementation. The report targets an international audience and aims to provide reflections that might be useful for other peace processes. After introducing the context and development of the Mindanao peace process, the report analyses the actions and initiatives that allowed negotiations to make progress for 17 years and the innovations brought about by this process in areas such as public participation. The framework agreement contains principles. How will the agreement address historical violence in the area? Leonen said violence is partly caused by the lack of fiscal autonomy. The latter, in turn, is partly two-pronged: poor collections on one hand, a small tax base on another. "The tax base is very small because there are no businesses wanting to invest there. But fix the peace and order problem in that area, that area can have a lot of businesses that would come in," he said. The Framework Agreement calls for the creation of an autonomous political entity named Bangsamoro, replacing the Autonomous Region of Muslim Mindanao (ARMM) which was described by President Benigno Aquino III as "a failed experiment". [1]. YouTube Encyclopedic. Announcement of an Agreement. The Moro Islamic Liberation Front and the Philippines held peace talks in Kuala Lumpur in Malaysia from 2-6 October. On 7 October, President Aquino announced that the two parties have agreed to sign a preliminary peace agreement which calls for the creation of an autonomous political entity named Bangsamoro, superseding the Autonomous Region of Muslim Mindanao (ARMM).