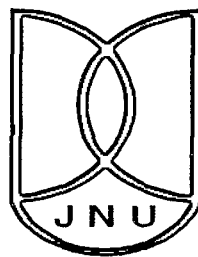


# The Politics of Regional Autonomy in Mindanao, 1996-2009

Dissertation Submitted to Jawaharlal Nehru University in Partial  
fulfilment of the requirements for the award of the degree of

“MASTER OF PHILOSOPHY”

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22<sup>nd</sup> July, 2010

## Declaration

I declare that the dissertation entitled, **“The Politics of Regional Autonomy in Mindanao, 1996-2009”**, submitted by me in partial fulfilment of the requirements for the award of the degree of ‘MASTER OF PHILOSOPHY’. The work has not been previously submitted for any degree for this University or any other University. This is my original work.

Resham Lal

## Certificate

We recommend that this dissertation be placed before the examiners for evaluation.

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To  
My Parents,  
Dada Dadi & Nana Nani

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# Preface

The post-World War II has seen many of the Asian countries as a state but not as a nation. These states comprise different ethnic, religious and cultural groups of people and different regions. These states have the problems of ethno-religious and regional confrontations, which are persistent and were mainly created by colonial rule. The ethno-religious and regional confrontations led to the demand of separate states within the existing sovereign states because the state policies do not provide full space for ethno-religious freedom and preservation of identity, and development of the region. However, in a modern sovereign state there is no space for separate state as per the international law, but the state tackles the problem of ethno-religious and regional conflicts by providing regional autonomy within the state itself. On the other hand, the group of demanding parties have conceived regional autonomy for protection of ethno-religious identity and development of its region, rather than a separate state within a state.

In the case of Philippines, the problem of Mindanao is a demand of regional autonomy instead of separate state for cultural identities, greater socio-economic development, equal recognition and social justice. Before Tripoli Agreement (1976) the rebel groups were demanding a separate state but after 1976 they compromised to a lesser demand of regional autonomy from Philippines. Since then, Moro people as called by Spaniards have been struggling for their right to self-determination from Philippine government; their struggles have taken several forms ranging from parliamentary to armed struggle with a major demand for a regional autonomy. The politics of regional autonomy turned to be more problematic as the common masses got sandwiched between the GRP and the active rebels demanding the stature of Islamic state, however, MNLF is supporting the demand for autonomy in Mindanao.

This dissertation is divided in five chapters. First chapter is an introductory one dealing with the historical backdrop of the concerned issue with special reference to the socio-economic and political marginalisation of Mindanao. It also examines how majority of Muslims gradually became a minority group in their homeland and lost their land and property. These problems led to conflicts in Mindanao which

prevails even today. It explains how socio-economic and political marginalisation led to demand of autonomy for securing ethno-religious and land right. In addition, it explains the concept of regional autonomy as well as types of autonomy.

Second chapter deals with the theoretical perspective of regional autonomy in Mindanao and is based on the most prominent accords and details regarding the provision of autonomy which was conceded by Philippine government. Besides, practical aspects of regional autonomy, it also examines the question of autonomy of Mindanao as addressed by the Philippine government.

Third chapter analyses the quest for peace and conflict resolution in Mindanao. It tries to explain that conflicting situation of Mindanao cannot establish peace, even though having several peace agreements. It also discusses the failed attempt for establishing peace in Mindanao by government of the Philippines and third party mediators. It tries to explore why peace cannot take place in reality and also tries to explore that what are challenges of permanent settlement in this region. It also deals with the third party mediation and their efforts to bring the government and group of demanding together on the negotiation talks. In addition, an attempt has been made to discuss the suggestions made by some eminent scholars that could strengthen the regional autonomy along with suggestions to establish final peace settlement.

Fourth chapter deals with the challenges to regional autonomy in Mindanao and explores the reasons of unwillingness of the government to implement peace agreements for Mindanao. It tries to explain that the problem of autonomy is not only at the Centre but also concerns the province of Mindanao. Besides this, detailed discussion has been made on how regional autonomy is affected by constraints on both levels. Last but not the least; it deals with the question of radicalisation in Mindanao due to the socio-economic and political marginalisation of the region.

The last chapter has concluding observations based on the previous chapters and will try to provide an assessment of the problem and the solutions to deal with it.

## Acknowledgements

I am indebted to many people for their help and valuable in writing this dissertation and it is my privilege to acknowledge them. I take this opportunity to express my immense gratitude to my supervisor, Prof. Ganganath Jha, who has been a great source of inspiration, and encouragement throughout my entire course of writing this dissertation and academic pursuance in JNU. His patience, constructive suggestion and practical advices have proved crucial to the successful completion of my work.

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Special word of thanks the staff of the centre, the JNU library staffs, the IDSA library, for their timely cooperation and unstinting support.

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RESHAM LAL

## ABBREVIATIONS

AFP	Armed Forces of the Philippines
ARMM	Autonomous Region of Muslim Mindanao
ARMM-RG	Autonomous Region of Muslim Mindanao- Regional Governor
ASEAN	Association of Southeast Asian Nations
ASG	Abu Sayyaf Group
BJE	Bangsamoro Juridical Entity
CBMs	Confidence Building Measures
CPP-NPA	Communist Party of the Philippines-New People's Army
CRS	Catholic Relief Service
EO	Executive Order
FPA	Final Peace Agreement
GRP	Government of the Republic of the Philippines
ICFM	Islamic Conference of Foreign Ministers
IDB	Islamic Development Bank
INCITEGoV)	International Centre for Innovation Transformation and Excellence in Governance
JSOTF-P	Joint Special Operation Task Force-Philippines
LGUs	Local Government Units
MILF	Moro Islamic Liberation Front
MIM	Muslim Independence Movement
MNLF	Moro National Liberation Front
MOA-AD	Memorandum of Agreement for Ancestral Domain
NGOs	Non-Governmental Organisations
NPF	National Police Force



OIC	Organization of Islamic Conference
QMC	Quadripartite Ministerial Commission
RCC	Regional Consultative Commission
SPCPD	Southern Philippines Council for Peace and Development
SRSF	Special Regional Security Forces
SWS	Social Weather Station
SZOPAD	Special Zone of Peace and Development
UNDP	United Nation Development Programme
USIP	United States Institute of Peace

Map of South East Asia





Government of the  
Republic of the  
Philippines



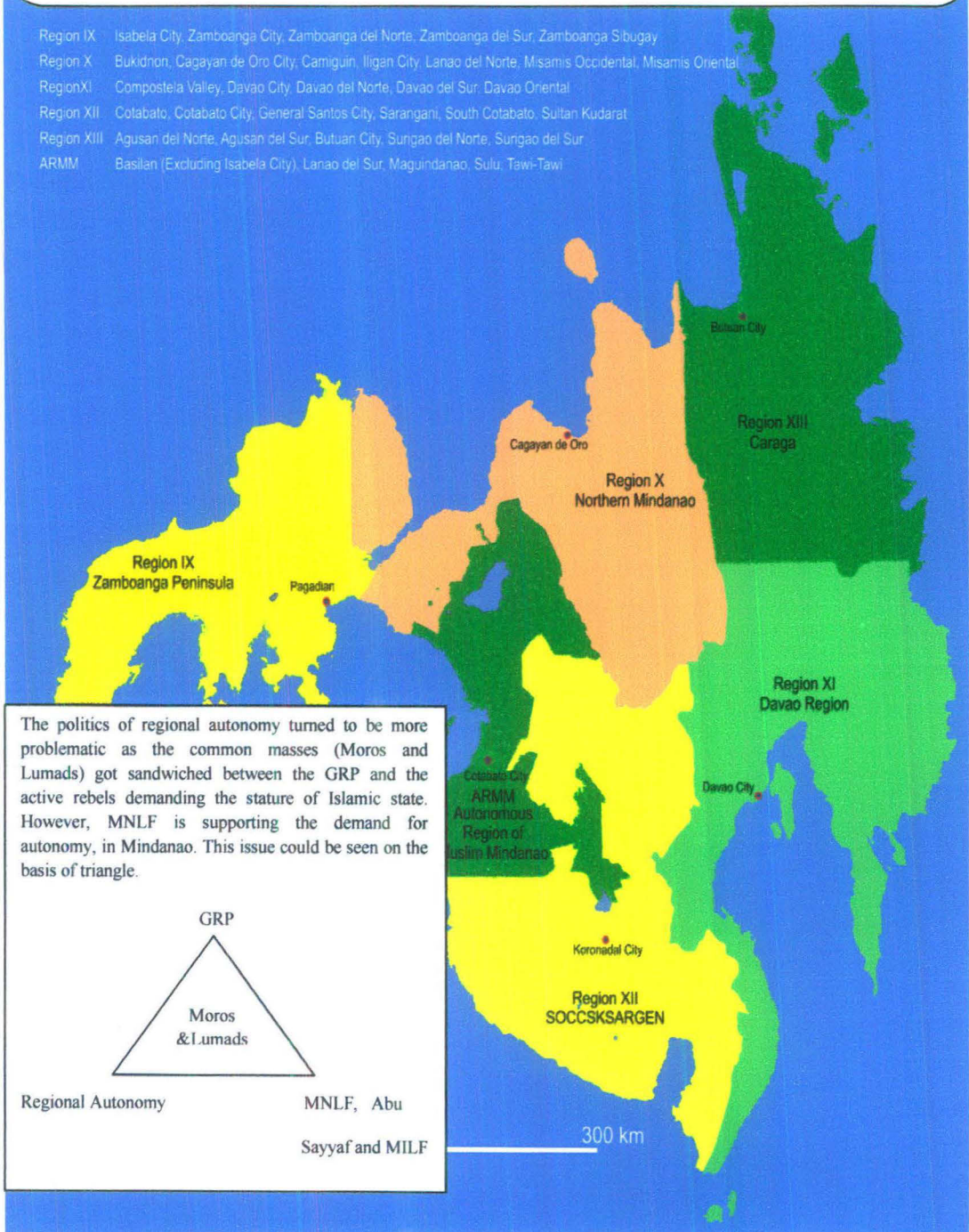


## Map: Mindanao

For the first time Tripoli Agreement, 1976 has provided an autonomous status to Muslim Mindanao. The area of autonomy comprises regions IX, X, XI, XII, (13 provinces and 9 cities).

ARMM comprises only four provinces, was constitutionally drafted by GRP in 1989.

Region IX	Isabela City, Zamboanga City, Zamboanga del Norte, Zamboanga del Sur, Zamboanga Sibugay
Region X	Bukidnon, Cagayan de Oro City, Camiguin, Iligan City, Lanao del Norte, Misamis Occidental, Misamis Oriental
Region XI	Compostela Valley, Davao City, Davao del Norte, Davao del Sur, Davao Oriental
Region XII	Cotabato, Cotabato City, General Santos City, Sarangani, South Cotabato, Sultan Kudarat
Region XIII	Agusan del Norte, Agusan del Sur, Butuan City, Surigao del Norte, Surigao del Sur
ARMM	Basilan (Excluding Isabela City), Lanao del Sur, Maguindanao, Sulu, Tawi-Tawi



# **Chapter-1**

## **Introduction**

The demand of regional autonomy in Mindanao is not a new one but has its roots in the history. The historical as well as contemporary grievances of the Muslims in Mindanao led to various demands which include the issues of greater political, socio-economic and cultural rights. These demands are aimed at self-governance or at regional autonomous government, so as to protect their uniqueness and identity and development in various spheres of their lives. Before Tripoli Agreement, Muslim rebel groups were demanding a separate state from Philippines for Moros but later, they settled for regional autonomy instead of separate state. In 1976, both the government of the republic of the Philippines (GRP) and Moro National Liberation Front (MNLF) agreed on regional autonomy for Mindanao and made consensus on the provisions implemented by GRP. However, Philippines has not implemented such consensual provisions in Mindanao. The key issue in the politics of regional autonomy is the non-implementation of the provisions by Philippines. However, GRP is not implementing the regional autonomy in Mindanao as per the 1976 and 1996 peace agreement because of its fear that, if autonomy is granted to Mindanao it may secede. On the other side, rebel groups except MNLF are not concerned about the regional autonomy and are demanding a separate state to sustain and preserve Islamic culture, religion and development. In turn, the rebel groups are in conflict with each other over the control of local government and natural resources. Consequently, regional autonomy became a political issue for the rebel groups and Philippines. However, Moro people are struggling for the implementation of regional autonomy as provided under the framework of the peace agreement for their socio-economic upliftment and for the development of the region.

### **Regional Autonomy**

Regional autonomy is an arrangement that aims to grant certain degree of self-determination to groups which differs from the majority of the population in a state and constitutes the majority in a specific region. Regional autonomy involves division of powers between the central authority and autonomous entities thereof. Regional

autonomy is the transfer of certain powers from a central government to the autonomous entity. It provides an instrument for ethnic conflict resolution and its settlement. Ideally, autonomy includes the proper functioning of the three divisions viz. the executive, the legislature and the judiciary in resonance with the local demands. It enables an ethnic group, in question, to regulate their affairs independently concerning the issues of their identifiability and their rights. However, autonomy lacks sovereignty and normally falls under the broader constitutional and legislative framework of the host country. It has the supervision of a central government or such agencies that ensures the action of the autonomous institutions in compliance with the regulations being set up for the execution of the Regional autonomy (Stefan Wolff, Marc Weller 2005: 10-12). There is a profuse convention of democratic theory that proposes participation is better in smaller units, with Machiavelli, Proudhon and Montesquieu among those who have argued that for small polities, so regionalization might (regional autonomy), at least under some circumstances, create better Public Administration, better democracy, and also reduces ethno-religious and national strife.

The concept of regional autonomy emerged after World War II on the ground reality in the Third World including Southeast Asia. Third world countries were colonised by European countries where colonial powers had tried to retain their colony through policy of "Divide and Rule".

The policy of 'divide and rule' was the result of ethnic, religious and regional confrontation and it has become a major problem in the process of nation building in the recent era for the developing countries. After the World War II many of the Asian countries have become a state but not a nation. These states comprise of different ethnic, religious and cultural groups of people and different regions. These states have problems of ethno-religious and regional confrontation, which are persistent and were created by colonial rule in the colonial era. The ethno-religious and regional confrontation has led to the demand of separate states within the existing sovereign states because state policies do not provide full space for ethno-religious freedom, preservation of ethno-religious identity and development of the region. However, in a modern sovereign state there is no space for separate state according to international

law,<sup>1</sup> but the state tackles the problem of ethno-religious and regional conflicts by providing regional autonomy within a state. On the other hand, the group of demanding parties have conceived regional autonomy for protection of ethno-religious identity and development of its region, rather than a separate state within a state.

The concept of autonomy has emerged from the scholars like J.S. Mill and Immanuel Kant. Mill (1859) has said that the man is sovereign over his mind and body and restricts the interference from others,<sup>2</sup> whereas Kant thought man as a 'rational actor' who can be lawgivers or legislators to themselves, and therefore responsible for their modes of behaviour.<sup>3</sup> Kant has described autonomy as "property of the will" (Samaddar, 2005:10) and integrally linking it to 'will'. Kant has described:

*Autonomy as a value which comes under subjectivity but while, applying in politics then autonomy comes under objectivity. It is different from freedom because freedom is an essential value, whereas autonomy is a essential category of power, and it is different from self-governance because self-governance insist on the capability of individual or collectives to govern oneself, autonomy forever indicate toward the supplement that remain after (the task of) government has proficient.<sup>4</sup>*

While, talking about autonomy within a state, it means paving the way for regional autonomy in a political process. The regional autonomy insists on the independent action of their entities under certain conditions granted by centre, which is based on provision of constitution or accord.

Yash Ghai (2007: 14) has defined autonomy as "a device to allow ethnic or other groups claiming a distinct identity to exercise direct control over affairs of special concern to them, while allowing the larger entity those powers which cover

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<sup>1</sup> H. Hannum and Richard B. Lillich (1980), "The Concept of Autonomy in International Law", *American Journal of International Law*, Vol. 74, No. 4, pp. 858-859.

<sup>2</sup> Mill, John Stuart (1859), *On Liberty*, Indianapolis: Library of Liberal Arts, p. 13.

<sup>3</sup> Samaddar, Ranabir (2005), *The politics of Autonomy: An introduction*, Sage Publication India, New Delhi, 2005, p. 10.

<sup>4</sup> *Ibid.* pp 10-11.

common interests”.<sup>5</sup> Autonomy is determined primarily by the amount of actual as well as prescribed independence enjoyed by the autonomous body in its political decision making process. The autonomous areas are the regions of a state, usually possessing some ethnic or cultural uniqueness, which is granted by separate internal administration to whatever amount; Autonomy is devolution of power from sovereign state to a region.

The autonomy has the right to conserve the ethno-religious and culturally unique identities of minority people and the development of backward regions. Autonomy has paved the ways to:

- Autonomy is more likely to be negotiated and succeed if there are several ethno-religious groups rather than two ethnic groups.
- Autonomy is the best way to succeed in a state with established tradition of democracy and the rule of law.
- Autonomy is an arrangement of negotiation of participatory and democratic way to conflict resolution.
- Autonomy provides a chance to regional people to establish regional government and its operations and elected by the local people. This is the best way for local people to make them aware of their political rights and consolidates their democratic traditions.
- Autonomy does not promote secession, on the contrary truly autonomy prevent of secession.<sup>6</sup>

The two categories of regional autonomy are based on its emergence. First is the constitutional provision and second is the peace accord. The constitutional provision provides regional autonomy to certain regions for protection of their ethno-religious rights and development of its region, which the constitution has drafted. For instance, in the Indian states of northeast regional autonomy is provided to specific regions according to the VI schedule and autonomy of Jammu and Kashmir in article

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<sup>5</sup> Ghai, Y. (2007), “Ethnicity and Autonomy: A Framework for Autonomy” in Y. Ghai (ed.) *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-ethnic States*, Cambridge University Press, p. 14.

<sup>6</sup> Ghai, Y. (2007), “Ethnicity and Autonomy: A Framework for Autonomy” in Y. Ghai (ed.) *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-ethnic States*, Cambridge: Cambridge University Press, pp. 14-15.



370 of the Indian Constitution. Jammu and Kashmir has enjoyed full autonomy in their regional matters, except defence, foreign affairs, money, postal service and communication.

The regional autonomy according to provision of peace accord is a mechanism of conflict resolution for specific strife regions. This kind of autonomy has emerged through a negotiation between group of demanders or rebel groups and government and mediated by third party. For instance, Camp David Accord signed by Egypt and Israel in 1978 at the New York provided autonomous region for West Bank and Gaza Strip. In 2001, Indonesia has granted the autonomy for Aceh according to peace agreement and the Mindanao got autonomy according to 1976 Tripoli Agreement and 1996 Final Peace Agreement.

There are various forms of regional autonomy that we witness today. First is the *initiative* and *immunity*, second is the *initiative* and no *immunity*, and the last is no *initiative* and *immunity*. 'Initiative and immunity' means absolute autonomy, wherein, there is no compromise of regional autonomy under the certain provision which is legally defined. Second and third indicates a limited autonomy, but for different reasons. For example, second type of autonomy allows local government to have complete authority to regulate and legislate in their own interests, but make their each decision subject to review, modification, or complete negation by higher tiers. In contrary, type third autonomy provides no power of local initiation and implies that whatever local government will do, their agendas, regulations, or even actions are set by higher tiers of the state. In this type of autonomy, local immunity allows local governments to operate without fear of review or supervision once their tasks have been set.<sup>7</sup>

The Mindanao autonomy comes under type third autonomy because both parties agreed to peace agreement in 1976 and later in 1996. As far as regional autonomy is concerned, the full enjoyment of the right and regional matters, except matters of national affairs, normally defence, foreign affairs, and postal services and

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<sup>7</sup> Clark, L. Gordon, (1984), *A Theory of Local Autonomy*, Annals of the Association of American Geographers, Vol. 74, No. 2, Jun., 1984, pp. 195-208.

money are in hands of Centre, according to the peace accord. Regional autonomy in Mindanao is discussed in detail in second chapter.

## **Historical Background**

Mindanao is a part of the Southern Philippines. Mindanao is comprised of 25 provinces, of which 13 provinces are suffering from ethnic conflicts. Among these areas of conflict, 4 provinces constitute Muslim Mindanao, *Sulu*, *Twa Twi*, *Lanao Del Sur*, and *Maguindanao*. The region has witnessed serious confrontations relating to its ethno-religious and political marginalised minority. One of the major problems is to concede autonomy and to build unity and cooperation among the various ethnic groups namely Moro, Lumads and Christians etc.

Mindanao is the second largest island in Philippines with land areas 102,043 square kilometres, and is the eighth largest populous island of the world. It is surrounded by Sulu Sea in the west and Celebes Sea in the south and Philippine Sea to the east. Mindanao is strategically important to the Philippines because the sea trade route passes through Mindanao from South China Sea to South Pacific Ocean. From environmental point of view, Mindanao is less affected by global warming than northern Philippines.<sup>8</sup> So, Mindanao remains more important to the Philippines. Mindanao has rich natural resources. The metallic mineral reserves are placed at approximately 3.6 million tons and non-metallic mineral reserves are estimated at 37.5 million metric tons.<sup>9</sup> Mindanao produces a major share of the products of the Philippines. i.e., 50 percent of corn and coconut, 20 percent of rice and 50 percent of fish, 40 percent of cattle, approximately 100 percent of the banana and pineapple produce and export, 100 percent of aluminium producer in the Philippines.<sup>10</sup> Mindanao is generating more revenue approximately 80 percent in the Philippines, so central power can't afford to loss of this region.

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<sup>8</sup> Joseph, Morgan (1885), "Marin Region and Regionalism in South East Asia", *Marin Policy*, Vol.8, Issue 4, pp. 302-308.

<sup>9</sup> Fabros, Cora (2002), *Philippine Country Report*, in International Meeting on Human Development and Security, Manila, November 22-27, p. 19.

<sup>10</sup> Ibid.

Early 13<sup>th</sup> century, the Muslim traders (Arabian Muslims) came to Sulu archipelago via trade route from Malacca Island (a state in Indonesia) for spice trade and spreading Islamic religion.<sup>11</sup> In the 15<sup>th</sup> century, Muslim traders moved to southern Mindanao from Sulu and they began spreading religion on the tribal people through missionaries and trade relations. At that time, there were a number of tribal groups inhabiting the Mindanao, who welcomed Islam and supported its expansion.

Yegar (2002: 185) says that there were several independent factors for strengthening and unification of Islam during fifteenth century. The sea line of communication through Islamic Malacca and Java and the Arabian Peninsula provided easy access to Muslims missionaries and traders to the southern Philippines.<sup>12</sup> Muslim traders from Arabian Peninsula to Brunei, Borneo, and *Indios* married daughters of powerful families in the southern Philippines. Marriage between ruling families in Brunei, Borneo, Sulu, Ternate, and Maguindanao encouraged the arrival of Islam. In the 15<sup>th</sup> and early 16<sup>th</sup> century, the largest tribal group of Mindanao were Maguindanao and the largest tribal group of Sulu was Tausug. These influential groups installed powerful Sultanate in Sulu and Mindanao, and they established socio-economic and political system based on Islamic culture.<sup>13</sup> The Sultanate has unified many inhabitant of the region and Islam brought together different communities in the region under the leadership of the Sultan. Before Spanish arrived in this region, the Islam was an established and many of the tribal people converted to Islam and established Sultanates of their choice, which was represented by the Prophet.

Spaniard arrival in 1665 on Cebu island of North and Mindanao island of South of the Philippines for two purposes by King Philip II, The first was the spice trade and second was the spread of Christianity in the Southeast Asian region including Philippines Island.

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<sup>11</sup> Yegar, Moshe (2002), *Between Integration and Secession: The Muslim Communities of the Southern Philippines, Southern Thailand and Western Burma*, Published in the USA by Laxington Books, p. 185.

<sup>12</sup> Ibid. p. 186.

<sup>13</sup> Ibid. pp. 186-187.

While, Spaniard gradually moved to Luzon and southern Philippines from Cebu, but before Islamic political life had strengthen. Spaniard claimed sovereignty over Sulu, Mindanao and they began to convert Muslim and *Indios* (natives) to Christianity.<sup>14</sup>

A long time conflict was fought in the Philippines between the Spaniard and Moro Muslims. Consequently, war was not decisive and thus, Spaniard could not claim sovereignty and control over southern Philippines. Yegar explained why Spaniard could not control Mindanao, because Spanish colony was far away from Europe, lacked manpower and resources to sustain an effective strive against Moros.<sup>15</sup> After that, Spaniard realised that it could be won only through soft power and decided to use Filipinos who converted by Catholic to fight war against Moros. However, Spaniards were not able to capture Mindanao. The war between Spaniard and Moros, resulted the consolidation of the new identity in the form of Muslim and enhanced unity among the inhabitants of southern Philippines.<sup>16</sup>

In 1896, the Christian rebellion (converted Christian) led by *Emilio Aguinaldo* on the island of Luzon, made an effort to join the support of the Muslim against the Spaniards by claiming that the Muslims were an integral part of the Philippine people, with the aim of achieving Philippine's independence. Though, Moro Muslims did not support *Aguinaldo's* plea for that reason as they considered the Spaniard and Christian Filipino as their enemies.<sup>17</sup> In 1898, when Spain was forced by the United States to transfer control of the Philippines to them, the Sultanates of Maguindanao and Maranao on Mindanao and Sulu in the Sulu Archipelago wished to remain intact.

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<sup>14</sup> Rizal, G. Buendia (2005), "The State Moro Armed Conflict in the Philippines, Unresolved National Question or Question of Governance", *Asian Journal of Political science*, Vol. 13, No. 01, p. 111.

<sup>15</sup> Yegar, Moshe (2002), *Between Integration and Secession: The Muslim Communities of the Southern Philippines, Southern Thailand and Western Burma*, Published in the United State of America by Lexington, p. 199.

<sup>16</sup> T. MacKenna (1998), *Muslim Rulers and Rebels: Every Politics and Armed Separation in the Southern Philippines*. Berkeley: University of California Press, pp.138-40.

<sup>17</sup> Retrieved from, <http://www.angelfire.com/on/philpres/aguinaldo.html>.

Aguinaldo (1869-1964) Filipino leader and independence fighter has born near Cavite Luzon. Aguinaldo led a Filipino insurrection against Spanish rule in 1896, in 1898 Spanish-American war, he aided the American attack on the Philippine Islands. He was nominated president of the new republic after the Filipino declaration of independence in 1898, as head of the Filipino provisional government in 1899, he resisted American occupation, and he continued to lead to struggle against the United States forces until March 1901. He ran unsuccessfully presidency of the new interim Filipino commonwealth government in 1935. During World War II Aguinaldo has taken into custody in 1945, by invading American troops for suspicion of collaboration with the enemy during the Japanese occupation. He was subsequently exonerated and appointed to the Council of State in 1950.

*Aguinaldo* Declaration of Independence (June 12, 1898) and began forming an independent government and preparation for international recognition of their government.

However, their hope was betrayed by the Paris treaty (1898) signed between Spain and America and consequently, Spain ceded Philippines under the American colonial power.<sup>18</sup>

Philippines has increased insurrection against the American colonial administration led by some Filipino rebel groups under the leadership of *Aguinaldo*, who tried to maintain and unify former Spaniard colony. On the other side the Sultan of Sulu, *Jamal al-Kiram II*, signed an agreement (August 1898) with American administration pledging Muslim neutrality in the American-Philippines conflict in return for a American administration pledge of non-interference in the affairs of the Muslim populations of Mindanao and the Sulu archipelago.<sup>19</sup> While U.S. military strived to quell, Filipino Independence movement continued and at the political level U.S. administration established an American guided government in the Philippines. The Americans were more successful in dealing with Moros rather than Spaniards.

U.S. colonial administration has launched a “Policy of Attraction” and changed social structure and infrastructure development to Mindanao. In 1903, efforts began to implement the provision of Organic Act for the Moro province. It included the abolition of slavery, the established new schools which were based on new non-Muslim curriculum, and creation of new governing system which was directed and appointed by the Governor from Manila.<sup>20</sup> Its authority was greatly reduced which was earlier based on traditional *Datus*. American policies were destructive and subversive to local Islamic culture and education, Islamic law which is based on *Shariah* and Sultans viewed themselves as a sovereign power in this region. Consequently, American policy has paved the way for the better organisation of the traditional Sultan and *Datus* and they continued their insurrection against American administration until 1913.<sup>21</sup> But American forces quelled the insurrection, and

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<sup>18</sup> Max, L. Gross (2007), *A Muslim Archipelago Islam and Politics in Southeast Asia*, National Defense Intelligence College, D.C., p. 189.

<sup>19</sup> *Ibid.* p.190.

<sup>20</sup> *Ibid.* p. 191.

<sup>21</sup> *Ibid.* pp. 190-192.

American administration established military rule in Mindanao. Najeeb Saleeby, one of the most influential thinkers in the times of early American colonial administration has described in his essay about the Moro problem, that various Muslim ethnolinguistic groups were in one sense united but couldn't express jointly or individually, a potent, political oppositional Islamic consciousness.

The Americans were not much concerned in converting the Moro to Christianity as compared to Spaniards. The U.S. administration adopted a policy of Attraction towards *Ilustrado* (oligarchy of intelligence) concerning the leadership class throughout the country. Some of the Moro *Datus* highly supported the U.S. administration in the hope of mutual cooperation and goodwill in the hope that they might ultimately obtain support for a separate and independent Moro state. American administration was desirous of maintaining the goodwill of large Christian majority of the Philippines and remained committed to the idea of Philippines unity. In 1920, a group of 57 prominent *Datus* submitted petition to both Manila and Washington and requested that either U.S. should grant them a separate independent state or retain their region as a permanent federal territory of the United States of America.<sup>22</sup> But American administration denied their petition and Mindanao remained as the Philippines territory.

In 1935, U.S. granted Philippines to the Commonwealth for the transitional period of 10 years, prior to independence. After declaration of their accession to commonwealth, a group of *Datus* led a petition to the president of US, Roosevelt for reconsidering this decision of their accession to Commonwealth and they requested for the creation of a separate Muslim independent state. This petition can testify the support of Moro's for a separate state for Muslims in Mindanao<sup>23</sup>:

*Because we have learned that the United States is going to give the Philippines independence, we want to tell you that the Philippines is populated by two different peoples with different religious practices and traditions. The Christian Filipinos occupy the islands of Luzon and the Visayas, and the*

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The term *Datu*, literally "ruler," or "one entitled to rule," is a complex term that generally refers to the leading male members and descendants of the ruling *sultans'* families since the establishment of Islam in the Philippines in the mid-15th century.

<sup>22</sup> Max, L. Gross (2007), *A Muslim Archipelago Islam and Politics in Southeast Asia*, National Defense Intelligence College, D.C., p. 192.

<sup>23</sup> *Ibid.* p. 175.

*Moros predominantly in the islands of Mindanao and Sulu. With regard to the forthcoming independence, we anticipate what condition we and our children who shall come after us will be in. This condition will be characterized by unrest, suffering, and misery and because of this we do not desire to be independent. It is by living under the Stars and Stripes that those hardships would not bear down against us. The Americans have ever respected our religion, customs, traditions and practices. They have also recognized our rights to our property. The Americans have directed most of their efforts for the welfare of our people. (Rizal, 2005: 113)*

Constitutional convention was framed for Philippine constitution in 1935, which was used as a fundamental law of the commonwealth. Most of the prominent Muslims were elected as the constitutional delegates; one of the prominent leaders, *Alauya Alonto* has called upon their fellow delegates not only to cease calling Muslim as Moro but also to accept Muslim as part of the Filipino nation.<sup>24</sup> In 1935, Commonwealth transitional period, there were two antagonistic contradictions. On the one hand, a group of Datus had filed petition to U.S. for separate Muslim state and on the other hand some elected delegates had demanded one nation-state for all and called it as ‘Filipino nation’.

Historically, the problem of Mindanao emerged at the time when Philippines was under the Spanish and U.S. colonial administration. As Abhoud Syed M. Lingga (2004) explains that, in 1912 the introduction of Christian settlers to Mindanao began and gradually the Moro population reduced to a marginalised community.<sup>25</sup> The establishment of a number of Filipino Christians’ agricultural settlements in the Muslim populated Mindanao province was aimed at rapid economic development of Mindanao and facilitating Christian-Muslim interaction and the creation of united Philippine society. The Moro Muslim appreciated the American view of freedom of religious affairs but they did not support the American provision of property rights ownership and transmigration from north to south.

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<sup>24</sup> Rizal, G. Buendia (2005), “The State Moro Armed Conflict in the Philippines, Unresolved National Question or Question of Governance”, *Asian Journal of Political Science*, Vol. 13, No. 1, p. 113.

<sup>25</sup> Abhoud, S. M. L. (2004), *Back grounder on Mindanao*. Retrieved from <http://www.acpp.org/uappeals/bgrounder/mindanao.html>.

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There was a cultural misinterpretation about property rights between Moros and American administration. Muslims did not know to deal with property rights under the American administration. The Americans believed that the property rights can only be validated by a legal proof. However, the Muslims believed that property is a part of the community and anyone can use it. The American government has launched Land Registration Act for validation of property rights. The Muslims were unable to prove the ownership as it was a community right and not the individual right. These kinds of land property were considered as government property and were granted to Christian settlers by the U.S. administration. As a result, Muslims have gradually moved to loss of land property and became marginalised and poverty-stricken.

In the years after 1920, administration of Moroland was increasingly in the hands of Christian Filipino rather than American administration. The American administration has imposed *cedula* (taxes collected by government) on inhabitants of Mindanao, but a group of Datus has opposed to eliminate their traditional role as a revenue collector. The policy of colonial administration has cultivated new generation through new education policy, which was based on western education system. The new education system did not teach *Shariah*, which was an integral part of education system of Muslims.

The Filipino Christian started transmigrating from northern Philippines to Mindanao. This started changing Mindanao's demography gradually, prior to Filipino transmigration Mindanao was a Muslims dominated region, and there were many kinds of problems relating to marginalisation, massive poverty and Muslim identity. However, later their status changed from majority to minority in their homeland. The following table reveals how the Muslim majority gradually got reduced as a minority.<sup>26</sup>

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<sup>26</sup> W.K. Che Man (1990), *Muslim Separatism: The Moros of Southern Philippines and the Malays of Southern Thailand*, Quezon City: Ateneo de Manila University Press. 25, Citing Philippines, National Economic and Development Authority (1980, a)



Estimated Moro And Non-Moro Population In Mindanao, 1903-1980				
Years	Moro Population		Non-Moro Population	
	Numbers	Percentage	Numbers	Percentage
1903	250,000	76	77,741	24
1913	324,816	63	193,882	37
1918	358,968	50	364,687	50
1939	755,189	34	1,489,232	66
1948	933,101	32	2,010,223	68
1960	1,321,060	23	4,364,967	77
1970	1,669,708	21	6,294,224	79
1975	1,798,911	20	7,348,084	80
1980	2,504,332	23	8,400,911	77

Prior to the independence, the Mindanao was the hub of several problems due to the policies of American administration. Many of the educated Muslims felt that they were becoming marginalised and they were getting least advantage from the primary goods.<sup>27</sup>

Karl Marx, in the Communist Manifesto (1859: A Contribution to the Critic of Political Economy) declared that the economic condition determines the human social, cultural, and religious and even most important political condition". Many prominent political thinkers like, Machiavelli, Hobbes, Max Weber, Lasswell and Dr. Ambedkar agree that the "political powers determine the socio-economic and cultural condition". The political power can change social structure. The political power can lift from the state of marginalisation and provide just and fair distribution of primary goods to all people.<sup>28</sup>

<sup>27</sup> Note: Primary Goods means government wealth which comes under sphere of legislature. The Primary Goods comprises Honour, Wealth, Liberty, Equality, Justice, and Opportunity. Primary goods are distributed by the government of its people.

<sup>28</sup> Gaba, O. P. (2009), *An Introduction to Political Theory*, New Delhi. Mayur Publication, pp. 233-238.

If Marx's statement is tested in the context of Mindanao, it explains the reality only partially. The Muslims are economically marginalised and the question of transformation of socio-political structure and upliftment of marginalised sections is very difficult. However, Marxian statement has failed in case of Muslim Mindanao because most of the Muslims make a living from agriculture. Their loss of land means loss of economic and insecure food supply. The 1948 Census reported that 80% of Muslims in the Mindanao had no definite source of income and no property.<sup>29</sup> A detailed discussion will be in the third chapter under sub-heading 'Economic Marginalisation'.

These prominent political thinkers believe that political power can change social structures. However, during the American colonial period, Muslims became politically marginalised. In the colonial and post-colonial period, the Muslims were politically marginalised by the differential treatment. The replacement of monarchical system by democracy also increased the problem. The determining factor of electoral victory in a democracy is majority of vote, which turned in favour of the Christian Filipino rather than to the Muslim minority. The Muslim minority groups could not get elected in the machinery of voting system for obtaining political power. So, minority groups became politically powerless and marginalised. The minority person have been struggling to achieve their goals; first goal being to achieve the political power through regional autonomy and second is to obtain land rights, which was lost in the colonial period.

The US granted independence to a unified Philippines state in 1946. After independence, Philippines continued the Spanish and American colonial policies of integrating and assimilating Moros into the dominating Christian and *Hispanicized* culture. Manila viewed Mindanao as a new frontier and it encouraged migration from the populous island of Luzon and Visayas to Mindanao. Because of its fertile land and its tremendous abundance of natural resources in the region, this policy was encouraged in order to solve the agrarian problem in Luzon and Visayas areas and henceforth, reduced the threat of Moro and Lumad insurrection.

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<sup>29</sup> Sylvia Concepción, Larry Digal, Rufa Guiam, Romulo de la Rosa, Mara Stankovitch (2003), *Breaking the Link Between Economics and Conflict in Mindanao*, Discussion Paper, Presented at Washington Peace Conference, Manila, December, p. 7.

As a result, this eventually increased marginalization and underdevelopment of the Bangsamoro and Lumad people.

The Bangsamoro resentment over loss of their political autonomy, ancestral land and economy resources were expressed occasionally. In the 1960s, the emergence of new intellectual and counter-elite among the Muslims from non-elite families, their major grievance were discrimination, poverty and inequality, linked primarily to the displacement of Moro community from their land by Christian settlers. The political event that transpired in the late 1960 until early 1970s triggered the re-invention of Muslim identity in the form of massacre of about 28 Muslim military trainees called “Jabidah commandos” in Corregidor Island in March 1968.

Against this backdrop, Muslim Mindanao Independence Movement (MIM) was raised by Datu *Udtong Matalam* in 1968. In the meantime a group of young Muslims convinced that the formal political system offers no avenue to redress Muslim grievances. As a result, they became armed rebellion and started guerrilla training in Sabah. In 1968 this group led by *Nur Misuari* formed the Moro National Liberation Front (MNLF) and became the core of its armed wings. The declaration of martial law in the Philippines in 1972 and an escalation of the military campaign against the MNLF took place. The central demand of the Muslim insurgents was for a separate Bangsamoro a Muslim homeland based on their religious and cultural identity.

In an attempt to negotiate the MNLF and President Marcos in 1976, Tripoli Agreement was signed between Philippine government and MNLF through the mediation of Libya. For the first time Tripoli Agreement addressed the regional autonomy for Mindanao. Detailed provision dealt with next chapter. Consequently, MNLF shifted from the demand for a separate nation to acceptance of political autonomy. Marcos administration had the clear intentions to hold a plebiscite and creating two autonomous regions in Mindanao for implementation of Tripoli Agreement. The MNLF rejected Marcos unilateral implementation of the Tripoli Agreement. It was a violation of the letter and spirit of the agreement because it divided the Muslims, also the agreement called for one region of autonomy and not

for two regions.<sup>30</sup> As a result, Tripoli Agreement has hampered for the sake of lack of popular support between government and rebel groups.

President Corazon Aquino resumed a new round of negotiation with MNLF. The new constitution of 1989 made a special provision for the creation of an Autonomous Region of Muslim Mindanao (ARMM) comprising 13 provinces and nine cities. ARMM created one autonomous region instead Marcos created two autonomous region to Mindanao. ARMM followed that Tripoli Agreement regarding to the formation of provincial government and operated by its local people. Aquino administration made clear intentions to hold a plebiscite in 1989 for the implementation of ARMM. Consequently, four provinces have given to their vote in favour of ARMM out of 13 provinces. But MNLF rejected to hold a plebiscite in Mindanao because MNLF did not participated in the making a provision for creation of ARMM in the constitution. The ARMM continued lacking of popular support. With limited powers and modest funding it did little to bring the long running conflict to an end.

President Ramos resumed negotiation with MNLF and in 1996 the outcome was in the form of an agreement signed in Jakarta by *Misuari* and Yan (as chair of GRP Peace Panel). The agreement came as the Final Peace Agreement (FPA). This agreement widely hailed as bringing an end to the decade's conflict and provided a new basis for lasting settlements. The peace agreement of 1996 provided two phases of implementation, namely, first three year transition period was to be followed by the establishment of a new regional autonomous government would start operating from September 1999. The final outline of the autonomous region was determined by a second plebiscite held on August 14, 2001. A detail of FPA has dealt with second chapter. The Final Peace Agreement was hampered by the lack of funds for reconstruction in Mindanao and the government failed to implement the 1996 peace agreement.

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<sup>30</sup> Iribani, Abraham (2006), *Give peace a Chance: A The Story of the GRP-MNLF peace talks*, Published in the Philippines by Magbassa Kita Foundation/ The Philippine Council for Islam and Democracy, pp. 37-39.

The President Arroyo signed a ceasefire agreement with MILF in August 2001. The Memorandum of Agreement for Ancestral Domain (MOA-AD) was the document negotiated by the MILF and GRP. Regarding territorial rights to the Southern Philippines, the MOA-AD addressed three main issues viz., ancestral domain, peace and natural resources right within the newly designed Moro territory. The MOA-AD agreement included BJE (Bangsamoro Juridical Entity) in place of ARMM in 2010.<sup>31</sup> As the MOA-AD released to the senate of the Philippines, several senator put pressure on the Supreme Court to declare the MOA-AD unconstitutional because there is the loss of land of GRP politicians. The MILF requires a high degree of self-governance from MOA-AD, so as to appear more credible amongst their supporters and actually steer programs that would increase socio-economic conditions of indigenous people. But Supreme Court declared the MOA-AD as unconstitutional in October 2008.<sup>32</sup>

It can be viewed that Philippine is a unitary state and it also adopts unitary constitution. Philippine constitution does not allow for power sharing within its territory. Philippines is not willing to provide a meaningful regional autonomy in Mindanao because there is a fear that if autonomy is granted then Mindanao may secede away from its territory. As of such results, all peace agreements have hampered. And on other side, insurgent groups have no consensus in their demands of regional autonomy, for instance, MILF and Abu Sayyaf have been demanding an Islamic nation state from Philippines. However, having a closer look reveals that primarily it is a struggle for political and economic domination over Mindanao between Philippine government and rebels.

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<sup>31</sup> <sup>31</sup> Maj, T. G. Wilson (2009), *Extending the Autonomous Region in Muslim Mindanao to Moro Islamic Liberation Front a Catalyst for Peace*. Government and Political Science Unconventional Warfare, March 31, pp. 334-37.

<sup>32</sup> Ibid. pp. 334-37.

## Scope of the Study

Mindanao, a part of the Southern Philippines witnessed severe confrontations by various religious and ethnic groups with the State and in themselves, for the demand for regional autonomy. So there is a need to explore the factors for these confrontations. The present study is exploratory and descriptive in nature and tries to understand the problems of regional autonomy in Mindanao by taking into account its chronological and socio-eco-political background. The scope of the study further stretches to take into account the challenges of regional autonomy and the government's initiation and workouts to deal with it.

## Research Problems and Questions

- What are the historical genesis of the movement in Mindanao and the Government's response to it?
- How the socio-economic and political conditions in Mindanao are different from other provinces in Philippines?
- What are the causes of Moro people's struggle in Mindanao for regional autonomy?
- What are the provisions in Philippine Constitution about regional autonomy in Mindanao?
- Why the Tripoli Agreement and Final Peace Agreement became unsuccessful?
- Why MOA-AD (Memorandum of Agreement for Ancestral Domain) has been declared as unconstitutional by Philippine Supreme Court?

## Hypotheses

- Competition between different insurgent groups has disrupted the implementation of a regional autonomy in the province of Mindanao.
- The implementation of regional autonomy requires change in the Philippine constitution and transformation in the centre-province relations.

## Chapter 2

### Regional Autonomy in Mindanao: Theory and Practice

Muslims in Mindanao established a Sultanate in the thirteenth century to provide a unique Muslim identity, as distinct from the inhabitants of Luzon and the Visayas.<sup>33</sup> The Muslim society of Mindanao was organised socially, culturally and politically by the Sultan. Spanish colonial rulers used the Christians from the North to battle against Moro (as called by the Spaniards to Muslims). The Spanish failed to establish the political control over Mindanao. In 1898 Spain was replaced by the U. S. as the colonial master. The US colonial rule succeeded in gaining political control over Mindanao. In late 1930s, Muslim leaders raised the issue of independence to US colonial rule. Earlier, in Philippines independent Muslim leaders were willing to join the US federalism as a one state of the US or Mindanao would be a state, independent from Philippines. Philippine got independence in 1946 and adopted the presidential form of government and a unitary nature of political system. After independence of Philippines, Muslim leaders consistently made demands for an independent state from Philippines. In 1976, Tripoli Agreement was signed between the government of Philippines and MNLF. The Tripoli Agreement introduces a regional autonomy for Southern Philippines. The MNLF and Muslim leader accepted a demand for regional autonomy instead of an independent state.

The historical as well as contemporary grievances of the Muslims in Mindanao led to various demands, which included greater political, economic, social and cultural rights. These demands were aimed for the self-governance or regional autonomous government.<sup>34</sup> Autonomy and self-government are determined primarily by the degree of actual as well as the formal independence enjoyed by the autonomous entity in its political decision making process.

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<sup>33</sup> Max, L. Gross (2007), *A Muslim Archipelago Islam and Politics in Southeast Asia*, National Defense Intelligence College, D. C., p. 175.

Sultanate means Islamic state, which does govern by Islamic rule. And Sultan is a representative of Caliph for ruler of Sultanate. Caliph is a civil and religious leader of Islam and supreme ruler of Islamic state. However, Caliph could not possibly govern over all Islamic state but could govern all Islamic territory through Sultan, Sultan responsible for all governing activities to Caliph.

<sup>34</sup> Nathan, Gilbert Quimpo (2001), "Options in the Pursuit of a Just, Comprehensive, and Stable Peace in the Southern Philippines", *Asian Survey*, Vol. 41, No. 2, pp. 276-278.

Autonomous areas are regions of a state, usually possessing some ethnic or cultural distinctiveness, which has been granted a separate internal administration as determined, without being detached from the state to which they are the parts thereof. The grant must be international norms binding upon the central authorities to the parent state. The local entity may have a certain status; however, normally it does not involve any foreign relation capacity, until a stage is reached to the progress towards self-governance,

*Autonomy, a concept of the international law, defined as...*

*The independence of action on their internal level, as foreign affairs and the defence normally are in the hands of the national government. The culture or economic matter may reside with the autonomous entity, independent of other sources of authority in the state but subject to the overall legal order.*<sup>35</sup>

In simple sense, regional autonomy falls short of sovereignty; it involves the transfer and delegation of power from the central government to the autonomous entity. The central power cannot revoke it without interfering in the extreme cases, such as threat to national security. Since, the autonomy entity functions under the supervision of a central government, the success of this political partnership are based on the premise that both entities will uphold the agreement. The leadership of the autonomous region must also actively participate in the developing and amending the national constitution to guarantee their independence.

### ***Tripoli Agreement***

Tripoli Agreement (1976) was an agreement between GRP and MNLF and it introduces a regional autonomous government in Mindanao. This agreement grants autonomy for Mindanao within the realm of sovereignty and territorial integrity of the Republic of the Philippines. The agreement further provides autonomous government formed by the Moro Muslims in Mindanao and operation by the local people. The agreed area encompassed 13 provinces and 9 cities of Mindanao, Sulu and Palawan.<sup>36</sup>

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<sup>35</sup> H. Hannum and Richard B. Lillich (1980), "The Concept of Autonomy in International Law", *American Journal of International Law*, Vol. 74, No. 4, 1980. pp. 858-859.

<sup>36</sup> Yegar, Moshe (2002), *Between Integration and Secession: The Muslim communities of the southern Philippines, southern Thailand and western Burma*, Published in the United State by Laxigton Books, p. 227.



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Foreign policy and defence were in hand of the national or central government. In the autonomous region, the Muslim would have the right to set up their courts which would implement the *Shariah* law. The Muslim would be represented in all courts including Supreme Court. The Muslims shall have rights to establish their own administrative system in compliance with the objectives of the autonomy in its institutions. The authorities of autonomous government for Mindanao would have their own economic and financial system.

Mindanao autonomous government shall enjoy the rights of representation and participation in central government and in all other organs of the state. A legislative assembly and executive council would have formed in the autonomous region in Mindanao. The setting up of the legislative assembly have been constituted from a direct election and on the other side, construction of the executive council will take place from appointment made by the legislative assembly and a decree for their formation will be enacted by the President of the Republic respectively.<sup>37</sup> Other important issues such as the mines and mineral resources will be distributed on the rational basis, which will have more benefited to regional government. After the signing of the agreement, a provisional government shall be established in Mindanao through Manila, it will remain under the central government until the regional autonomous government established. Lastly, Tripoli Agreement insists that the government of the Philippines would take all necessary constitutional process for the implementation of Tripoli Agreement.



### ***Final Peace Agreement (FPA)***

FPA (1996) was based on the full implementation of the Tripoli Agreement, which was signed by GRP and MNLF. The President of the Republic of the Philippines, Fidel V. Ramos pursued a peaceful settlement of the armed conflict under the principles of 'peace with honour' and to serve the paramount ends of national unity and strengthen all Filipinos. On the other side, Nur Misuari insisted that this agreement would bring peace and prosperity among the Christian, Muslim and Lumads, and provide rights to the Moro people to freely determine their political

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<sup>37</sup> An International Review of Peace Initiatives (1999), "*Peace Accord*", Compromising on Autonomy Mindanao in Transition. Published by conciliation resources, London, 1999, p. 40.

system and freely pursuing their religious, social and cultural development. The agreement has to be implemented in two phases. The first phase was a three year transitional period starting after the signing of the peace agreement, which established the Special Zone of Peace and Development (SZOPAD), the Southern Philippines Council for Peace and Development (SPCPD), and the Consultative Assembly comprising 14 provinces, 10 cities specified.<sup>38</sup>

This agreement widely hailed in bringing an end to the decade's conflict and provided a new foundation to have lasting peace settlements. First three year transition period was followed by the establishment of a new regional autonomous government which started operating from September 1999 onwards.

The second phase followed the three year transitional period. The final outline of the autonomous region was determined by a second plebiscite which was held on August 14, 2001. Any subsequent law must have to be submitted to the people in the affected region during the plebiscite for rectification. If the new laws regarding the ARMM had to be promulgated, it shall have to incorporate the pertinent provision of the peace agreement.

### ***Detailed Provision concerning Phase I***

#### ***The Special Zone of Peace and Development (SZOPAD)***

There shall be a established SZOPAD, covering the provinces of Basilan, Sulu, Tawi-tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao del Sur, South Cotabato, Sarangani, and Palawan. It shall also encompass the cities of Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Zamboanga, and Puerto Princesa. These areas would be the focus of intensive peace and development efforts.<sup>39</sup>

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<sup>38</sup>Kenneth, E Bauzon (1999), "The Philippines: The 1996 Peace Agreement For the Southern Philippines: An Assessment", *Ethnic Studies Report*, Vol. XVIII, No. 2. July 1999, p. 254.

<sup>39</sup> An International Review of Peace Initiatives (1999), *Peace Accord*, Compromising on Autonomy Mindanao in Transition, Published by Conciliation Resources, London, 1999. p. 42. Retrieved from, <http://www.c-r.org/our-work/accord/philippines-mindanao/index.php>.

*The Southern Philippines Council for Peace Development (SPCPD)*

There shall be an established SPCPD with SZOPAD. It composes a Chairman, vice Chairman and three deputies, each of them represented from the Muslim, Christian, and Lumads (Lumads are non-Christian and non-Muslims, they are indigenous minority communities) population living within the areas.<sup>40</sup> All the officers of the SPCPD are to be appointed by the President, and its power and function are derived from the extension of presidential power. Its operational funds initially are to be charged from the Presidential fund. The terms of the officers of SPCPD would be determined by autonomous government of Muslim Mindanao.

*The Consultative Assembly*

There shall be an established consultative assembly. Consultative assembly shall comprise eighty one members. The chairman of the SPCPD shall be the head and presiding officer of consultative assembly and its other members include the Governor and the Vice Governor of the ARMM, the fourteen governors of the provinces within the SZOPAD, and specified mayors of the nine cities in the SZOPAD. The other forty four members shall be constituted from the MNLF and eleven members from the sectoral groups upon the recommended from the grassroots oriented non-governmental organisation (NGOs).

The consultative assembly shall exercise the function and powers, these powers are derived from the President.<sup>41</sup>

- To serve as a forum for consultation and ventilation of issue and concerns.
- To conduct the public hearings as may be necessary and to provide appropriate advice to the SPCPD.

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<sup>40</sup> An International Review of Peace Initiatives (1999), *Peace Accord*, Compromising on Autonomy Mindanao in Transition, Published by Conciliation Resources, London, 1999, p. 43.

<sup>41</sup> Ibid. p. 43.

- To formulate and recommended the policies to the President through the Chairman of the SPCPD and to make rule and regulation to desirable extent for the effective and efficient administration in the affairs of the specified areas.

## *The Detailed Provision of the New Regional Autonomous Region concerning Phase II*

The following provision shall be implemented after the law amending or repealing of the Organic Act of ARMM, enacted by the Congress and approved by the people in the concerning areas in a plebiscite. The following mechanisms, Executive Council, Legislative Assembly and Administrative system, and a system of representation in the national government.

### *Excutive Council*

The executive power vests in the head of the regular autonomous government. The executive body consists of the Head, the Vice-Head, and the three deputies. The Head and Vice-Head shall be directly elected by the autonomous region. The President exercises general supervision over the regional autonomous government and local units through the head of the Executive Council.<sup>42</sup> The Head of the autonomous government will exercise general supervision over the local government units in its autonomous region to ensures that national law and regional law are faithfully executed.

### *Legislative Assembly*

Legislative power and functions shall be vested in the autonomous regional legislative assembly. The legislative assembly shall have elected from the autonomous region through direct elction, with three members elected from each congressional district. There will be sectoral representative system in the legislative assembly whose number must not exceed fifteen percent of the total members of the legislative assembly, including the labour, disabled industrials, indigenous cultural

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<sup>42</sup> Kenneth, E. Bauzon (1999), "The Philippines: The 1996 Peace Agreement For the Southern Philippines: An Assessment", *Ethnic Studies Report*, Vol. XVIII, No. 2, July 1999, p. 258.

communities, youth, woman, non- governmental organisation and agriculture sector.<sup>43</sup>  
The youth representative would be elected by the electorate of 18-21 years in age.

The regional legislative assembly will exercise functions and make rules and regulations for the autonomous region except foreign affairs, defence, postal service, mass communication, coins and fiscal monetary policies, administrative justice, citizenship, general auditing, elections, maritime, land and transportation, patents, trademarks, tradename and copyrights. These portfolios will be controlled by the national government. The legislative assembly may create and abolish, divide and create name or rename any part of its territory.

#### *The Administrative System*

The autonomous government will have the power to enact its own regional administrative code and local administrative code also. The administrative code would not be different from the national constitution and national laws.

#### *Representation and Participation in National Government*

The provision is premised on the principle that the autonomous region is an integral part of the Republic. Representation and participation will ensure in the national government by representatives of the Regional Autonomous Government. Consequently, it is considered essential in maintaining a link vital to the success of the peace formula.<sup>44</sup> Representation and participation encompass the entire major political (executive and legislative) and judicial branches in the national government.

In the executive branch, there would be the recommendation of the Head of the Autonomous Government, appointed by the President. The Cabinet members from autonomous region shall be appointed by the government any institutions and governmental bodies, commissions.

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<sup>43</sup> Ibid. p. 256.

<sup>44</sup> An International Review of Peace Initiatives (1999), *Peace Accord*, Compromising on Autonomy Mindanao in Transition, Published by Conciliation Resources, London, 1999, pp. 45-46.

In the legislative branch, the Regional Autonomous Government shall be represented by a Sectoral Representative, who is a complement rather than a supplement to the Representative (or Congressman) elected from congressional districts within the autonomous region. In the judicial branch, the Regional Autonomous Government shall be represented by the at least one judge in the Supreme Court and at least two in the Court of Appeals, as appointed by the President on the recommendation of the Head of the Regional Autonomous Government.

### *The Establishment of an Economic and Financial System*

The autonomous regional government would have the rights to establish its own economic and financial system and development planning boards. It also has the rights to establish Banks and other financial institutions. The Development planning boards shall prepare economic and development plans its own autonomous regions.<sup>45</sup> The autonomous government shall have the power to make a rule and regulation on the taxes and local trades, and other commercial matters and business. The regional autonomous government would have the powers to promote tourism as a positive instrument for development, and which would respect the cultural heritage and moral and spiritual value of the people in its region.

The government in the autonomous region advocates for the equal opportunity to all inhabitants and there will not be the discrimination regarding ethnicity, sex and religion. The government will have the power in the regulation of the exploration, utilization, development and protection over the natural resources inclusive of mines and mineral except strategic minerals. The autonomous government would have the rights to establish Islamic banking system in its region. The autonomous government would receive foreign financial aids and economic grant for its development and autonomous government would contact foreign nation for loan within the national law and pertinent fiscal policies.<sup>46</sup>

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<sup>45</sup> Ibid. pp. 53-54.

<sup>46</sup> Kenneth, E Bauzon (1999), "The Philippines: The 1996 Peace Agreement for the Southern Philippines: An Assessment", *Ethnic Studies Report*, Vol. XVIII, No. 2, July 1999, pp. 258-60.

The government of its autonomous region would increase, promote and establish economic zone and also attract foreign investment and business enterprises.

#### *The Establishment of the Special Regional Security Forces*

The peace agreement envisioned the establishment of the Special Regional Security Forces (SRSF) which is integrated with the Philippines National Police (PNP) regional command in accordance with the constitutional mandate for an integrated National Police Force (NPF).<sup>47</sup> The SRSF would remain civilian in character and will carry out functions is enforcing of all the laws for the protection of civilians and their property, maintenance of public safety, law and order, and detention of the alleged offenders for prosecutions in its autonomous region. The Head of the autonomous government would have the control over SRSF, which will be headed by a Regional Director with the assistance of two deputies to be put in charge of administration and operations.

#### *The Establishment of Educational System*

The autonomous government would establish integrated education system in its region, comprising school, college and universities in the present area. The autonomous government would reflect and perpetuate Filipino and Islamic values and orientation of the Bangsamoro people. The integrated education system will intend to develop the spiritual, intellectual, social, cultural, scientific and physical aspects of the Bangsamoro people to make them God fearing, productive, patriotic citizen conscious of their Filipino and Islamic values and their cultural heritage.<sup>48</sup> The integrated education curriculum will be based on Filipino and Islamic social values as well as technical and spiritual inputs having unity in diversity. The medium of the education would trilingual, Filipino, English, and auxiliary Arabic. There are also provisions of religious education in public school and it will be optional with the written consent of the guardian.

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<sup>47</sup> Ibid. pp. 257-258.

<sup>48</sup> Amina, Rasul (2007), *Broken Peace? Assessing the 1996 GRP- MNLF Final Peace Agreement*, Published in the Philippines by Magbassa Kita Foundation/ the Philippine council for Islam and Democracy, pp. 21-22.

## *The Establishment of the Judiciary*

The legislative assembly area of the autonomy shall the rights to establish *Shariah* Court in accordance with the existing laws. According to the provisions of the peace agreement, autonomous government shall have the rights to establish its own Islamic judicial system based on the *Shariah* law and ancient Muslim Court system.<sup>49</sup>

## **Practical Aspects of Regional Autonomy**

As provided for in the Peace Agreement, the SZOPAD, SPCPD and Consultative Assembly were established when then President Ramos issued Executive Order No. 371 on 2nd October 1996. The President appointed MNLF Chairman *Nur Misuari*, incumbent Governor of ARMM, as Chairman of the SPCPD. The autonomous government has run in Mindanao however, actual scenario is different regarding the claim of autonomy. The regional autonomy has certainly been granted by the central government through FPA but the reality is very different.

The Tripoli Agreement was the first redressal of the grievances of the local people through granting regional autonomy to Mindanao comprising 14 provinces and 9 cities. Regional autonomous government was established by national government through Executive Order. The Final Peace Agreement was based on implementation of Tripoli Agreement. At present, the MNLF and Muslim leaders are rejecting this type of autonomy. The Philippine government is not fully implementing the peace agreement rather it is implementing RA 9050 Executive Order to Mindanao.<sup>50</sup>

It is the GRP alone through the Congress and without the participation of MNLF, MILF and the OIC, that determined and crafted RA 9050. Thus, it is clear that RA 9050 is contrary to the 1996 peace agreement.

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<sup>49</sup> An International Review of Peace Initiatives (1999), *Peace Accord*, Compromising on Autonomy Mindanao in Transition, Published by Conciliation Resources, London, 1999, pp. 46-48.

<sup>50</sup> Amina, Rasul (2007), *Broken Peace? Assessing the 1996 GRP- MNLF Final Peace Agreement*, Published in the Philippines by Magbassa Kita Foundation/ the Philippine Council for Islam and Democracy, pp. 45-48.



The Executive Order (EO) RA 9050 is that extension of new Autonomous Region of Muslim Mindanao Organic Act and its acceptance through a plebiscite on August 2001. But Philippine government unilaterally conducted the plebiscite in Mindanao, which is a violation of the Final Peace Agreement. The Executive Order RA 9050, are remained in Mindanao and is still continuing. However, the provisions of new ARMM Organic Act and EO RA 9050 are not clear. Consequently, Philippine government is not willing to fully implement the autonomy in Mindanao but wants to gain control over it through RA 9050 Executive Order. The RA 9050 has become the greatest impediments and stumbling block towards the implementation of the peace agreement.

### ***Restricted Political Authority***

Another important issue is related to the inadequate power given to the transitional structures namely, SPCPD and the Consultative Assembly. On the other side, the heavy presence of President is empowered in almost every area of the regional autonomous governmental affairs, despite the inclusion of the term “autonomous” in its name. The three transitional structures; the Southern Philippines Council for Peace and Development, the Special Zone of Peace and Development, and consultative assembly were too weak pursue meaningful change.

The control and regulatory power of the SPCPD was not specified in the peace agreement. All powers and functions of the bodies remained and derived from the President. For instance, the President exerts direct control through his power of appointment officers of key economic institution of the region. This includes the SZOPAD, SPCPD and various other development agencies, while members of the consultative assembly are elected by the people at large in the region. The functions and powers of consultative assembly are derived from the President. This arrangement in effect, makes this assembly an appendage of the executive council.

There is an explanation that what the SPCPD was tasked to do according to Final Peace Agreement, and what is its actual power:<sup>51</sup>

- The Executive Order 371, SPCPD was tasked to do take the change of the promotion, monitoring, coordination of the improvement of peace and law& order in these areas. While the SPCPD could request such police or military forces to address specific contingency according with law. It is minimal influence over the military. The SPCPD merely acts as a recommendatory and consultative body.
- The Executive Order 371, SPCPD was tasked to do undertake peace and development effort especially in the depressed areas and initiate the implementation of the appropriate project. While SPCPD is not overreaching authorities over the departments and local government unites operating in the SZOPAD, actually SPCPD is a coordinating agency between agencies that were actually implementing programs and initiatives.
- The Executive Order 371, SPCPD was tasked to support the local government when needed. The SPCPD has little impact in implementing new programs for the local government units (LGUs); because it has limited resources and local government unites have their own programs in place.
- The Executive Order 371, SPCPD was tasked to use other powers needed to implement its mandates as may be delegate by the President. While SPCPD has no power to raise revenue, it remained heavily dependent on the President in terms of its authority and funding. So, in future it has no power to influence government agencies.
- The Executive Order 371, SPCPD had the task to assist in the holding of elections, referendum or plebiscite and peoples initiatives in the areas. SPCPD was not deputised to assist in 2001 plebiscites 1998 election and so on.<sup>52</sup>

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<sup>51</sup> Amina, Rasul (2007), *Broken Peace? Assessing the 1996 GRP- MNLF Final Peace Agreement*, Published in the Philippines by Magbassa Kita Foundation/ the Philippine Council for Islam and Democracy, pp. 27-29.

<sup>52</sup> Ibid. pp. 28-29.

As a result, the SPCPD and Consultative Assembly are bereft of any direct power and lacks supplementary funds. It is also unable to monitor, coordinate, and direct development efforts in the SZOPAD. In other words, the introduction of new political structures in the regions did not come with the mechanism. That should have rationalised the relationship between already existing government agencies and the transitional structure of the peace agreement. Therefore, to protest that marginalization of the SPCPD and Consultative Assembly, the three prominent officials of the SPCPD and the Consultative Assembly resigned.

In the phase II, the emergence of an autonomous government after transitional period, the regional executive council was perhaps the most important political institution for this region. However, in practice, it exercised on behalf of the President. The regional legislative assembly enjoy similar power or restriction shared by the rest of provincial boards. The Executive Council is a dependent character of the relationship between the autonomous government and Philippine government.

### *Vague status of the Shariah Law*

The 1996 Final Peace Agreement stated that autonomous region shall have rights to established *Shariah* law based on their autonomous region. However, at present, *Shariah* law has remained ambiguous status in Mindanao. The Muslim personal and family disputes are governed by the secular law of the state. However, Article 152 of the Philippines constitution allows the establishment of *Shariah* Court in accordance with the existing laws. The Philippine government has not implemented the *Shariah* Court in the autonomous region. As a result, many Muslim leaders and separatist group are against the Philippine government as *Shariah* law has not been implemented by the government through executive order.<sup>53</sup>

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<sup>53</sup> Kenneth, E. Bauzon (1999), "The Philippines: The 1996 Peace Agreement for the Southern Philippines: An Assessment", *Ethnic Studies Report*, Vol. XVIII. No. 2, July, pp. 261-62. Kenneth E Bauzon, an associate professor of Political Science in Saint Joseph College, New York, wrote various books and articles, including an article name as 'The Philippines: The 1996 Peace Agreement for the Southern Philippines: An Assessment'.

As MNLF Chief Misuari he has noted that in the matter of selection of judicial officers, a Muslim Judge must serve in *Shariah* Court (through interviewed by Bauzon, 1999). He admitted some difficulties as many eligible Muslim Lawyers hesitate to serve in these Courts because many Muslim lawyers in Philippines are not educated in *Shariah* law or from Saudi Arabia. Thus, the heart and soul of the Bangsamoro struggle throughout in the history has been the preservation of their unique Islamic identities, which has a succession of the enemies (non-Muslims) from the period of Spanish. The demand for regional autonomy for minority's people is for the preservation of unique Islamic identity.

### ***Dependent Financial and Economic system***

The Final Peace Agreement has stated that regional autonomous government will have the rights to establish their financial and economic system as well as to generate revenue in its region. Peace agreement has provided that the autonomy to Mindanao will be effective only when it accompanies the adequate set of powers and funds to allow the fulfilment of such responsibility. The most important issue is a funding that remained to Mindanao but it is not clear the Philippine government provided Muslim Mindanao with enough resources and sufficient funds to fulfil new mandates and significant change in the region. While looking at the Mindanao history from implementation of peace agreement to till date, its condition is worst among other regions of the Philippines.

According to study of the International Centre for Innovation, Transformation and Excellence in Government entitled "Towards Strengthening the Fiscal capabilities of ARMM 2007" and World Bank Joint Social Assessment 2005 on the amount of control exercised by ARMM regional government on their budget. According to these studies, the ARMM budgets are still controlled by the central government. In fact 95.2 percentages of the regional budgets are identified as controlled by Philippine government. The autonomous region of the Mindanao generates revenue which

comprises 90 percent of the total revenue of Philippines<sup>54</sup>. However, Mindanao funds are released by the Philippine government. The capability to be adequately self-sustaining, which is a pre-requisite for the financial autonomy and also promised by FPA for Muslim minority, is denied. Hence, it is clear that the regional government does not have adequate powers for revenue generation and utilisation and any assistance from the central government cannot be a substitute for this.

### ***Flawed status of Education System***

The quality of education system is the most effective instrument to improve quality of life and self-governance of any human community and Mindanao is no exception. Mindanao's education system is poorest among the condition of the other provinces of the Philippines. The literacy rate in 2001 was 84% in Mindanao, 96% in the Luzon and 95% of the Visayas while national percentage was 87 percent. The elementary net enrolment rate in 2001 was 82% as compared with the national average of 96%, while the completion rate of only 40% is just above half that of the rest of the country. The secondary school enrolment rate was the lowest in the country at 39% as compared with the national average of 72 percentages.<sup>55</sup>

There are 440 Madrasah in the region, with a pupil population of almost 90,000. Most of the Madrasah concentrate on Islamic religious and cultural teachings, with Arabic as the medium of instruction. The graduates often have difficulty finding jobs because they are weak in Filipino, English and mathematics. The low level of education has led to joblessness, poverty and alienation from the mainstream Philippine society.

Even the Final Peace Agreement has stated that regarding education system to Mindanao, the autonomous government will have rights to establish its own education

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<sup>54</sup> Amina, Rasul (2007), *Broken Peace? Assessing the 1996 GRP- MNLF Final Peace Agreement*, Published in the Philippines by Magbassa Kita Foundation/ the Philippine Council for Islam and Democracy, pp. 57-65.

<sup>55</sup> Retrieved from, [http://www.adb.org/media/article/2005\\_ARMM\\_education](http://www.adb.org/media/article/2005_ARMM_education).

<sup>23</sup> Jeffrey, A. (2005), *Milligan, Islamic Identity, Post-Colonial, and Education Policy: Schooling and Ethno-Religious Conflict in the Southern Philippines*. Palgrave, Macmillan, pp. 87-95.

system which would be based on Filipino and Islamic values and national unity.<sup>56</sup> Although, the central government has not taken appropriate action or provide sufficient funds for development of education system in Mindanao. As a result, the autonomous government does not have appropriate action to implement the education system.

### ***Issue of land Rights***

The most important issue for development is acquiring land rights as well as natural resources in Mindanao. The Tripoli Agreement and Final Peace Agreement did not address the concerns of land rights and natural resource. While land rights issue is more important in Mindanao from period of colonial rule to till date. Even government of the Philippine and rebel group MNLF has signed the 'Memorandum of Agreement for Ancestral Domain' (MOA-AD, 2008). The MOA-AD addressed three main issues; the ancestral domain, sustenance of peace and the allotment of natural resources rights within the newly designed Moro territory.<sup>57</sup>

Ancestral domain deals with land rights and territorial rights. Both parties acknowledge that ancestral domain does not only constitutes the part of public domain but also encompass ancestral, communal and customary lands, maritime, fluvial and alluvial domain as well as natural resources that have vested ancestral rights on the basis of native title. Prior to signing of MOA-AD, the rebel groups were fighting against Philippine government for territorial and land rights. The roots of the Mindanao conflict can be traced back from the colonial period. While, colonial power encroached their (Muslims) land rights and they were considered as a commune forming system. So, Muslims were unable to showing proof of individual rights on the lands.

The MOA-AD introduced the land rights to Mindanao for the first time. The GRP, as stated in the MOA-AD, offered 737 villages to the MILF that would be

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<sup>57</sup> Maj Thomas G. Wilson (2009). *Extending the Autonomous Region in Muslim Mindanao to Moro Islamic Liberation Front a Catalyst for Peace*, Defence Technical Information Centre, 31 March 2009, pp. 34-38.

added to the ARMM of 1996. The MOA-AD deals with Bangsamoro Juridical Entity (BJE), which would replace the ARMM in 2010. These 737 villages and 1,459 villages comprise Christian majority population and some Muslims residents would have the opportunity to vote on whether to be included in the BJE after signing of MOA-AD.<sup>58</sup> The memorandum also deals with the Muslims within BJE and it would be established by their own Islamic Court, but Christian would not subject to the Islamic law and they would still follow GRP laws.

The natural resource rights are bigger concern for MILF and GRP. Mindanao is the richest area for natural resources in the country. The MOA-AD would have sharing of natural resources between GRP and BJE. The BJE would be enjoyed a 75:25 percentage over the GRP regarding natural resources wealth. The BJE also deals with open trade negotiation pertaining to natural resources with outside world and which will not violate the GRP rule.<sup>59</sup> The Philippines is the first country in the world which gave autonomy to Mindanao to enter into treaty of amity and commerce with foreign nation. The BJE was expected to be able to generate more revenues from natural resources. In that case, the BJE would have improved socio-economic conditions in autonomous region.

After MOA-AD was placed in the Senate of the Philippines for ratification, majority of senators opposed and put pressure on the Supreme Court to declare the MOA-AD unconstitutional.<sup>60</sup> The majority of the Christian politicians stated that Philippine constitution does not allow power sharing in its territory. While MILF argued that BJE was more favourable for autonomous region because Final Peace Agreement to allowed the Philippine government much central control on ARMM. So, MILF require a high degree of autonomy from MOA-AD which can improve the socio-economic condition of their region. As a result, Supreme Court declared the MOA-AD unconstitutional in October 2008.

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<sup>58</sup> Jakarta/Brussels, 16 February (2009), *The Philippines: Running in Place in Mindanao, Policy Briefing*, Asia Briefing N, 88, pp. 1-2.

Retrieved from, [http://www.Observatori.org/paises/pais\\_63/Documentos/b88\\_the\\_Philippines\\_in\\_Place\\_in\\_Mindanao.pdf](http://www.Observatori.org/paises/pais_63/Documentos/b88_the_Philippines_in_Place_in_Mindanao.pdf).

<sup>59</sup> Ibid. pp. 3-4.

<sup>60</sup> Ibid. p. 1.

Regional autonomy is a most conflicting issue in the recent time of the Mindanao. This issue could be explained on the basis of 'Triangle', on the one side Philippine government and on the other side rebel groups and regional autonomy. The regional autonomy demands separation of power from national or central government within territorial integrity. The regional autonomy necessitates the formation of local government and their operation by the local people. The autonomous government deals with socio-economic, cultural and religious issue of their region. The central government could not interfere in the internal matters, except when there is a threat to national unity and territorial integrity.

The Philippines is a Republic and unitary state, power is concentrated in the central government. The unitary constitution of the Philippines is based on national unity and territorial integrity. The Muslim minority people of the Mindanao have different culture and religious from other Philippine provinces. The Muslim people are demanding a meaningful regional autonomy from Philippine government due to their socio-economic development and preserve own its religious culture. Even the peace agreement did introduce to regional autonomy to Mindanao, However, government of the Philippine has not fully implemented to regional autonomy in Autonomous Region of Muslim Mindanao. The real scenario is this that the Philippine government is not willing to provide a meaningful regional autonomy to Mindanao because there is a fear that if autonomy is granted to Mindanao, it may secede away from its territory. If this kind of regional autonomy is provided to Mindanao, then they would have been able to successfully tackle their problems.

Still, there is no consensus over the governance structure among the local people itself as there is a competition between MNLF and MILF and other rebel groups. Different groups, who are demanding the autonomy is not, united which is giving leverage to the central government to obstruct the demands. Some of these rebel groups are more influential and powerful namely MNLF, MILF and Abu Sayyaf.

The Moro National Liberation Front has formed from dominated ethnic group of Tausug-Samal, the largest group of the Mindanao. The MNLF is a progressive, reformist and concede for autonomy rather than independence for Mindanao. They want full implementation of peace agreement to autonomous region. But on the other



side MILF, which is composed of ethnic groups, predominantly Maranao is relatively conservative. The MILF is more radical, conservative and demand for Islamic state rather than autonomy of Mindanao, which would be based on the Islamic law. The other group Abu Sayyaf, which means *bearer of the sword* in Arabic, is a terrorist organisation which demands a separate Islamic state for the Muslim minority in Mindanao. There are no ideological differences between MILF and Abu Sayyaf, however, on the ground reality both are different, MILF uses the means of violence and Abu Sayyaf uses the means of terrorist, whereas MILF and Abu Sayyaf both aim for the Islamic state for Mindanao.

From the above arguments, it can be concluded that there is a triangular relationship between the Philippine government, regional autonomy and the insurgent groups in the peace agreement. The peace agreement has insisted that the regional autonomy for Mindanao, which would be done by Philippine government and rebel groups, would relinquish their arms and guns. However, in fact, it is different from peace agreement. The Philippine government is not willing to provide full implementation of the peace agreement for Mindanao, because they would lose richest natural resources of the region of the Mindanao. The Muslim minority region of Mindanao is not capable of tackling their socio-economic and humanitarian problem without regional autonomy. However, ARMM did not get the full status of regional autonomy from the Philippine government. As far as the rebel groups are concerned, there is a continuous fighting against the Philippine government with different demands, like meaningful autonomy, independent Islamic state and it is still continuing.

It can be summarised that regional autonomy in Mindanao is the clear example of violation of Final Peace Agreement (Iribani, 2006: 38). The autonomous government would have enjoyed powers and functions according to the Final Peace Agreement of their region. However, unitary government of the Philippines has not implemented to regional autonomy for Mindanao and Executive Order 371. The government of the Philippines is willing to have much control over autonomous government through Executive Order RA 9050. The politics of identity of Moro people have remained unfinished to in the search for a regional autonomy.

Conclusively, the various groups are demanding regional autonomy on different bases and thus lacking the edge for the fulfilment of demands. The government is still not having the political will to solve the problems as granting autonomy would lead to the decreased control of government over the mineral-rich region. The Government is also concerned about the fundamentalism or the secessionist demands which emanates from the region and have the potential to create political instability in the future. There is a clear lack of a review mechanism for the FPA to come into effect. The real cause of this unrest lies in the socio-economic deprivation, which are not addressed by the government at any length in the peace accord. The far-sighted mechanisms are absent which lead to unrest and uncertainty in Mindanao.

## Chapter- 3

### The Quest for Peace in Mindanao and Peace agreement

The conflict in Mindanao appears to be an ethno-religious and political conflict characterized by banditry and terrorism, between the Moro people and the majority of Christians. However, it reveals a problem rooted in decades old struggle of the Bangsamoro's call for autonomy and self-determination, which has been complicated, sidetracked and ignored in the Philippine state's post war initiatives for nation building.<sup>61</sup> William Zartman explains that internal conflicts are harder to resolve than international conflicts because of the absence of a level playing field for parties to dialogue.<sup>62</sup>

In the case of Mindanao, the Government of the Republic of the Philippines (GRP) has the upper hand vis-à-vis the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF). This asymmetry, which is advantageous to the GRP, is a major factor in the continuing quest for resolution of conflict in Mindanao.<sup>63</sup> To get a better grasp of this asymmetry and the evolution of the crisis, it is important to look into the beginning of Moro rebellion against the Philippine state. A chronology of major events from 1968 to the early 2009 has been cited in the previous chapter. This chapter deals with the contemporary efforts of peace-building and sustainable development in Mindanao which commenced with the 1996 GRP-MNLF Peace Accord or the Final Peace Agreement for the full implementation of the Tripoli Agreement, in view of the historical grievances that remain unresolved.<sup>64</sup>

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<sup>61</sup> Rizal, G. Buendia (2007), *The Politics of Ethnicity and Moro Secessionism in the Philippines*, Working paper, No.146, November 2007, pp. 1-5.

<sup>62</sup> William, Zartman (1995), *Elusive Peace: Negotiating an End to Civil Wars*, Washington DC: Brookings Institute Press. William Zartman is Professor Emeritus at the Paul H. Nitze School of Advanced International Studies (SAIS) of Johns Hopkins University.

<sup>63</sup>E. Dictaan-Bang-Oa (2004), "The Question of Peace in Mindanao", in Roy, K. Chandra, Victoria Tauli-Corpuz, Amanda Romero-Medina (ed.) *Beyond the Silence of the Gun*, Tebtebba Foundation, Baguio City, Philippines, 2004, pp. 153-154.

<sup>64</sup>.Ibid. p. 154.

## The Failed Attempts to Peace in Mindanao

The ethno-religious character of the Mindanao war became pronounced in the 1970s as the Moro Muslims fought off the predominantly Christian state military, paramilitary elements including members of the private armies employed by logging and plantation companies and the politicians.<sup>65</sup> By 1976, the separatist war had cost around 120,000 lives and displaced more than 300,000 people in Mindanao. Aside from being financially draining, it also marred the country's image in the international community prompting the GRP to consider Negotiations with the MNLF. McKenna reported that from 1972 to 1975, approximately US \$325 million was already spent by the GRP for the Mindanao war.<sup>66</sup>

The first attempt for peace settlement in Mindanao was the Tripoli Agreement between the MNLF and the GRP, which was brokered by the Organization of Islamic Countries (OIC) through the Quadripartite Ministerial Commission, signed on December 23, 1976.<sup>67</sup> The agreement, upon advice from the OIC, compromised the MNLF's call for an independent Bangsamoro Homeland to regional autonomy covers 13 MNLF-identified provinces and nine cities in Mindanao. The Tripoli Agreement provided regional autonomous government to Mindanao within realm of Philippines. The agreement further provided autonomous government formed by the Muslims in Mindanao and operation by the local people. The agreed area encompassed 13 provinces and 9 cities of Mindanao, Sulu and Palawan.<sup>68</sup> Foreign policy and defence were in hand of the national or central government. In the autonomous region, the Muslim would have the rights to set up their courts which would implement the *Shariah* law.

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<sup>65</sup> Rizal, G. Buendia (2007), *The Politics of Ethnicity and Moro Secessionism in the Philippines*, Asia Research Center, Working Paper No.146, Nov, 2007, pp. 1-5.

<sup>66</sup> McKenna, Thomas (1998), *Muslims and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines*, Berkeley, California: University of California Press, p. 208.

<sup>67</sup> Nathan, G. Quimpo (2001), "Options in the pursuit of a Just, Comprehensive, and Stable Peace in the Southern Philippines", *Asian survey*, Vol. 4. No. 2. March-April, pp. 275-276.

<sup>68</sup> Yegar, Moshe (2002), *Between Integration and Secession: The Muslim Communities of the Southern Philippines, Southern Thailand and Western Burma*. Published in the United State by Laxigton Books, p. 227.

The Muslim would have represented in all courts including Supreme Court. The Muslims would have rights to establish their own administrative system in compliance with the objectives of the autonomy in its institutions. The authorities of autonomous government for Mindanao would have their own economic and financial system. And also autonomous government would have enjoyed the rights of representation and participation in central government. A plebiscite in the autonomous region of the 13 provinces into one autonomous region was held in 1977 but was boycotted by the MNLF.<sup>69</sup> Despite plebiscite that showed an overwhelming rejection of the autonomous region, Marcos proceeded to segregate seven out of the 13 provinces to establish Regions IX (Western Mindanao) and XII (Central Mindanao). Substantial issues were identified for further discussion in the agreement but never surfaced, later; Tripoli Agreement failed on the ground of Mindanao and was the first failed attempt to peace building efforts by the GRP in Mindanao.

Marcos' predecessor Corazon Aquino's presidency saw a constitutional amendment in 1987, recognizing regional autonomy for the indigenous people in the Cordillera (Cordillera Autonomous Region) in Northern Philippines and for the Muslims (Autonomous Region for Muslim Mindanao, ARMM) in the South of the Philippines. While the MNLF called for a presidential decree for the ARMM, Aquino in 1989 signed Republic Act 6734 and created the ARMM.<sup>70</sup> This paved the way for the creation of Regional Consultative Commission (RCC) to draft the Organic Act on Autonomy for Muslim Mindanao. Despite setbacks and difficulties from inherent problems, the RCC was able to submit the draft Organic Act to Congress and it was passed half heartedly.

Meanwhile, in a deadlock between the GRP-MNLF, the latter boycotted the 1989 plebiscite with only four provinces agreed to subordinate the ARMM, while others opposed to the plebiscite.<sup>71</sup> By this time, the MILF also came up with its own

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<sup>69</sup> An International Review of Peace Initiative (1999), *'Peace Accord'*: Comprising on autonomy Mindanao in Transition, Published by conciliation Resources, London. 1999, pp. 39-41.

<sup>70</sup> Max, L. Gross (2007), *A Muslim Archipelago Islam and Politics in Southeast Asia*, National Defense Intelligence College, D.C., pp. 199-200.

<sup>71</sup> E. Dictaan-Bang-Oa (2004), "The Question of Peace in Mindanao", in Roy, K. Chandra, Victoria Tauli-Corpuz, Amanda Romero-Medina (ed.) *Beyond the Silence of the Gun*, Tebtebba Foundation, Baguio City, Philippines, pp. 157-158.

agenda for peace in Mindanao. The MILF and the whole Mindanao peace issue, however, remained in the backseat of state priorities. Undoubtedly, Aquino's presidency sparked hopes for a more democratic system of governance. It was during this time when MNLF leaders, including *Nur Misuari* himself returned from exile to give another boost to MNLF cause and became the first ARMM governor.<sup>72</sup> Rebels also turned up from the field 'battle-weary' by looking towards the normal living conditions. Despite its weakness, GRP-MNLF Final Peace Agreement 1996, and the Aquino government's effort on the Mindanao problem, having a relatively less violent period, paved the way for Ramos' social engineering, which resulted in the 1996 GRP-MNLF Peace Accord also known as the Final Peace Agreement (FPA) for the full implementation of the Tripoli Agreement. This is marked by two phases:

*First* phase was a three-year transition period of confidence building in the 14 provinces and 10 cities comprising the SZOPAD, created through Executive Order 371 in 1996.<sup>73</sup> The SZOPAD is managed by the SPCPD and a Consultative Assembly. The SPCPD was headed by *Nur Misuari* who was then also the ARMM Governor. The regional government took initiatives for large scale development projects in infrastructure, energy development, water works, livelihood credit, aquaculture, housing, skills training, education and health for the SZOPAD.

*Second* phase focused on the creation of the Regional Autonomous Government after the RA 6734 or the ARMM Organic Act have been amended or repealed by Congress. This was the time when the provinces and cities under the ARMM have finally determined through a plebiscite at the end of 1999.<sup>74</sup> However, this was postponed amidst sporadic armed confrontation between the MILF and government forces. Since MILF was vocal on its non-agreement to regional autonomy, it stood firmly on its call for independence or Islamic state.<sup>75</sup> And as a result of FPA which was fragile in confidence

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<sup>72</sup> Ibid. p. 158.

<sup>73</sup> Ibid. pp. 158-159.

<sup>74</sup> Bertrand, Jacques (2000), "Peace and Conflict in Southern Philippines: Why 1996 Peace Agreement is Fragile" *Pacific Affairs*, Vol. 73, No.1, pp. 44-45.

<sup>75</sup> Ibid. p. 45.

building measure between the GRP and rebel groups, proved to be deceiving of the Moro wishes.

Estrada's administration was short-lived and did not perform well to nurture the culture of peace building initiated by President Aquino and Ramos. Estrada presidency was an adopted policy 'All-Out War' against MILF because he believed that the Mindanao problems could be solved through the military.<sup>76</sup> Consequently, it was not succeeded and Estrada realised the complicated situation and commenced negotiations to MILF which was more focused on the end of ceasefire. He demonstrated strength and influence but the effort was not completed because of his short term.

President Gloria Macapagal Arroyo succeeded Estrada and declared the policy of 'all out peace initiatives' to Mindanao. Arroyo resumed peace building talks between GRP and MILF after the Ramos administration which resulted into the negotiation that was signed by both parties in Kuala Lumpur, Malaysia in June 2001 and dubbed as the "The Tripoli Agreement" between the GRP and the MILF or the Kuala Lumpur Agreement.<sup>77</sup> The Kuala Lumpur Agreement is an attempt negotiated towards the political settlement of the Moro problem and the attainment of enduring peace and stability in Mindanao. It provided for the cessation of hostilities to facilitate democratic consultation among Bangsamoro people.<sup>78</sup> Venues opened up to explore new possibilities to address the people's aspirations and to show respect for international humanitarian law and human rights. The agreement included general provision and further discussion on ancestral domain of the Bangsamoro people. Another important feature of the agreement was its recognition of "other indigenous peoples", which undoubtedly pertains to the Lumad—or the non-Islam indigenous peoples. Peace advocate Soliman Santos states that the agreement marked the "arrival of the MILF on the international diplomatic stage and is poised to gain recognition, de facto if not de jure, as a representative of the Bangsamoro people", (E. Dictaan, 2004:

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<sup>76</sup> E. Dictaan-Bang-Oa (2004), "The Question of Peace in Mindanao", in Roy, K. Chandra, Victoria Tauli-Corpuz, Amanda Romero-Medina (ed.) *Beyond the Silence of the Gun*, Tebtebba Foundation, Baguio City, Philippines, pp. 159-160.

<sup>77</sup> Ibid. pp. 159-60.

<sup>78</sup> Ibid. p. 160.

160). Along with the MILF concerns contained under the foresaid agreement, the Arroyo administration turned its attention to wipe out the ASG.<sup>79</sup>

The Arroyo Presidency once again initiated final peace settlement talks with MILF regarding ancestral domain from 2003 to 2008. The MOA-AD has been signed by GRP and MILF in 2008 which addressed three main issues, namely, ancestral domain, peace, and natural resources or territorial rights. When the MOA-AD was presented in the Senate, it faced severe challenges and as a result MOA-AD was declared unconstitutional by Supreme Court of the Philippines.<sup>80</sup> Consequently, the last effort has failed to established peace building in Mindanao in the Arroyo Presidency. The GRP now realised that peace in the region will never be established unless these two groups can reconcile their differences.<sup>81</sup>

### **Assistance for Peace Building in Mindanao**

Generally, assistance operations are primarily concerned with the physical survival of individuals or “life-saving” of people in exceptionally high risk situations. The role of assistance is to sustain people through short periods of stress until the crisis is over. This includes the provision for food, water, health services, and temporary shelter for the displaced peoples, with the presumption that upon provision of such, things will return to normal.

The settlement of peace strives in Mindanao commenced with the 1996 Peace Agreement in all sectors in the entity of autonomy and was carried out in democratic atmosphere in the F. V. Ramos government. The Confidence Building Measures (CBMs) of the 1996 Agreement has undoubtedly provided a little assistance to the groups suffering from poverty and to the affected groups by the policies of government.<sup>82</sup> The 1996 peace accord paved the way for slow pace in development initiatives and the government’s low absorptive capacity to flush out the conflict.

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<sup>79</sup> Ibid. p. 160.

<sup>80</sup> Maj, Thomas G. Wilson, Jr. (2009), “*Extending the ARMM to the Moro Islamic Liberation Front a Catalyst for Peace*”, pp. 34-37. Retrieved from, <http://www.dtic.mil>.

<sup>81</sup> Ibid. P. 37.

<sup>82</sup> E. Dictaan-Bang-Oa (2004), “The Question of Peace in Mindanao”, in Roy, K. Chandra, Victoria Tauli-Corpuz, Amanda Romero-Medina (ed.) *Beyond the Silence of the Gun*, Tebtebba Foundation, Baguio City, Philippines, 2004, p. 160.



However, the assistance was not properly allocated to the disadvantage groups as there were no coordination between government officials and local officials, apart from it the corruption has spread in all spheres of the government. The government officials were not able to allocate sufficient assistance for relief and rehabilitation as it had destroyed too much of its resources into war.<sup>83</sup> The peace and humanitarian security in Mindanao is not the state's priority; however humanitarian security should be the first priority of government, which it cannot deny.

The peace agreement between the GRP and MNLF led to the development process and it started with relief work directly managed by the UNDP and the MNLF and approximately US \$ 28 million was invested which benefitted 7,500 MNLF members and their families. Almost one year after the assistance was provided to affecting groups, there was a need to survey how many people have benefitted; the survey was conducted by UNDP. In 1997, the World Bank, through its emergency aid program, provided a \$10 million loan for more affective region for infrastructure development for the period 1998–2001. The assistance funds provided by UNDP known as the SZOPAD Social Fund were never spent until 1999. After UNDP assistance allocation for relief of affected or marginalised families, the Islamic Development Bank had provided an investment mission to Mindanao region for lifting up marginalised groups. Consequently, \$13.6 million worth of joint-venture initiatives with a \$16 million grant from the IDB was installed but, till 2000, none of these assistance funds had been materialized.<sup>84</sup>

The Philippines government in its report presented to the OIC, claimed that it has approximately over php 67-billion (Philippine Rupee) since the forging of the 1996 peace agreement, to finance infrastructure and other government programs in Mindanao. As a further proof of government support for the FPA, President Gloria Macapagal Arroyo has unveiled the Mindanao National Initiative (*Mindanao Natin*) during the first Muslim leader's summit convened by Congressman Gerry Salapuddin (deputy speaker for Mindanao) in April 2003.

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<sup>83</sup> Ibid. p. 161.

<sup>84</sup> Ibid. p. 161.

The *Mindanao Natin* is the policy for peace and development in Mindanao that is implemented in all regions of accomplishment, i.e. from security, to infrastructure, to education, to economic growth, to poverty reduction and law enforcement.<sup>85</sup> This was an important step towards the fulfilment of the promise of the region, *Mindanao Natin* aims to boost up the local government, civil society and the business community to outline development for Muslim Mindanao. It has been noted that Muslim Mindanao continued to be the poorest region in the Philippines as compared to the other regions, having a very low literacy rate and economic exclusion resulting in conflict in the region. In June 2004, Mrs Arroyo released a ten point legacy agenda which included *Mindanao Natin* a comprehensive plan to address the problems of Muslim Mindanao.

A 2005 World Bank Joint Needs Assessment for Reconstruction and Development of Conflict-Affected Areas in Mindanao makes a very insightful observation of two unique features which characterise ARMM:<sup>86</sup>

- Public services already being performed by local government units in other parts of the Philippines are still being performed by the ARMM Regional Governor (ARMM-RG).
- Other services not yet devolved to local government units elsewhere and are already being performed by the ARMM-RG.

ARMM has to absorb the personal costs associated with the devolution of line agencies; its funds in the Regular allotment could not provide for operating expenses and capital outlays. All these development initiatives programs in Mindanao by GRP for the infrastructure development, growth of education and economy, poverty reduction, but how much of the resources and projects under *Mindanao Natin* and other developmental agencies actually trickled to the ground level is to be noticed. What was the amount that the government has spent or invested in ARMM as compared to other region has been difficult to find in terms of revenue and disbursements. How much amounts and resources were distributed to Mindanao by

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<sup>85</sup> Amina, Rasul (2007), *Broken Peace? Assessing the 1996 GRP- MNLF Final Peace Agreement*, Published in the Philippines by Magbassa Kita Foundation/ the Philippine council for Islam and Democracy. pp. 57-60.

<sup>86</sup> Ibid. pp. 60-61.

GRP was carried out in a study by the International Centre for Innovation, Transformation and Excellence in Governance (INCITEGoV) entitled “Towards Strengthening the Fiscal Capabilities of ARMM” (2007). Also, there is a study by the World Bank Joint Social Assessment (2005) on the amount of control exercised by the ARMM-RG on their budget. As an autonomous government, one would expect ARMM to have significant control over their resources as the name implies.<sup>87</sup>

However, according to the two studies, the ARMM budget, which is about 95.2 percent, is still controlled by national government.<sup>88</sup> So, how one can imagine establishing peace settlement in Mindanao while GRP is not being given to appropriate funds to Mindanao for infrastructure development, upgrade their education, economic growth and poverty reduction. As a result minority people grievance remains unresolved by the Philippines government.

In addition it can be said regarding the relief funds that it is supplementary, and it is insufficient for the provision of relief and rehabilitation assistance which can feed the conflict or breed new tensions like boosting up radicalisation. It is the ongoing conflict which fails to address more concealed needs especially the focus on saving lives and the reconstruction of worsening socio-economic conditions. The failure to address tense social conditions feeds the war economy while the inability to provide a sufficient supplementary economic aid leads to the heightening of frustrations which could trigger further grievances.<sup>89</sup>

### **The Stumbling Process of Peace**

The series of futile attempts in establishing peace settlement in Mindanao reflects not only the inherent lacunae of the peace accord but also the weakness of the implementing parties involved.<sup>90</sup> Internal strife within the MNLF which has finally

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<sup>87</sup> Ibid. p. 65.

<sup>88</sup> Ibid. p. 65.

<sup>89</sup> Cheryll, Ruth Soriano (2006), “The Challenge of Relief and Rehabilitation Assistance in On Going Conflict: A Mindanao Case”, *Kasarinlan: Philippine Journal of Third World Studies*, Vol. 21, No. 1, pp. 1-3.

<sup>90</sup> E. Dictaan-Bang-Oa (2004), “The Question of Peace in Mindanao”, in Roy, K. Chandra, Victoria Tauli-Corpuz, Amanda Romero-Medina (ed.) *Beyond the Silence of the Gun*, Tebteba Foundation, Baguio City, Philippines, pp. 161-62.

led to its split, massive corruptions have been prevalent in national and local government policies, agencies and also in the government officials and it was characterized by different negotiations and implementation of accord.

The peace talks of Mindanao suffered a series of conflicts that hampered the hope of peace settlement in Mindanao. In 1977, when MILF splitted from MNLF on demands of separate state and ideological differences, even MNLF wanted an autonomous status for Mindanao, whereas the MILF insisted Islamic status to Mindanao. Prior to the split of MNLF, the Tripoli Agreement (1976) has been signed between GRP and MNLF and was mediated by Libya, having an optimism of peace for peace seeker group in Mindanao. However, the Tripoli Agreement has proved a betrayal for the peace demanding group of Mindanao. Similar circumstances could be seen to the Tripoli Agreement and FPA because both agreements could not provide a peace settlement in Mindanao. In 1996 peace agreement was signed by GRP and MNLF- both parties were also involved in the Tripoli Agreement in 1976. The FPA has provided massive relief funds and aids to the marginalise section of Mindanao for the upliftment of the marginalised groups, and provisionally, for peace accord, the GRP has provided a loan and massive subsidies.

The marginalised section conceived FPA as a peace provider but in reality the marginalised section has been betrayed by GRP because government was unwilling to grant such provision. Consequently, group of peace demanders and marginalised sections were once again betrayed by GRP and they felt that the peace agreements as an illusion. On the other hand, after signing of FPA, the MILF opposed it because there was no addressal of grievances of minority people. Thus, there was a need of equipment or measures to enhance the socio-economic condition of Mindanao.

The Philippine government felt that conflict could not be eliminated without the help of other rebel groups. As a result, the government of the Philippines and MILF rebel group were agreed to talk for the solutions of conflict in Mindanao. In 1997 the GRP held a talk with MILF relating to territorial rights and peace settlement; however, it was not succeeded. The MOA-AD was signed between GRP and MILF in 2008, but unfortunately Philippine Supreme Court has declared it as unconstitutional. Then MILF turned as an antagonist to the Philippine government because it betrayed the Moro minority people. Hence, the MILF once again stood up for the Islamic state

for the equipments of socio-economic condition and to protect unique Muslim identity in Mindanao, and for this reason it sought support from the OIC and Islamic countries. So, there is a challenge to the Philippines unity and diversity as well as challenges to other ethno-linguist community, and at the same time it also affected Mindanao peace settlement.<sup>91</sup>

The peace agreement was hampered by the dramatics of *Sipadan* and Basilan Kidnappings in 2000 by the Abu Sayyaf Group (ASG). The Government, aided by U.S. armed forces, deployed massive military operations against the ASG. Subsequently in the armed encounters, a large number of innocent civilians were trapped in the crossfire.<sup>92</sup> The numbers of displaced people are estimated at 300,000 in the government data, and 600,000 in an NGO estimate. Much of the innocent civilians were arrested on suspicion of being members of the ASG in Sulu and Mindanao. On the other side, there has been the MILF-declared *jihad* after the takeover of three of their camps by the national army (AFP) on 11 February 2003.<sup>93</sup> These conditions were exasperating and despair accompanied with frustrations for the people of Mindanao which leaped to peace settlement in Mindanao. For long period, this part of the Philippines was identical with strife and as a result of the struggle of liberation to establish an independent Islamic state and a succession. However, governments responded to that clamour with force. The Abu Sayyaf, with its own brand of Islamic radicalism characterized by kidnappings for ransom and beheading, brought the violence one notch higher.

After 9/11, incident America has strong-willed policy against the terrorism and to establish peace in abroad, and they want to organise the world against terrorism and extremism. So, America has operated this policy in the Philippines against rebel groups like Abu Sayyaf, which is interlinked with Al Qaeda and sent more than thousands of troops this year to help the AFP in fighting the secessionist groups.<sup>94</sup>

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<sup>91</sup> Abuza, Zyachari (2006), "Peace of Southern Philippine Peace Process Anger Rebels", *Jane's Intelligence Review*, Dec. 2006, pp. 28-33.

<sup>92</sup> Murray, Smith (2003), "*War and Peace in Mindanao*",

Retrieved from, <http://www.internationalviewpoint.org/spip.php?article1245>.

<sup>93</sup> E. Dictaan-Bang-Oa (2004), "The Question of Peace in Mindanao", in Roy, K. Chandra, Victoria Tauli-Corpuz, Amanda Romero-Medina (ed.) *Beyond the Silence of the Gun*, Tebtebba Foundation, Baguio City, Philippines, pp. 161-62.

<sup>94</sup> *Ibid.* P. 62.

The tension created by the counter-terrorism in *Balikatan* exercises which hosted the US Visiting Forces in the country further contributed to the internal war in Mindanao. The Moro's resources spent on the *Balikatan* exercises rather than providing on food, medical and housing needs of the civilians caught in the armed conflict. Some sections of civil society have openly denounced to government for this engagement, terrorism and militarism are not the solution to the Mindanao crisis. Today, while there is a cessation of hostilities between the armed groups and the government forces, it is still premature to say that peace has not finally come into ground reality of Mindanao.

Whereas rebel groups have been able to mobilize the support of the OIC as a pressure group and negotiator, it has to play by two set of laws of the OIC and the GRP. Without the OIC, the Muslim rebel groups could not survive, and the escalation of violence could have reached a critical position, and negotiations would have impossible. It has noted that, internally, the splinter group of MILF from MNLF, held on to the option of independence, despite, the following with the OIC advised to local administrative autonomy provided by the Tripoli Agreement.<sup>95</sup> The GRP still has the upper hand. The GRP has its own rules to follow the means for regional autonomy. The GRP had held a negotiation with MILF regarding the natural resources and territorial rights, and insisted that these issues can be gathered for further discussion.

Moro question is just one side of the coin and on the other side; there are Lumads and the majority population of Christian. However, the issue of Mindanao started with agenda of the Moro's for self-determination in its region while the other sectors, for instance, condition of socio-economic in the region has taken the rear position in the peace and development agenda of the government. The Lumads were more deprived having worse economic condition with political marginalisation as compared to the Moro Muslims. The peace processes since the Tripoli Agreement was exclusively two-sided in nature; *one*, of the negligence of emergent and equally pressing issues to Lumads in the region's poverty and underdevelopment and *second*,

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<sup>95</sup> Ibid. p. 62.

Lumads have marginalized and essentially excluded from the peace-building efforts.<sup>96</sup> The peace agreement was not addressed the significant sectors and issues of the Lumads having their similar call for self-determination. The Abbas defines structural violence as “a situation where a few control the means of production and take most of the benefit while the majority wallow in poverty and subhuman conditions”.<sup>97</sup> In Mindanao there are genuine problems like underdevelopment and illiteracy, poverty, lack of funds for development etc.

In addition, towards peace settlement in Mindanao, peace arrangement could not survive without development of infrastructure and good living condition of people. The Philippine government has taken the initiatives for the infrastructural development and released funds for reduction of poverty, enhancement of education among the Muslim minority people. However, the releases of development funds have not reached to the needy people. The peace accord did not achieve their goal to conflict resolution because the peace agreement has hampered by GRP and rebel groups which proved to be betrayal and illusionary of peace for the marginalised people and GRP as well as the rebel groups. So, still it is difficult to reach peace in Mindanao because of the intervention from the foreign nation armies and also government is not willing to grant meaningful regional autonomy.

### **Role of Third Parties to Build up Settlement of Peace**

The terms “third party” and “intermediary” are used to refer a person or team of people who are involved in a conflict to help the disputing parties in order to manage or resolve it. Third parties may act as consultants, helping one side or both sides, analyze the conflict and plan for an effective response. Alternatively, they might act as facilitators, arrange meetings, set agendas, and guide productive discussions.<sup>98</sup> A more active and powerful third party plays the role of a mediator which not only facilitate discussions, usually, impose a structure and process for the

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<sup>96</sup> Ibid. p. 63.

<sup>97</sup> Suharto. Abbas (2004), “*Factors of Underdevelopment: A Discourse on Mindanao Rehabilitation Initiatives*”. Retrieved from, <http://www.morojihad.com>.

<sup>98</sup> Third Party Intervention, Conflict Research Consortium, University of Colorado, USA. Retrieved from. <http://www.colorado.edu/conflict/peace/treatment/3ptyint.htm>.

discussions that is designed to move the parties towards mutual understanding and a win-win agreement.

The Libya was the first mediator in Mindanao crisis in 1976 and played a significant role in building up peace in Mindanao. It is worthy to note that Mindanao is a Muslim minority area having a worst socio-economic condition. The inhabitants are multi-ethnic religious community and the region bears a wide range of conflicting situation since the colonial period. Due to the continued colonial policies in the Philippines, Moro people realised that the government policies were discriminatory to them. The marginalised Moro people transpired against the government of the Philippines and urged for separate Muslim Mindanao as they felt insecurity from Christian *Ilaga*. The independence movement from the Philippines by minority groups was a peaceful against the government, but latter it turned to be violent. The *Ilaga* (Christian militia) were fighting against the Moro activists, thus the latter turned as rebel groups. The government-backed Christian militias attacked the Muslim communities in the early 1970s, burning mosques and houses, and massacring hundreds of people, including women and children.<sup>99</sup> The Muslims were left with no other alternative but to fight back to defend themselves and protecting their Muslim identity and culture. Later MNLF came into to existence which led to the armed struggle against government and *Ilaga*.

The Organization of Islamic Conference (OIC) has played an active role in the negotiations between the Philippine government and the MNLF throughout from 1975 to 1996.<sup>100</sup> The Third Islamic Conference of Foreign Ministers (ICFM) of the OIC held in Jeddah, Saudi Arabia on February 29 to March 4, 1972 took cognizance of the problem of the Muslims in South Philippines and decided “to seek the good offices of the Government of the Philippines to guarantee the safety and property of the Muslims” as citizens of the country.<sup>101</sup>

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<sup>99</sup> Soliman, M. Santos, Jr (2003), *Delays in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front*, ECEW Working Paper, No, 3 Jan. pp. 1-2.

<sup>100</sup> Julkipli, M. Wadi (1993), *Islamic Diplomacy: A Case Study of the O.I.C. and the Pacific Settlement of the Bangsamoro Question (1972-1992)*, Master's Thesis, Institute of Islamic Studies, University of the Philippines, p. 34.

<sup>101</sup> Abhoud, Syed M. Lingga (2006), *Role of Third Parties in Mindanao Peace Process*, Paper for Presentation during the International Conference on Peace Building in Asia Pacific: The Role of Third Parties, on July 1-3, 2006 in Khon Kaen, Thailand, Organized by the Institute for Dispute Resolution, Khon Kaen University, and Southeast Asia Conflict Studies Network, with the Support of The Japan



The OIC had decided to send their representatives to Mindanao, a fact-finding team composed of the foreign ministers of Libya, Senegal, Somalia and Saudi Arabia. It also urged Indonesia and Malaysia to exert their good offices to help find a solution within the framework of the Association of Southeast Asian Nations (ASEAN).

Through the mediation efforts of the OIC, representatives of the Philippine government and the MNLF met in Jeddah, Saudi Arabia, on January 18-19, 1975. This event switched on the formal negotiations between the two parties. The Jeddah meeting showed no progress initially because of serious disagreements on many issues. In an attempt to reconcile the differences, the OIC put forward a plan for the settlement of the problem. The plan of action was in accordance with Resolution 18 of the Fifth Islamic Conference of Foreign Ministers, which called for establishment of an autonomous region for the Muslims having respects for the territorial integrity and sovereignty of the Philippines. The OIC Secretary General Dr. Karim Gaye met President Marcos in Nairobi, Kenya in May 1976 and underscored the urgency for the resumption of the peace talks. Dr. Gaye along with the Quadripartite Commission visited Manila on the invitation of Marcos on August 22, 1976 and got the early resumption for the talks. It was also agreed during the conversations that an invitation would be extended to the first lady, *Imelda Romualdez Marcos*, to visit Libya. President Marcos designated his wife as his special envoy; her visit resulted in the establishment of diplomatic relations between the Philippines and Libya.

The stalled talks resumed on December 15-23, 1976 in Tripoli, Libya under the auspices of the OIC presided by Libyan foreign minister *Dr. Ali Treki*. The talks culminated in the signing of the Tripoli Agreement, 1976.<sup>102</sup> The Tripoli Agreement provided for the establishment of autonomy for Muslims in Southern Philippines within the realm of sovereignty and territorial integrity of the Philippines leading to formal ceasefire which came into effect on January 20, 1977. A committee composed of representatives from the GRP, MNLF and OIC Quadripartite Commission was created to oversee the implementation of the ceasefire agreement. At the beginning, the truce was holding but it collapsed towards the end of the year. The highest level of

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Foundation, pp. 9-11.

<sup>102</sup> Magsaysay, S. Werble (1996), "*The Mindanao Peace Process: Chronology of Events from Tripoli to Jakarta 1976-1996*", Master's Thesis, Institute of Islamic Studies, University of the Philippines, p. 38.

intervention was sought to save the negotiations with a deadline till March 3, 1977. Telephone conversations between President Marcos and President Ghadaffi took place and subsequently, the president has accepted these points:

- A decision to be issued by the President of the Philippines declaring autonomy in the thirteen provinces covered under the Tripoli Agreement.
- A provisional government to be formed with the participation of the MNLF and the inhabitants of the areas under autonomy.
- A referendum to be held in the areas of autonomy concerning the administrative arrangements within these areas.

The MNLF has opposed the agreement between the Ghadaffi and Marcos because Marcos has implemented the Tripoli Agreement in a unilateral way. The MNLF wanted the implementation of Tripoli Agreement in pursuance with the Philippine government and the MNLF along with the participation of the OIC.<sup>103</sup> The negotiations remained stalemated until President Marcos was removed from power in 1986 in a popular revolt known as EDSA I people's power revolution.

The President Corazon C. Aquino initiated the revival of the peace talks and sent a mediator to meet the MNLF chief Nur Misuari. The meeting on January 3-4, 1987 resulted in the signing of the Jeddah Accord which provided for the discussion on the proposal for granting full autonomy and shall continue. Also, a joint commission would be created to "discuss and draft the mechanism and details of the proposal for the grant of full autonomy".<sup>104</sup> The two parties were not reconciling their differences but negotiation was on track. The commission that drafted the 1987 Philippine Constitution provided the organization of autonomous regions for Muslim Mindanao. With this constitutional mandate, President Aquino proceeded to establish the autonomous region known as the Autonomous Region of Muslim Mindanao (ARMM).

The mandate of the ARMM was to establish a regional autonomous government in Muslim Mindanao within the framework of the constitution, national sovereignty and territorial integrity of the Republic of the Philippines, and "to ensure

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<sup>103</sup> Iribani, Abraham (2006), *Give Peace a Chance": A Story of the GRP-MNLF Peace Talks*, Magbassa Kita Foundation/The Philippines Council for Islam and Democracy, 2006, pp. 32-40.

<sup>104</sup> Ibid. pp. 42-43.

the peace and equality before the law of all people in the Autonomous Region.” The ARMM which provided the basic structure of the autonomous government was signed and became law on August 1, 1989. But the ARMM has not fully implemented on the ground of Mindanao because it comprised 13 provinces and nine cities and most of the provinces are Christian majority areas which opposed the ARMM.

The Presidency of Fidel V. Ramos has initiated peace talks with MNLF and the full implementation of Tripoli Agreement reached at the FPA. The FPA was signed by GRP and MNLF in Manila on September 2, 1996 which embodied the totality of all agreements, covenants and understanding. Prior to the signing of the FPA agreement, several rounds of talks were held in Tripoli, Jakarta and Mindanao with the active mediation of Indonesia.<sup>105</sup> The difference between the government and the MNLF has not ended with the signing of the agreement as both parties could not agreed on the issues of implementation of the accord and the extent of the implementation. The Nur Misuari had opposed the implementation of FPA because government has unilaterally implemented the FPA provision and termed it as a violation of the FPA. On the other hand, the government maintained that it faithfully implemented the accord. Attempts to convene a meeting among the OIC, GRP and the MNLF to resolve these differences have not succeeded so far.

Both Indonesia and Malaysia played active role and participated in the peace negotiation between GRP and rebel groups and still today they are engaged for peace building efforts, development and reduction of poverty of the Minority people in Mindanao. The MILF parted ways with MNLF and organised its own political machinery and arms wing for the establishment of Islamic state. As a result, the GRP and MILF technical committees met on January 7, 1997 and marked the beginning of the official negotiations between the two parties.

On the initiatives of Malaysia, the GRP and MILF started engaging themselves in peace talks since 1996, but it was not fruitful until 2001. The Government of Malaysia came as their official facilitator and hosted the negotiation talks. Some of the significant agreements facilitated by Malaysia were the Agreement on Peace between GRP and the MILF on June 22, 2001 (Tripoli Agreement), and it

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<sup>105</sup> Abhoud, Sayed M. Lingga (2007), *Negotiating Peace in Mindanao*, Institute of Bangsamoro Studies, ISB Occasional Paper, 2007. pp. 7-8.

was the Implementing Guidelines on the Humanitarian Prospective, Rehabilitation and Development Aspect of May 7, 2002.<sup>106</sup> So, it mandated to monitor the implementation of the above signed agreements and ensured the peace process progress to the stage of rehabilitation, reconstruction, and development of the conflict affected areas. These two conditions are equally important for confidence building measures as the peace talks are being pursued and a Final Peace Agreement is yet to be signed. But the difficulties of the ongoing GRP-MILF peace negotiations included intervals of cease fire violations, suspension of peace negotiations, administrative delays from the conflicting parties and on the sides of the third party facilitator as well. The Estrada launched the “policy of all out war” against the MILF rebel but it was the violation of peace agreement which was signed by GRP- MILF on the mediation of Malaysia. In fact, Malaysia played a key role as a third party facilitator to the GRP-MILF peace talks which seemed to be promising as it not only involves itself in the formal peacemaking but has extended its reach to the field of peacekeeping in the conflict affected areas in Mindanao.<sup>107</sup>

Muslim Organisation of the OIC and few Muslim countries like Libya, Malaysia, and Indonesia were engaged to build up peace in Mindanao. Consequently, Mrs Arroyo resumed power of the President and once again tried to negotiate with the rebel group of MILF leading to the conclusion of MOA-AD. The MOA-AD incorporated all the earlier issues which were raised by MILF and rebel groups such as land rights, control over natural resources and peace building as well as good governance, along with full regional autonomy rather than independence in case of Philippines grants autonomy to Mindanao. The MOA-AD was a consequence of mediation of OIC, Malaysia, and Indonesia was not successful because the Philippine Supreme Court has declared it as unconstitutional<sup>108</sup>.

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<sup>106</sup> Abhoud, Sayed M. Lingga (2006), *Role of Third Parties in Mindanao Peace process*, Paper for Presentation during the International Conference on Peace Building in Asia Pacific: The Role of Third Parties, on July 1-3, 2006 in Khon Kaen, Thailand, Organized by the Institute for Dispute Resolution, Khon Kaen University, and Southeast Asia Conflict Studies Network, with the Support of The Japan Foundation, pp. 10-11.

<sup>107</sup> Ibid. pp. 8-9.

<sup>108</sup> Maj T.G. Wilson, Jr (2009), *Extending the ARMM to the MILF a catalyst for Peace*, pp. 36-37. Retrieved from, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA506642&Location=U2&doc=GetTRDoc.pdf>.

It is noted that except OIC and few Muslim nations, the international community largely ignored the Mindanao conflict for decades. However, the post 9/11 developments made U.S. policy makers realise the danger that Mindanao might become a sanctuary for terrorists. The U.S. interest is make conditions favourable for them so that they can exploit the resources. This is clear from the President 'Bush' remarks in the Philippine Congress on October 18, 2003 which reads as: "*As we fight the terrorists, we're also determined to end conflicts that spread hopelessness and feed terror.*" The U.S. strategic objective is to prevent terrorist infrastructure from developing in the dense jungles of Mindanao. The President Arroyo made the same request during her visit to the U.S. On this basis, the State Department tasked the United States Institute of Peace (USIP) to play facilitating role in the negotiations between the GRP and MILF without supplanting the role of Malaysia.<sup>109</sup>

Thus, it can be said that the involvement of third party as experienced in Mindanao peace process, demonstrate that it is valuable in bringing together the conflicting parties. While the negotiations are at stalemate, third party intervention is useful in order to break the deadlock. But still, the third parties are not too successful in build up peace, infrastructural development and demilitarise the rebel groups, in addition, the third parties are not able to put pressure on the GRP and rebel groups for the implementation of peace agreement in Mindanao.

### **Proposal for Peace Settlement in Mindanao**

Regarding the peace process, several proposals have already been forwarded from the different sectors, inside and outside to the Mindanao autonomous region. In the light of indigenous people's concerns, particularly those of the Moro and Lumads, the following recommendations are made:

#### *Recognition of Indigenous People's Rights to Self-Determination*

The rights to self-determination are a fundamental issue in the Mindanao crisis which has not been addressed yet by any of the peace talks held so far. The Moro's

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<sup>109</sup> Nichiporuk, Grammich, Rabasa, and DaVanza (2009), *Identify the U.S. Economic and Security Interests in Maritime Southeast Asia*. Retrieved from, [http://www.rand.org/pubs/reprints/2009/RAND\\_RP\\_1219.pdf](http://www.rand.org/pubs/reprints/2009/RAND_RP_1219.pdf).

demand for self-determination have been compromised while the MNLF acceded to the OIC's proposal and scaled down their demand to regional autonomous government rather than Self-determination.<sup>110</sup> The autonomous government, which was granted by GRP according to accord, has limited rights to legislate in its matters and political decisions. The demand for self-determination is clear and even, it was prevalent during the colonial period. Moro people have to review their unique Islamic identity, from colonial times to present time. Their identities have been faded and are marginalised due to the governmental policies. They can be brought under the mainstream by the existing mechanisms in the light of the present realities through democratic and participative consultations with Philippine government. So, the Moro people are demanding for self-determination from Philippines and international players like UN through, referendum under UN supervision.

On the other side, the Lumads have their own vision for self-determination to be addressed because none of the peace agreements accounted for self-determination to them. Lumads people are compelled to live under poverty and marginalisation as compared to that of the Moro people. Still, they are not organized into an ethnic armed resistance like Moro. A considerable number of Lumads have joined the MNLF, MILF and the CPP-NPA (Communist Party of the Philippines-New People's Army) as an expression of demanding redress for their grievances. Like other indigenous peoples in the country, the Lumads have been urging the state to give due recognition to their effective and viable indigenous socio-political systems and practices. The E. Dictaan-Bang-Oa<sup>111</sup> has stated that the state, the non-government sector and international support agencies should:

- Recognize the multicultural and pluriethnic nature of Philippine society.
- Recognize improve and strengthen viable traditional structures or systems by providing technical, political and financial support.
- Review and revoke, as necessary, existing policies, structures and programs that negate the principles of the rights to self-determination.

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<sup>110</sup> E. Dictaan-Bang-Oa (2004), "The Question of Peace in Mindanao", in Roy, K. Chandra, Victoria Tauli-Corpuz, Amanda Romero-Medina (ed.) *Beyond the Silence of the Gun*, Tebtebba Foundation, Baguio City, Philippines, 2004, p. 170.

<sup>111</sup> Ibid. Pp. 170-171.

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Specifically, there is a need to challenge the limitations of the Philippine Constitution in the full recognition of these rights.

- Recognition of the Indigenous peoples' rights to own, manage and control their lands and natural resources.<sup>112</sup>

That "land is life" is the fundamental principle behind indigenous people's affinity to their ancestral lands and territories. The core of self-determination, therefore, is the recognition of their rights to own, manage and control their ancestral lands or territories and their resources based on indigenous knowledge and traditional practices. This has not been fully addressed by the peace agreements.

It is noted that most of the indigenous territories and lands of the Moro and Lumad peoples have been lost by war and migrant settlers, and passed to multinational companies in the name of development. The complete returning of indigenous territories to their rightful owners is apparently impossible, but the government may consult and dialogue with the peoples and sectors concerned to come up with acceptable solutions to the land question.<sup>113</sup> In particular:

- The government should review of unjust programme which is affecting indigenous land and territories, if the government is willing to practice any programme on indigenous territory, then there should be prior consensus with the concerned people.
- The government should cancel permits to all aggressive activities, land acquisition and project proposals in indigenous people's territories.
- The government should coordinate with local authorities and indigenous people if it is eager to implement programmes for development and extraction of mining, natural resources in the Mindanao.
- On their part, indigenous peoples have to promote and strengthen their traditional land and resource management practices and innovations while remaining vigilant in the protection of their rights.

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<sup>112</sup> Ibid. pp 171.

<sup>113</sup> Ibid. p. 171.

### *Recognition to Political Will and to Address Grievances*

The government of the Philippines should commit itself to peace settlement in its efforts to nation building instead of looking only generating revenue from Mindanao's resources. The political agreements achieved through negotiations, social and economic agendas not only for confidence building but also for the total reconstruction and sustainable development for the region. E. Dictaan-Bang-Oa says that the GRP should:

- Introduce essential reforms in the bureaucracy including weeding out of corrupt government officials, and conduct a fair investigation of their alleged involvement in criminal and terrorist activities in Mindanao.
- Actual execution of the provisions according to the signed accord with Moro groups, thus, opening up windows for achievable solutions and facilitates further pursuit of peace without prejudice.
- To start a peace process of democratic consultation and dialogue with indigenous people in all sectors to identify ways and means for peace and development that can be achieved in lieu of people's needs and aspirations.
- To provide a political, social and economic support for capacity building among the Moro and Lumad people so as to enable them in sustaining meaningful participation in matters of its affairs.
- Provide justice to victims from war and human rights violations, moreover, the state should compensate to victims of war and take initiative steps for infrastructure development.
- Introduce an essential reform directing respect and promotion of cultural diversity and maintain multicultural, multi-religious diversity of its territory.

### *The Bishop-Ulama forum and Civil Society*

Civil societies and religious institution should take initiatives for the promotion of peace and harmony in Mindanao. The impact of the war between the GRP and rebel groups has brought the realisation that the quest for peace in the region



is a task not only for the armed groups of the Bangsamoro and the Philippine government, but it should be the collaborative effort of the various civil societies, religious and academic institutions in the region.<sup>114</sup>

The Jamail A. Kamlian says that the *Bishop-Ulama* forum and civil societies should be:

- Organise to the make the plural and harmonic society as well as effort to establish peace building.
- Come up to the forefront for implementation of the peace accord and developmental policies concerning consensual principles.
- Institute the re-establishment of government and province relationship which is based on regional autonomy, and their endeavour of accent to constitutional amendment for regional autonomy in the Philippine unitary constitution.
- To institute the protection from human rights violation and violation of fundamental rights to the indigenous people, and uphold the set up of socio-economic, cultural, political system for indigenous people.<sup>115</sup>

Civil societies and religious leaders could play active role to make their history by overcoming the four decades ethno-religious conflict. The civil society, by taking part in peace efforts, can develop the chances of lasting peace settlement in Mindanao. The civil societies have to support, uphold and maintain ceasefires, and can mitigate human rights violations and address it through fact-finding and relief missions. The NGO and church intervention along with the lines of socio-economic rehabilitation is vital and they have to provide assistance in restoring peace settlements and to rebuild of lives and communitarian welfares.

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<sup>114</sup> Jamail, A. Kamlian (2003), *Ethnic and Religious Conflict in Southern Philippines: A Discourse on Self-Determination, Political Autonomy and Conflict Resolution*, A Lecture Present at the Islam and Human Rights Fellow Lecture, Organized by the Islam and Human Rights Project, School of Law, Emory University, Atlanta, Nov. 04, pp. 8-9.

<sup>115</sup> Ibid. p. 10.

Jamail A. Kamlian is a professor of history and the Vice Chancellor for the Office of Research and Extension at Mindanao State University-ILigan Institute of Technology (MSU-IIT), ILigan City, Philippines. His project seeks to determine the implications of traditional Islamic practices and the institutionalization of the shari'a law on women's rights and gender justice amongst Muslim Filipinos in Southern Philippines.

The United Nation and foreign state should intervene in enhancing socio-economic growth, reduction of poverty, promotion of peace and protecting of indigenous rights, rights to self-determination to Mindanao. E. Dictaan-Bang-Oa says that, especially, UN and other significant players should:<sup>116</sup>

- Inspect massive human rights violation and encroachment of their cultural diversity from war, and pressurise the GRP to maintain and protect human rights and cultural diversity to their people as well as to provide an agreed principle of autonomy to Mindanao for its enhancement of developments.
- Mobilize its agencies to provide not only financial but also technical support to the peace process under the framework recognizing the people's rights for self-determination, and via more integrative and consultative strategies for their development.
- Strictly enforce policy and structural reforms on the Philippine government to ensure the recognition of the rights of the people and effective redressal for their grievances.

Sustainable peace and development is foundation for confidence building and people's empowerment. The formula should be based on the respect, recognition and promotion of the Moro and Lumad rights to self-determination, their ancestral land and resources. To mobilize national and international support for sustenance and people-empowering by peace building and development initiatives. There is a need for open windows substantial discussion and study of the proposals for the Philippine state to shift towards a federal government.

The effort for peace in Mindanao is inseparable from the question of economic and social development and politics of identity. At present, the level of armed conflict is quite low and the government is negotiating with both the MNLF and the MILF. If it is possible to come up with a new agreement on autonomy for conflict resolution

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<sup>116</sup> E. Dictaan-Bang-Oa (2004), "The Question of Peace in Mindanao", in Roy, K. Chandra, Victoria Tauli-Corpuz, Amanda Romero-Medina (ed.) *Beyond the Silence of the Gun*, Tebtebba Foundation, Baguio City, Philippines, 2004, pp. 173.

and settlement of peace to Bangsamoro's, it should be. However, the peace is not just the absence of war; instead, it should respect the rights of the Moro's and the Lumad and an effort to end all forms of poverty, inequality and injustice which breeds violence. Mindanao is potentially a very rich island and its natural wealth needs to be owned and controlled by its local people and not by an alliance of corrupt politicians, landowners and the multinationals as in the present time. As a lacuna, the Philippine government did not provide assistance and funds for infrastructure development, reduction of poverty, economic growth and to enhance quality of education in Mindanao. The peace accords have not addressed ancestral land rights, territorial rights, and extraction of natural resources for indigenous people.

The peace accord is signed between the GRP and rebel groups without participation of Lumads and Christian community. The Philippine government did not bring the constitutional amendment for regional autonomy based on the consensual principles. The rebel groups have no consensus among them for the demand of regional autonomy and are fighting each other over control for political power and natural resources. The peace accord failed to address the establishment of institution or organization, especially, for socio-economic and technical development. In spite of various efforts to strengthen, the accord has not achieved its desired aim. The important reasons constraining in the implementation of the peace accord includes the weak bureaucracy, lack of fund, and lack of political will-both at the centre and periphery level and is nurturing terrorism in Mindanao.

## Chapter- 4

### Constraints in the Path of Regional Autonomy

The third world has been beset for decades by ethnic conflict concerned at least in part with issue of minority rights, regional autonomy and self-determination. The perception of marginalization of a minority or region or demand for ethnically based self-determination is at the core of civil war or ethnic riots in Sri Lanka, Philippines, Myanmar, India, Malaysia, Thailand to name only a few. The conflicts between indigenous people and settler cultures have been endemic to the western hemisphere and are increasingly prevalent in Southeast Asia.<sup>117</sup>

The problems of regional autonomy exists not only in Mindanao but also in the India, Sri Lanka, China, Malaysia, Indonesia and many of the third world countries. The Problems of autonomy appears similar everywhere and national or central government wants to grant full implementation of regional autonomy to autonomous areas or region including matters of local issue, except national issues like foreign relation, protection of nation (defence), communication, postal code, currency, customs and tariff, citizenship, foreign trade, patent and trademark and tradenames and copyrights. The case of Mindanao is different as the Philippine government does not want full implementation of regional autonomy to Mindanao, though it agreed to agreement that was signed between GRP-MNLF in 1996. Moreover, Philippine government which has granted regional autonomy to Mindanao did not provide sufficient funds for establishment of governmental institutions, infrastructure development or for the reduction of poverty. Disappointment from the peace process and its results may stem from the fact that the underlying sentiments for the grant of regional autonomy has been mitigated and circumscribed by a rigid conceptual framework based mainly on the definition of territoriality and constitutionality.

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<sup>117</sup> Ganguly, Rajat, (2003) "The Challenges of Ethnic Insurgency and Secession in South and Southeast Asia" in Ganguly Rajat, Ian Macduff (ed.) *Ethnic Conflict and Secessionism in South and Southeast Asia: Causes, Dynamics, Solution*, Sage Publication, New Delhi, pp. 10-13.

The chapter tries to explore the constraints on regional autonomy in Mindanao from the perspectives of Philippine vis-a-vis the province of Mindanao and it will also take account of the socio-economic condition, massive poverty, massive illiteracy, Islamic radicalization as important factors in Mindanao. These are the biggest challenge to regional autonomy and their solution is necessary for good governance in Mindanao. The detailed explanation of constraints on regional autonomy in Mindanao is given below which can be viewed from two distinct levels.

### ***Issues Related with the Central Level***

#### ***National Unity and Integrity***

Nation is a territory or country as a political entity or a grouping of people who share real or philosophical common history, culture, language or ethnic origin. In other words, nation is a sharing of emotions of the people which is not visual. Nation-state is a visual political entity which remains based on certain territory.

The challenges of regional autonomy may be the biggest challenge in the path of national integration and unity. This problem is not only in the Philippines but also in Asia, Africa, Russia, and the Southeast Asia. On the one hand national government restricts compromise on national unity and integrity, demanding groups strive for the regional autonomy on the other hand. They do not compromise on their demand for regional autonomy of their region and its socio-economic development and put emphasis on setting up their own type of government. Consequently, regional autonomy demands a decentralization of governance and delegate power from centre to region. However Philippine government doesn't want to grant this kind of regional autonomy to Mindanao.

Philippines is undergoing the process of nationalism and tries to maintain national unity and integrity. Philippines is a multi-ethnic, multi-religious and multi-lingual country. While talking about the grant of regional autonomy by the Philippines to province of Mindanao, the question to the national unity and integrity arises, because fear remains that if they grant regional autonomy to Mindanao, then Mindanao may secede from Philippines territory. The exertion of regional autonomy may threaten the national unity and integrity.

The national integration policies implemented by states can be classified into two types. The first type refers to the policies through which the ruling group in a state attempts to assimilate other ethnic groups into a single nation; this is usually done by creating a common language and education system and establishing modern social and political institutions that destroy the customary mechanisms of coordination between ethnic groups. The second type refers to the policies through which the ruling group attempts to create systems of power-sharing between ethnic groups and the institutions that promote dialogue among the leaders of these groups, resulting, and the coordination of the interests of each group instead of coercive assimilation.

Although, both types of policies have been implemented in Asian, African, Southeast Asian countries which achieved independence soon after World War II, these states implemented a number of the first kind of policies, which were reflective of their optimistic views on ethnic assimilation at that time. After independence, Philippines was governed by leaders followed second type of national integration policy, who were strongly inspired by American thoughts and fervently promoted assimilation policies, such as the establishment of a national language and common education system and modern political and social institution. In post-independence Philippines, the policy of national integration is not as successful to integrate different ethnic groups into one nation.<sup>118</sup>

#### *Unitary Government and Unitary Constitution*

Philippines is a republic with a presidential form of government. As a unitary state, power is concentrated in the central or national government. The President of the Philippines is the head of state, commander-in-chief of the Philippine national army, director of internal government, policy-making and foreign affairs. Philippines has adopted a unitary constitution which is the supreme law of the state. The constitution at present was enacted in 1987 (during Aquino period). Before this, three constitutions have effectively governed the country; namely 1943 constitution during Japanese occupation, 1973 constitution and 1986 provisional “Freedom” constitution.

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<sup>118</sup> Kazuya, Yamamoto (2007) “Nation-Building and Integration Policy in the Philippines”, *Journal of Peace Research*, Vol. 44, No. 2 pp. 195-200.

All this constitution have dealt with unitary state of nature and does not allow power sharing in its territory.

Article 10 of section 15 of the present constitution deals with the autonomous region and provides that:

There shall be autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.<sup>119</sup>

In 1987, the constitution of Philippines has granted autonomous region status to Mindanao and 1996 Final Peace Agreement was signed between GRP-MNLF regarding Autonomous Region of Muslim Mindanao. The Final Peace Agreement was addressed to grievances of people of Mindanao for setting up their own type of socio-economic and political system and all addressing all matters of regional issues. The issue is of administrative organization, creation of sources of revenues, ancestral domain, natural resources, personal, family, and property relations, regional, urban and rural planning development, economic, social, and tourism development, educational policies, preservation and development of the cultural heritage, and such other matters as may be authorized by law for the promotion of the general welfare of the people of region governed by autonomous government, except foreign, defence and communication.

Though, Philippine's constitution is not in favour of regional autonomy, provision is that all powers, functions, and responsibilities not granted by this Constitution or by law to the autonomous regions shall be vested in the National Government.<sup>120</sup> However, all the power and functions are not defined in the constitution and thus, the Philippine government has been against regional autonomous government in practice. Hence, autonomous government of Mindanao has not got status such as "autonomy" and could not effort for the sustainable development of Mindanao. So, constitutionally, Mindanao enjoys full status of

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<sup>119</sup> 1987 Constitution of the Philippines article 10, section 15. Retrieved from <http://www.chanrobles.com/philsupremelaw1.htm>.

<sup>120</sup> 1987 Constitution of the Philippines article 10, section 17. Retrieved from, <http://www.chanrobles.com/philsupremelaw1.htm>.

autonomy but the autonomy is different from constitutional provision and peace agreement. As a result Mindanao's autonomous status is ambiguous.

#### *Lack of Political Will Power*

Though the term is frequently invoked in policy discussions, 'political will' is a highly ambiguous concept. When a government does not take action in particular policies area, it may be called as a lack of political will. Despite, the term's ubiquity the concept "political will" suffers from substantial ambiguity.<sup>121</sup> In the political arena, this ambiguity makes the term a useful rhetorical tool. This ambiguity also owes to the potential and intentional nature of political will. Ultimately, political will is a hypothetical condition that is difficult to operationalize and measure. Political actors or leaders have many reasons to obfuscate and mislead, which makes assessment of political will even more difficult. Even, Philippine's politician have followed the same lack of political willpower. There are illustrations in the history of the Philippines regarding to lack of political will.

Tripoli Agreement was not implemented by Marcos to Mindanao because of the lack of political will. President Marcos did not include other Philippine politicians in Tripoli Agreement while signing the agreement between GRP and MNLF. And after that Marcos did not made effort for popular support of Tripoli Agreement and never tried to get support from Senate and Philippine politician, and Tripoli Agreement was unilaterally implemented by Marcos. This was a violation of the spirit of agreement. However, Tripoli Agreement has stated that implementation of agreement will be made after the consent of GRP and MNLF. Hence, Tripoli Agreement was a failure of agreement and lack of political will. After Marcos, Ms Aquino became the President, who brought major changes in the constitution of Philippines regarding ARMM. Ms Aquino endeavoured the implementation of ARMM including 13 provinces and 9 cities in Muslim areas. Indeed, Ms Aquino was not successful in implementing ARMM as she did not want to grant more power to ARMM because of the fear of Mindanao secession.

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<sup>121</sup> Lori, Raile Amber. and Raile, Eric (2008), *Defining Political Will*", Paper presented at the annual meeting of the NCA 94th Annual Convention, TBA, San Diego, CA, Nov 20, 2008. Retrieved from, [http://www.allacademic.com/meta/p255774\\_index.html](http://www.allacademic.com/meta/p255774_index.html).



In 1996, FPA was signed between GRP and MNLF during Ramos Presidency. The FPA was based on implementation of Tripoli Agreement. The Final Peace Agreement was in many ways a milestone to Mindanao. The FPA aimed to set up its own socio-economic and political institution for minority people in autonomous areas. The FPA was implemented in two phases. The first phase was of three year 'transitional period' and second phase was that of 'after transitional period'. Ramos implemented the FPA in Mindanao through executive order 371. However, Ramos had not granted such autonomy to Mindanao and many of the Philippine politicians had not supported FPA because FPA reduced the central power to control the Mindanao. So, many Philippine politicians and including Ramos were not willing to grant autonomy to Mindanao because unitary constitution does not allow for power sharing in its territory. Consequently, FPA was not the final settlement due to lack of political willpower.

MOA-AD has been signed between GRP-MILF in August 2008. MOA-AD mainly addressed three issues; ancestral land, peace building and control over natural resources for local people. When, MOA-AD was tabled on the Senate of the Philippines for ratification, majority of the senators opposed and put pressure on the Supreme Court to declare it unconstitutional because MOA-AD has reduced the power and land property of Christian politicians. Christian majority Philippine government was not willingly to grant autonomy to Mindanao which was mentioned in MOA-AD because of the lack of political will and they (political actors of Philippine government) are not granting such autonomy to Mindanao yet.

#### *Lack of Funds Allocation*

The peace agreement was signed in 1996 but till 2005, the ARMM regional government has spend an estimated *php* (Philippines money) 89.48-billion for development of its autonomous region.<sup>122</sup> Philippine government has not allocated appropriate funds to Mindanao for infrastructure development and reduction of poverty. Even, though FPA has granted fiscal autonomy to Mindanao, the two studies have showed that the ARMM budget is still controlled by national government (International Centre for Innovation, Transformation and Excellence in Governance,

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<sup>122</sup> Amina, Rasul (2007), *Broken Peace? Assessing the 1996 GRP- MNLF final Peace Agreement*, Published in the Philippines by Magbassa Kita Foundation/ the Philippine Council for Islam and Democracy, p. 60.

2007 (*INCITEGov*) and World Bank Joint Social Assessment 2005). According to these two studies, in fact 95.2% of the regional budget is identified as controlled by national government. The *INCITEGov* has stated that ‘only a negligible 4% (of ARMM fund) are completely within the control of ARMM government. Even, ARMM is more revenue generating region than other provinces of the Philippines but there remains continuous fiscal deficit making the ARMM autonomy illusory. The *INCITEGov* concludes that:<sup>123</sup>

- There is a weak ARMM revenue mobilization
- ARMM is fiscally dependent on the GRP
- There is personnel/overhead burden
- There is limited program administration capacity, and
- There is dispersed resources control and accountability.

Consequently, Mindanao is heavily dependent on the GRP and autonomous government could not do well for development in this region. Without certain fiscal autonomy regional government cannot sustain. So, lack of fund allocation by national government to Mindanao is a major barrier for regional development, reduction of poverty, establishment of socio-economic institutions.

### **Issue Related with the Peripheral Level**

The above stated reasons account on the part of the central government, but there are weaknesses at the regional level too, which are dealt below in brief.

#### ***Structural Challenges***

##### ***A-Lack of Sufficient Funds for Socio-Economic Upgrading***

Underlying the basis of the conflict in Mindanao are struggles among the Moro and indigenous non-Muslim people for greater socio-economic development, equal recognition and support for their cultural and religious identities and social justice. Most of the Muslim population are dependent on agriculture. So, loss of land means loss of income and an insecure food supply. The socio-economic conditions

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<sup>123</sup> Retrieved from, <http://www.incitegov.org>.

continue to worsen as population increase naturally exerts more pressures on the capacity of traditional sources of revenues and livelihood such as the land, rivers, lakes, and seas within reach of the inadequate local technologies and crafts. The 1948 census reported that 80% of Muslims in the Philippines had no definite source of income and had no property. Muslim farmers could not retain access to land, unless they could prove ownership through a land title. Due to this, they could not obtain credit from the banks in the colonial rule and after.<sup>124</sup> It is likely that deteriorating socio-economic conditions would seriously affect all aspects of life and society, such as physical condition not being good due to health and sanitation problems, compounded by lack or absence of medical facilities and ecological balance, no access to education for development of skills and potentials for advancement and progress because of inability to pay for its prohibitive cost, and absence of cultural enjoyment and enhancement due to lack of international interactions with outside cultures, on account of persistent armed conflict and its consequences.<sup>125</sup>

There are FPA and constitutional provisions regarding fiscal autonomy but in reality it has proven illusory. The ARMM government has not taken any initiative policy for development of its indigenous people, because there is lack of fund for that. While, the Mindanao has a rich natural resources region, its metallic mineral reserved are placed at some 3.6 million tons, and non-metallic mineral reserves are placed at some 8.6 billion tons. Potential coal reserves are estimated at 37.5 million metric tons and it is 18.2 percent of the national reserves". The island produces 50 percent of all the corn and coconut, 20 percent of all the rice, 50 percent of all the fish, 40 percent of all the cattle, almost 100 percent of all the banana and pineapple exports, 89 percent of the nickel and cobalt, 90 percent of the iron ore, 62 percent of the limestone, and almost 100 percent of the aluminium ore in the Philippines. Mindanao keeps the country afloat in terms of revenue.<sup>126</sup> But another side Mindanao has a remained worsen socio-economic condition because Mindanao's revenue generated to 90% out of total revenue of Philippines, revenue collected by the GRP and then

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<sup>124</sup> Sylvia Concepción, Larry Digal, Rufa Guiam, Romulo de la Rosa, Mara Stankovitch (2003), *Breaking the links between economics and conflict in Mindanao*, Discussion Paper, Presented at the 'Waging Peace' conference, Manila December, pp. 7-8.

<sup>125</sup> Retrieved from, [http://www.bugsbytes.tripod.com/bb\\_newsletter\\_0004\\_02.html](http://www.bugsbytes.tripod.com/bb_newsletter_0004_02.html)

<sup>126</sup> Fabros, Cora (2004), Philippine Country Report, *In International Meeting on Human Development and Security*, Manila, November 22-27, p. 19.

released only 4% revenue as a grant to Mindanao out of 90% of revenue.<sup>127</sup> Consequently, ARMM government could not take appropriate action for infrastructure development in its autonomous region because lack of sufficient fund.

#### *B-Weak Bureaucracy-*

Bureaucracy is a system of administration based upon organization into bureaus, division of labour, hierarchy of authority, efficiency, effectiveness, and productivity. In modern age bureaucracy is an instrument of government for policy execution. A proverb says that if government would be weak then their servant would also be weak, the same follows in the case of Mindanao. The Philippines has a very inefficient bureaucracy, especially its revenue-generating agencies and agencies responsible for the implementation of developmental policies. The Philippine bureaucracy has suffered from the limited technical skills and low morale of its personnel and has to live with recruitment rules and promotion procedures, which is heavily tainted by patronage politics.<sup>128</sup> Under a premature and weak state, Philippine bureaucracy is marred by widespread corruption favouring the families and friends of the bureaucrats. Inefficient and corrupt bureaucracy intensifies the socio-economic, religious and ethnic tensions in the Mindanao as it hampers the delivery of needed services to the people. It also leaves the Philippines unprepared to cope with the challenges of globalization.

Since 1996 the ARMM government could not have achieved our fulfilling goals due to weak regional government and inefficient bureaucracy and also involved corruption among bureaucrats and patronage politicians.<sup>129</sup> The 1996 peace agreement has sought powerful government to be established in the autonomous region, but GRP is not granting such provision to autonomous government.

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<sup>127</sup> Amina, Rasul (2007), *Broken Peace? Assessing the 1996 GRP- MNLF final Peace Agreement*, Published in the Philippines by Magbassa Kita Foundation/ the Philippine Council for Islam and Democracy, 2007, pp. 56-59.

<sup>128</sup> Temario, C. Rivera (1998), "Democratic Governance and Late Industrialization" in Filomena S. Sta. Ana III (ed.) *The State and the Market: Essays on a Socially Oriented Philippine Economy*, Quezon City: Action for Economic Reforms, p. 257.

<sup>129</sup> Rommel, C Banlaoi (2002), "*Globalization and Nation Building in the Philippines: State Predicaments in Managing Society in the Midst of Diversity*", pp. 211-12. Retrieved from [http://www.apcss.org/Publications/Edited%20Volumes/GrowthGovernance\\_files/Pub\\_Growth%20Governance/Pub\\_GrowthGovernancech16.pdf](http://www.apcss.org/Publications/Edited%20Volumes/GrowthGovernance_files/Pub_Growth%20Governance/Pub_GrowthGovernancech16.pdf).

So, Mindanao autonomy is facing challenge from weak bureaucracy consequently, autonomy of Mindanao could not sustain without efficient bureaucracy.

### *C-Divided Mindanao Society*

Any institution like political and social could not sustain without plural society, and harmony of diverse culture. The Mindanao is a tri-ethnic population, socio-economic and politically dominated by Christian and other minority people Muslims and Lumads. Plural society should have democratic government, economic, political, social and also environmental interdependence of those groups, and deficient in socio-economic political confrontation to each other for ethnic harmony. The case of Mindanao is different where the indigenous people are Muslims and Lumads. Muslim (Moro's) is incorporated from 13 indigenous Muslim communities and Lumads are incorporated from 18 indigenous communities and, Christians are settlers from Luzon and Visayas.<sup>130</sup>

From Tripoli Agreement to MOA-AD, none has focused on Lumads and Christians in any peace agreements, except Muslims. According to agreed principles to establish autonomous government was only for Muslims and other ethnic group voluntarily include in autonomous government after plebiscite, otherwise they are remained under GRP in Christian dominated areas. Unfortunately, indigenous Lumads minority were highly discriminated, like political, socio-economic marginalization and they are not able to raise voice against Christians and Muslims. Though, there is no provision for Lumads related to autonomy in dominated region. Consequently, the autonomous government is represented by only Muslim ethnic groups and others are least represented. So, question arises that how one ethnic group can properly run and sustain the government without participation of majority of population in this region? Following are the major challenges to autonomous government:

- Lack of ethnic harmony and plural society without harmony, plural society which the autonomous government could not survive.

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<sup>130</sup> Ibid. pp. 206-8.

- FPA has not discussed the issues related to least advantageous Lumads, while Lumads constitute 5% out of 16 million populations to Mindanao.
- The FPA provisioned that autonomous government should be run by Muslims; on the other hand Muslims are comprised of 13 ethnic sub-Muslims communities. There is a competition between Muslims to run and control autonomous government and there is a lack of harmony among Muslims.
- The autonomous government has proven illusory due to competition between Muslim patronage families and lack of participation by majority of the population.

### *Continuing Armed Conflict*

The origins of the conflict in Mindanao have a long history. It starts when the Spanish, in the search of spices came to colonise the Philippines and converted the indigenous population to Christianity. In fact the Spaniards just captured Manila and gradually extended their control over the northern island of Luzon. Over the next three hundreds years, they ruled over Philippine island. There were over 200 recorded uprisings during the Spanish colonial period, but Spaniards could not conquer Mindanao.<sup>131</sup> The Spanish colony Philippine island was occupied by Americans after Spanish-American War (1898). The Americans were more powerful than Spaniard, due to which they conquered southern Philippines and also included Mindanao. After conquering Mindanao, American colonial administration through its 'Policy of Attraction' encouraged the large-scale migration of people from the north Luzon, Central Visayas island to Mindanao. It also facilitated the civilian character of government in place of Islamic model of government and it stretched beyond the central capital of the country to southern Philippines.

American colonial administration has adopted one of the most effective strategies to crush the Moro resistance through introduction of the Public Land Acts, which had systematically controlled the ownership, distribution, and registration of land. It was most significant public land act, which declared all land granted by Sultan and Datus or non-Christians without state authority, void. Consequently, this law

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<sup>131</sup> Max, L. Gross (2007), *A Muslim Archipelago Islam and Politics in Southeast Asia*, National Defense Intelligence College, D.C., p. 172.

effectively deprived the Moro's of their ancestral landholdings, massive dislocation of hundreds of Moro communities from their ancestral homes. Moreover, when colonial administration began to prepare the Philippines for self-rule, they placed Mindanao under the direct to control of the governance of Christian bureaucrats. In brief, the aggressive colonial policies on education, land distributions were meant that to "Civilize" the Moro's and to "Filippinize" them, so that they could be eventually assimilated with their Filipino brother.

During American colony, Moro's fought against colonial policy of divide and rule, and land distribution rights to reestablish to prior status of Moro community, but they could not succeed against colonial administration. Philippines has got independence from America in 1946, and after that Manila has continued colonial policies against Moro. The Moro resistance movement has emerged in the 1960s by the contemporary Muslim leaders, many of whom were commoners. *Rizal G. Buendia* has noted that the emergence of new intellectuals and counter elite among Muslims and the political events that transpired in the late 1960s and until early 1970s, triggered the re-invention of Muslim identity. The massacre of about 28 Muslim military trainees (called Jabidah Commands) in Corregidor Island in March 1968 rekindled the quest of Muslims for independence after almost 50 years, when it was first clamoured in the 1920s.<sup>132</sup>

From 1968 to 1971, non-traditional political and intellectual *Nur Misuari's* Moro National Liberation Front (MNLF) was the only Muslim organization that militarily challenged the state for more than two decades (1971-1996) in its bid to secede 13 out of 25 provinces of Mindanao Island from the Republic of the Philippines. And after that MILF split from MNLF, continued challenging the Republic of the Philippines for Islamic state. The MILF, Abu Sayyaf and other arms group are fighting against Philippines administration and Philippine militaries. They want to reestablish Islamic state instead of regional autonomy, and for this, they adopted rebellion policy and terrorist means for fulfilling their goal.

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<sup>132</sup> Buendia, Rizal G. (2008), Looking into Future of Moro Self-Determination in the Philippines, *Philippines Political Science Journals*, Vol. 29, No. 52, pp. 8-9. Rizal G. Buendia is Associate Professor, Political Science Department, De La Salle University-Manila, Philippines. He is prominent scholar of affairs of Muslim Minority in Philippines and wrote various articles and contributed to edited books.

The continuing arms struggle between rebel groups and Philippine military has brought worst socio-economic condition in this region. Thousands of war victims civilians have been displaced from their homes, and many government agencies have disrupted the functioning of the public welfare system. Consequently, autonomous government could not control the continuing arms struggle and hence autonomous government is facing more challenges from arms struggle.

### ***Terrorism and Militarization***

The world community assumes that the nurturing place for terrorism in Southeast Asia is particularly in Mindanao. The causes of terrorism in Mindanao are worst socio-economic conditions, state genocide against minority people, and right to self-rule and ancestral land. This situation has led to the emergence of rebel groups and extremist activities for that reason. The Abu Sayyaf terrorist group (America propagated) linked with most notorious terrorist group Al-Qaeda. Since 9/11 the United States called for a worldwide coalition to combat terrorism and extremism. The US policies toward Southeast Asia underwent a radical transformation as earlier post-Cold War priorities, such as economic diplomacy, democratization and human rights, became secondary to the overriding agenda of countering terrorist groups and organizations wherever they might be.<sup>133</sup>

The U.S. began looking for military and diplomatic cooperation with Philippines and Southeast Asian countries. The U.S. suspended financial, diplomatic and military assistance to attract allies and supporters in this region in its effort to mobilize these states in the global counter-terrorism campaign. Consequently, Washington's security ties with a number of Southeast Asian countries including Philippines improved dramatically as the Bush administration provided military training, intelligence support and other resources to states fighting terrorist groups in their territories. This concern led to expanded U.S. military assistance to the Philippines government and armed forces of the Philippines. U.S. military assets were

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<sup>133</sup> Renato, Cruz De Castro (2004), *Addressing International Terrorism in Southeast Asia: A Matter of Strategic or Functional Approach?*, Contemporary Southeast Asia, Vol. 26, 2004.



deployed in the Mindanao to assist effort to pursue group designated as international terrorists, including member of *Jemaah Isamiya* and local *Abu Sayyaf*. American targets also included so called MILF lost commands, who has linked to terrorism. American special force under the Joint Special Operation Task Force-Philippines (JSOTF-P) established expanded counterterrorism operations, providing the AFP with intelligence, training, and weaponry.

The Philippines thus became a major focus of the Global war on terror, but another side the Philippines government has engaged in peace negotiation with MILF, however the MILF claim itself not as designated as a terrorist organisation. Though, the Philippine government has taken steps to combat terrorism in recent years. In 2007, Philippine officials killed 127 alleged members of Abu Sayyaf and arrested an additional thirty-eight. In the same year, Philippine courts sentenced fourteen members of Abu Sayyaf to life imprisonment for their role in the May 2001, *Dos Palmas* kidnapping of twenty people.<sup>134</sup> In 2007, the Human Security Act (HSA) passed by the government, which allows for the wiretapping of members of judicially alleged terrorist organizations and the financial enquiry of individuals connected to terrorist organizations. But despite these efforts, terrorist activity in the Philippines remained because of limited financial income, inadequate salaries, corruption, low morale, limited cooperation between police and public supporters, and other problems in law enforcement, according to the Catholic Relief Service (CRS).<sup>135</sup> The rugged terrain, fragile rule of law, and massive poverty, coupled with local resentment among the Muslim minority, has also made it especially difficult for the Philippine government to combat terrorism in the southern region. Consequently, Mindanao autonomous government is facing challenge from extremism and terrorism, without peaceful cooperation with majority of the people and indigenous group could not sustain autonomous government.

### ***Corruptions***

Corruption is normatively defined the abuse of a public position of trust for private gain; Corruption negates positive social purpose, which is proper means to attain a valued end (the 'common good', the 'public interest'). Corruption is not just a

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<sup>134</sup> Battacharji, Preeti (2009), *Terrorism havens: Philippines*, Council on Foreign relations, June, 1, 2009. Retrieved from, [http://www.cfr.org/publication/9365/terrorism\\_havens.html](http://www.cfr.org/publication/9365/terrorism_havens.html).

<sup>135</sup> Ibid,

deviant aspect of social behaviour, identified by the legal institution. Rather, corruption stems from the incompatibility in important respects of the economic and political systems. Thus, corruption is more than a criminal problem, it is a social problem, the product of economic, political, and cultural forces that is the way in which corruption is perceived and acted upon by members of society. Corruption as a social problem is evaluated in terms of structure, process and consequential, the capitalism-democracy-society nexus is the structural condition of corruption.<sup>136</sup> The process of corruption follows three stages. First, the incompatible claims of economic and political systems. Second, there is the need for collusion ('accommodation') between politicians and business people if they are to overcome this incompatibility in order to make the system work. Collusion for such a purpose is arguably in the public interest, but it also satisfies private interests. Corruption is the third stage, when private interests prevail.<sup>137</sup>

Corruption is one of the major challenges to autonomous government, the failure of regional government causes political (including crony corruption) and administrative corruption. The same kind of corruptions prevails in Mindanao as well as in the Philippines. In a 1998 Social Weather Station (SWS) Survey, over 70% of the respondents think that, in government, corruption exists. Nearly 40% believe that there is "a great deal" of corruption. Even the Office of the Ombudsman admits that billions of pesos are being lost to corruption. Based on its Corruption Perceptions Index (CPI) for 99 countries, Transparency International has also rated the Philippines as the 54th most corrupt countries in 1999. The Philippines has scored 3.6 based on the CPI's scale of 1 (high perception) to 10 (negligible perception).<sup>138</sup>

According to Bhargava (2000: 3-6), World Bank country director for the Philippines, "Our analysis so far reveals a broad consensus that corruption in the public and private sectors in the Philippines is pervasive and deep-rooted, touching even the judiciary and the media". Indeed, in a society with a long history of state and elite predation as well as mass powerlessness, the use of public office has been identified

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<sup>136</sup> John, Girling (2002), *Corruption, Capitalism, and Democracy*, Routledge Studies in Social and Political Thought, London and New York, p. IX.

<sup>137</sup> Ibid.

<sup>138</sup> Bhargava, Vinay (2000), *Combating Corruption in the Philippines*, Paper Delivered at the Summit Against Graft and Corruption: An NGO Initiative, hosted by the Volunteers Against Crime and Corruption (VACC), 30-31 May, pp. 3-6.

with gaining and maintaining economic, political, and social power. Both private citizens and government employees habitually use this office to further their self-interest at the expense of the common good. This custom is prevalent in entire Philippines.

According, to the Human Development Report 2006 prepared by the United Nations Development Program (UNDP), almost half of the population of the Philippines in 2004, 47.5 percent-earned less than US\$2 per day, and 36.8 percent lived under the national poverty line set by the government in the same year.<sup>139</sup> In Mindanao, poverty causes corruption. Poverty is not just about inadequate income; it is also about access to the quality of essential public services that are vital to the poor, such as education, health, water and sanitation. The autonomous government wishes to do that, but it could not provide greater opportunity to poor people, causing corruption in sectors of government agencies. The helpless poor people can do anything for food, thus terrorism has emerged causing corruption and poverty. Consequently, autonomous government being more vulnerable to corruption could not achieve its accomplished aims in Mindanao.

### *Elements of the Radicalization*

Radicalism is a sum total of political and social movement and ideologies that aim at fundamental change in the structure of society and has a persistent feature in a society and state. Radicalism means the political or social orientation of those who favour revolutionary change in a society and government. The term 'radical' came from Latin "*radix*" meaning root, was used during the late 18th century for proponents of the Radical Movement. It later became a general term for those favouring or seeking political reforms which include dramatic changes in the social and political order.

In case of Mindanao, radicalism is based upon radical Islamic fundamentalism and *Shariah* law. It is important to note that radical Islamic fundamentalism in Mindanao is different from Arabian and Middle East Islamic fundamentalism.

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<sup>139</sup> Retrieved from. <http://www.globalministries.org/eap/missionaries/commentary-corruption-pays-in.html>.

Arabian Muslims are too much fundamentalist and genuine follower of Islamic customs and traditions; whereas Mindanao Muslims are moderate Muslim and they follow moderate Islamic traditions rather than Arabian Muslims. Actually, the radicalization of the Philippines Muslims particularly those living in the Autonomous Region of Muslim Mindanao (ARMM), can find its root in a history of struggle against marginalization, poverty, and unfavourable regimes. The conflict in Mindanao has killed scores of people and displaced more than half a million population from war affected areas. The military solution for insurgency especially under the policy of “war on terror” is insufficient and it will neither bring peace to the region, nor will it bring a solution to the poverty, lack of education, and lack of human security that plagues all spheres of life in this region. The Philippine government is not addressing the issues like Islamic radicalism and reduction of poverty, and has taken hard security steps regarding elimination of Islamic radicalization, consequently creating more extremism in this region.<sup>140</sup> Besides, communist radicalism has more powerful reason to exist for that massive poverty in the Philippines, which is one of the poorest countries in Asia where 40 percent of the people are living in poverty. The worst conditions in Mindanao have sparked a large scale of radical movement, heavily repressed by the government. But the “war on terror” has provided an excuse for new onslaughts on the Left.

Mindanao Islamic radical fundamentalism is growing and persistent for following reason:

#### *A- Economic Marginalization*

Muslim Mindanao is described as the poorest of the poor, as well as poor governance and lack of basic social services. Since colonial period to now, Moro people have become a marginalised section in their own homeland. It does not have access to modern education, employment, private business, and governmental agencies. Indeed, human development indicators (HDI) clearly show that ARMM lags behind the rest of the Philippines in almost every aspect of development.

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<sup>140</sup> Amina, Rasul, (2009), “Radicalization of Muslim in Mindanao: The Philippines in Southeast Asian Context”, in Amit Pandya, Ellen Lapson (ed.) *Islam and Politics, Renewal and resistance in the Muslim World*, The Henry L.Stimson Center, Washington, pp. 105-07.

S.N.	Provinces	1994 Ranking
1	Masbate	7
2	Northern Samar	9
3	Agusan Del Sur	8
4	Lanao Del norte	12
5	Ifugao	3
6	Basilan	5
7	Lanao Del Sur	6
8	Maguindanao	2
9	Twa Twi	4
10	Sulu	1

Source: Hazel Jean, L. Malapit, Tena S. Clemente, Cristina yunzal, Does Violent Conflict Make Chronic Poverty More Likely?, Mindanao Experience, School of Economics of University of Philippines, 2003, Cited in Philippines Human development Report in 2000.

S.N.	Provinces	HDI Report 2000
1	Sulu	0.351
2	Twa Twi	0.390
3	Basilan	0.425
4	Maguindanao	0.461
5	Ifugao	0.461
6	Lanao Del Sur	0.464
7	Agusan Del Sur	0.482
8	Samar	0.511
9	Lanao Del Norte	0.512
10	Sarangani	0.516

Source: Rasul, Amina, Broken Peace?, Assessing the 1996 GRP-MNLF Final Peace Agreement, Published in the Philippines by Magbassa Kita Foundation/ the Philippine council for Islam and democracy, 2007, pp. 81-85.

S.N.	Provinces	HDI Report 2004
1	<i>Sulu</i>	<i>0.301</i>
2	<i>Maguindanao</i>	<i>0.360</i>
3	<i>Tawi-tawi</i>	<i>0.364</i>
4	<i>Basilan</i>	<i>0.409</i>
5	Masbate	0.442
6	Zamboanga del Norte	0.446
7	Sarangani	0.446
9	Eastern Samar	0.474
10	<i>Lanao del Sur</i>	<i>0.480</i>

Source: Rasul, Amina, Broken Peace?, Assessing the 1996 GRP-MNLF Final Peace Agreement, Published in the Philippines by Magbassa Kita Foundation/ the Philippine council for Islam and democracy, 2007, pp. 81-85.

The HDI in three separate years (1994, 2000 and 2004) show that, *Lanao del Sur, Lanao del Norte and Sarangani* have improved slightly, while the four other ARMM provinces have been stuck at the lowest levels of HDI in the entire country namely Sulu, Maguindanao, Twa Twi, and *Basilan*. Consequently, economic marginalization has led to poverty and then it leads to radicalization.

### *B-Threatened Moro's Islamic Identity*

The Mindanao conflict is not only socio-economic and political conflict but an ethnic identity conflict. Moro Islamic identity was composed by Sultanates under the leadership of Sultan. In the sixteenth century, Sultans had ruled over Sulu, Maguindanao and other parts of Mindanao and they had established political and social order based on Islam. Unfortunately, Spanish colony had occupied to Philippine island. Spanish were eager to trade for spices and spread religion, and much of the indigenous people were converted to Christianity. Afterwards, Spanish colony did not stop converting indigenous people to Christianity followed by American colonial administration. American colonial administration had adopted a 'policy of attraction' and large scale migration from Luzon, Visayas to Mindanao. Consequently, the Moro people have gradually turned from majority to minority in its own homeland.

The violence of the state in the infamous Corregidor Jabidah massacre on 18 March 1968, almost 50 years after (in 1920 Muslim leaders demanded autonomy as a federal state of America from America colonial administration) the peaceful clamour for independence, re-sparked the issue of Muslim sovereignty. The Jabidah massacre was perceived as the state's assault against Muslims who offered their services to the Republic, but had been duped, subjugated, and deceitfully murdered by Christians acting on behalf of the state. Both Muslim political elite and traditional leaders have experienced the contradictions in their hyphenated identity and felt the frustrations in their bid to be integrated in the body politic. The tragedy gave birth to the Muslim (later renamed Mindanao) Independence Movement (MIM) led by Datu Udtog Matalam. Matalam's call for "secession" came in the wake of political violence in Cotabato that was then beginning to take shape as a Muslim-Christian conflict.

However, he relinquished his idea of secession soon after then President Marcos co-opted him and later became the Presidential Adviser on Muslim Affairs.

After that MNLF was formed by *Nur Misuari* and the nucleus of its arms wing, MNLF gave to military challenge to the Philippines with demand of separation and independent state from Philippines for protection of own unique Islamic socio-economic, political order and Islamic culture. Moreover, MNLF call for Islamic world community for its supports. The MILF split from MNLF as they have strong belief of Islamic fundamentalism, and they continued demanding separate state from Philippines, which would be based on Islamic polity. Other Islamic believers have confessed as Islam in danger in Mindanao and have called for unity among Muslims and extending support to Muslim groups like MILF, Abu Sayyaf, and *Jemaah Isamiya* for saving Islam.

Consequently, majority of the Muslim are confessing Islam to be in danger and supporting their organization for protection of Islam and Islamic identity, but in reality majority of the Muslim population are illiterate and living under poverty line, so, there is a cause for the rising of radicalism and fundamentalism. Islam comes first and then comes other matters like poverty, literacy and job opportunity to them because they believe Islam to be in danger.

### *C-Political Marginalization*

In the case of political marginalization, Moro's politicians and traditional leaders have also felt marginalised by national laws and national political structures, and characterized by constituents as a minority group. The arrival of Christian settlers into Mindanao formed a Christian electoral majority in prior Muslim dominated areas, with the result that these areas fell under the influence of Christian politicians. The traditional leaders (*Datus*) did not rest simply on descent from a traditional aristocracy; they derived their authority from their ability to protect and assist their followers, but were under threat from the administrative and judicial institutions imposed by colonial and post-colonial government.

Consequently, Muslims became a marginalised in a predominantly Christian country and especially in Mindanao, Mindanao as a whole was marginalised in the Philippine politic body.<sup>141</sup> The centre of power in the Philippines is firmly in Manila. The central governments were generally aware of the problems which existed in Mindanao, but few presidents gave it priority to Muslim concerns. The Moro people and political leaders are being feeling excluded from national political structure and administrative body. Many of the Moro leaders are believe the phrase of ‘Manila imperialism’ in the Muslim minority region.

Consequently, Moro people became a political minority its own region and Christians became the majority. So, Moro’s political leaders could not contest and obtain the political offices because democracy believes in majority of vote. At last, Moro leaders have felt that politically marginalized and this kind of feeling has led to radicalization.

### *Attitudinal Issues*

#### *Unbridled Struggle for personal Power*

In the contemporary era, every political leader wants to control government and public wealth. This is a problem not only in Southeast Asia but also in abroad. The political power is a kind of power held by a group or a person in a society, which allows administration of some or all of public resources, including labour, and wealth. There are many ways to obtain and possess such kind of power. However, after acquiring political power they mishandle the authoritative political power for personal gains or possession of public wealth and control over resources. As a result, public are marginalized because of the misuse of public wealth and political power for personal power.

There are 13 Muslim ethnic groups’ inhabitants in Mindanao, majority of *Tausug-Samal* ethnic group among of them, and then *Maguindanao*, Maranao and others follow. The MNLF, MILF and Abu Sayyaf are rebellion groups in Mindanao,

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<sup>141</sup> Sylvia Concepcion, Larry Degal, R. G. R. Rosa, “Mara Stankovich (2003), *Breaking the Link Between Economics and Conflict in Mindanao*. Discussion Paper, Presented at the Washington Peace Conference in Manila, Dec., p. 7.



MNLF and Abu Sayyaf have formed from dominant ethnic group of *Maguindanao*; MILF has formed from ethnic group of *Tausug-Samal*. The MNLF chief *Nur Misuari* wanted to remain leaders of Muslim. They made a provision in the constitution for ARMM and within Final Peace Agreement; *Misuari* took office of governor in ARMM. He wanted to control regional government, regional wealth and resources because of the possession of wealth and political power. The MILF chief *Hashim Salamat* was concentrated to Islamic state instead of autonomous government for Mindanao because he wanted to possess the natural wealth, resources and political body, and other leaders like Abu Sayyaf, leader of *Abdurajik Abubakar Janjalani* and later '*Khadaffy Janjalani*' tried follow the same. In Mindanao three Muslim groups are fighting each other for control over regional government and natural resources and mines, because they want to establish hegemony on the Muslim ethnic groups and possess wealth.<sup>142</sup>

#### *Lack of Foresight Vision*

This is a political phrase, meaning lack of vision or foresight and these are suited for the political leaders of Mindanao. The Mindanao political leaders have not foresighted the establishment of autonomous government, infrastructure development, reduction of poverty and enhancement of qualitative education to Mindanao. Most of the elitist Mindanao politicians have engaged in corruption and the abuses of public funds. They do not care for the structural development and institutions of regional autonomy in the region.

The MNLF leaders are considered to implement peace agreement in Mindanao and to establish autonomous government but MNLF leadership is corrupted. On the other side, establishing Islamic state as demanded by MILF and Abu Sayyaf does not consider structural development, reduction of poverty and enhancement of education in their region, rather they are stubborn and demanding an Islamic state instead of autonomous government.

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<sup>142</sup> Elena Clariza (2005), *The Mindanao Peace Process: Is Autonomy a Viable Option for Mindanao*, Political Science 740, Philippines, p. 1, Retrieved from, <http://www.angelfire.com/amiga2/clariza/PDFonline-mindanaopp.pdf>.

The most prominent Muslim leaders do not want to redefine centre-state relation, and they do not want to put pressure on the central government for implementing peace agreement, which was signed by GRP-MNLF in 1996 final peace settlement. However, Muslim leaders are one side of coin. The other side of coin are Christian leaders, but they do not consider implementing full peace agreement for Mindanao, which was although agreed in principle. It was noted as one of the lowest developed region of the Philippines territory but rich in natural and mineral resources existing in the region. The Philippine leaders do not want to lose the rich natural resources region. Mindanao is strategically important and revenue generating region. The leaders of Philippine have not considered granting regional autonomy to this region, because fear remained that if autonomy is granted to Mindanao, then Mindanao may secede from Philippines territory. There is a kind of lack of foresight among national leaders for the creation of autonomous region as well as local Muslim leaders too. They do not consider autonomy as an important issue because they want their own individual power through their own demands. Consequently they are fighting with each other and risking Moro's future for personal interest.

It can be summarised that constraint of regional autonomy in Mindanao is not only a theoretical problem but also has a practical problem. The theoretical problem is that though agreed principle in 1996 Final Peace Agreement was not fully practiced by Philippine government, while on the other side Philippine unitary constitution does not allow power sharing of its territory even though the constitution was amended for ARMM. The Philippines government did not address ancestral land and territorial right to Moro in FPA except MOA-AD, which was declared unconstitutional by Supreme Court. This is a biggest challenge to autonomous government.

The Practical problems are that worst socio-economic condition, massive poverty, illiteracy, growth of Islamic radicalization in Mindanao has led to challenges for Mindanao autonomy. The GRP has not allocated sufficient fund for development, for establishing government institutions and establishing socio-economic institutions in Mindanao. The people of Mindanao have raised and continue to advocate for just and durable responses to the unresolved issues, which cry for imperative action to the question of ancestral land, agrarian reform, and the plight of thousands of war victims comprised of displaced and landless families.

This has witnessed the destruction of their properties and discrimination at social and cultural level between minority indigenous and Christian and so on. The autonomous government has a faced so many challenges and in practice the provision of autonomous government is still an illusion.

## Chapter -5

### Conclusion

The problem of Mindanao is not only politics of regional autonomy but also politics of ethno-religious and cultural identities, greater socio-economic development, equal recognition, and social justice. The politics of regional autonomy is an important issue in the Philippines because of protracted conflicting situation of four decades. It is noted that the fight for peace in Mindanao is inseparable from the question of economic and social development, and politics of identity. At present the level of armed conflict is quite low and the government is negotiating with both the MNLF and the MILF. It's possible that a new agreement for Bangsamoro regarding autonomy for conflict resolution and settlement of peace may come up in following years. However, the peace is not just the absence of war, instead it should respect the rights of the Moro's and the Lumad and an effort to end all forms of poverty, inequality and injustice which breeds violence.

Soon after the Spanish coloniser came to the Philippines archipelago in the 16<sup>th</sup> century, they came for spice trade and to spread Christianity on the behalf of the king Philip II. The eager Spanish made a vigorous strive to spread Christianity through conversion throughout the archipelago, but before Spanish arrival, religion of Islam was established in the Philippine archipelago and Southeast Asia. Sulu was the first region in the Philippines where Islam was established, by the time Spaniard came and even Manila was under a Muslim king (Sultan). The Philippines was brought under Spanish sovereignty by *Miguel De Legazpi*, who occupied Manila in 1665 after a bloody battle with the local rulers. Afterwards *Legazpi* subjugated other islands of the Philippines, and by the time he died in 1672, the Visayas and Luzon brought almost every region under the Spanish sovereignty. The Spaniard could not extend their control over Mindanao, which was still controlled by the Muslims (these converted Muslims were also called "Moro" by the Spaniard). The Muslims struggled for nearly three centuries to preserve their own socio-economic and cultural identities uniqueness and also political system, as result even the cultural basis of the Filipino Muslims remained intact in Philippines archipelago under the Spaniard.

The territory of the Philippines was transferred to United States of America by the Spaniard through the treaty of Paris (1898). Soon, after thing began to change drastically. Since the Spaniards had not brought control over Mindanao under their rule, the American first turned their attention to the southern Philippines.

Afterward America created a Moro province in June 1903; General Leonard became the first military governor to the Mindanao. Almost immediately, in 1903 efforts were began to implement the provision of the Organic Act for the Moro province, the provision was abolition of slavery, the establishment of new school in which a new non- Muslim curriculum was provided, construction of new provincial government headed by a governor appointed from Manila which reduced the traditional authority of Datus, a new legal system that replaced and totally ignored *Shariah*. Consequently, Moro especially traditional Datus felt that American policy in Mindanao is more destructive and subversive to traditional culture than Spanish rule had ever been.

The U.S. government of the Philippines faced very soon second insurrection against their presence in the southern Philippines, and this time it was fiercer than the first. However, American policy itself has paved the way for traditional Sultan and Datus to continuously organise and to insurrection against American administration till 1913. But American forces quelled insurrection, and American administration has released military rule in Mindanao. Consequently, the Muslims ultimately accepted American rule in 1915 with the signing of the Carpenter Agreement.

Afterward the U.S. colony has adopted a policy of attraction and resettlement policies, and encouraging Christian migration from more crowded part of Luzon and Visayas to less developed region in the south (with the overall purpose of altering the regional demographic balance). And another policy was the Land Settlement Act which was more drastic and dangerous for Moro's rather than other policies because majority of the Muslims lost their ancestral land. The land settlement act was a property validation or validation of individual property rights. There was a clash regarding property rights between Moro's and U.S., American believed in western property rights ownership by legal validity, whereas Moro's believed that property as being part of the community and anyone can use it. However, American government

launched land registration act in Mindanao for the validation of property rights ownership.

But Moro's were unable to prove individual property rights because they were unknown about land settlement act, property as a being commune not individual, and also illiterate. So, they gradually lost their ancestral land.

Consequently, Moro's gradually turned into minority from majority and deprived of their ancestral land rights, their exclusion from better living condition, access to education and higher posts of the government offices.

The migration of the Christian Filipino continued and the Muslims were reduced to minority in many provinces of the Mindanao where they were earlier in a majority. Continued influx resulted in endless land dispute between Moro's and the Filipino Christian. The Muslim also suffered due to their refusal to send their children to school for they were afraid of conversion to Christianity. The Muslims, thus, remained backward and isolated and were at disadvantages position viz-a-viz the literate Christian settler who gradually acquired their land. The Moro's could not prevent this due to their ignorance of law. With the passage of time, the Filipino Muslims suffered in many ways and that's why they were quite anxious regarding their degrading status in the Philippines day by day. After 1913, the Moro's continuously expressed their concern peacefully about their marginalised condition in their own homeland to the colonial administration for the ways of expression became peaceful since defeated in war of 1913 by the U.S. forces.

Philippines, including the province of Mindanao, got independence in 1946 after World War II from United States. The Philippines continued the Spanish and American colonial policies of integrating and assimilating Moro's into the dominating Christian and *Hispanicized* culture. The Manila continued policy of transmigration from Visayas and Luzon to Mindanao for two purposes, first was to solve the problems of Luzon and Visayas which were suffering from Agrarian problem and populous islands, and second was to reduce the threats of Moro's and Lumads insurrection. As a result, this eventually increased marginalization and underdevelopment of the Moro and Lumad people. The Moro resentment over loss of their political autonomy, ancestral land and economy resources were expressed occasionally.

It was in 1968 that the Muslims problem became a serious threat to the stability of the Philippines due to formation of the Mindanao Independence Movement and later MNLF demanding secession. By 1972, the threat from the Muslims to secede from Philippines became a reality. Till this time, Moro was also become better organised and getting political support from almost all Islamic countries and also OIC. Immediately after, Marcos declared martial law, he justified it by asserting that it was needed to combat the threat posed by the growth of rebellion and subversion both from left and right, along with the secession movement in south. However, ideally he thought that such a policy would help to reduce the gap between the rich and the poor which was breed violence, but due to corruption, militarization, and also crony capitalism within the government officials, failed to address the insurgency problems adequately. Consequently, the martial law was the major cause of growth of the MNLF under the leadership of Misuari. The central demand of the Muslim insurgent group of MNLF was for a separate Bangsamoro state based on their religious and cultural identity.

Out of various attempts of negotiation between MNLF and GRP, the Tripoli Agreement was concluded in 1976, signed by GRP and MNLF, mediated by Libya. Although for the first time Libya played an international role for tackling insurgency problems in Mindanao. For the first time in the history of Philippines, the Tripoli Agreement provided autonomy to Mindanao within Philippines territory and proposed for the creation of a single autonomous region which comprised 13 provinces and 9 cities. Consequently, MNLF shifted from the demand for a separate state to acceptance of political autonomy. However, within a week, the President Marcos had the clear intentions to hold a plebiscite and to create two autonomous regions for the implementation of the agreement. But, MNLF opposed Marcos unilateral implementation of Tripoli Agreement. As a result, the Tripoli Agreement failed to settle the insurgency problem in Mindanao and in six months Tripoli Agreement was squashed. This was the first time betrayal of Moro people by the GRP in the hope of peace and autonomous government. And afterward, *Misuari* announced that the MNLF was returning to its goal of secession because Marcos government had failed to respond positively regarding the formula of autonomy.

In the Presidency of Aquino period, a peace talk with MNLF for settlement of the Muslim problem of southern Philippines was resumed. After negotiation, the GRP agreed to the constitutional amendment for creation of an ARMM, comprised 13 provinces and 9 cities. However, President Aquino made a clear intention to hold a plebiscite within affecting areas before implementation of ARMM; only five provinces were supported that out of 13 provinces, and other provinces were opposed to implementation of ARMM, because Christians dominated in these provinces, they wanted to remain under the government of the Philippines. Consequently, the ARMM could not achieve their goal because continued lacking of popular support from both sides.

After 20 years from Tripoli Agreement, the Final Peace Agreement (FPA) was signed between GRP and MNLF. It was based upon Tripoli Agreement. It was the second time in the history of the Philippines when the issue of autonomy of Mindanao was addressed. The FPA paved the way for Moro's to establish local government based on participation of local people to achieve their goals of socio-economic development.

The FPA comprised 14 provinces and 10 cities and provided two phases of implementation. The FPA also provided for the establishment of SPCPD and SZOPAD for Mindanao. It made an arrangement for the establishment of local government also; which would enjoy full autonomy and will legislate for all local matters; like administration, economy, education, and socio-cultural and religious matters and also to establish international trade relations except matters of national importance. However, in reality all the provision regarding autonomy has proved illusory because the Philippine government implemented such provisions of peace agreement half-heartedly.

Ultimately, critically to say that Final Peace Agreement failed in its effort to peace settlements in Mindanao for many reasons, the first major reason was that unitary Philippine constitution does not allow power sharing in its territory, and second reason was that during negotiations of peace agreement except Muslims other ethnic groups did not participate. FPA only addressed to Muslims autonomy in Mindanao. Even Lumads are compelled to live under worst socio-economic condition in comparison to the Muslims. It did not make any provision for Lumads and majority



group of Christian inhabitants in Mindanao. The third reason was that crony corruption among local government officials, and bureaucratic inertia. The fourth was that the insurgent groups like MILF and Abu Sayyaf did not agree to provision of regional autonomy to Mindanao except MNLF. They are continually struggling against government of the Philippines with demand of a separate state for Moro's people. The fifth reason was that international powers are engaged to check Mindanao insurgency. Many of the international powers, except OIC and Muslim World, believed that Mindanao has nurtured the growth of terrorism. The Muslim World has played a major role in solving the Mindanao crisis but finally not succeeded. The last reason is that marginalised Moro's and Lumads are compelled to live under worst socio-economic condition, lack of employment, lack of qualitative education, lack of health facilities there. It is quite sure that without regional autonomy Mindanao cannot solve its genuine problems and cannot march on the path of socio-economic development.

After the end of President Estrada policy of "all out war" against MILF, the GRP resumed peace negotiations with the latter. The President Arroyo signed a ceasefire agreement with MILF in 2001. The MILF split from MNLF, because MNLF accepted lesser demand of regional autonomy instead of separate state which was a betrayal of Moro's people's aspirations. But MILF proclaimed itself as a representative of Moro people, and agitated with the greater demand of separate state for the sake of safeguard of Islamic culture and identity of Moro People.

For the first time GRP signed ceasefire agreement with MILF, not with MNLF, in history of the Philippines for that reason MNLF lost popular ground support of Moros, and MILF gained popular support of Muslims because it stood for a separate Muslim state for Moro. Ultimately, the ceasefire agreement failed to check the arms struggle between GRP and MILF. The MOA-AD was the second agreement signed between GRP and MILF in 2008 after long negotiations of five years from 2003 to 2008. The MOA-AD addressed for the first time issues of ancestral land rights, peace settlement and control over natural resources. Before MOA-AD none of the peace agreements had addressed the issue of land rights, though the issue of land rights is more important in Mindanao politics, because without this issue any peace settlement agreement would not survive.

Unfortunately, the MOA-AD was declared unconstitutional by the Supreme Court of the Philippines in 2008 because as per the provision of MOA-AD, ARMM was supposed to be replaced by BJE in 2010 and the latter would have been more powerful than the former if it could have been come into being. The Final Peace Agreement introduced only regional autonomy; it did not address the issue of ancestral land rights and control over natural resources by the local people. Whereas, the MOA-AD not only comprised issues of land rights, peace settlement and natural resources but also incorporated the most important issue of regional autonomy.

Despite the fact that GRP, group of rebels and third parties made several genuine efforts to establish peace in Mindanao, none of them made a success. The series of peace attempts from Tripoli Agreement to Final Peace Agreement have not achieved their goal on the real ground for the reason given below:

- Unitary state of Philippines based on unitary constitution does not allow power sharing within its territory, though ARMM is a constitutional provision in the Philippines constitution which was amended in 1987. But GRP has always undermined this provision.
- When the FPA was signed between GRP and MNLF in 1996, both parties agreed to bring about constitutional amendment for regional autonomy and for redefine centre-state relations. However, GRP never initiated constitutional amendment process in favour of autonomy because constitution does not allow.
- Tripoli and Final Peace Agreement have addressed the grievances of people regarding autonomy to Mindanao, which was to be implemented by GRP. Nevertheless the GRP has not granted such provisioned autonomy because it feared that if autonomy grants to Mindanao, it may secede from Philippines territory.
- Provisionally both party agreed that GRP would provide sufficient funds to establish local government institutions to run government machinery frequently, but GRP has not done so far.
- In the peace agreements, there was no provision to establish socio-economic development institutions to Mindanao, which is inevitable for

the upliftment of marginalized people who are suffering from long time. Without this provision Mindanao conflict cannot be solved.

- None of the peace agreements have dealt the most important issue of ancestral land rights and control over natural resources, except MOA-AD, but unfortunately Supreme Court of Philippines declared MOA-AD as unconstitutional. This critical issue of land rights remained problematic for a long time.
- There is no consensus among rebel groups regarding regional autonomy because MILF and Abu Sayyaf have been struggling for a separate state from Philippines to protect Islamic identity and to develop its region, whereas MNLF has insisted to regional autonomy for Mindanao for the development of the region within Philippines territory. So competition between rebel groups for control over regional government has disrupted implementation of peace agreement.
- The presence of international power in Mindanao, due to ongoing war on terrorism, is a major barrier to implementation of peace agreement and peace settlement.
- Lack of international power except Muslim world to put pressure on the both parties for implementation of peace agreement, and they have not played a major role in eradication of poverty and in stopping violation of human rights in Mindanao.
- Corruption, poverty, lack of medical facility, lack of qualitative education, lack of employment, weak bureaucracy, crony corruption, radicalization, and marginalisation are major barriers to regional autonomy.
- Moros have become politically marginalised because they turn into a minority in their own homeland, though there is an agreed provision in peace agreement for *Moros*' representation in national government. But GRP has been undermining this provision. So Muslims feel exclusion and isolation from national government as well as local government.

- So, status of regional autonomy in Mindanao became an illusion because lack of abundant fiscal and political power for empowerment of their status.

At last, the people of Mindanao are struggling with demand of self-determination. In history Moro people have resisted colonial conquest and later assimilation by independent Philippines, afterward declaration of all out war for over almost three decades. Their question for self-determination and their aspiration to establish self-government has taken different forms of struggle of Moros. The Moro have raised and continue to advocate just and durable responses to the unresolved issues which cry for imperative action, the question of the ancestral land and agrarian reform, the plight of thousands of war victims, displaced and landless families, who have witnessed the destruction of their properties and experienced human right violations, the relationship characterised by social and cultural discrimination that still exists between people of different historical or religious traditions, the widespread poverty characterised by deep inequalities, in the regions inhabited by predominantly Muslim populations, the exploitation of natural resources that somehow constitute what has been described as 'development aggression'; and finally, the desire to design a way of life and a system of governance compatible with the values of the tri-peoples (the Muslims, the Lumads, and the Christian settlers) in the land they commonly inhabit.

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