

STATUS OF THE MOROS' STRUGGLE FOR THEIR RIGHT TO SELF-DETERMINATION

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This document consists of excerpts from the plenary talk of Mr. Mohagher Iqbal, then Chair of the Moro Islamic Liberation Front Implementing Peace Panel, delivered on 10 November 2017, as part of UGAT's 39th Annual Conference, held at Capitol University, Cagayan de Oro City. Since then a Bangsamoro Transition Authority has been installed by Pres. Rodrigo R. Duterte; the Philippine Legislature passed Republic Act No. 11054, the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao in July 2018; and a Plebiscite was held in early 2019 which ratified the Organic Law. Thereafter, the Bangsamoro Autonomous Region in Muslim Mindanao was established, and its governing Parliament was constituted from appointees of both the government and the MILF. At present, this Parliament is working on priority bills, including its Administrative Code, Election Code and Indigenous Peoples Code. *AghamTao* offers Mr. Iqbal's 2017 remarks here as historical documentation of a senior MILF official's perspective on the struggle of the Moro peoples, and perhaps more importantly, on the MILF's political and legal transition from a resistance movement to a key stakeholder in regional governance, peace and development.

In 1578 the Spaniards attacked Mindanao and that was the start of the Moro-Spanish War, and it lasted for 320 years until 1898 when the Americans came. But, the Moros remained unconquered. The Spaniards only controlled their fortifications, but outside of these fortifications, the Moros were in control... it was never part of the Spanish colony of the Philippines.

When the Americans defeated the Spanish in the Battle of Manila Bay on May 1, 1898, there was the Treaty of Paris signed between Spain and America on December 10, 1898. [In the treaty] Spain sold the Philippines, including Mindanao, in the amount of 20 million dollars.¹ So this is a very

¹ Treaty of Paris. (1898, December 10). 'Treaty of Peace between the United States of America and the Kingdom of Spain'. Paris. [<https://www.officialgazette.gov.ph/1898/12/10/treaty-of-peace-between-the-united-states-of-america-and-the-kingdom-of-spain-treaty-of-paris-signed-in-paris-december-10-1898/>].

odd situation because, how could you sell something that you do not own? Nevertheless the Spaniards included Mindanao when they sold the Philippines to the Americans.

The coming of the Americans

After liberating Luzon and Visayas practically against the forces of Aguinaldo, the Americans then trained their eyes to Mindanao. As early as May 1899 the Moro-American War started. [As a result] of heavy fighting the Americans sought to sign a treaty with the Sultanate of Sulu. We call it the “Kiram-Bates Treaty”, signed on August 20, 1899.² To the Americans this treaty was a recognition of the American sovereignty over the Philippines including Mindanao and Sulu. But [in the view of the] Sulu people, it was a recognition of the Moro Sultanate over Sulu and the other islands under its jurisdiction. So there were two opposing views: Americans believe that the treaty cemented their sovereignty over the entire Philippines, but, for the Tausug (or the Sulu people), the treaty was a recognition of their sovereignty. So as a result of that, fighting ensued and it was so bloody... of course the Americans had so much firepower. But in spite of [this] the Moros tried to fight the Americans to the last man. There were so many massacres including [those in] Bud Dajo and Bud Bagsak.

Realizing that the Moros would not submit, the Americans devised a “policy of attraction”. They sent *pensionados* or scholars to America; they built schools; they built bridges, clinics; and then gave material rewards to the Moro leaders, *sultans* and *datus*. And this policy earned cooperation from the Moros because the psychology of the Moros until now is that when you force them they will fight but when you apply diplomacy they will cooperate. So it was through the policy of attraction that Americans basically won over the cooperation of the Moros. Realizing that the Moros were different from the people of Luzon and Visayas in terms of religion, in terms of customs and traditions..., the Americans organized the “Moro Province”. The Moro Province was composed of three districts: Sulu (undivided), Zamboanga, (undivided), Lanao (undivided), Cotabato, and Davao. It was [established] in 1903³ and it was abolished in 1913. The population [then] was made up of

² Bates Treaty. (1899, August 20). ‘Conditional Agreement Between Brig.-General John C. Bates, Representing the United States, and the Sultan of Jolo (Sulu)’. [<https://filipino.biz.ph/history/ba990820.html>]

³ Act. No. 787 (1903, June 1). ‘An Act providing for the organization and government of the Moro Province’. Philippine Commission. [<http://lawyerly.ph/laws/view/19191>].

90% Moro. Then came the Philippine Commonwealth in 1935 and after that the grant of Philippine independence in 1946.

Moro opposition to inclusion in the Philippines

Right at the beginning the Moros were against the grant of independence that would include Mindanao and Sulu. They sent petitions to the United States of America. The first was the Petition of Sulu in 1921 on June 1921⁴. It was followed by the “Zamboanga Declaration” on February 1, 1924. These petitions were signed by the leaders of the Moros at that time. Then in 1935 there was another declaration of opposition to the grant of independence including the Moro areas: the “Dansalan (or the Marawi) Declaration”, on March 18, 1935.

What is to be remembered here is that all [these] declarations contain the same sentiments: (1) dislike for the inclusion of the Moro areas in the grant of independence; (2) they wanted to be under American control; (3) or, if the Americans do not want the Moros, then they want a separate self-rule for themselves; (4) they predicted that war will erupt once the Moros would be included in the grant of independence; and (5) they said that the lands in Mindanao [are] to be reserved for the Moros. Basically these are the contents of the three petitions sent to the government of the United States of America.

Land distribution laws

Starting from the American regime, up to the Commonwealth regime, and even up to the Republic era, there were repressive government policies in terms of creation of colonies and settlements, and land laws. [The] Philippine Commission (the governing body under the U.S.), enacted Act No. 718 on April 4, 1903. This law declared all land grants made by Moro *sultans* and *datus*, or any non-Christian chiefs, without the authority of the state as null and void.⁵ Act No. 926 was enacted into law on October 17, 1903. All lands not registered were deemed public lands, therefore available for homesteading, sale, or lease by individuals or corporations.⁶ And then the

⁴ Cf. Peter Gowing (1979). *Muslim Filipinos: Heritage and Horizon*. Quezon City: New Day. Pp.167-169.

⁵ Act No.718. (1903, April 4). ‘An Act making void land grants from Moro sultans or dattos or from chiefs of non-Christian tribes when made without governmental authority or consent’. Philippine Commission. [<http://lawyerly.ph/laws/view/1853c>].

⁶ Act No. 926. (1903, October 7). ‘An Act prescribing rules and regulations governing the homesteading, selling, and leasing of portions of the public domain of the Philippine Islands, prescribing terms and conditions to enable persons to perfect their titles to public lands in

“Mining Law of 1905” allowed further confiscation of Moro ancestral lands.⁷ All public lands were free and open for exploration, occupation or purchase, even by Americans. “Cadastral Act of 1907” facilitated the acquisition of new land holdings. The law favored the rich and educated, monied bureaucrats, and American speculators who were more familiar with bureaucratic process to legalize their claim, sometimes through fraudulent means.

In 1913, [the] Philippine Commission passed Acts 2254 and 2283, creating agricultural colonies.⁸ Under Act 2254, Christian settlers were awarded 16 hectares against 8 hectares for the Moros.⁹ And then in 1919, the “Public Land Act,” Act No. 2874, gave Christian settlers the chance to apply [for] and own 24 hectares of land in Mindanao while a Moro can hope only for 10 hectares.¹⁰ So you can see the discriminatory policies being implemented right at the start of the American Regime.

The Commonwealth regime was already headed by a Filipino – Manuel L. Quezon. That was in 1935. We can see the land distribution laws: First, the “Quirino-Recto Colonization of Mindanao Act” or Act No. 4197.¹¹ This

said islands, providing for the issuance of patents without compensation to certain native settlers upon the public lands, providing for the establishment of town sites and sale of lots therein, and providing for the determination by the Philippines court of Land Registration of all proceedings for completion of imperfect titles and for the cancellation or confirmation of Spanish concessions and grants in said islands, as authorized by sections Thirteen, Fourteen, Fifteen, and Sixty-two of the Act of Congress of July first, Nineteen Hundred and two, entitled “An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.” Philippine Commission. [<http://lawyerly.ph/laws/view/ld813>].

⁷ [Cf. Public land laws of the Philippine Islands in force and effect July 1, 1920... <https://babel.hathitrust.org/cgi/pt?id=uc1.b5022900&view=1up&seq=5>]

⁸ Cf. Acts of the Third Philippine Legislature First and Special Sessions and of the Philippine Commission (Nos. 2188 to 2287, inclusive). (1914). Washington: Government Printing Office, pp.117-8.

⁹ Act No. 2254. (1913, February 11). ‘An Act appropriating the sum of four hundred thousand pesos for the establishment of colonies and plantations for the cultivation of rice and other food cereals, for the better distribution of the population of these islands, and for other purposes’. Philippine Legislature. [<http://lawyerly.ph/laws/view/l8599>]

¹⁰ Act No. 2874 - The Public Land Act. (1919, November 29). ‘An Act to amend and compile the laws relative to lands of the public domain, and for other purposes.’ Senate and House of Representatives of the Philippines. [<http://lawyerly.ph/laws/view/l8e96>].

¹¹ Legislative Act No. 4197 / ‘Quirino-Recto Colonization of Mindanao Act’. (1935, 12 February). Cf. Extemporaneous Remarks of President Quirino before the Mindanao delegation. (1952, November 5).

government declared that settlement was the “only lasting solution” to the Moro problem in Mindanao and [the] Sulu archipelago. Take note of the term “Colonization” [in the title of the act]—the Commonwealth regime considered Mindanao as a colony. Also, the term “only lasting solution” is copycat of what Niccolo Machiavelli had said during the Middle Ages: that if a King wants to control a country, the way [to do so] is to plant their own people in that country. So settlement.

Commonwealth Act No. 141 signed by Manuel L. Quezon on November 7, 1936 declared all Moro land holdings as public lands. Moros [were] allowed to apply for 4 hectares, migrants up to 24 hectares, [and] corporations 1,024 hectares.¹² Commonwealth Act No. 441 in June 1939 created the National Land Settlement Administration.¹³ Priority slots were given to those who have undergone military training. Each migrant family was allowed to apply for 12 hectares, and no mention about the Moros or the indigenous peoples. Quezon in his address during the first National Assembly in 1936 declared that Luzon and Visayas are already overpopulated in order to justify resettlement in Mindanao.

In 1950 the government continued to create bodies that facilitated the land settlement program in Mindanao. The creation of these bodies was also a response to the emerging threat from the communist groups. We had the NARRA [National Rehabilitation and Resettlement Authority] established in 1954 via Republic Act 1160¹⁴, we had the EDCOR [Economic Development Corps] under Ramon Magsaysay when he was Defense Secretary, we have the Department of Agrarian Reform in September 1971 via Republic Act

<https://www.officialgazette.gov.ph/1952/11/05/extemporaneous-remarks-of-president-quirino-before-the-mindanao-delegation/>

¹² Commonwealth Act No. 141 / The Public Land Act. (1936, November 7). ‘An Act to amend and compile the laws relative to lands of the public domain’. Philippines. [<https://media.dar.gov.ph/source/2018/06/29/commonwealth-act-no-141.pdf>].

¹³ Commonwealth Act No. 441. (1939, June 3). ‘An Act creating the National Land Settlement Administration’. [https://laws.chanrobles.com/commonwealthacts/2_commonwealthacts.php?id=78].

¹⁴ Republic Act No. 1160. (1954, 10 June). An Act to Further Implement the Free Distribution of Agricultural Lands of the Public Domain as Provided for in Commonwealth Act No. 691, as Amended, to Abolish the Land Settlement and Development Corporation Created under Executive Order No. 355, Dated October 23, 1950, and to Create in Its Place the National Resettlement and Rehabilitation Administration, and for Other Purposes. (Philippines). [<https://dokumen.tips/documents/republic-act-no-1160.html>].

6389¹⁵, and the Comprehensive Agrarian Reform Program or CARP [R.A. 6657].¹⁶ So government starting from the early American regime up to the Commonwealth up to the Republic were creating colonies and settlements, and ...repressive land laws, and aside from that they continue to pass laws or programs that effectively minoritize the Moros.

The Moro population

Let us [take a look at] the Moro population over time (Table 1). All statistical data are taken from Peter Gowing's *Mandate On Moroland: The American Government Of Muslim Filipinos, 1899-1920*,¹⁷ and the Census of the Philippines, as quoted in Gaspar, et al.¹⁸ The charts [in Figure 1] are adapted from a then GPNP-MILF¹⁹ peace process presentation, "Of Ends and Means: Articulating a Strategy to Solve the Bangsamoro Problem" dated March 31, 2008. Figure 1 shows the population distribution in Cotabato among settlers, Moros and Lumads in 1918 up to 1970. (Note: Today Cotabato is divided into North Cotabato, Maguindanao, Sultan Kudarat, Saranggani, South Cotabato – five provinces out of the former entire province of Cotabato.)

In 1918, you can see in the pie or in the graph [that] the darker side is the Moros, the lighter side is the Lumad. So practically Cotabato was populated by Moros and 'IPs' [or non-Moro natives] only. In 1939 you can see that Moros are still in the majority, about 70 percent, Lumad about 20 percent and settlers around 10 percent. But in 1970, you can see that settlers are already 85 or 90 percent and Moro only about 20 percent, and you cannot see anymore the percentage for the IPs or Lumad.

The present population on Mindanao, Sulu, and Palawan as of the 2000 census is 16,646,361. The Bangsa Moro or Muslim number 3,689,668 or 22%. Migrants and others are 12,956,693 or 78%. That was in 2000, today it is more than that; the percentage of Moros became less and less and less. We

¹⁵ R. A. 6389 – 'Code of Agrarian Reforms of the Philippines'. (1971, September 10). (Philippines). [<https://media.dar.gov.ph/source/2018/06/23/republic-act-no-6389.pdf>].

¹⁶ R.A. 6657 – 'Comprehensive Agrarian Reform Law of 1988' (1988). [<https://www.officialgazette.gov.ph/1988/06/10/republic-act-no-6657/>].

¹⁷ Gowing, Peter. (1983). *Mandate in Moroland: The American Government of Muslim Filipinos: 1899-1920*. Quezon City: New Day.

¹⁸ Gaspar, Karl M. CSsR, Elpidio A. Lapad, Ailynne J. Maravillas. (2002). *A Reader for the Mindanawon Peace Advocate*. Davao City: Alternate Forum for Research in Mindanao.

¹⁹ Government Peace Negotiating Panel for talks with the Moro Islamic Liberation Front (GPNP-MILF).

are already the minority in the lands that we nurtured with our blood, sweat and tears.

Table 1. Summary of comparative total percentages of the population in Mindanao

	1913 (%)	1918 (%)	1939 (%)	1946 (%)
Moro	75.8	49.6	32.1	29.7
Non-Moro natives	24.2	28.4	14.6	8.2
Migrants	-	21.9	53.2	62.1

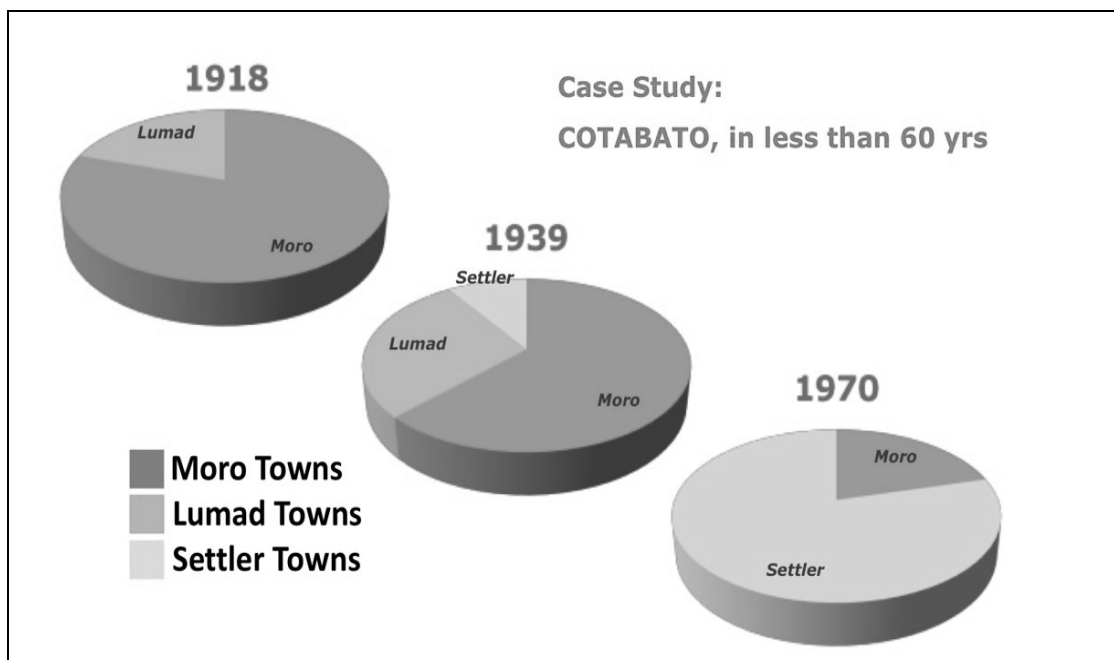


Fig. 1. Population Distribution in Cotabato among settlers, Moros and Lumad, 1918-1970.

The Moro struggle for Right to Self-Determination (RSD)

We understand, there was so much hatred, so much bloodshed, or fighting, from the American regime up to the Commonwealth, the coming of Japan practically cemented Moro and Filipino cooperation. [It] was predicted that

there would be fighting between Moros and Filipinos when the Filipinos would be granted independence. But during World War II there was some high degree of cooperation [between us] so when Philippine independence was granted on July 4, 1946 there was practically no bloodshed. Because in the war Japan as a common enemy cemented or provided some form of cooperation between the two peoples.

In 1968 [we heard about] the 'Jabidah Massacre'... because of the refusal to obey orders to attack Sabah. Because at that time Sabah was being claimed by the Philippines as part of its territory (and that claim is still existing until today). So as a result of the refusal to obey orders, plus their complaint that they are not receiving their salary, the money that was intended for them, and they can hardly eat. So they rose up against their officers. As a result of that, out of 180 trainees, 64 were massacred. There was one survivor, Jibin Arula, to tell the story of the massacre that was on March 17, 1968.

And then later on we had the Ilaga depredation from 1970-1972. Thousands of Moros were massacred [after] the declaration of Martial law under the Marcos administration in Sept 1972.

A defense mechanism. Looking at all these developments, the Right to Self-Determination of the Moro people started as a defense mechanism because, as I said, earlier there was no fighting. (Of course there were some peace and order problems involving some Moro leaders and the national government in Manila, ...but that is basically a peace and order problem, I would not call that something relevant to the Right to Self-Determination of the Moro people.) With three situations – the [Jabidah] massacre in Corregidor, the Ilaga depredations, the Declaration of Martial law – the Moro People were forced to arm themselves and defend themselves.

Moro liberation fronts organized. The Moro National Liberation Front [MNLF] was organized in 1970 and then [the] Moro Islamic Liberation Front [MILF] in August 1977. Later on we have the MNLF Reformist Group, MNLF Islamic Command Council, MNLF Committee of 12 (now 20), and then later [the] Bangsa Moro Islamic Freedom Movement (BIFM), Bangsa Moro Islamic Freedom Fighters (BIFF). Note [that] there are also violent extremist groups operating in Mindanao— Abu Sayyaf Group, Ansar Khalifa, Abu Toraifi Group, Maute Group. All these groups cropped up or came about [because] of the Moro's desire to defend themselves, because legalism or the parliamentary struggle did not fare well. Because Manila did

not listen. So [people] armed themselves, and these armed organizations came up.

What is very distinguishing here is that each time the government would not comply with their part of the bargain, with the agreement, then another group came about. After the Tripoli Agreement of 1976, instead of organizing one single autonomy, Marcos organized two autonomous regions: one for western Mindanao and one for central Mindanao. As a result of that the Moro Islamic Liberation Front came about. So each time the government would not comply with agreements then another group will come up. For instance the Maute group: Although the Maute group is a violent extremist group, it's not a liberating organization. But one of their issues is that government is not really complying with the agreement between the government and the Moro Islamic Liberation Front. And the fact that the [Bangsamoro Basic Law] (BBL) was not passed [is] another reason why these people are really frustrated. Although they are not in the category of liberation organization but [a] plain and simple violent extremist group.

Objective of RSD: independence or autonomy. [In] the Right to Self-Determination of the Moro people, the objective is either independence or autonomy. It can only be independence or autonomy. Right to Self-Determination is defined as a collective right of people to freely determine their political status and to pursue their social and economic development. If you look at the natural meaning to 'Right of Self-Determination', it is independence, although there are can be three [views] to 'Right to Self-Determination'— it can be independence, real autonomy, or it can be integration, depending on what would be the collective decision of the people. If the Moro people would prefer to be integrated into the government of the Republic of the Philippines, as long as they are exercising that without duress, then that is also an expression to the Right to Self-Determination.

Armed struggle. The means to achieve the objective is armed struggle, negotiation, or both. But is very clearly seen that the Moro people choose armed struggle. In October 1972 in Marawi there was 3-day fighting. And fighting in Sulu in November 1972. And then afterward we have the fighting in Cotabato in February 1973. And these fightings were so fierce and bloody. One general, the Commanding General of Central Mindanao, Major General Fortunato Abat wrote a book, the title of the book is *The Day We Nearly Lost Mindanao* (1999, New Edition. Quezon City: The Author).

The fighting was so intense and bloody that practically the whole of Mindanao was burning. The [total] number of dead up to today is 150,000 soldiers, rebels and civilians, but most of these casualties or dead people are civilians. During this fighting there were also many massacres, so many massacres. I have only listed here some of those massacres: the Malisbong Massacre in Palembang, Sultan Kudarat, 1000 people were massacred inside the Mosque in 1974; the Patikul massacre that was a result of the death of one general, 70 Moros were massacred, in 1977; the Pata Island Massacre in 1978, 2000 Moros were massacred; the legendary Manili massacre in 1971, 70 dead; the Tacub Massacre in Lanao, 70 dead; the Magsaysay Massacre in 1971, also in Lanao del Norte, 66 dead.

Peace negotiations. After that there was negotiation; this is another way of exercising the Right to Self-Determination. In 1975 the negotiation between government and the Moro National Liberation Front started and in 1976 they signed the “Tripoli Agreement” of 1976.²⁰ They also signed the “Jeddah Accord” in 1986.²¹ And finally they signed the GRP-MNLF final “Peace Agreement” of 1996.²² There is an interval of every 10 years each. [T]he problem here is [that] until now the MNLF is complaining that the final agreement is not implemented in full. And after that, as I said earlier that is one of the reasons why another front has to crop up, this time the Moro Islamic Liberation Front (MILF).

When the 1996 agreement was signed, the government under Ramos asked MILF whether [it would] join the MNLF in the 1996 agreement or conduct a separate negotiation. After a thorough discussion, an internal discussion among the leaders of the Moro Islamic Liberation Front, we decided to conduct a separate negotiation with government because the 1996

²⁰ ‘Tripoli Agreement’. (1976). Agreement between the Government of the Republic of the Philippines and Moro National Liberation Front with the participation of the Quadripartite Ministerial Commission members of the Islamic Conference and the Secretary General of the Organization of the Islamic Conference. [<https://peace.gov.ph/wp-content/uploads/2016/01/The-1976-Tripoli-Agreement.pdf>].

²¹ ‘Jeddah Accord’. (1987, January 3-4). Joint Statements of the Philippine Government and the MNLF Panels. [<https://ucdpged.uu.se/peaceagreements/fulltext/Phi%2019870104.pdf>].

²² ‘Peace Agreement’. (1996). The final agreement on the implementation of the 1976 Tripoli Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF) with the participation of the Organization of Islamic Conference Ministerial Committee of Six and the Secretary General of the Organization of Islamic Conference. [http://peaceaccords.nd.edu/wp-content/accords/Peace_Agreement_between_the_GRP_and_the_MNLF_1996.pdf].

agreement contained so many flaws. One is that in the preamble, it contained a provision that the MNLF effectively foreclosed the Right to self-Determination. We believe [that] on the part of the MNLF no people, no group, can foreclose the Right to Self-Determination of our people. But the MNLF through the 1996 agreement foreclosed the Right to Self-Determination.

The second [dispute] of the MILF to the 1996 agreement was the provision [of] the ‘totality clause’ [stating that] when there is a disagreement on the interpretation of the 1996 agreement, the interpretation of the government will always be followed. The MILF said that [this] is not acceptable to us. So there was negotiation between government and MILF in January 1997. We negotiated with government [for] seventeen long years, across five Philippine Presidents, thirteen GPH negotiators, and four MILF negotiators. I am the last negotiator of the MILF. I am the longest serving negotiator of the MILF for almost 15 years now since 2003. About two hundred documents were signed between government and the MILF²³ which culminated in the “Framework Agreement on the Bangsamoro” (FAB) in 2012²⁴ and the “Comprehensive Agreement on the Bangsamoro” (CAB) on March 27, 2014.²⁵ There were three major wars in 2000, 2003 2008, and we can also remember the Mamasapano firefight in January 2015 wherein 44 [police] commandos, 17 MILF combatants and 5 civilians were killed.

Current status of the GPH-MILF peace process

Right now there is no more real hard and harsh negotiation after we signed the Framework Agreement on the Bangsamoro and the Comprehensive Agreement on the Bangsamoro, which contain the political solution, the political formula, to the “Moro Question” or “Moro Problem”. Government and MILF have [switched] the nomenclature from “Peace Negotiating Panel” to “Peace Implementing Panel” because we are no longer talking about hard

²³ Cf. GPH-MILF Peace Process: Compilation of Signed Agreements & Other Related Documents, 1997-2010. (May 2010). MILF Peace Panel/The Asia Foundation; GPH-MILF Peace Process, Volume II: Compilation of Signed Agreements & Other Related Documents, 2010-2016. (June 2016). MILF Peace Panel/The Asia Foundation.

²⁴ Framework Agreement on the Bangsamoro. (2012, October 15). [https://peacemaker.un.org/sites/peacemaker.un.org/files/PH_121015_FrameworkAgreementBangsamoro.pdf]

²⁵ Comprehensive Agreement on the Bangsamoro. (2014, March 27). [https://peacemaker.un.org/sites/peacemaker.un.org/files/PH_140327_ComprehensiveAgreementBangsamoro.pdf].

issues. The political solution is already in the FAB and the CAB; so we are now in the 'implementation phase' of the engagement between Government and the MILF. The implementing panels continue to meet. Our latest meeting was in Davao on October 20, 2017. There are three tracks of implementation:

[For] the security-related track: the mechanisms are the Coordinating Committee on the Cessation of Hostilities (CCCH), the Ad-Hoc Joint Action Group (AHJAG) Local Monitoring Teams (LMT) and [the] International Monitoring Team (IMT) led by Malaysia. The task of the AdHoc Joint Action Group or AHJAG is Anti-kidnap-for-ransom activities and anti-criminality, especially those operating in or near MILF, and lately we signed with government a protocol on anti-drug trafficking. The mandate of the CCCH and IMT and LMT are cease-fire monitoring and implementation.²⁶

The second track is the normalization process. We have signed the documents already (the FAB and the CAB), we are now in post-agreement [phase] and we need to normalize the situation. Under the normalization process are 8 subtracks, activities or programs:

- We have to create transitional mechanisms: [the Joint Normalization Committee] (JNC)²⁷, JPSC (Joint Peace and Security Committee), JPST (Joint Peace and Security Team), etc.²⁸
- Camp transformation: the MILF camps are formerly military camps, but the two parties are trying their very best to transform these camps from pure military to productive camps of the MILF.
- Socioeconomic intervention
- Capacity building for MILF combatants and their communities
- Transitional justice and reconciliation programs
- Disbandment of private armies

²⁶ Cf. Implementing Administrative Guidelines of the GRP-MILF Agreement on the General Cessation of Hostilities. 1997, September 12.

[<https://www.peaceagreements.org/viewmasterdocument/400>]; Ad Hoc Joint Action Group Implementing Guidelines on the Joint Communique of 6 May 2002. 2012, February 2. [<https://peace.gov.ph/2016/11/ad-hoc-joint-action-group-implementing-guidelines-joint-communique-6-may-2002/>]. Cf. Terms of Reference of the International Monitoring Team (IMT). 2011, February 10. [<https://peace.gov.ph/2016/11/terms-reference-international-monitoring-team-imt/>].

²⁷ Cf. Terms of Reference for the Joint Normalization Committee. 2014, March 22. Kuala Lumpur. [<https://www.peaceagreements.org/viewmasterdocument/1345>].

²⁸ Cf. Annex on Normalization. 2014, January 25.

https://peacemaker.un.org/sites/peacemaker.un.org/files/PH_140125_AnnexNormalization.pdf ; Executive Order No.79.

[<https://www.officialgazette.gov.ph/downloads/2019/04apr/20190524-EO-79-RRD.pdf>].

- Decommissioning of MILF peoples and combatants.
- Redeployment of government troops.

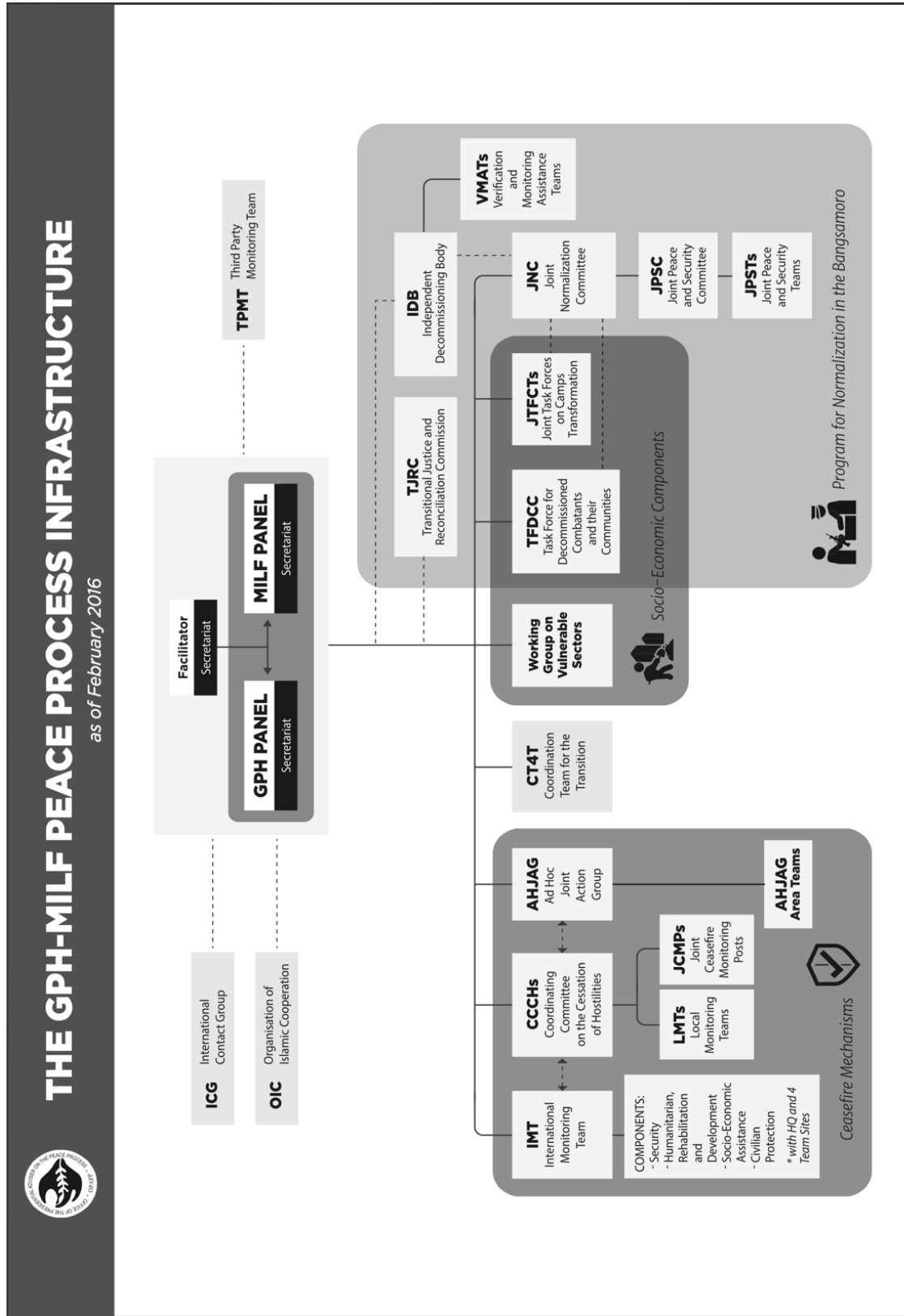
Figure 2 shows the infrastructure for the normalization of the peace process.

Unlike the first two tracks which are bilateral with the participation of the international community, the third track which is the passage of the Bangsamoro Basic Law (BBL), is unilateral to our government because FAB and the CAB, which are political documents, would require a legal document: enactment of a law. The passage of the Bangsamoro Basic Law is an internal legal process of government. The government has to deliver this one, the MILF is not participating directly, neither [can] the international community dip their hands into it because this is a domestic process. Even if the FAB and CAB contain the political solution, setting up a political entity for the Bangsamoro will not be possible unless government will undertake legal process by enacting a law.

MILF has no direct role in this legislative work. The only participation of the MILF is first, the MILF peace-keeping panel will monitor the movement of BBL in Congress; but we hope that that monitoring will not be passive, instead it would be an active monitoring. We are still trying to work out what kind of intervention will suffice or that responsibility of monitoring the movements of BBL in congress. And secondly, indirectly the MILF is also participating in the Bangsamoro Transition Commission (BTC).²⁹ The Bangsamoro Transition Commission is part of the signed document but it cannot come into being unless government will do something legally— by the President signing an Executive Order creating the Bangsamoro Transition Commission composed of 21 members: 11 from the MILF and 10 from the government. The head of the Bangsamoro Transition is coming from the MILF, that's why the BTC is MILF-led. The Bangsamoro Transition Commission is tasked to draft or craft the proposed Bangsamoro Basic Law (BBL) and this law, that the Bangsamoro Commission has already drafted, has been transmitted to the Office of the President (on July 17) and after almost one month it was submitted to congress (on August 14), and then it was only formally filed in Congress on September 26. [I]n the lower house, the number of the bill is House Bill 6475. Its main sponsor is Speaker Pantaleon Alvarez and House Majority Floor Leader Rudolfo Fariñas, co-

²⁹ Cf. A Primer on the Bangsamoro Transition Commission and the Bangsamoro Basic Law. 2014.

https://eeas.europa.eu/archives/delegations/philippines/documents/eu_in_mindanao/btc_primer_english_web.pdf.



signed or co-authored by 90 congress men and congress women. In the Senate, Senate Bill No. 1608 was filed or authored by Senate President Koko Pimentel. Unlike the previous BBL in the House filed by the Adhoc Committee of 75 and then it was filed in the Senate by two senators (Miriam Santiago and Bongbong Marcos), this time no less than the Speaker of the House and the Senate President filed their versions of the bill in the Lower House and in the Senate respectively.³⁰

The way ahead

The way ahead is implement all agreements by the parties. (I have brought with me two volumes of that signed documents which I am going to donate to the organizers of this conference.) The Congress has to pass the BBL—not just an ordinary BBL, a good BBL that is compliant to the CAB. Third the parties sign an Exit Agreement to formally close the GPH-MILF peace process. The Exit Agreement can only be signed if all the agreements of the parties are implemented by the parties. If any party does not implement any part of the bargain, we cannot sign the exit agreement.

That's not the end of the story. After implementing all the agreements then it has to be validated by the Third Party Monitoring Team, headed by a former European Union ambassador to the Philippines and with membership from Turkey, and Norway, and two other international non-government organizations. They must validate that the two parties have really complied with all the agreements. It has to be seen by the government and the MILF peace panel and with the participation of the Malaysian facilitator. If the three groups agree that both parties really complied with all the agreement, then the government and the MILF will finally close the MILF government peace process by signing that exit agreement. Then after that the regular Bangsamoro government shall be put in place.

³⁰ Bangsamoro Basic Law (BBL) / Republic Act No. 11054. (2018, July 23). 'An Act providing for the organic law for the Bangsamoro Autonomous Region in Muslim Mindanao, repealing for the purpose Republic Act No. 6734, entitled "An Act providing for an organic act for the Autonomous region in Muslim Mindanao," as amended by Republic Act No. 9054, entitled "An Act to strengthen and expand the organic act for the Autonomous Region in Muslim Mindanao.'" Senate and House of Representatives of the Philippines. [<https://www.officialgazette.gov.ph/downloads/2018/07jul/20180727-RA-11054-RRD.pdf>].

OPEN FORUM / Q & A

Q: How do you view the president's political agenda of establishing federalism in the Philippines? How does it mesh with your plan for the MILF and the Bangsamoro?

Mohagher Iqbal: Actually, there is no conflict between federalism and the process of the BBL. They can be complementary and supplementary... The process of BBL is part of agreement, is part of a commitment of government, signed by government as contained in the FAB and the CAB. It is also a commitment of President Duterte. And it is easier than shifting to federalism. The BBL has to be implemented first, meaning a law has to be passed, and probably later on federalism can take place. There is no conflict about that. It's only the sequencing. BBL first then federalism second. We are supporting federalism but of course BBL first.

Q: What happens to the MNLF and the BIFF even if there is the BBL? The second question is, we have read about what is happening in Columbia where the government and the communists forces had a peace agreement, and you know what is happening now is that many people are being killed by state military forces: NGO forces workers, leaders are harassed and disappeared... FARC³¹. Part of the agreement was to be decommissioned and lay down their arms. What are the implications of this to your agreement?

MI: There is a great difference between the Columbian peace process and the GPS-MILF peace process in terms of the decommissioning. As I understand in the Columbia model, the FARC rebels decommissioned themselves even before a formal document was signed. But in the case of the MILF, it is by phases. We have the first phase, second, third phase, and fourth phase. The first phase is symbolic. We decommissioned 75 weapons and a hundred forty-five combatants. No strings attached. No pre-conditions. It is a 'goodwill decommissioning'. But after that we have the second phase: 30% of our weapons and combatants, then 35% of our weapons and combatants, and then another 35. But this 2nd phase and 3rd phase are tied up with the implementation of the other agreements especially with the BBL. If the BBL is delivered we will decommission 30%. if the operationalization of the Bangsa Moro Police is delivered we will decommission 35%, if all agreements are implemented we will decommission 35%. That makes up 100 percent. No more weapons in the hands of the MILF because we have to

³¹ FARC - *Fuerzas Armadas Revolucionarias de Colombia*.

pay for something very lofty and that is the establishment of a real autonomous entity for our people. So something to the effect [of], in Tagalog, “*kaliwaan*” [*kaliwaan ng bayad* - ‘on the spot’ payment]: *Kung ibigay mo ‘to sa akin, ibibigay ko sa iyo ito. Magkaiba sa Columbia. Sa Columbia nag-decommission sila wala pang agreement eh. Pero sa amin... kailangan kaliwaan yan.* [‘If I give this to you, you give this to me. If you give this to me, I will give this to you. Different from Columbia where they decommissioned without having an agreement.’]

But at the end of the day, *pag napasa na ang BBL na maganda, wala nang armas sa MILF*. The question is that *wala nang armas sa MILF paano yung ibang grupo?* [‘when a good BBL is passed, the MILF will have no more arms. But what about the other groups?’] That’s a real challenge on the part of government, also on the part of the MILF.

In relation to the MNLF, you mentioned only two. I think you are referring to the MNLF of Nur Misuari. There are so many MNLF factions. We have the MNLF led by Misuari, we have the MNLF led by Yusop Jikiri. We have the MILF Islamic Command and Council. We have MNLF Executive Committee. The larger group is the MNLF of Yusop Jikiri, but it is almost 100% on board the BBL; they have three commissioners that participated in the crafting of the BBL, so they are already on board so we have no problem with MNLF- Yusop Jikiri.

[As for t]he MNLF under Nur Misuari, I think there is no big problem because Nur Misuari is no longer dipping his fingers in the issue of BBL. Nur Misuari is concentrating in helping the government in the shift of government from unitary to federalism. They are already campaigning on that. Very lately the daughter of Misuari was in Cotabato City conducting a forum in support of federalism. So we don’t have [a] problem about the MNLF. Misuari is already cooperating with government. MNLF under Yusop Jikiri is already on board the BBL. And the other factions of MNLF are practically non-existing.

BIFF is another thing. The BIFF Is made up of three factions. Originally they were made up of MILF but they don’t subscribe to the political line of MILF of conducting negotiations with the Philippine government. So they said that’s time-consuming, government is only fooling the MILF. So they voted [to move] away from the MILF. We tried to persuade them to come back telling them that if you want to discuss your views then we can discuss it openly, if you want to discuss about Islam then let your *ulama* discuss with our *ulama* about Islam... They are divided into 3 factions. The other faction is

the one attached to the Maute in Lanao, that is the Abu Turaife group³². Did you also hear of the encounters between MILF and the combatants of Abu Toraife group? ...Because they are trying to dismantle our communities, they are trying to dismantle our organization, they are planting intrigues and they are even planting black flags in our communities. In short they are not part of the peace process.

But our belief is that it's like a patient., once the medicine is found and prescribed by the doctor than that patient will gradually become better. If a good BBL is passed in Congress then what will happen is that all other rebels will have no more cause to fight the government. They have no more legitimate reason to fight the government. So they will become irrelevant, gradually at the end of the day, they will get fed up. That is our belief.. And aside from that, modesty aside, the leaders of the MILF are still popular with our people. On November 27 we are holding a very big assembly. I am inviting everybody to attend that assembly in Sultan Kudarat. We expect to gather hopefully over one million people to showcase that MILF enjoys that popularity. So we don't have a problem with BIFF, eventually they will fade out. They will fade out.

Q: May I ask two questions regarding the “Marawi Siege”: One: what is the analysis or views of MILF on what happened? And second: what is the role now of MILF in the rehabilitation process?

MI: You know the MILF was put in a very very difficult situation in Marawi City. The “Marawi Crisis”, we call it a tragedy, because on one side was the Philippine government and we had talks with government and we had signed agreements with government, especially the ceasefire agreement. On the other side, they are physically brother Maranaos; they are claiming to be speaking for Islam... So when the Marawi Crisis happened, we convened an Ulama Council [to discuss] what to do about it. Finally what was decided was that first we talk to Government, and on May 29 we talked with President Duterte in Davao City and tried to make some decision on ways forward. We decided the MILF will intervene in a humanitarian manner that's why we created that Peace Corridor, composed of government and MILF, to help the trapped civilians, to save them. And I think about 300 civilians were helped, were saved from almost death, during the fighting. And then we also helped create the pathways [from] Iligan to Marawi and

³² Abu Turaife is reputed to lead a faction of the Islamic State-linked BIFF. Cf. <https://www.benarnews.org/english/news/philippine/militant-killed-12012020135315.html>.

Malabang to Marawi City. So the intervention of the MILF is only humanitarian response.

Some groups are not satisfied with the intervention of Marawi they want more. At one time the Maute Group through the intervention of Ulama groups in Marawi sought the help of MILF that if the MILF would occupy the areas they are occupying in Marawi City, then they are willing to vacate Marawi City. To us, while we do not question intention, it was a very dangerous situation. So our stand is that the Ulama groups that facilitated that kind of contact between the Ulama Council and the Maute, we told them that you write a letter, a sort of petition to President Duterte, and if President Duterte agrees to that arrangement then we will try to do it. But if the Government does not agree than we cannot do otherwise. But Duterte stood pat on his decision not to negotiate with terrorist groups. So we are still contemplating, in fact we are having a new round of meetings with the Philippine government panel to see to it what will be the next role of the MILF. But to us to us in the MILF, we still view that the humanitarian intervention, no matter how small, no matter how minute would still be the most proper most practical way for MILF to adopt.

Q: Can you share a bit on the role and place of the Indigenous Peoples in the BBL version submitted to the president?

MI: I have to be very frank with you There are two groups of IPs: [those] inside the proposed territory, and [those] outside the proposed territory. For those IPs outside of the proposed Bangsamoro territories, the IPRA [Indigenous Peoples' Rights Act]³³ applies. For those inside the Bangsamoro proposed territories it is autonomous. Ancestral domain and natural resources is one of the exclusive powers of the Bangsamoro government as provided in the FAB and the CAB, and the first BBL and even Republic Act 1954 provided for [it] as one of the powers of the Autonomous Region of Muslim Mindanao. In the new BBL there is 'plus plus', because this is a very difficult issue to settle. Even the IPs in the proposed Bangsamoro territory are not speaking with one voice. As Chairman of the Bangsamoro Transition Committee (the first BTC 2012 up to the middle of 2016), we have a hard time crafting a provision because, as I said, the IP themselves are not

³³ 'Indigenous Peoples Rights Act' - Republic Act No. 8371. (1997, October 29). 'An Act to recognize, protect and promote the rights of indigenous cultural communities/indigenous peoples, establishing implementing mechanisms, appropriating funds therefore, and for other purpose'. Congress of the Philippines. <https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/>.

speaking with one voice. So what we did was to create a group, a small core group: Two commissioners from the BTC ... let them discuss with the help of the Notre Dame University, through the Institute for Autonomy and Governance (IAG)³⁴, and one lawyer from the BTC. So they sat down, they came up with agreed consensus they signed it. All those agreements that they signed was already part of the first BBL. This time the problem did not die there. I will read to you the provision in the BBL. What is lacking here is the mention of the word “IPRA” (Indigenous Peoples’ Rights Act). But all the elements of IPRA are already here in the provision of the new BBL. I will read it to you in answer to your question:

The Bangsamoro government recognizes the rights of the Indigenous Peoples and shall adopt measures for the promotion and protection for their rights; the right to their native titles and / or indigenous customs and traditions, justice systems and indigenous political structures; the right to an equitable share in around the utilization of resources in their ancestral lands; the right to Free and Prior Informed Consent; the right to political participation in the Bangsamoro government including research(es) for the non-Moro Indigenous Peoples in the Bangsamoro Parliament; the right to basic services; and the right to freedom of choice as to their identity consistent with the United Nations Declaration of the Rights of Indigenous Peoples and the United Nations Declaration on Human Rights, and *subsisting laws* on Indigenous Peoples in the Bangsamoro.³⁵

Only the word “IPRA”, or acronym IPRA, is not mentioned here but even without mentioning that, according to the lawyers, the provision or the clause ‘subsisting laws’ is already indirectly speaking about the IPRA. So they have everything here *menos* the mention of IPRA. Because IPRA is a national law. Whereas the BBL is a regional law or a law of local application. If you mention national law that is for local application, it says everything except those that are reserved for central government because the powers that are reserved for the central government are still to be enforced by the Bangsamoro. But other than that, legally speaking, it would not be possible because it would destroy the essence of autonomy.

³⁴ Cf. <https://iag.org.ph/profile>.

³⁵ This excerpt is from an earlier draft of the Bangsamoro Organic Law, Art. 9, sec. 3 of which now contains the substance of the provision he read.

*Q: What is your take on the OPAPP-created IP Peace Panel?*³⁶

MI: That is internal to government. In fact for us in the MILF, and even in the BTC, we believe in dialogue. We listen to people's views. Because ideas are ideas. That should not be set aside. One time when they have a summit in Davao the Bangsamoro Transition Commission sends several commissioners, one of whom is commissioner Datu Mussolini Lidasan ... He attended that summit conference of the IPs. And then one commissioner of the BTC created a group of IP— it's a sort of a panel that when issues of the IPs are going to be discussed then they will discuss it first. They created an informal panel so that when the IP panel created by government which are all IPs, they will discuss that they will come face to face and discuss issues about IP matters, IP concerns.

So what we have to understand here [is] that in case of the IPs inside the Bangsamoro territory, we belong to the same ancestor. We have the two brothers, Tabunaway and Mamalu. [Oral tradition relates that Tabunaway converted to Islam and went to the lowlands, his brother Mamalu did not and went to the mountains. Tabunaway's descendants are termed 'Moros' today, while Mamalu's descendants are 'Indigenous Peoples'.] So we have only one 'Ancestral Domain'. Ancestral Lands, yes they have their own ancestral lands, we have our own ancestral land, but Ancestral Domain – we only have one ancestral domain. There is no ancestral domain for IPs inside the Bangsamoro proposed area. There is no ancestral domain for Moros inside the proposed ancestral domain.

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³⁶ OPAPP - Office of the Presidential Adviser on the Peace Process.



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