

Confronting the 10 Crucial Issues on the Agreement between the GPH and MILF

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There is no doubt that the comprehensive agreement on the Bangsamoro or CAB is now nearing the finish line. Hope and optimism for the emergence of the new political entity also known as Bangsamoro are very palpable, especially on the ground. Definitely the signing of the last and 4th Annex on Normalization on January 25th, 2014 is a move forward to settle the issues that 'bedevilled' the peace negotiation between the Philippine Government and the Moro Islamic Liberation Front.

There are several questions being raised vis-à-vis the Framework Agreement on the Bangsamoro (FAB) signed on the 15th October 2012 and the 4 Annexes. Then there is the question whether the MILF represents the entirety of the Bangsamoro. Or putting it in another way, would the other Moro groups be bound by the agreement between the GPH and the MILF?

The first understanding that needs to be put in the 'right place' is the very use of the word - '**Bangsamoro**'. The FAB and the Annexes use the word Bangsamoro in three levels: Bangsamoro as **Identity**; Bangsamoro as **Territory**; and Bangsamoro as **Government**. All the three levels are NOT merely historical or romantic concepts. They are all political and sensitive concepts or political constructs. If these are NOT handled properly, they can be the proverbial 'kink' in the whole peace agreement

We identify Ten Crucial Issues in the shaping of the Basic Law that would shape the Bangsamoro as Identity, Territory and Government. These are the following:

Issue #1: Identity Matters. The word Bangsamoro in all three levels is a paramount issue, because IDENTITY matters. It is an important issue that must not be taken for granted. This new political construct that is identity based would have consequences to existing constructs like Muslim Mindanao, Indigenous Peoples and 'Christian Settlers' in Mindanao. Would the Basic Law recognize and respect multiple identities (macro and micro identities) and sharing common patrimony and shaping a common future?

Would the Bangsamoro Identity be inclusive or exclusive? Does Bangsamoro include ALL the Inhabitants of the Bangsamoro Territory? The current definition and uses of the word Bangsamoro as defined in the FAB and the Annexes point to an Identity that is '**Exclusive**'. FAB defines 'Bangsamoro' as 'those who at the time of conquest and colonization were considered natives or original inhabitants of Mindanao and the Sulu Archipelago and its adjacent islands including Palawan, and their descendants whether of mixed or of full blood shall have the right to identify themselves as Bangsamoro by ascription or self-ascription'. Then it goes further to recognize the spouses... To wit: 'Spouses and their descendants are classified as Bangsamoro'.

While the IP's are classified as Bangsamoro, the Christian Settlers and their descendants are excluded unless they are of 'mixed blood' or 'spouses' of a Bangsamoro.

Issue #2: Territory matters. The inclusion and exclusion of territories to the new Bangsamoro highly matters. The public discussions of the issue are very important, including the debates on the contiguous areas and geographical areas. The Documents speak of CORE Territory of the Bangsamoro. It consists of the following: (a) the present ARMM; (b) the 6 municipalities in Lanao del Norte and the 39 Barangays in North Cotabato that said 'YES' to the 2001 Plebiscite, (c) the cities of Cotabato and Isabela; and (d) all other contiguous areas that would petition for inclusion by at last 10% of the qualified voters in the area.

The question raised is the understanding of the word - CONTIGUOUS and CONTIGUOUS to which area - LAND and WATER?

The new feature in the Bangsamoro Territory is the addition of Inland water (rivers and marshes) and territorial water (12 nautical miles from the shoreline). Geography is a volatile issue. Ratification of the Basic Law in a plebiscite called for the purpose would be required by law. But the critical issue is on how to count or configure the plebiscite? The existing jurisprudence counts the results of the plebiscite by province and city. But FAB includes municipalities and barangays and other contiguous geographical areas. The 'geographical areas' mentioned in the Constitution in Article X needs to be defined, specifically in the determination of the results of the plebiscite.

Issue #3: Land / Ancestral Domain matters. It is important to address the issue of land and ancestral domain - the primary cause of fears. The document fails to address the fears and insecurity of the IP's vis-à-vis their own Ancestral Domain. The Annex on Power Sharing cites the UN Declaration on Rights of the Indigenous Peoples (UNDRIP) but no mention of the landmark national law for the IP's, the Indigenous Peoples Rights Act or IPRA. The understanding and use of the term 'ancestral domain' by the MILF is NOT the same as the understanding and use of the same term 'Ancestral Domain' in the IPRA.

Issue #4: Governance matters. The present ARMM is deemed a 'failed experiment' referring to the failure of governance. Are the Bangsamoro people ready to govern the new political entity aka as Bangsamoro? The meat of governance is NOT to get 'elected' or appointed' but to deliver the basic services to its constituency and develop the Region now considered the POOREST in the Republic.

Issue #5: Security and safety matter. The appointments, operations and deployments of security forces that include the police and military organization are primary function of the Bangsamoro within the Territory. The question being raised is with the Bangsamoro Police Force, 'Are we going to be safe?' The Annex on Normalization says that the law enforcement and the maintenance of peace is the primary task of the Bangsamoro Police Force.

Issue #6: 'Disarmament' matters. The signatories to the agreement are GPH and the MILF. It does NOT include the MNLF, BIFF, JI and ASG and other armed groups including the private armies and the militias of the warlords. This issue of disarmament and demobilization including the reintegration (DDR) poses formidable challenge to the concepts of decommissioning and normalization.

Issue #7: Equal rights and NO discrimination for all inhabitants within the Bangsamoro matters. Would the new configuration bring about new ‘citizenship’ and ‘entitlement’? The issue of equal rights of all inhabitants is a parity issue in terms of appointments to positions within the Bangsamoro. For any minority population and community (and in the Bangsamoro, they are the IP’s and Christian settlers) the issue of parity and equal rights matters.

Issue #8: Unity between and among the ‘Bangsamoro’ matters. The relationship within “the gatekeepers” of the Bangsamoro (MNLF, MILF, Traditional Leaders, LGUs and the religious leaders – the Ulama) needs to be fine tuned. At this stage, the other gatekeepers outside of the MILF ‘feel left out’. They can be the proverbial ‘elephants’ in the room that would go ‘berserk’. Beyond stating that there is the ‘solidarity conference’ between MNLF and MILF, there is practically NONE being accomplished or any movement towards the convergence of the two Moro Fronts.

Issue #9: Social cohesion matters. This time around, we need to have structure (governance), territory and identity on the ground that should forge a new social contract among all the inhabitants of the Bangsamoro that goes beyond ethnicity, religions and politics. This is both a national and regional concern. Unless a new partnership is forged among and between diverse stakeholders in the areas covered by the new political entity aka Bangsamoro, the agreement and the subsequent BASIC LAW AND THE NEW GOVERNANCE STRUCTURE would not be sustainable.

Issue #10: ‘Reconstruction’ matters. The real wind that would carry the peace agreement and the new political entity would be the ‘goodies’ or peace dividends in terms of real ‘reconstruction’ on the ground. Reconstruction work is NEVER DONE piecemeal... It is done WHOLESALE! In the final analysis, it is the appropriation of X amount by Congress that would determine the failure or sustainability of any peace agreement.

A Final NOTE: Beware and wary of the so-called foreign donors including multi- or bilateral donors, including the so-called experts and foreign monitors. **The ‘aliens’ have already landed!** And they interfere in practically all things from monitoring to ‘fastracking’ and to strategizing on the advocacy and implementation of the agreements. They have landed NOT for the LOVE of the Bangsamoro or the Philippines, but for their own political agenda. A wiser move is to keep them at bay and be warned! We have many local experts and monitors (independent and partisan). Definitely, we have NO need of interfering aliens and ‘overlords’. CUIDATE!

Members of the Kusog Mindanaw Group are invited to join the discourse and address any of the 10 critical Issues including the final note on the foreigners... Our Bangsamoro Study Circle of BSC takes each issue for discussion in depth in the series of study session twice a month...

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