

# The Bangsamoro outlook on the Millennium Development Goals

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## Summary

*This report tackles the poverty situation of Mindanao, Philippines, in relation to the Millennium Development Goals (MDGs) with specific focus on the Moro (Muslim) population, especially in the Autonomous Region in Muslim Mindanao. However, the Mindanao situation is a very complex situation and there is a need to present the historical factors and underlying issues surrounding how Mindanao and the Moros in particular became so poor and neglected in spite of the fact that it is the first nation in this part of the archipelago. Data from independent and previous studies are presented in this report which point out that poverty in Mindanao is higher when compared to the national level. It is also a fact that the Autonomous Region in Muslim Mindanao (ARMM) has the highest rate of poverty incidence in the country.*



## Mindanao situation

Mindanao is the second largest island in the country at 94,630 square kilometers, and is the eighth most populous island in the world. The island of Mindanao is larger than 125 countries worldwide, including the Netherlands, Austria, Portugal, Czech Republic, Hungary, Taiwan and Ireland. Mindanao is surrounded by seas: the Sulu Sea to the west, the Philippine Sea to the east, and the Celebes Sea to the south which are rich in marine life and aquatic resources. Of all the islands of the Philippines, Mindanao shows the greatest variety of physiographic development and is home to over 20 million settlers (Christians), Moros and Lumads. As a result of the minoritization process however, which was implemented from the Commonwealth period up to the present, Christians form the majority of the population, with Muslims approximately just more than 20% of the population (mostly on the southern part of the island); 5% of which are affiliated with other religions. It must be noted that in 1903 during the creation of Moro Province by the Americans, 76% of the Mindanao population were Moros, and more than 20% were Lumads. The native Moros (Muslim) and Lumads (indigenous people or non-Muslim groups) of Mindanao have a culture that is different from the main culture of the Philippines. Today, the island group is further divided into six regions, which are further subdivided into 25 provinces.

Mindanao is known as the 'land of promise' due to its rich agricultural lands which was the primary consideration of land grants then given to settlers from Luzon and the Visayas. Mindanao has promising natural and mineral resources. It was believed that the mineral deposits all over the island which include gold, silver, bronze, copper, chrome, chromite, oil, and many others can relieve the country from its ballooning foreign debt. Given these resources, the eight targets of the Millennium Development Goals can easily be achieved. Mindanao had a developed economy that was established during strategic trading activity with China and other Asian countries especially during the evolution and incumbency of the Sultanates of Maguindanao and Sulu dating back to 14th century. But how is it that the historically developed civilization in this part of the archipelago, way back in 14th century, is now home to the poorest regions in the Philippines?

Mindanao is the center of the Moro struggle for the right to self-determination – a people's struggle to end inequality and poverty. Dozens of legislated land grants were given to settlers from Luzon and the Visayas, from the American period up to the late seventies. These deliberate land grants dramatically systematized the roads to poverty for the Moro and Lumads. Decreased land holdings of the Moros and Lumads subsequently resulted to decreased agricultural outputs. Most agricultural colonies that were set up through these land grants were exploited by the settlers. The entry of Visayan and Luzon-based oligarch and multi-national corporations that acquired vast tracts of agricultural lands opened up other large scale exploration and exploitation of Mindanao resources in the name of national interest and development. Obviously, Mindanao became the 'milking cow' of the non-Mindanaons.

To better understand the situation it is important to review some historical accounts. Kindly refer to Appendix A – The Bangsamoro Outlook on MDGs – Brief Moro History, and Appendix B – Are the Moros Filipinos?

## Moro poverty situation

The Autonomous Region in Muslim Mindanao (ARMM), the poorest region located in the Mindanao Island of the Philippines, is composed of all the Philippines' predominantly Muslim provinces, namely: Basilan, Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi, and the Islamic City of Marawi. ARMM is also the poorest region in the country with more than half its families classified as poor.<sup>1</sup> Poverty incidence in ARMM, reached 61.8 percent in 2006, a 9 percent increase from 2003's 52.8 percent.<sup>2</sup>

ARMM is the only region in the Philippines that has its own government created under Republic Act 6734 and Republic Act 9054 as a result of the Final Peace Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF) in 1996. Everyone was hopeful that with the implementation of the Agreement that development would pour into the 13 identified poorest provinces.

In 2004 Jerry Pacturan noted:<sup>3</sup>

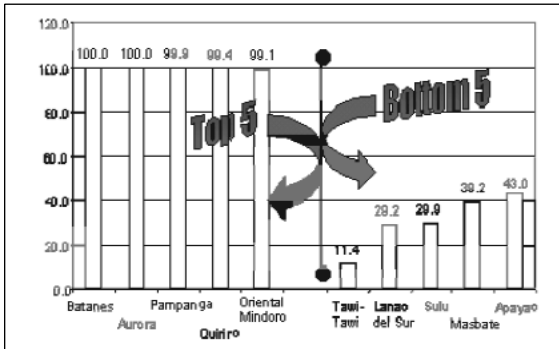
- The poverty situation and underdevelopment

<sup>1</sup> Official statistics from the National Statistical Coordination Board (NSCB).

<sup>2</sup> 2006 Official Poverty Statistics (FIES, NSO).

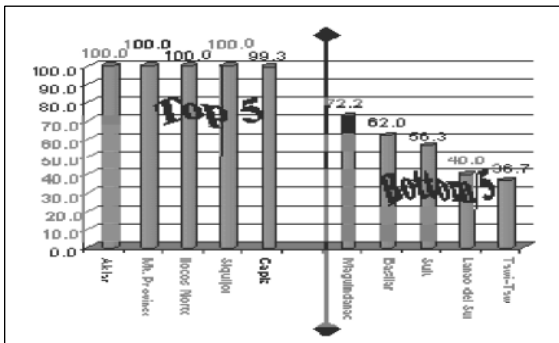
<sup>3</sup> Pacturan, J. 2004. Rural enterprises for poverty reduction and human security.

**Figure 1. Families with Access to Safe Drinking Water, Province: October 1999**



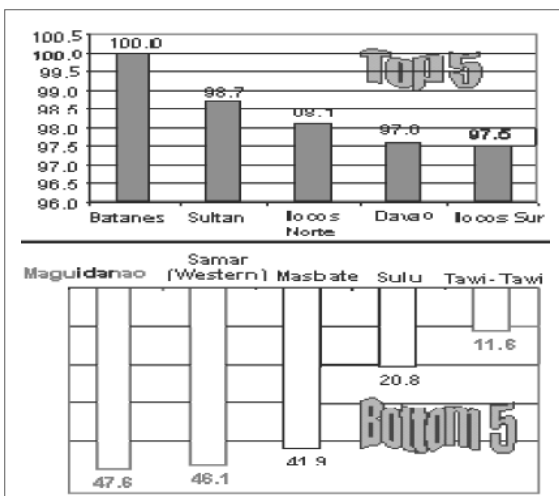
Source: National Statistics Office, Annual Poverty Indicators Survey

**Figure 2. Families with Access to Family Planning Services, Province: October 1999**



Source: National Statistics Office, Annual Poverty Indicators Survey

**Figure 3. Families with Own Sanitary Toilet, Province: October 1999**



Source: National Statistics Office, Annual Poverty Indicators Survey

in conflict affected-areas in ARMM and other provinces in Mindanao is quite disturbing as recent figures would show. The World Bank in one of its publications confirmed that the island provinces of ARMM have highest poverty levels in the entire country. Even non-ARMM provinces had distressing figures as well.

- Indicators on health are also not encouraging. ARMM has only 29% of its population having access to potable water supply. Figure 1 illustrates that among the bottom 5 provinces in the Philippines with low access to safe drinking water, three of them are from the ARMM namely Tawi-Tawi, Lanao del Sur and Sulu.
- Access to family planning services is also very low among the ARMM provinces. The bottom 5 provinces in the country in terms of low family planning access are all in ARMM comprising Tawi-Tawi, Lanao del Sur, Sulu, Basilan and Maguindanao (see Figure 2).
- In terms of access to sanitary toilets, Sulu (20.8%) and Tawi-Tawi (11.6%), both from ARMM, reported the least percentage of families with sanitary toilets (see Figure 3).
- The state of education is also lamentable<sup>4</sup> Cohort survival rate at the elementary education level for School Year 2001-2002 was low especially in Western (45.51%) and Central Mindanao (56.45%) regions and the ARMM (33.96%) (see Table 1).

Official government statistics also showed that regions from Mindanao were also among the country's poorest. All the five regions from Mindanao—Zamboanga Peninsula, Northern Mindanao, Davao Region, SOCCSKSARGEN, CARAGA, and the Autonomous Region in Muslim Mindanao (ARMM) are among the country's top 10 poorest regions in 2003 and 2006. In 2006, the top two poorest regions were from Mindanao—ARMM and CARAGA. Poverty incidence in ARMM and CARAGA were at 55.3 percent and 45.5 percent, respectively. The figure for ARMM means that more than half of its families are classified as poor.

While other regions in Mindanao are enjoying support for agricultural development, which is a main source of livelihood, ARMM still lags behind even in the availment of irrigation systems. According to the Bureau of Agricultural Statistics, ARMM received very

<sup>4</sup> Llanto, J. F. 2008. Mindanao Still Poorest Island in Nearly A Decade. [abs-cbnNEWS.com/Newsbreak](http://abs-cbnNEWS.com/Newsbreak).

**Table 1. Cohort Survival Rate by Region, SY 1990-1991 – SY 2001-2002/1**

Region	Elementary			Secondary		
	1990-1991	2001-2002	Difference	1990-1991	2001-2002	Difference
NCR National Capital Region	97.73	79.07	-18.66	79.78	72.56	-7.22
Luzon						
CAR Cordillera Administrative	63.22	65.82	2.60	74.17	75.26	1.09
1 Ilocos Region	83.27	80.66	-2.61	84.46	78.28	-6.18
2 Cagayan Valley	68.65	70.78	2.13	75.07	78.75	3.68
3 Central Luzon	83.22	79.15	-4.07	76.65	75.92	-0.73
4 Southern Tagalog	76.79	76.88	0.09	79.11	76.63	-2.48
5 Bicol Region	66.27	69.05	2.78	70.62	71.10	0.48
Visayas						
6 Western Visayas	66.52	61.76	-4.76	87.84	76.38	-11.46
7 Central Visayas	65.19	65.31	0.12	70.76	71.98	1.22
8 Eastern Visayas	56.06	60.94	4.88	67.16	66.69	-0.47
Mindanao						
9 Western Mindanao	50.05	45.51	-4.54	67.67	64.44	-3.23
10 Northern Mindanao	63.03	62.61	-0.42	70.52	69.08	-1.44
11 Southern Mindanao	62.95	63.17	0.22	71.28	63.04	-8.24
12 Central Mindanao	50.52	56.45	5.93	76.42	85.97	9.55
ARMM Autonomous Region in Muslim Mindanao /2	37.81	33.96	-3.85	47.90	71.13	23.23
CARAGA /3	59.01 /4	61.88	2.87	64.70	67.23	2.53

/1 Cohort survival rate is defined as the proportion of enrollees at the beginning grade or year who reach the final grade or year.

/2 Created into a region on February 23, 1995.

/3 Created into a region on August 1, 1989.

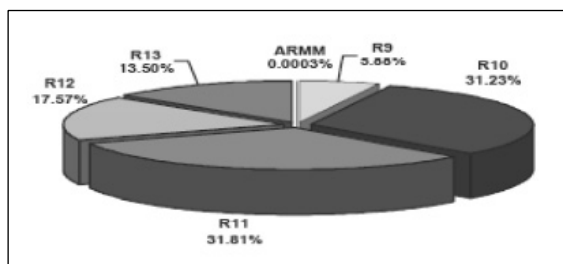
/4 Refers to SY 1991-92.

/5 Refers to SY 1995-96.

Source: NSCB, 2000 Philippine Statistical Yearbook. Tables 10.5 & 10.6

minimal support for irrigation systems compared to the other five regions in Mindanao. The Department of Public Works and Highways does not have ARMM infrastructure records in its official website such as how many farm to market roads were built if there were any. In 2007, Mindanao Economic Development Council (MEDCO), an agency under the Office of the President, reported that from the more than 24% increase in Mindanao foreign trade, ARMM got only a 0.0003% share. MEDCO is now replaced by MinDA or Mindanao Economic Development Authority, a Mindanao equivalent of NEDA (see Figure 4).

**Figure 4. Regional Distribution of Export Earnings (Mindanao Regions) January-December 2007**



Source of beat date: NDO-Central Office  
Processed by MEDCo

National Anti-Poverty Commission assistant secretary Dolores De Quiros-Castillo said that the volatile peace and order situation in Muslim Mindanao and

the lack of infrastructure in CARAGA were the major causes of high poverty incidence in the regions. “The conflict [in ARMM] has displaced many families and poverty alleviation is difficult if you have a lot of displaced families,” Castillo said.

***Violence against Moros aggravate the poverty situation***

There were at least 120,000 documented casualties during the Armed Conflicts between Moro revolutionary forces and the Philippine military from the 1960’s to 1996. In 2009 alone, at least 700,000 people were displaced in Maguindanao, Lanao Del Sur, Zamboanga Sibugay, Basilan, Sulu and Lanao Del Norte. There were countless cases of abductions, missing people, and other forms of human rights violations.

Destruction of houses and households, including farm outputs and animals, cost millions of pesos. Massive dislocation of livelihood and economic activities has aggravated the poverty condition of the residents. According to Eduardo Ermita, Executive Secretary of the former President Gloria Macapagal Arroyo, the Government of the Republic of the Philippines spent around Php 73 billion in military operations in 26 years (1970-1996) or an average of 40% of the Armed Forces of the Philippines (AFP) budget annually.

## Documented displacement



### Analysis

The Philippine policy towards attaining genuine peace and economic development in the Moro areas, particularly ARMM, remains within the old Philippine policy paradigm which is still undermining the right to self-determination of the Moro people. Attempts of providing development projects in the area are just part of the “carrot and stick” policy of the state. The central issue to eradicate poverty and inequality is to resolve the governance system. A governance system that works needs to be consistent with the long established, traditional governance system being successfully practiced by constituents and communities.

The failed Memorandum of Agreement on Ancestral Domain (MOA-AD) between the GRP and Moro Islamic Liberation Front (MILF) could have been a jump-start of genuine economic development within ARMM given the 75%-25% sharing of resources in favor of the Bangsamoro Juridical Entity (BJE). This sharing scheme could have resulted in more resources and funding for poverty alleviation programs and projects. Another basic and fundamental issue that was resolved between the GRP and MILF was the recognition of the Moro identity by the Philippine government. To many, this is a positive step forward given the historical injustices inflicted against the Moro people.

The Autonomous Region in Muslim Mindanao (ARMM), which is composed of five (5) provinces and was the result of GRP-MNLF Peace Agreement in 1996, has not been effective. The present MNLF leadership, which has splintered into many factions, can

hardly deliver the needed push for development, much less on governance. The track record for ARMM so far has been zero. In 2008 alone, ARMM had at least a Php 8 billion budget which is equivalent only to the annual budget of Makati City. Eighty three (83%) percent of this went to administrative costs that included salaries and personnel services. The remaining seventeen percent (17%) of the annual budget went to the delivery of basic social services. According to an INCITEGOV study (2007), 95.2% of the regional budget is still controlled by national government. INCITEGOV states, “Only a negligible 4% (of ARMM funds)...is completely within the control of the ARMM regional government.” The World Bank Joint Social Assessment (2005) concludes that “the ARMM has no more real or practical autonomy in deciding on the level and allocation of funds intended for its politically distinct mandate than other non-autonomous administrative agencies of national government”; Indeed, the ARMM is manifested but has had dismal poverty alleviation performance in the eight targets of the Millennium Development Goals (see Table 2).

ARMM also has only a meager share from ODA and other funding facilities from the international donor community. As a conflict-torn area, ARMM receives less major development assistance from the ODA funding window. Other reasons include regional bias along with a standing exclusion policy. The present set-up of the ARMM fund sources, being dependent on the priority office of the president, cannot sustain the poverty alleviation programs in the region. The

MTPDP has not gained momentum to effect major economic changes in ARMM.

The approximately 40% of the AFP annual budget spent on war in Mindanao in the last 26 years (1970-1996) could have built thousands of farm to market roads, classrooms, clinics, irrigation systems and other socio-economic infrastructure to uplift the poverty condition of the populace.

From the analysis of Clarence Henderson, there is a fundamental disconnect between Filipino élites and the poor. The political leadership in the Philippines has always been drawn from those élites, and those politicians have traditionally played the role of patrons and benefactors, relying on the pork barrel and personal/family funds (often acquired through corruption) to essentially buy votes. The core principle of democracy – that representatives should be drawn from those they represent and advocate for the true interests of their constituents – has not been operative. Philippine Presidents in particular have been drawn from the ranks of the wealthy and privileged. How can they relate to what it means to be poor or hungry? Even if their heart's in the right place (which is not all that common), well-photographed visits to squatter settlements are not the answer. Former President Gloria Macapagal Arroyo for instance, always highlighted fighting poverty as a key policy emphasis. In her *State-of-the-Nation (SONA)* address on July 22nd, 2002, she emphasized the so-called “rolling stores” - trucks

loaded with subsidized rice, sugar, and canned meat that ply the streets of Manila - as a sterling example of her administration's anti-poverty programs. The only problem was her remarks dismayed knowledgeable economists, given that few poor people ever get access to the trucks and only 5% of the nations' poor live in Metro Manila. But real poverty alleviation programs where they are most needed - say in rural Mindanao - would lack the publicity opportunities of the rolling stores on Manila streets. True anti-poverty programs take a long time to bear fruit, and the politically-driven nature of Philippine government sector programs almost ensures that the emphasis will continue to be on quick fixes or interventions that provide high visibility and political payoffs.

*The poverty and inequality prevailing in the Moro areas, in the Autonomous Region in Muslim Mindanao and those outside ARMM, has been brought about by historical injustices and discrimination imposed through blueprint subjugation against the Moro people. This has been aggravated by the Philippine government's deliberate policy paradigm of exclusion and assimilation as reflected in its legislations and programs over the past decades providing a token governance system which was flawed by patronage politics and myopic fiscal economy resulting in a quagmire of poverty for the Moros.*

*The data in Table 2 summarizes the dismal MDG indicators in the Autonomous Region in Muslim Mindanao.*

**Table 2. Comparison of ARMM to National performance on MDG indicators**

Millennium Development Goals		ARMM			Philippines	
		Target	Baseline *	Current	Baseline	Current
<b>1: Eradicate Extreme Poverty and Hunger</b>	Proportion of population below poverty threshold	28.0%	56.0% (1991)	61.6% (2006)	45.3% (1991)	32.9% (2006)
	Proportion of population below food threshold	15.2%	30.5% (1991)	27.5% (2005)	24.3% (1991)	14.6% (2006)
	Proportion of vulnerable employment			86.2% (2008)		
	Prevalence of underweight children under five years of age	15.7%	31.3% (1990)	28.8% (2008)	34.5% (1990)	26.2% (2008)
	Proportion of households with per capita intake below 100% dietary energy requirement	31.2%	62.4% (1993)	64.2% (2003)	69.4% (1993)	56.9% (2003)

**Table 2. Comparison of ARMM to National performance on MDG indicators** (continuation)

Millennium Development Goals		ARMM			Philippines	
		Target	Baseline *	Current	Baseline	Current
<b>2: Achieve Universal Primary Education</b>	Elementary education net enrolment rate	100.0%	77.1%	99.9%	84.6% (1990)	85.1% (2008)
	Elementary education cohort survival rate	100.0%	37.8%	40.8%	69.7% (1990)	75.4% (2008)
	Elementary education completion rate	100.0%		37.5%	64.2% (1990)	73.3% (2008)
<b>3: Promote Gender Equality And Empower Women</b>	Ratio of girls to boys in elementary education	100.0	104.1 (1993)	105.8 (2005)	1.0 (1996)	1.0 (2008)
	Ratio of girls to boys in secondary education	100.0	102.2 (1993)	121.6 (2005)	1.1 (1996)	1.1 (2008)
<b>4: Reduce Child Mortality</b>	Infant mortality rate	18.3	55.0 (1998)	56.0 (2008)	57.0 (1990)	24.9 (2008)
	Under-five mortality rate	27.7	83.0 (1998)	94.0 (2008)	80.0 (1990)	33.5 (2008)
	Proportion of 1 year-old children immunized against measles				77.9 (1990)	82.7 (2007)
<b>5: Improve Maternal Health</b>	Maternal mortality ratio				209 (1990)	162 (2006)
	Births assisted by Skilled Birth Attendants				58.8 (1990)	72.9 (2007)
	Births in a Health Facility			14.0%		
	Contraceptive prevalence rate				40.0% (1993)	50.7% (2008)
<b>6: Combat HIV/Aids, Malaria and Other Diseases</b>	Number of new HIV/AIDS reported cases					
	Number of population aged 14-24 with HIV					
	Malaria morbidity rate					
	Malaria mortality rate					
	Tuberculosis treatment success rate			89.0% (2007)		
<b>7: Ensure Environmental Sustainability</b>	Proportion of population with access to safe water			35.1% (2006)	73.0% (1990)	84.1% (2008)
	Proportion of population with access to sanitary toilet facilities			48.1%	67.6% (1990)	83.8% (2008)

\*Baseline and current data year vary per indicator.

Sources: 2000 and 2006 NSCB; 1998 and 2008 NNS, FNRI; 2008-2009 Department of Education; 2008 NDHS; 2007 DOH; 2006 FIES, NSO

Seven provinces in Mindanao, almost all of them conflict areas, are among the top 10 where the quality of life is the worst in the Philippines, the latest human development report on the country showed. Sulu ranked lowest in the human development index (HDI), followed by Tawi-Tawi, Maguindanao, Basilan, and Lanao del Sur. Sarangani ranked seventh and Zamboanga del Norte ranked ninth. Experts said that because of the armed conflict in the southern provinces, thousands of displaced families are unable to access basic services. “The policy challenge is to stop war, but the whole military approach is not the correct approach,” said Toby Monsod, an economics professor at the University of the Philippines and principal author of the 2008/2009 Philippine Human Development Report. The poor quality of life in these provinces is almost at the same level as in poor African countries like Nigeria, Ghana, Mauritania, and Senegal, and conflict-ridden countries like Pakistan and Myanmar, according to a comparison of HDI’s made by the United Nations Development Programme (UNDP).<sup>5</sup>

## Conclusions and Recommendations

Prospects for the attainment of MDGs in the Moro (Muslim) areas are both political and economic interventions:

### A. *An effective governance system shall be in place*

For genuine and long-term development to succeed and eradicate to poverty, there should be a negotiated peace settlement of the Moro question for the right to self-determination. The GRP should pursue peace talks with Moro Islamic Liberation Front (MILF). Review and refinement of the GRP-MNLF FPA should continue. Unity of MILF and MNLF is an important element in developing the genuine governance system which expresses the Moro people’s right to self-determination. There should be an element of democratic process in developing the coveted genuine and workable governance system. Patronage politics presently being practiced by the Philippine traditional politics will be a bane in coming up with genuine governance system.

Specific recommendations include:

- a. Stop the war in Mindanao together with the Peaceful settlement of the Bangsamoro ques-

- tion for the right to self-determination
- b. Provision of a comprehensive program for livelihood and indemnification of the internally displaced persons (IDPs), who are victims of the conflict.
- c. Massive human rights education and capacity-building initiatives should be provided to conflict areas. Organize community-based human rights watch bodies with contemporary and appropriate technology in the human rights violation reporting, monitoring and lobbying.
- d. Establishment of the Commission on Human Rights (CHR) in the Autonomous Region in Muslim Mindanao. Provide the CHR with prosecutory powers as at present it is only investigative in character.
- e. Recognizing loopholes in the electoral practices as a primary source of electoral fraud, electoral reform should take place through:
  - Massive citizen-voters education in the grassroots communities throughout Mindanao
  - Institutionalization of election monitoring and fraud deterrence activities
- f. Develop legislation on good governance, transparency, and accountability in the performance of public duty

### B. *Full and unbiased Philippine Government support*

In the next five (5) years and onwards beyond 2015, at least 30% of the annual national budget should go to Mindanao. At least three-fold worth of efforts and resources should be undertaken in Moro areas to keep the MDGs target on track. Specifically, additional funds for ARMM to fund MDG-focused programs and projects should be established. The government should review its ODA priority areas to include Mindanao, especially ARMM. Assistance packages that are doable in the next five years should also be prioritized. This is a very timely period to test the fulfillment promises for development of the new President of the Philippine administration.

Specific recommendations include:

- a. The development budget for Mindanao shall be equivalent to percentage of Mindanao GDP

<sup>5</sup> [http://www.undp.org.ph/?link=news&news\\_id=238&fa=1](http://www.undp.org.ph/?link=news&news_id=238&fa=1)



- in terms of infrastructure and public investments (soft and hard)
- b. Mindanao should receive 30% of the annual Official Development Assistance (ODA).
  - c. Passage of an Anti-Discrimination Bill.
  - d. Investors in Mindanao should employ 80% of personnel from workers of Mindanao in origin, 60% of the 80% shall come from the Bangsamoro and Lumad peoples. Staff development trainings shall be provided free by the investors for the purpose.
  - e. Establishment of Regional Anti-Poverty Commission in the Autonomous Region in Muslim Mindanao with a budget allocation equivalent to 30% of the annual ARMM budget. The Regional Commission's budget however shall not be part of the ARMM budget. The ARMM Regional Anti-Poverty Commission shall be composed of four Commissioners and a Chairperson appointed by the President of the Republic of the Philippines upon the recommendation of mainstream Mindanao civil society organizations. The need to urgently address the worsening poverty situation and the highest illiteracy rate along with the nutritional requirements and reproductive health in the Autonomous Region in Muslim Mindanao (ARMM) is imperative. Criteria for the Regional Anti-Poverty Commission budget allocation shall be the following:
    - 25% goes to poverty eradication program
    - 25% goes to primary education including the Madrasah education
    - 20% goes to nutrition and reproductive health
    - 10% goes to gender & women empowerment initiatives
    - 10% goes to environment protection
    - 10% goes to AIDS/HIV education and partnership for development
  - f. Increase public investments in basic health, education, biodiversity, sanitation and livelihood to adequately provide for affordable and quality services
  - g. Passage of a bill that ensures the provision of reproductive health education and services for all Filipinos. The Philippines has one of the highest maternal mortality rates in the world: 10 women die each day due to complications from pregnancy and childbirth. However, any legislation or policy promoting birth control will be opposed.
  - h. Legislate measures to incorporate funding for Madrasah education and informal education programs in the education budget. Expand the Alternative Learning System (ALS) to make it more relevant and accessible to some 11.6 million out-of-school children and youth, and to address the functional literacy needs of adults especially in ARMM and other poor regions and provinces in Mindanao. Such programs will help address the increasing number of drop-outs from the formal education system. (The national average for drop-out rates in the elementary level increased from 9.82% for academic year 2004-2005 to 10.57 % for academic year 2005-2006, while that in secondary level rose from 11.30% to 15.81% during the same period. The ARMM has much higher drop-out rates considering that the ARMM region has the highest illiteracy rate among regions.
  - i. Support legislative measures for the establishment of the Lanao Lake Development Authority whose mandate among others will be the protection and preservation of Lake Lanao.
  - j. There is a need for the government to fully develop ARMM's agricultural sector and supporting infrastructure through clear cut legislations.
  - k. Develop a targeted yet comprehensive workforce development initiative for Out-of-School Youth (OSY), supported by public/private sector partnerships, to include the following components:
    - An alternative learning system to provide basic functional competencies, equivalent to a high school certificate
    - Focused technical vocational education and training to acquire government certified competencies
    - Opportunities for employment of Bangsamoro & Lumads pro-ratio with the percentage of the population in the localities with participating businesses in Mindanao

- a. Lobby for the crafting of laws and ordinances that will employ proportionately
- Supervised facility for micro financing available for youth and small-scale business ventures
- 1. Suspension of Expanded Value-Added Tax.

### ***C. Ending the National Oppression***

Ending the National Oppression against the Moro people is ending poverty and inequality. The Right to Self-determination in the form of a genuine governance system as a political paradigm to end the National Oppression should translate into a workable form to be considered as a concrete rallying tool of the Moro masses given the historical facts. The dynamics of the 13 Moro ethno-linguistic tribes shall exceed their ethnicity. Broad Moro mass movement shall be stakeholders of any gains from the negotiating tables and from other gains under the democratic window of Philippine political leadership.

Unless a workable governance system is in place, that will subsequently end the national oppression, the claim and struggle for sovereignty of the Moro people's will remained a challenge of the Moro generations

ahead within the Philippine political system and in the international arena. The unquestionable historical claim for sovereignty, which is consistent with international laws and documents, is a solid ground for the Moro struggle for the Right to Self-determination against historical injustices, discrimination and poverty.

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## Appendix A

### The Bangsamoro Outlook on MDGs – Brief Moro History

#### The Moro People

The term Moro reflects the identity of 13 ethno-linguistic tribes in Mindanao who are basically Muslims. Long before the coming of Spaniards in the 16th century, sovereign Moro political structures dynamically governing Mindanao, Sulu, Palawan which were already in place and expanding control over the Visayas and Luzon Islands as early as the 14th century. The Sultanates being the popular form of government then also started enjoying flourishing trade with Asian neighbors like China and other southeast Asian countries.

It is worth to note that the sovereign Moro Sultanates withstood against Spanish attempts of conquest. For 377 years of war against Spanish invasion the Moros prevailed, unconquered and remained a sovereign nation.



**Sultan Mangigin, ruler of the Sultanate of Maguindanao, and his retainers. Photo was taken circa 1899-1901.**



**Sultan Jamal ul-Azam, ruler of Sulu and North Borneo/Sabah from 1862 to 1881, receiving a French official delegation. The chief *gadi*, an Afghan, sits behind the Sultan.**

Source: J. Montano, Voyage aux Philippines et n Malaisie (Paris, 1886)

#### Visiting Spanish Royal Family in Sulu (1892)



**1892: The Countess of Caspe, the wife of Spanish Governor-General Eugenio Despujol y Dussay, Count of Caspe, visiting Siasi Island, Sulu Archipelago. Photo probably taken in June 1892.**



### Moro situation after the Treaty of Paris

The Bangsamoro homeland (Mindanao, Sulu and Palawan) was illegally annexed in the US\$ 20,000.00 Treaty of Paris buy out between the US and Spain in 1898 through a mock battle in Manila. Several historical archives showed proof of evidence including the details of communications between Commissioners of the Spanish and American Commissions working to realize the treaty of peace in 1898.

Showcasing the manipulation of the US and Philippines neo-colonial regimes after the Treaty of Paris, political and social exclusion/inclusion were imposed through the US rubber stamped Philippine Legislature. These neo-colonial policies opened up the floodgate of migration. Influx of settlers from Northern and Central Philippines to Mindanao has resulted to the minoritization, exploitation and discrimination against the Moros and Lumads which to this day forms part of the National Oppression of the Philippine state.

Filipino leaders' policy during the American and Commonwealth Period is reflected in the words of Philippine Commonwealth President Manuel Luis Quezon who said "Unless we fully opened up, protected and settled, and thus made use of this great, rich, only partly developed island, some other nation might someday try to move in and make it their own. For the past twenty years, continued and successful efforts to colonize Mindanao from the north have been undertaken."

The colonization or minoritization program was undertaken through invalidation of all landholdings of Moros and indigenous peoples under Philippine Bill of 1902, Sec. 84. Land Laws during the American and Commonwealth period included:

1. Land Registration Act (Act No. 496) of November 1902
2. Act No. 718 April 1903
  - made void land grants from Moro sultans or datus or chiefs of any non Christian tribe when made without government authority or consent
3. Public Land Act 926
  - all lands not registered under Act 496 are declared public lands, which may be Acquired by homestead, purchase and lease

How land is granted under these laws:

Land Law	Christians and US Citizens	Moro and non-Christians (Tribes)
Public Land Act	16 hectares	16 hectares
Act No. 2874	24 hectares	10 hectares
Commonwealth Act No. 41	16 hectares	4 hectares

### Series of land grants in Mindanao to settlers from Luzon and Visayas:

- a. Act No. 2254 (1913), Agricultural Colonies Act creating agri-colonies in Cotabato Valley; Act No. 2280 (1914) creating agricultural colony in Momungan (Balo-i), Lanao; Act No. 2206 (1919) authorizing provincial boards to manage colonies (Zamboanga opened Lamitan, Sulu opened Tawi-Tawi, Bukidnon opened Marilog, Cotabato opened Salunayan & Maganoy); Resettlement done by Interisland Migration Division (1919-1930) of the Bureau of Labor (opened Kapalong, Guiangga, Tagum, Lupon and Baganga in Davao, Labangan in Zamboanga; Lamitan in Basilan; Cabadbaran in Butuan; Buenavista in Agusan; Momungan and Kapatagan valley in Lanao; brought in more settlers to Pikit and Pagalungan);
- b. Act No. 4197 Quirino-Recto Colonization Act / Organic Charter of Organized Land Settlement (1935); Act No. 441 Creating National Land Settlement Administration (NLSA) (opened Koronadal Valley and Ala Valley in Cotabato, and Mallig plains in Isabela); Rice and Corn Production Administration (RCPA) created in 1949 to promote rice and corn production (opened Buluan in Cotabato and Maramag-Wao in Bukidnon-Lanao border); 1951, Land Settlement Development Corporation (LASEDECO) (opened Tacurong, Isulan, Bagumbayan, Part of Buluan, Sultan sa Barongis, Ampatuan); 1951, Economic Development Corps (EDCOR) for captured and surrendered Huks (opened Arevalo in Sapad, Lanao del Norte; Genio in Alamada, Gallego

and Barira in Buldon, all in Cotabato, and two others in Isabela and Quezon);

- c. RA 1160 (1954) created National Resettlement and Rehabilitation Administration (NARRA); 1963, Land Authority inaugurated land reform, also managed resettlement; RA 6389 (1971) created Department of Agrarian Reform (DAR), did resettlement thru the Bureau of Resettlement. (Note: Culled from PowerPoint Presentation of Professor Rodolfo Rodil, Vice-Chairperson, GRP Peace Negotiating Panel, presented at the University of the Philippines, College of Law, August 8, 2008.)

Since the signing of Treaty of Paris in December 10, 1898, Moro political power in Mindanao has declined. Successful blueprint subjugation started which is expressed in majority-minority relations. American colonial regime successfully passed to its successor neo-colonial Philippine Commonwealth and succeeding regimes its policy of pacification, assimilation and at the same time imposed the National Oppression against the then sovereign Moros.

The decades of land grants to settlers from Luzon and the Visayas dramatically systematized the roads to poverty for Moro and Lumads. Decreased land holdings of Moros and Lumads subsequently resulted in decreased agricultural outputs. Most of the agricultural colonies that were set up through these land grants were exploited by the settlers. The entry of Visayan and Luzon-based oligarch and multi-national corporations that acquired vast tracts of agricultural lands opened up another large scale exploration and exploitation of Mindanao resources in the name of national interest and development. Obviously, Mindanao became the “milking cow” of the non-Mindanaoans.

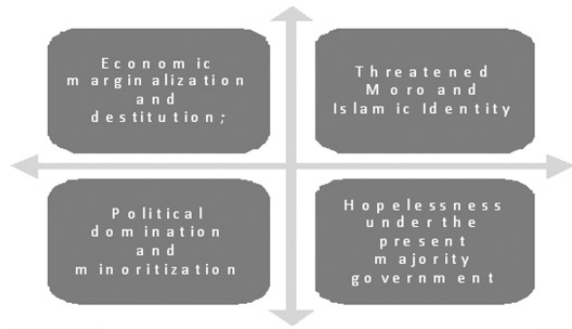
### National Oppression

The National Oppression against the Moro people perpetuated by the Philippine state is expressed as historical injustices and present-day injustices and intense poverty. In his presentation in Marco Polo Hotel, Davao City in 2008, Atty. Bong Montesa, then Executive Director of Institute of Autonomy and Governance and Undersecretary of OPAPP lamented the details of the injustices such as:

- a. Denial of identity/history
- b. Unjust dispossession of ancestral domain and land
- c. Massive poverty
- d. Political marginalization

In his article Mindanao History and Conflicts, An Attempt... By Fr. Eliseo “Jun” Mercado, OMI, enumerated the elements of Bangsamoro Problem:

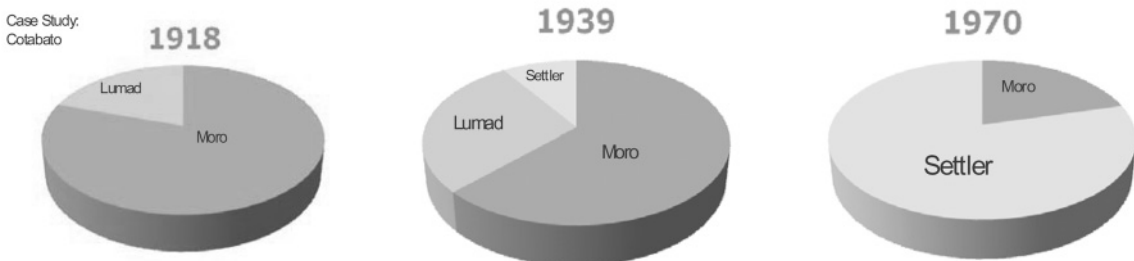
### Elements of the “Bangsa Moro problem”



### Moro armed resistance is resistance against injustices, discrimination and poverty

The historical injustices and present day injustices that are manifested by poverty and inequality are the breeding grounds of the resistance movement in the 1960’s. The coming into being of the Mindanao Sulu

### LAND HOLDING CASE STUDY: Undivided COTABATO includes Maguindanao, South Cotabato, North Cotabato and Sultan Kudarat Provinces



and Palawan movement and Mindanao Independent Movement lead by Moro politicians such as Sen. Salipada Pendatun and Cong. Rashid Lucman respectively is an assertion of the Moro people's right to self-determination to end injustices, political marginalization and poverty. These movements gained strength and prominence when they founded the Moro National Liberation Front (MNLF) lead by the University of the Philippines Professor Nur Misuari. Later in 1978, the Moro Islamic Liberation Front (MILF) was established lead by Moro religious icon Ustadz Hashim Salamat. Both the MNLF and MILF had engaged in full blown wars against the Philippine government not because these revolutionary forces wanted to seize political power from the Philippine state but because the struggle is a legitimate expression of the Moro people's resistance against decades of injustices, discrimination and poverty.

### ***Philippine state policy towards armed resistance***

The Philippine government implemented a multifaceted framework in dealing with the armed resistance of the Moro revolutionaries. After the completion of the resettlement program of bringing an influx of migrants from the North and Central Philippines to Mindanao that subsequently made the migrants the majority of the population compared to native Mindanaons such as the Moros and Lumads, violence and conflicts over land ownership occurred. Vigilantes and para-military groups were organized and the ensuing cycle of land conflicts have been under the guise of religious (Muslim & Christian) divides.

### ***Militarization***

The intensity of violence in Mindanao is also a blessing in disguise in favor of the former military strongman Ferdinand Marcos who placed the entire country under Martial Law in 1972. Pacification and assimilation processes continue to wreck havoc against the now minority Moros and Lumads. While Marcos did his best through Martial Law, Cory Aquino opened up a "democratic window" but still pursued the Low Intensity Conflict in dealing with the armed resistance. Her successor Fidel Ramos championed his maximum tolerance deeply rooted in his Westpointer way of counter-insurgency tactics. Joseph Estrada declared an "all-out war" policy and Gloria Arroyo just continued what Estrada started even to the extent of putting into jail the MNLF leader Nur Misuari. Militarization

brings in endless conflicts and aggravates poverty in the region.

### ***Peace negotiations***

Former military strongman Ferdinand Marcos inked the Tripoli Agreement in 1976 ending the intensive war between the Moro National Liberation Front (MNLF) and the GRP. Brokered by Libya through the auspices of Organizations of Islamic Conference (OIC) which MNLF is a member, the negotiation underwent major ups and downs due to the vagueness of the provisions of the Tripoli Agreement. Cory Aquino did her own Jeddah Accord with the MNLF as part of her 'democratic space' following her victory that toppled the military dictator Ferdinand Marcos. The Jeddah Accord has resulted in no major impact but did douse the militancy of the revolution in the process. Fidel Ramos reaped the fruits of Cory Aquino posturing that weakened the militancy of the MNLF and brought the aging MNLF head Nur Misuari into signing the GRP-MNLF Final Peace Agreement in 1996. In 1997, peace negotiations also started between the GRP and Moro Islamic Liberation Front (MILF) under the Moro religious icon Hashim Salamat. The negotiation which was not made transparent and claimed of consultations from within Mindanao, produced the Memorandum of Agreement of Ancestral Domain (MOA-AD), crafted and initialed by both the GRP and MILF, but was later junked by the Philippine Supreme Court.

To date, review and continued refinement of the GRP-MNLF Final Peace Agreement is underway for the implementation of the Second Phase of the Agreement. The GRP-MNLF signed the MoU in Tripoli, Libya, on March 20, 2010, and inked another peace deal on May 30, 2010 in Surabaya, Indonesia, for the Bangsamoro Development Assistance Fund or BDAF, with an initial Php 100 million allocation from the President's contingency plan. BDAF's creation (Executive Order No. 872 by former PGMA) was recommended by the tripartite review of the 1996 final peace agreement to implement an economic catch-up plan. Will this be honored by the latest Philippine president? That we have yet to know.

On June 3, 2010, the GRP and MILF signed the Declaration of Continuity for Peace Negotiation which is still being brokered by the Malaysian government with additional members of the International Monitoring Team such as the European Union as Coordinator

of the Humanitarian, Rehabilitation and Development Component and Norway as the member of Security Component. These are in addition to the International Contact Group (ICG) – the United Kingdom, Japan and Turkey.

### ***Development Interventions***

Massive development projects were introduced in Mindanao, from the Commonwealth period upto the height of migration of settlers to Mindanao, basically to develop agricultural lands. This is where the phrase “Land of Promise” cropped up. It’s a government promise to the settlers which resulted in the granting of vast tracts of lands all over Mindanao. Road networks were engineered along with airports and seaports and other infrastructures primarily to serve the investments brought into the area. Employment opportunities brought by these investments were not enjoyed by the locals (Moros & Lumads). It was the labor force coming from the settlers that were tapped and thus promoted a second wave of migrants.

The GRP-MNLF FPA in 1996 provided a win-

dow for the much needed development in the 13 identified provinces in Mindanao. However, projects implemented in the Zones of Peace and Development (ZSOPAD) areas do not have an impact on the targeted beneficiaries. The second phase of the Agreement implementation that resulted in the creation of the present Autonomous Region in Muslim Mindanao (ARMM), failed to deliver the badly needed reparation and basic social services in the Moro communities in the five Muslim-dominated provinces.

There are hopefully rehabilitation and development projects that will take place as a result of the GRP-MILF talks, but such projects might not be that all possible within the next five years, the target date of the Millennium Development Goals.

Today, the quest for genuine peace and development in Mindanao areas remains a legitimate aspiration of all Mindanaons. Prospects for the Bangsamoro genuine right to self-determination under the new Aquino administration whether it will follow the same path with its predecessors or not, are still to be realized.

## Appendix B

### Are the Moros Filipinos?

Mohd. Musib M. Buat

No. They are not ‘Filipinos’ but they are ‘Philippine Citizens’ by operation of law. And how did that happen? It’s a long story. But first let me narrate its historical antecedents before I will talk about the issue on ‘Citizenship’.

### Historical antecedents

The Moros were once free and independent people under the suzerainty of their sultanates with a definite territory or homeland as recognized under various treaties with foreign powers like Spain, Great Britain, Germany and the Netherlands. The Moro sultanates, kingdoms and principalities at the time were known as *karajaan* or *kadatuan* (*negeri* in Malay), endowed with all the elements of a nation-state in the modern legal sense. They conducted foreign trade and commerce and diplomatic relations and entered into treaties of peace and amity, trade and commercial relations with their Asian neighbors as well as various European powers.

The most significant of these treaties entered into by the Moro rulers or suzerains with Spain were the Sultan Qudarat-Lopez Treaty of 1645 and 1648, and the Rajah Bungso-Lopez Treaty of 1646, defining and demarcating the respective dominions of the sultanates of Maguindanao-Buayan and Sulu and the colonial possessions of Spain over the Visayas and Luzon. These treaties were honored by Spain until the last days of their colonial rule over the Visayas and Luzon. The so-called “Moro Wars” between the Moros and Spain were better known as ‘wars of supremacy’ between the two nations over the control and collection of tributes on the native inhabitants of the Islands of Visayas and Luzon, according to the Muslim historian Dr. Cesar Adib Majul (in *Muslims in the Philippines*, Quezon City, 1973).

The Royal Decree of July 30, 1860 decreed by Queen Isabella II of Spain and the Royal Decree of July 15, 1896 and the Maura law of 1893 that provided organization of municipal governments excluded the Moro territories of Mindanao, Sulu and Palawan. The latter Spanish decrees merely proposed for the establishment of politico-military governments in occupied territories of Mindanao, Sulu and Palawan, excepting the territorial dominions of the Sultanates of Mindanao and Sulu. The last significant treaty entered into by the

Spanish colonial government and the Sultanate of Sulu was the Sulu-Spain Treaty of 1878 which was more a treaty of peace and amity between Sulu and Spain and for the Sulu Sultan recognizing the protection of Spain against any foreign aggression. It was more of a protectorate relationship between Spain and Sulu, and not a territorial possession on the part of Spain over the dominions of Sulu.

The last agreement or treaty entered between the Sultanate of Maguindanao and Rajah Buayan realms with Spain in 1888 was the ‘Act of Conciliation between Spanish sovereign King Alfonso XIII and the Royal Houses of Maguindanao and Buayan,’ represented by Rajah Putri, Queen Regent of Maguindanao (Datu Utto’s wife) and by Datu Utto himself, representing Rajah Buayan, to end the war between Spain and Buayan. Like the Sulu-Spain Treaty of 1878, it was a treaty of peace and amity and not capitulation or surrender on the part Datu Utto of Buayan and his Moro datu allies.

But how did the Moros lose their freedom and sovereign independence? They lost it through deceit and misrepresentation and not by conquest by any foreign power, nor by capitulation or surrender. Spain shamelessly and immorally included the Bangsamoro territories in the cession of the Philippine Islands under the Treaty of Paris of December 10, 1898 to the United States. US President William McKinley who had entertained serious doubts as to the sovereignty of Spain over the Sulu Sultanate had promptly directed that a formal agreement be made with the Sulu Sultan on the basis of the Sulu-Spain treaty of 1878. The agreement entered into between Sulu Sultan Jamal ul-Kiram II and US Brig. General Bates is known as the Kiram-Bates Treaty of August 20, 1889 that later became very controversial. The Sulu Sultan and his royal datus maintained that it was a treaty of peace and friendship, the former merely accepted and acknowledged the protection of the American flag while the United States military authorities claimed that it was a tacit recognition by the Sulu ruler and his datus of the sovereignty of the United States over the Sulu dominions and dependencies.

No agreements were entered into by the US authorities with the Moro suzerains and leaders of Mindanao. The Moro leaders in the mainland, except some of the datus and sultans of the Lake Lanao region (Ranaw) who viewed with suspicion the Americans as not different from their hated enemies – the Spaniards, relied on the promises of the American officials



to honor and respect the Moro culture and tradition, Islam religion and their institutions, did not find the necessity of entering into formal agreements with the American authorities. The American authorities who had recognized and acknowledged the distinct identity and culture of the Moros and other natives of Mindanao from the Christian Filipinos in the Visayas and Luzon, established a separate administrative structure to govern and administer the affairs of the Moros and other non-Islamized native inhabitants, known as the Moro Province in 1903. It was a transition type of administration to last up to 1913, preparatory to the transfer of authority to the Moros after they were prepared to govern themselves in the art of modern self-government and administration. It was extended from 1914 to 1920 under a new name known as the Department of Mindanao and Sulu.

When news went around on the plan of the United States to grant Philippine independence after the passage of the Jones Law in 1916 by the US Congress and immediately after the end of the Moro Province, the Moro people of Sulu signed and sent a petition dated June 9, 1921 addressed to the President of the United States, expressing their desire and preference that the Sulu archipelago be made part of American territory instead of being incorporated with the Philippine Islands. They cited a litany of grievances against the abuses of the Philippine Constabulary and Filipino officials on the Sulu Moros. In other separate petitions, other Sulu Moros longed for the return to the Moro Province administered by American officials.

On February 1, 1924, Moro leaders and datus led by Sultan Mangigin of Maguindanao gathered in Zamboanga and signed a petition popularly known as the “Zamboanga Declaration” addressed to the Congress of the United States, proposing that in the event that the US Government will grant Philippine independence, the Islands of Mindanao, Sulu archipelago and Palawan instead be made an unorganized territory of the United States; and should this be not feasible, they further proposed that 50 years after the grant of Philippine independence, a plebiscite (or referendum) be held in the proposed unorganized territory to decide by vote whether the proposed territory will be incorporated in the government of the Islands of Luzon and Visayas, remain a territory, or become independent. In the event that the United States grant independence to the Philippine Islands without provision for the retention of the Moro territories under the American flag, the petition-

ers manifested their firm intention and resolve to declare themselves an independent sultanate to be known to the world as the “Moro Nation” (Bangsa Moro).

Congressman Roger Bacon and others filed and introduced bills before the US Congress proposing either to make Mindanao and Sulu a component state of the United States or remain as an unorganized territory in preparation for the granting of separate independence. These moves were blocked by the lobby of the Filipino nationalists led by Manuel Quezon and his colleagues. When Quezon became President of the Philippine Commonwealth, his first national policy was the colonization of Mindanao and Sulu by Filipino migrant-settlers from the Visayas and Luzon with government support and backing. This was followed by the passage of land confiscatory laws passed by Philippine Legislature dispossessing the Moros and other native inhabitants of their ancestral domains and ancestral lands, a policy that started during the early American regime.

The Bangsamoro people during the American period (1898-1946) did not relent in their quest for freedom and self-determination. On March 18, 1935, during the Philippine Commonwealth, Hadji Bogabong together with prominent Moro datus and leaders of Lanao signed a petition now known as the historic ‘Dansalan Declaration’ addressed to the President of the United States, expressing their grievances for the failure of the delegates in the 1935 Constitutional Convention to provide appropriate security and guarantee over the rights and interests of the Moros and the protection of their ancestral lands from being titled and occupied by Christian Filipino settlers. When this petition was not heeded by the US Government, Bogabong and his followers waged the famous ‘Cotta Wars’ (Moro Forts) in the Lake Lanao region which lasted until shortly before the outbreak of the Pacific War in World War II.

After the Pacific War, the United States Government hastily granted Philippine independence on July 4, 1946, incorporating the Islands of Mindanao, Sulu archipelago and Palawan, particularly the geographic areas encompassed under the Moro Province and adjacent areas, without prior consultation or plebiscitary consent of the Bangsamoro people. America therefore reneged and betrayed her unfulfilled mandate in ‘Moroland’ to prepare and train the Moros in the art of modern self-government and administration as stated under former US President William McKinley’s Instructions to the Second Taft Commission and the US Congress on April 7, 1900 on the policy to be pursued by the US

Government with respect to the Moros and other native inhabitants of the Philippine Islands. America is partly to blame for the present conflict in Mindanao and Sulu archipelago and Palawan, and adjacent islands, as ‘protector’ of the Bangsamoro people. America shall therefore be urged to fulfill its unfinished mandate to ‘decolonize’ the Bangsamoro country (or Moroland) from the neo-colonial regime of the Philippine government.

The 50 year period in the ‘Zamboanga Declaration’ reckoned from the date of the grant of Philippine independence on July 4, 1946 matured in 1996, the year that the Philippine Government (GRP) and the Moro National Liberation Front (MNLF) signed the Final Peace Agreement in September 1996. Finding the GRP-MNLF agreement inadequate for failure to adequately address the legitimate grievances and aspirations of the Bangsamoro people, the Moro Islamic Liberation Front (MILF) opted to continue the peace negotiations with the Philippine government in the hope of finding a just, peaceful and permanent solution to the Mindanao conflict through a negotiated political settlement.

I have reviewed the above historical antecedents to have a clear perspective on the question – why the Moros are not ‘Filipinos’. With respect to this particular issue, I find it convenient to just quote excerpts from my earlier paper which aptly discussed this subject.

### **The Bangsamoro people are not Filipinos**

The question of allegiance by the Bangsamoros to the Philippine State, remains an unsettled issue up to this day. The Bangsamoro people have never regarded themselves as Filipinos but as “Philippine Citizens” by operation of law or for political convenience since they have always maintained their uniqueness as a people or nation (*bangsa*) with a separate and distinct identity on the basis of a “two-nation theory” within the Philippine nation-state entity which they believed they have an equal right to share a portion of the national territory as their separate national homeland and over which they have the right to govern themselves free from undue interference from the Central Government on the basis of the principle of “equality of peoples” under the law of nations. Regrettably, the present Philippine Constitution still reflects a highly centralized and unitary colonial system compared with other modern constitutions.

The present Spanish Constitution has categorically recognized the identity and the right to self-governance

by its historic peoples or communities. The Basques, Catalans, Galicians and Andalusians of Spain are considered ‘historic nationalities or communities’ who have retained their distinct ethnic identity and guaranteed their rights to self-government and are practically independent from interference from the Spanish Central Government. The territories and regions of these historic communities are denominated under the Spanish Constitution as ‘Regional Autonomous States’ within a central political structure. Indeed, a former colonial power such as Spain is more politically progressive and liberal than its former colony – the Philippines Islands.

As a matter of consolation in their realization that they have become part of an artificial and imaginary national community called Filipino not of their own choice or liking but by operation of law, the Bangsamoro people tried to cushion and mitigate that reality by affixing to Filipino the term Muslim or one who is a ‘Muslim Filipino’ to maintain their separate and distinct identity from the Christian Filipinos. With the resurgence of Moro nationalism in the early 70’s, they restored their historical identity and added to the ‘Moro identity’ the concept of a ‘Nation (*Bangsa*)’. Thus, their preferred ethnic identity is ‘*Bangsa Moro*’, meaning ‘Moro Nation’.

This is however not a new ethnic configuration for it has a long history dating as far back as the 17th century when the Moros started to consider themselves a ‘Nation’ bound by Islamic culture and ideology despite their differences as domestic communities. There is a historical and legal basis for their assertion of a separate and distinct identity from the Christian Filipinos. In the first place, they were never the subject of the Spanish Catholic monarchy. They have remained a separate and independent people until they were unjustly incorporated under Philippine territory by the United States in the granting of Philippine independence on July 4, 1946. Secondly, based on legal and historical instruments they were neither considered Filipinos.

Under the Treaty of Paris of 1898, concluded between Spain and the United States, the Moros were not listed as Philippine Citizens. The Malolos Constitution of 1899 of the First Philippine Republic did not include the Moros under Article 6 thereof as Citizens of the Philippines. What appears is that President Emilio Aguinaldo in his letter of January 18, 1899 to the Sultan of Sulu recognized the independence of the Moro

people and offered them “bonds of fraternal unity” and “solidarity on the bases of absolute respect for the beliefs and traditions of the Moros”.. The Philippine Bill of 1902 passed by the U.S. Congress defines Philippine Citizens as ‘all inhabitants of the Philippine Islands who were subjects of Spain, their children and descendants’. The Moros were never subjects of Spain.

The Jones Law of 1916 passed by the U.S. Congress similarly defined Philippine Citizens as former subjects of Spain. It, however, contained a proviso which provides that, except by law the existence of Philippine Citizenship shall be provided by the Philippine Legislature which was a legal contingency. The 1935 Constitution may have extended Philippine Citizenship to the Moros in ambiguous terms when it provided that Philippine Citizenship covers: 1) Those who are citizens of the Philippine Islands at the time of the adoption of the Constitution; 2) Those born of foreign parents who before the adoption of this Constitution were elected to public office; 3) Those whose fathers and mothers are Citizens of the Philippines; and 4) by naturalization.

Although the Bangsamoro people may have been extended Philippine Citizenship, either by implication or by operation of law, the question of allegiance remains disputed and unsettled because the Moros until now have been asserting their separate national identity as Bangsa Moros and they could hardly accept being identified as Filipino for not having been the subject of the Spanish Catholic monarchy, nor Moroland a colony of Spain. One of the main general concepts which the Peace Negotiating Parties have reached a consensus point was the MILF Position during the 7th Exploratory Talks held in Kuala Lumpur, Malaysia on April 18-20, 2005, is the general principle that:

“It is the birthright of all Moros and other indigenous peoples of Mindanao to identify themselves and be accepted as ‘Bangsa Moros’. The Bangsamoro people refers to those who have been designated as natives or are identified descendants of those original inhabitants of Mindanao and its adjacent islands including Palawan and the Sulu archipelago at the time of conquest or colonization whether mixed or of full native blood. Spouses and their descendants are classified as Bangsamoro.”

Upon suggestion by the GRP Peace Panel which the MILF Peace Panel concurred, the Indigenous peoples are given the ‘freedom of choice’ whether or not they wish to identify themselves as ‘Bangsamoros’.

Except for a few, the majority of the Indigenous peoples accept being identified as ‘Bangsamoros’. The Bangsamoro identity is the parallel of Malaysia’s ‘Bumiputra’ which meant ‘children of the soil’, an ethnic configuration encompassing all Malays, Sabahans and Sarawakians as owners of all Federal lands of Malaysia, excluding the Chinese migrants. On top of this, the ‘Bumis’ are granted special privileges in both economic and political life, such as education, employment, medical services, housing, award of government contracts and business opportunities over those of the Chinese migrants and Indians.

The Bangsamoro identity is based on ethnic or cultural nationalism by a group of people seeking selfhood or nationhood which was usurped from them. They have now come of age and they now assert to restore that lost freedom via decolonization and through their collective right to self-determination under international law and norms, treaties and conventions. Indeed, the usurpation of the Bangsamoro political sovereignty and territorial integrity are the two major injustices and legitimate grievances that constitute the main root causes of the Mindanao conflict and of the Bangsamoro problem. The Moros who had successfully defended and preserved their freedom and independence from the aggression of various foreign powers, have become a ‘hostage nation’ to a post-world war fabricated neo-colonial regime – the Republic of the Philippines. (cf. Joseph Fallon).

The Bangsamoro dilemma is not without a formula or solution. ‘Ethnic nationalism’ or the ‘politics of sub-nationalism’ is a worldwide phenomenon of the post-world war era because former colonial powers realigned the historical borders of historic nations, peoples and communities making them ‘hostage nations’ by newly fabricated post-colonial states contrary to their own free will and consent. The United Nations came up with the lists of colonized peoples for ‘decolonization’ under the ‘trusteeship program’. However, many of these hostage nations, nationalities and peoples were unlisted for decolonization, among them are the Bangsamoro people of Mindanao, Sulu Archipelago and Palawan and adjacent islands.

Legal scholars and political authorities point out that “[Until] recently, most efforts to resolve sovereignty-based conflicts have faltered due to the limited legal and political tools available to policy makers. The two most applicable principles, sovereignty and self-determination have been reduced to little more than

legal and political shields behind which states and sub-state entities justify their actions.” However, “[While] these two basic principles of international law may sometimes be reconciled to create a lasting settlement of a sovereignty-based conflict, more frequently they are a recipe for political gridlock and violence.” In view of this dilemma, recent state practice developed as ‘evidenced by a growing creativity among states and policy makers which has led to the emergence of a more elastic approach to resolving sovereignty-based conflicts... the seeds of which can be found in a number of recent peace proposals and peace agreements, can be termed ‘earned sovereignty’. (cf. Paul R. Williams, et. al.).

For a group entitled to a right to collectively determine its political destiny, the Bangsamoro people appropriately falls within the UNESCO Experts’ definition of ‘people’ ‘as individuals who relate to one another and not just on the level of individual association but also based upon a shared consciousness, and possibly with institutions that express their identity. The indicative characteristics in defining ‘people’ according to the UNESCO are: “(a) a common historical tradition; (b) religious or ethnic identity; (c) cultural homogeneity; (d) linguistic unity; (e) religious or ideological affinity; (f) territorial connection; and (g) common economic life.”. The Bangsamoro people possess sufficient or most if not all of the above distinctive identity or characteristics as a ‘people’ endowed with the collective right to self-determination.

In order to reconcile the opposing principles of state sovereignty and the equally recognized principle of the right to self-determination, the government and the MILF Peace negotiating panels came up with a new and novel formula. And what is this new formula?

### **The MOA-AD is a new formula in conflict resolution**

The Memorandum of Agreement on Ancestral Domain (MOA-AD) is an elegant document and a new formula designed to resolve historical injustices, one of which is ‘injustice to the ‘Moro identity’. The Bangsamoro struggle for freedom and defense of homeland for more than 300 years against colonial Spain is not well recognized and acknowledged by the dominant Christian majority. The Moros equally deserve recognition of their separate and distinct identity as ‘Bangsamoro’, not that they wish to secede or establish a separate independent state. They equally fought for this land known as Philippine Islands. They are simply invoking a ‘two-nation’ theory which means two or

more nations may co-exist in the same territory and as in other plural societies.

This is precisely, why the MOA-AD has contained the concept of ‘associative relations’ between the proposed Bangsamoro Juridical Entity (BJE) and the Central Government or akin to that of ‘federacy’ under a unitary system. The proposed BJE as a political entity is ‘in-between’ the range more advanced than ‘enhanced autonomy’ but short of being a full ‘free associated state’ as understood in current political theory and practice. At most, it has the status of a ‘sub-state’, (or a ‘conditional state’, or at least a ‘quasi-state’). It could later become a component federal state with residual powers, if ever the Philippines decides to amend or revise the Philippine Constitution and shifts to a federal form of government.

The ‘associative relationship’ between the proposed BJE and the Central government is a concept not the same as the ‘Free Associated State’ similar to those of Marshall Islands, Mariana and Pulau who are in ‘free association’ with the United States as the latter’s former trust territories. The BJE may be designed to have some features with that of Cook Island or even Puerto Rico but not exactly parallel and its final configuration or designation is still subject to further discussion during the formal negotiation of the Comprehensive Peace Compact, and may not be immediately fully implemented but will still undergo a transition period for capacity and institution building preparatory to its exercise of self-governance while being gradually devolved with ‘shared powers and authority’ from the parent state (Central government) under the concept of ‘shared sovereignty’.

On top of this, it is still further subject to any necessary changes in the legal framework to make it fully operational as a juridical entity. The objections to this concept are all speculative and unfounded for fear of the ‘unknown’ and an obvious manifestation of an ‘anti-Moro bias and prejudice’. If the Filipinos don’t like and care for the Moros, why not allow them to chart their own separate ways to become independent? But if, indeed, the dominant Filipino majority do care and love the Moros, give them what they deserve! With the declaration of the MOA-AD as unconstitutional by the Supreme Court, the Bangsamoro people are compelled to seek redress from other international forums or revert to their original position of aspiring for independence by whatever means, including under international law and diplomacy.