

## FINALLY PEACE IN MINDANAO? THE CHALLENGE IS TO TAKE THE CHALLENGE FOR THEMSELVES



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After 40 years of bloody civil war in Mindanao, the government and the paramilitary Moro Islamic Liberation Front (MILF) are seriously talking about a peace agreement. After 13 exploratory meetings in 21 months under the Aquino administration, the president of the Philippines proclaimed on October 7<sup>th</sup> 2012: „This framework agreement paves the way for a final and enduring peace in Mindanao'. 83 percent of the Filipinos are optimistic about a peace agreement between the government and the MILF. We interviewed the former regional Director of the Commission on Human Rights in Davao, Attorney Alberto Junior Sapico, Atty. Raissa H. Jajurie, who took part in the negotiating of the peace framework, and the journalist Mr. Bobby Lagsa who is also working in Mindanao.

### Bobby Lagsa

is a freelance photojournalist and writer for human rights, peace and conflict, gender and equality, based in Cagayan de Oro City in Mindanao. His works appears in the Philippine Daily Inquirer and the Mindanao Gold Star Daily.

### Attorney Raissa Jajurie

is an alternative lawyer and advocate for Muslim women's rights. Her work has focused on the area of human rights of the Moro peoples as well as other marginalized sectors and identities, including Muslim Moro women. She attended the Bangsamoro Peace Agreement discussions.

### Attorney Alberto B. Sipaco Jr.

was the Regional Director of the Commission on Human Rights in Davao (Mindanao) until October 2012. Although retired, he is still dedicating himself to human rights issues.

### IPON: 15 years of peace process in Mindanao and now there is a peace agreement – a success for a sustainable peace development in Mindanao?

**Mr. Lagsa:** The framework agreement is only a start. There are still a lot of questions, especially on wealth sharing, governance and autonomy. But how they are going to panel it out still remains to be seen until December when the peace

agreement will be signed by the MILF and the Government.

### Will it support the socioeconomic development and human rights situation, too?

**Mrs. Jajurie:** While the socio-economic problems that confront the Moro people and the human rights violations that they face are not the root causes of the conflict, these are real prob-

- 1400
- 1565 - 1889
- December 1898
- Beginning of 1900
- starting from 1913

Islamisation of Mindanao influenced by Arab merchants  
Spanish colonisation. Inhabitants of Mindanao fight successfully against Spanish influence  
Spain sells the Philippines to the United States of America  
Muslim region is declared a special military administration. The colonisation of Mindanao begins  
The Mindanao people are dealt with with the help of the Public Land acts

lems that exacerbate and 'feed' the conflict. With the signing of the Framework Agreement we hope for structural changes that will usher in new policies that will ensure that people have access to a decent livelihood, basic services, and good governance, and that their human rights will be respected and promoted.

**Mr. Lagsa:** The root of the conflict is always an economic one in the Mindanao context, the lack of interest and funding for Mindanao. We provide half of the income of the Philippines and only 10% of spendings on regional issues go to Mindanao; it is a very big injustice.

**Mr. Sapico:** Under Article IV of the Framework Agreement, which is entitled 'Revenue Generation and Wealth Sharing', both the Government and the MILF have agreed to wealth creation as a key aspect in ensuring the Bangsamoro come up with its own source of revenue, excluding the national share it gets. In fact, the article has eight sections, each one clearly stipulating the ways and means of generating income or revenue for the new political entity. As regards human rights, Article VI, which is Basic Rights, reiterates the fundamental rights accorded to every citizen in a democratic system.

#### Why is it now?

**Mr. Lagsa:** Why not? How long should we have to wait for it. I think the 150,000 people who died since 1972 is more than enough. Why wait more? The policy tends towards giving Mind-

anao its fair share. I think there is no special moment. It's just only this big try, big effort to all of this.

**Mr. Sapico:** The Framework Agreement is an offshoot of so many past initiatives focused on achieving peace in Mindanao. In short, the covenant is a product of long years of consultation, and a reflection of the maturity that was attained in the negotiation. The peace pact is not perfect and complete, but the willingness of the contending parties to respect what is constitutionally demanded effectively opened the floodgate to an open and friendly deal.

**Mrs. Jajurie:** I think both parties are negotiating because they both know that military victory is difficult and that war brings a lot of casualties. The MILF has said that a negotiated political settlement is what they wanted to pursue, being the most civilized and diplomatic way of resolving the root cause of the conflict.

#### How did the peace negotiation process work?


**Mr. Sapico:** The peace agreement started with the elementary consultation between two opposing factions, with each side presenting their intents. To ensure that every step of the deal was reasonable, countries and organizations with clout, interest, and influence were brought in as mediators, observers, and consultants. All through the period when the nitty-gritty of the deal was discussed, the points raised in discussions were always open to media scru-

tiny, except in crucial issues where there was a need to firm up the issues involved before these are made public, then the media access was a bit restricted. On the other hand, while there were international observers invited to the peace process, their presence was not to exert pressure, but to help enlighten critical matters considered as bottlenecks during the negotiation.

**Mrs. Jajurie:** We must admit that the peace negotiations were very slow – in fact, one of the longest peace processes in the world. The media has been very important in how people perceived the negotiations and the agreements reached. Many media practitioners were really clueless on the issues in Mindanao and about the Bangsamoro question. Many, in fact, fed the prejudices and sensationalized on the negative developments in the process because this is the story that 'sold', and not the good news.

#### The self-governed Bangsamoro is the core of the peace negotiation. What does self-determined mean in this case? What are the consequences?

**Mrs. Jajurie:** It merely means that the Bangsamoro will have the chance to exercise powers for governing their people. The Framework Agreement spells out that there will be a new entity called the 'Bangsamoro' which will replace the Autonomous Region of Muslim Mindanao. It will be comprised of territories which are predominantly inhabited by Moro peoples. In order for

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- 1900 - 1960 *The US government supports the settlement of Christians from the Visayas to Mindanao and encourages plantation growing*
  - 04.07.1964 *Independence Day of the Philippines. The rights of the Indigenous Peoples and Muslims are still being ignored*
  - 1969 *The Moro National Liberation Front (MNLF) is founded*
  - 1972 *Martial Law. The MNLF and other rebel groups engage in armed conflict*
  - 1976 *The end of the civil war*

the entity to govern itself (self-government), it has to be endowed with powers to do so. These powers shall be mutually agreed upon by the MILF, as representative of the Moro peoples, and the government of the Republic of the Philippines.

In short, there will be power-sharing. And there will be wealth-sharing as well, because the Bangsamoro cannot run itself without resources. This way, the Bangsamoro can make its own policies, raise its own revenues, and make its own governance programs. It does not have to wait for the national Government in Manila to decide on its fate. It does not have to 'fit into' the unitary form of government, but rather, govern itself with an 'asymmetrical relationship' with the Central Government in relation to the rest of the country. But while the Bangsamoro will hopefully have adequate powers to govern itself, it shall still be part of the Philippines.

**Mr. Sapico:** In case of land disputes, such as lands covered by ancestral domains, usurped lands resulting from conflict, and other tenable cases involving real estates where the Government or the MILF has direct and immediate responsibility,

payments will be made under acceptable terms of reference. In short, there is reparation for properties destroyed, and there is payment for lands illegally grabbed.

**'The Constitution must be amended to make a peace agreement between the government and the Moro Islamic Liberation Front (MILF) work', said Sen. Miriam Defensor-Santiago. But in 2008, the planned signing of a preliminary pact for a Moro homeland was ruined when opponents went to the Supreme Court, which declared the agreement unconstitutional. Is there any change compared to 2008?**

**Mrs. Jajurie:** The Transition Commission which will be created as a result of the Framework Agreement will have the task of looking at the necessity of amending the constitution. This provision was not found in the memorandum of agreement which was declared unconstitutional in 2008 by the Supreme Court, but is now included in the Framework Agreement, to ensure that there is constitutional accommodation of the Comprehensive Agreement and the Basic Law.

**The transition of the ARMM into Bangsamoro will be 2016. Is this period too long for a sustainable peace?**

**Mr. Sapico:** Definitely not. The fine-tuning of the details that will support the framework agreement takes time and will be sensitive because the things that are threshed out here are specificities, not generalities.

**Mrs. Jajurie:** The Framework Agreement talks about a Transition Commission which will be constituted soon, and which will have the primary task of working on the draft of the Basic Law of the Bangsamoro, working on the necessary constitutional amendments, if any, and coord-

© Keith Bacongco | MILF Fighters



- 1977 *The Moro Islamic Liberation Front (MILF) was founded*
- 1989 *The government declares the bill of Autonomous Region in Muslim Mindanao (ARMM), but different stakeholders prevent a complete implementation*
- 1997 *Peace agreement between the Philippine government and the MNLF*
- 1997 *MILF and other rebel groups start the armed war again*
- 1997, 2000, 2003 *'All out of war', government groups attack some provinces of Mindanao.*

minating development projects. While it does these tasks, the ARMM regional government shall continue to function, and the ARMM continues to exist. When the Basic Law has been passed by Congress, a plebiscite will then be conducted in the proposed Bangsamoro areas. Assuming that the majority of the residents positively vote for the ratification of the Basic Law, the ARMM is dissolved and a Transition Authority (TA) shall be constituted. This may happen sometime in 2015. The transition really happens only then, because it is only then that a transition body WITH GOVERNANCE functions is constituted. It will cease to exist upon the election and assumption of members of the Bangsamoro parliament and the creation of the Bangsamoro government after elections in 2016. So, it is not really a long transition because it will really be only one year of transition, i.e., 2015-2016.

**What is your opinion? Is this peace agreement satisfying for the MILF?**

**Mr. Sapico:** The peace agreement is not just about the MILF. It also absorbs into the fold the MNLF, the Indigenous Peoples, and other Muslim factions that have fought, rightly or wrongly, against the government. From the mere fact that the MILF has softened its stance on so many issues, which was not the case in the past, it follows that the covenant has, in its entirety, satisfied the MILF.

**In which way does the MILF represent the interests of the Muslim Filipinos?**



© hcentre | Negotiations between the government of the Philippines and the MILF, April 2012.

**Mrs. Jajurie:** The MILF does not claim to represent all the Muslim Filipinos. But it does have a large constituency among the Islamized native inhabitants in Mindanao, Sulu and Palawan, collectively called the Moros.

The Moros have long claimed that they are not part of the Philippines as their territories were not successfully colonized by the Spaniards.

There have been many Moro groups that had been organized around this assertion, including the MILF. Many Moros in Mindanao would resonate with this call, and this is how the MILF gets its mandate as it negotiates with the Philippine government.

**Before the Memorandum of Agreement, the government considered them 'terrorists', they are stakeholders and part of the negotiation.**

**How do you explain this change of roles?**

**Mrs. Jajurie:** The MILF has been engaged with the Philippine government on the issue of peace since 1997. This means that the Philippine government looks at the MILF as a legitimate organization worthy of negotiations.

But the majority of the Philippine population would look at Moros with suspicion, mainly because of prejudices. But the Philippine government has not tagged the MILF as terrorists, although there is acknowledgement that there are terrorist groups working in areas where the MILF is.

The MOA AD was negotiated for about 4 years, i.e. from 2004-2008.

They did not just suddenly become stakeholders.

They were silently toiling for a negotiated political settlement.

- 1997, 2000, 2003
- 2001
- July 2008
- 4. July 2008

*(cont.) The result is approximately 1.5 Mio displaced people  
 New Peace negotiations between the MILF and the Government are taken up in Malaysia  
 The negotiating parties find a compromise. The government accepts the demand of an autonomous region by the MILF  
 One day before undersigning the Peace agreement, the Supreme court stops the negotiation and the peace process because autonomous regions dispute the constitution*



**What are the reactions to the peace agreement in general?**

**Mr. Sapico:** Unlike in the first Government of the Republic of the Philippines where MILF-negotiation failed due to constitutional infirmity, the Framework Agreement has received tremendous positive support from various sectors. Except for some small, fractious segments, the covenant has been lauded even by the World Bank. Interestingly, the Church has been optimistic about it, as are the business investors, local government units, and the citizenry in general. In its entirety, according to a national broadcast made in the Philippines, 83 percent of those sampled support the new peace accord.

**Mr. Lagsa:** The church is very supportive, the Catholic and the Protestant church, especially the Muslim communities are very supportive of the peace agreement. The support and the acceptance of the Muslim Mindanao are very tremendous in terms of acceptance of the peace agreement. The indigenous people (IP) shared a common history with the Moro people. They have affirmed the kinship in the Region of Bukidnon until 2012. Their only concern is if the new Bangsamoro political entity would also demand for self-determination which also the Moro experience themselves.

**What will be the consequences of the peace agreement for other splinter groups and regional political leaders? Might this new agreement be considered as a reward for armed struggle?**

**Mr. Sapico:** Groups like the Abu Sayyaf Group, the MNLF, etc. are part of the deal since its inception. To assure that there will be no political instability, the new areas proposed for inclusion in the Bangsamoro will still be given the chance to vote in a plebiscite to allow them to air their posi-

tion for or against their inclusion. The Framework Agreement is a commitment that involves everybody because the post-effect of its implementation will have pervasive impact on the national direction.

Of course, certain factions want to disrupt the peace process, but the collaboration of the government and its opponent in order to achieve peace is a move in the right direction. The deal is not a reward for an armed struggle; rather, it is a reflection on the positions of the signatories that development can only be achieved through peace.

Any other way, for that matter, is anathema to what is democratic.

**Mrs. Jajurie:** This is not just a case of a group of people who want to claim a piece of land. This is the narrative of A PEOPLE who once were sovereign in their own land, but whose territory was illegally and immorally annexed to a colonized land to be ceded by a colonizer to its successor.

**What will happen to the currently 750,000 displaced people and refugees around the area?**

**Mr. Lagsa:** Looking at the story: Why are Moro brothers migrating to Cagayan de Oro, Manila or to Cebu and other places? It's because of the conflict.

And now they are saying with the peace agreement assignment they can turn back to their homeland to work peacefully. Without the thought of fear, without the thought of bombs and being caught in the cross fire. A lot of them are saying that they are going back.

**Mr. Sapico:** Families displaced as a result of the conflict that rocked Mindanao for decades will be properly relocated, compensated, and provided the basic amenities they deserve. This means the

- 4. July 2008 *The armed conflict escalates again*
- 4. August 2011 *First Meeting of a Philippine President with MILF members in Japan*
- 22. August 2011 *The exploratory talks re-start in Malaysia*
- 15. October 2012 *MILF and the Government undersign the Peace Framework*
- December 2012 *Anticipated signing of undersignment of the Peace Agreement*
- 2016 *Planned completion of the implementation of Bangsamoro*



lands they owned would be returned to them, or if not, they would be properly compensated either by the government or the MILF as the case may be.

**What will happen to the indigenous people? Do you expect more displaced people?**

**Mr. Sapico:** For the IPs, they remain where they are. The agreement, as a matter of principle, does not discriminate anybody but only strengthens the bid to create a Bangsamoro that reflects the nuances of the majority of the people living within the new political entity.

**Mrs. Jajurie:** Let me make this clear: The creation of the Bangsamoro will NOT lead to the displacement of settlers within its territory. Vested proprietary rights within the Bangsamoro shall be respected, and nobody will be asked to give up his/her lands.

Of course, if there are cases of land-grabbing and this is proven in an appropriate case filed in court, then that's a different story.

But generally, no one will be driven out of his/her land by virtue of the creation of the Bangsamoro, be s/he a settler, IP or Moro.

**Which challenges and obstacles do you foresee in the coming years?**

**Mrs. Jajurie:** The negotiations were long and arduous, but even more so is the implementation.

We would like to see more people to 'buy in' and to help turn a beautiful plan into reality.

We would also like to see active citizenship and good governance in the Bangsamoro, two things that have not really happened in this part of the country because of structural defects and the complete lack of trust by those governed towards those who govern.

We hope that a real party system is able to function in the Bangsamoro so that we need not be at the mercy of traditional politicians who do nothing but ex-

## BACKGROUND INFORMATION



*During the 1970s, the conflict between the Muslim opposition and the government was getting worse, due to the Martial Law (imposed by then-President Marcos in 1972).*

*The period prior to that was characterized by a merciless settlement policy. The local inhabitants were underprivileged and pushed back for the benefit of the Christian Visayan settlers, thus turning from a majority to a minority in their homeland. In 1996 the peace agreement between the paramilitary Moro National Liberation Front (MNLF) and the Philippine Government was intended to bring peace.*

*Unfortunately, contrary to the MNLF which was willing to give up its former claim for an autonomous Islamic region in favour of the above peace agreement, the second more radical group formation, the Moro Islamic Liberation Front (MILF), appeared to insist on the claim. Until 2012, the number of victims fluctuated between 100,000 and 150,000 and there were scores of refugees. In contrast to 1996, the aim today is to implement a new political entity – the Bangsamoro – that will replace the Autonomous Region in Muslim Mindanao (ARMM), established in 1989.*

*Although there are presumed natural resources in worth of about USD 312 billion, Mindanao is still suffering from war times. It belongs to the most underdeveloped and poorest regions in the Philippines. ■*

plot our people. We would like to see an electoral-political system that delivers the real winners with concrete platforms.

**Mr. Lagsa:** I think the most challenging part is to observe the peace agreement with dignity and with honor. And that both sides would stay to their words they made. I think some government with peace deals will be brokered in December.

The challenge for the Mindanao people is to take the challenge on themselves. Additionally, I think a lot of foreign governments should help economically, because economics are the real cause of conflict.

**Mr. Sapico:** Challenges facing the Framework Agreement include pocket resistance from small, disgruntled groups, the political dynasties that will be affected, and the Christian extremists.

Overall, there is reason to believe that any and all obstacles that may come out as a result of the implementation of the Framework Agreement will not prosper if the intention to sincerely develop the Muslim regions is not set aside or abandoned.

The mistakes committed in the past should act as mirrors for future solutions and resolutions that have to be adopted when new challenges and obstacles crop up. The new deal reflects more the interest of the Muslims, and if they fail, the Bangsamoro leaders are answerable to their constituents. ■