

**DILIMAN GOVERNANCE FORUM AND
PHILIPPINE COUNCIL FOR ISLAM AND DEMOCRACY FORUM**

***Political and Governance Options for the Bangsamoro:
Autonomy, Federalism, and Independence***

Assembly Hall, National College of Public Administration and Governance
University of the Philippines, Diliman, Quezon City
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I. Introduction

Continuing the tradition of providing a venue to discuss relevant and current issues confronting the country, the **Diliman Governance Forum (DGF) / Philippine Council for Islam and Democracy (PCID) Forum** with the theme ***Political Governance Options for the Bangsamoro: Autonomy, Federalism, and Independence*** was held at the NCPAG Assembly Hall of the University of the Philippines on July 28, 2006. It was organized by the Center for Local and Regional Governance of the National College of Public Administration and Governance, University of the Philippines Diliman (CLRG-NCPAG, UP) and PCID, in collaboration with the Asia Foundation, UP Institute of Islamic Studies, *Magbassa Kita* Foundation, Inc., and United Nations Development Programme (UNDP) Philippines.

The DGF/PCID Forum aimed to explore the rationale, principles and implications on each of the political and governance options, namely, autonomy, federalism and independence, in the continuing struggle for self-determination as a way towards lasting peace, stability and development of the Bangsamoro in Mindanao. Likewise, it aimed to provide a venue for the articulation of views, opinions, analysis and insights on the possible form and content of the enabling law and implementing guidelines governing any or a combination of these options. Moreover, it aimed to bring the proceedings and records of the forum to a wider audience, specifically the policymakers in the hope that they can use them as a reference in crafting policy solutions in Mindanao and the ordinary people who need authentic and unbiased information so that they can participate effectively in building a consensus towards their future.

Invited to provide an in-depth discussion on the issues were three resource persons whose expertise on and extensive exposure to the problems grappling Mindanao have rendered them qualified to speak on each of the options/alternatives being offered. They are Atty. Randolph Parcasio, a PCID fellow who discussed the *Autonomy as a Politico/Governance Option*; Atty. Musib Buat, Chairman of the Technical Committee of Mindanao Islamic Liberation Front (MILF) Peace Panel who presented the *Federalism as a Politico/Governance Option*; and Mr. Abhoud Syed Lingga, Executive Director of the Institute of Bangsamoro Studies who articulated on *Independence as a Politico/Governance Option*.

II. Opening Program

The opening program started at around 9:00 am with the singing of the Philippine National Anthem. Atty. Jose Lorena, the emcee for the event, went on to say that the raging conflict in the Middle East reminds us of how devastating a war can be and the need to come up with a political solution anchored on dialogue and reconciliation. The DGF hopes to present perspectives on some of the options to consider amidst the problem confronting Mindanao. He then expressed his gratitude to NCPAG and introduced its Dean, Dr. Alex B. Brillantes, Jr.

Welcome Remarks

*Dr. Alex B. Brillantes, Jr.
Dean, NCPAG, UP*

Dean Brillantes welcomed the invited speakers and guests to the College. He recalled that he felt privileged when Dr. Amina Rasul of PCID approached him on the possibility of jointly conducting a Forum concerning the situation in the Bangsamoro region. He said that the alternatives such as autonomy, federalism and independence really pose an important question that practitioners and students of governance and public administration should consider. He expressed his gratitude to those who attended the forum and looked forward to fruitful, and even controversial, discussions on the topic. He also mentioned the launching of the Moro Times after the Forum.

Message

*Dr. Steven Rood
Country Representative, The Asia Foundation*

In giving his message for the event, Dr. Steven Rood, Country Representative of the Asia Foundation, started by conveying his gladness in coming back to UP, since he and the Foundation have a long standing relationship with the University spanning more than 25 years. As a matter of fact, he mentioned that the Foundation and UP have just signed an agreement in North America for a fund-raising drive intended for the celebration of UP's centennial in 2008.

Dr. Rood briefly described the Foundation which is based in San Francisco, California and has 18 country offices throughout Asia. He said that the Foundation advocates for peace, justice, prosperity, and democracy by providing resources to partners who share those goals. He mentioned that the Foundation is currently involved in Mindanao, particularly in the Autonomous Region, with projects supported by the Asian Development Bank (ADB), United States Aid for International Development (USAID), and private donations from American publishers.

He also recalled the roundtable discussion held in Cebu on options for Mindanao, where most of the participants there were also present during the Forum. One of the striking questions brought during the discussions in Cebu was whether the civil society is an independent force or should course its influence through established institutions, namely, the governmental system, traditional elites, or even the revolutionary movement. Sharing his insights on his study on peace agreements, he related that 4 out of 12 peace agreements had civil society participation. He added that these four are still being kept after five years,

while only one out of the eight which did not have civil society participation was kept. He inferred that civil society involvement has an independent effect on the efficacy of peace.

Dr. Rood concluded by saying that a lot of things can be learned from the Forum. He looked forward to the presentations of the three invited speakers for the event and thanked everyone who was present that day.

Message

Dr. Santanina Tillah-Rasul

Chairperson, Magbassa Kita Foundation, Inc.

Next to give her message was former Senator Santanina Rasul and currently Chairperson of the *Magbassa Kita* Foundation, Inc. She began by acknowledging those who were seated at the presidential table and the participants and guests of the forum. She also shared that her family is loyal to UP since most, if not all, of the members of her immediate family were educated there.

Sen. Rasul went on to talk about the *Magbasa Kita* Foundation, Inc. She said that just recently, it organized a series of training workshops funded by the United States Embassy and intended to develop Muslim women as peace advocates. Along this line, it aimed to harness a local entity that would be sensitive and able to provide instantaneous response to conflict situations thus preventing them from escalating into armed confrontations. The strategy was to organize a barangay conflict management team that would involve key local community leaders composed of the barangay chairperson, Imam, youth leader, and two women trained in conflict transformation and peace building.

The participants of the training workshops were women leaders from nine barangays in Indanan, ten barangays in Patikul, and ten barangays in Jolo. She claimed that the target areas are considered to be the most troublesome municipalities in the Province of Sulu. During the workshop, the women cited selfish personal interest as the number one cause of conflicts in the area followed by lust for power, graft and corruption, militarization, ineffective governance, partisan politics, and poverty among others. Sen. Rasul noted that of the 62 participants, only one identified 'religion' as the cause of conflict.

In response to this situation, the women organized their respective barangay councils. In the launching of the councils, the women in Indanan advocated for "struggle for peace," while in Patikul, they promoted "unite for peace." Sen. Rasul said that the women's advocacy for peace is relevant to the Forum, as she herself who is one of the organizers, is pressing for the promotion of the collective belief and welfare of each individual Moro. She claimed that the word 'Bangsamoro' has been much abused and used in many ways not reflecting its real meaning. She defined Bangsamoro as a Muslim who (1) leads a clean, honest and a respectable life regardless of his position in society; (2) obeys the laws of man and God; (3) is sensitive to the needs of those around him; and (4) repelled by any act of injustice that he does not hesitate to fight for what is right in Islam. The women's observations in Sulu convey a message that not all is well in the Bangsamoro in the South. Sen. Rasul encouraged everyone to ask themselves the following questions:

1. Has autonomy improved the quality of life of the Bangsamoro?
2. Are we better off now after a decade of autonomy?

3. If autonomy did not serve the Bangsamoro well, how certain are we that federalism or independence will improve the lives of the people, particularly those at the grassroots level?

She ended her message by expressing hopes that the Forum would help in answering these key questions.

III. Forum Proper

Overview of the Forum

Dr. Amina Rasul

Lead Convenor, Philippine Council for Islam and Democracy

Dr. Amina Rasul of the PCID welcomed those who were at the presidential table who included friends from the diplomatic community, brothers and sisters in government and civil society, academe, and UP students. She remarked that the Forum would definitely have an impact on the lives of UP students who come from Muslim Mindanao.

As a backgrounder, Dr. Rasul explained that the PCID is a loose coalition of thinking men and women Muslims who wanted to meet regularly, think things through, assess the situation, find options, and articulate them to policymakers and businessmen, so that they will know that the power of the Muslims in the Philippines does not come from the barrel of a gun. After five years, this group is a testimony that the Muslims of this country are united in looking for peaceful solutions to conflict, in trying to strengthen the communities from within, in democratizing our communities, and in looking for ways to reform our systems.

Dr. Rasul expressed her gratitude to those who have supported the PCID, starting from Sen. Rasul for being a mother to them; Dr. Rood whom she referred to as an ‘honorary brother;’ representatives of the Royal Netherlands Embassy who have been working with the PCID in engaging the Ulama in looking at the human rights in Islam; brothers and colleagues at the US Embassy who brought Muslim scholars to the US to study the issues on Islam and democracy; and Dean Brillantes who will be working with the PCID to analyze the different political options that can become a path for peace for Muslim Mindanao.

The Forum was conceptualized years ago. Dr. Rasul stated that in past events, there were groups who would say that the Muslims would be better off if they were independent. But in pushing for it, certain issues will arise such as where will the resources come from and who is going to support Mindanao. She said that these things were never really threshed out. On the other hand, those who are pushing for federalism suggest on dividing the Autonomous Region in Muslim Mindanao (ARMM) into two, the Islands and Central Mindanao. Dr. Rasul asked if this is going to be sustainable and where will the resource base come from if the ARMM is split. She said that the discussions fell short of addressing the real issues. As for autonomy, most Muslims in Mindanao are very critical about the impact of the ARMM government in their lives. However, many Muslim leaders would say that it is important to separate the organic ARMM Law from its implementation. Dr. Rasul said that the main question remains, “Have we really given autonomy a chance to work?” She noted that all of these have surfaced in most engagements that they had held. Hence, this Forum in NCPAG will provide a venue for the people to discuss the three options so that

they can come up with a roadmap or game plan which they will present to the different communities in the ARMM and find out their stand and concerns about it.

Finally, Dr. Rasul expressed her gratitude and hopes that the participants would be able to help in thinking things through and point out the light to be followed as they traverse the very dark road to peace and prosperity in Muslim Mindanao.

Paper Presentation No. 1: Autonomy as a Politico-Governance Option

Atty. Randolph Parcasio

Fellow, Philippine Council for Islam and Democracy

Atty. Lorena introduced the first speaker, Atty. Randolph Parcasio who presented his paper on *Autonomy as a Politico/Governance Option*. He is a practicing lawyer who obtained his Bachelor of Laws from the Ateneo de Davao University. He was a project consultant, team leader and part of a panel of consultants on public policy, taxation and revenue, human resources development, and communication and education at The Asia Foundation. He is also part of the legal team in the peace negotiations with the government panel.

Atty. Parcasio started by greeting everyone with peace. He narrated that autonomy in the Southern Philippines is a result of the peace process between the Moro National Liberation Front (MNLF) and the Government of the Republic of the Philippines (GRP), and the sacrifices of those who staked their lives to assert their right to self-determination. He went on to describe two major peace covenants, namely, the 1976 Tripoli Agreement which serves as the basis for autonomy, and its implementing mechanism, the 1996 Peace Agreement. Under these two international covenants, the Philippine government is obliged to deliver genuine autonomy, while the MNLF opted to set aside the quest for independence by agreeing to recognize the territorial integrity and sovereignty of the Republic of the Philippines. For the MNLF, the object of the two peace agreements is autonomy and the price exacted from them was to recognize Philippine sovereignty in the Bangsamoro homeland. For the government, the object was to preserve national territorial integrity and the price is autonomy in Southern Philippines.

The autonomy envisioned in the 1976 Agreement contains the following features or powers:

- To set up courts to implement the Shariáh Law;
- To be represented in all courts including the Supreme Court;
- Autonomous Administrative, Financial and Economic Systems;
- Legislative Assembly and Executive Council; the latter is appointed by the Legislative Assembly;
- To have representation and participation in the central government and in all organs of the state;
- To set up schools, colleges and universities;
- To establish a Regional Security Force; and
- Reasonable share in the revenues from mines and minerals.

Immediately after the signing of the Tripoli Agreement, Atty. Parcasio said that a provisional government in Southern Philippines shall be established to prepare for the

elections of the Legislative Assembly and administer the areas of autonomy until a Government is formed by the elected Regional Assembly. Both parties also agreed to discuss other vital issues concerning a regional security force, mines and minerals, Shariáh system, a Bangsamoro educational system, and administrative system. However, he lamented that this agreement to discuss vital issues never took place for the next 17 long and painful years. Instead of establishing the provisional government and hold further discussions as previously agreed, former President Marcos issued Proclamation 1628-A on March 26, 1977 to establish not one but two autonomous regions, namely, Regions 9 and 12. Consequently, the MNLF charged the government of breaching of and rigging the Tripoli Agreement with its surreptitious insertion of Paragraph 16 to tie down the implementation of the agreement to the constitutional process of the Philippines which was then under martial law.

Atty. Parcasio moved on to discuss Republic Act 6734 which created the Autonomous Region in Muslim Mindanao (ARMM) in 1989. He said that the Commission on Elections (COMELEC), as always, was suspected to have manipulated the results of the plebiscite to ensure that only four provinces, namely, Tawi-Tawi, Sulu, Maguindanao, and Lanao del Sur would constitute the ARMM. He also quoted former President Corazon Aquino who said that the ARMM was “purely a Philippine government’s initiative.” To the MNLF, this was the second breach of agreement by the Philippine Government. For the ARMM, it was unacceptable because it suffers from lack of authority and power envisioned in the Tripoli Agreement.

When Fidel V. Ramos was elected president, he pursued the peace talks with the MNLF by discussing the full implementation of the Tripoli Agreement both in letter and spirit. Atty. Parcasio mentioned that this was stipulated in the 1993 Cipanas Statement of Understanding. The talks led to the signing of a win-win formula called the 1996 Peace Agreement on September 2 of the same year. The implementation of this Agreement has two stages. In Phase I, the parties agreed that instead of organizing the controversial provisional government, they would form a superbody called the Southern Philippines Council for Peace and Development (SPCPD) which would have the following mandate:

- exercise control and supervision over appropriate agencies engaged in peace and development activities in the area;
- monitor, promote and coordinate development efforts;
- attract foreign investment;
- cause the implementation of peace and development projects; and
- deputization of the COMELEC in the preparation and conduct of elections, referenda or plebiscite, and people’s initiative.

To bolster this transitional mechanism, it was also agreed that the national government’s primary role was to spur economic development in the area by channeling public and private investments in the Special Zone of Peace and Development (SZOPAD), an area encompassing 14 provinces and ten cities identified in the Tripoli Agreement. This was supposed to be guided by a *Darul Ifta*, an Islamic house of opinions and advisory council, and a consultative assembly, which will have the power to make rules and regulations, to the extent necessary for the effective and efficient administration of the areas.

Another feature of the transitory period pertains to the appointment by the President of qualified Moros to become members/justices of the Supreme Court and Court of Appeals,

and as a Cabinet Secretary. However, Atty. Parcasio remarked that none of these was complied.

The transitory mechanism, he said, also allowed the establishment of development task forces such as the Basilan Development Task Force, Central Mindanao Development Task Force, Sulu Development Task Force, and Special Development Planning Group. He lamented, however, that these were not funded sufficiently.

Moreover, the transitory period called for the integration of the MNLF forces with the Philippine National Police (PNP) and Armed Forces of the Philippines (AFP).

Atty. Parcasio noted that the transitory period was supposed to culminate with the enactment of an organic law to amend RA 6734 by expanding the coverage area as specified in the Tripoli Agreement and incorporating all the pertinent provisions of the 1996 Peace Agreement. The autonomy envisioned in the 1996 Peace Agreement has plenary powers in the area of autonomy. Its framework consists of an executive council, a legislative assembly, an autonomous administrative system, and the right to representation to the national government. It will also have a special security force for the region. It shall establish its own educational system to develop total spiritual, intellectual, social, cultural, scientific, and physical aspects of the Bangsamoro people to make them God-fearing, God-loving, productive, patriotic citizens, conscious of their Filipino values and Islamic cultural heritage. It will have the power to have its own economic and financial systems and exercise control of mines and minerals. Last but not the least; it will have its own Shariah legal system.

After presenting the significant features of the provisional government as embodied in the agreements, Atty. Parcasio shared the state of implementation of these agreements. As in post-1976 Tripoli Agreement, he realized that history repeated itself in the post-1996 Peace Agreement. In December 2000, MNLF Chairman Nur Misuari was slapped with rebellion case and detained until at present, which for him, is considered the monumental failure of the MNLF-GRP Peace Tract. The charge, according to him, was preceded by a series of complaints raised by the MNLF for continuing violation of the Peace Agreement by the GRP, coupled by demands for justice by various NGOs for alleged abuses on the humans rights of innocent Bangsamoro civilians in Sulu and other parts of Southern Philippines by erring elements of the PNP and AFP.

In revisiting the implementation of Phase I, particularly on peace and development, Atty. Parcasio mentioned that EO 371, signed on October 1996, did not grant the consultative assembly the powers to make rules and regulations to the extent necessary for the effective and efficient administration of the affairs of the area. The *Darul Ifta*, as specified in the Peace Agreement, was also not allowed to be organized. The GRP also held peace talks with the MILF, totally disregarding the authority of the SPCPD as if the latter was non-existent. In the 1998 synchronized elections and 2000 plebiscite, the SPCPD was not deputized to participate in the conduct of electoral exercises, violating the agreement that it would be deputized in the conduct of any electoral activity in the area.

Atty. Parcasio remarked that the GRP's solution like the all-out war policy of the Estrada Regime to address the deteriorating peace and order situation in the area and unabated criminal activities of lawless elements like the Abu Sayyaf, has in reality marginalized and rendered the SPCPD irrelevant. This was aggravated by the "business as usual attitude" of the national government in the preparation and enactment of the General

Appropriations Act from 1997 up to the present, resulting in insufficient funding of the projects intended for rehabilitation, reconstruction, reconciliation, social, economic and infrastructure development. This was contrary to the agreement that the central government shall channel public investments in the area to spur economic development. Moreover, he claimed that all the projects implemented through the SZOPAD amounting to about P30B as claimed by the government are regular government projects that would still be implemented even if there was no peace agreement. Furthermore, outside of the ARMM, the disbursement of funds and implementation of projects were all under the control of national line agencies.

Atty. Parcasio moved on to discuss the law that is supposed to be the culmination strategy in the transitory period and which was very critical to the establishment of an autonomous regional government. He said that the passage of RA 9054 was marked by certain irregularities. There are provisions that needed amendments to be consistent with the letter and spirit of the two agreements. Two of the most controversial provisions are the 1) elimination of the ancestral domain claims of the Bangsamoro people, and 2) reverting back from the autonomous government to the national government of the jurisdiction on the exploitation of strategic minerals such as uranium, coal, petroleum and other fossil fuels, all potential sources of energy like lakes, rivers, national reserves and marine parks, as well as forest and watershed reservations found within the autonomous areas. He added that even Lanao Lake is beyond the authority of the ARMM.

Before the passage of RA 9054 which amended RA 6734, Atty. Parcasio recalled that there was a petition for the Organization of Islamic Organization (OIC) and the GRP to convene a tripartite committee to review the then pending congressional bill, especially on its consistency with the agreement. However, during the critical stages of the deliberations in Congress, the lawmakers were concentrated on the impeachment proceedings of then President Estrada. He, together with Atty. Lorena, witnessed that the members of the bicameral committee were already exhausted with the impeachment when they approved RA 9054. The approval took place in December 2000, past midnight at that, when nobody was looking. It also coincided with the refusal of the Senate's majority to open the controversial Estrada envelope which brought the country in a state of pandemonium. The political convulsion arising from the impeachment trial and the ouster of former President Estrada left the passage of the questionable law unnoticed. The MNLF objections were drowned in the tumultuous EDSA II uprising and euphoria of succeeding events. He held that nobody was interested to listen to the MNLF because everybody then desired to give the new administration a chance. Unfortunately, the issues raised by the MNLF were left unresolved up to the present. He remarked that the kind of autonomy envisioned in the Tripoli Agreement and 1996 Peace Agreement remains in limbo. Aware of this predicament, the OIC on June 27, 2000 passed a resolution which commissioned anew the Chairman of the Committee of Eight to continue the necessary contacts with the GRP and MNLF in order to define a timetable for the implementation of all the articles of the 1996 Peace Agreement. However, Atty. Parcasio maintained that the new administration did not honor the resolution. Instead, it pushed for the plebiscite which was held on August 14, 2001. RA 9054 was ratified, thus, the expanded ARMM was created. In June 2006, he reported that the OIC's Secretary General declared in his report to the OIC Ministerial Conference in Azerbaijan that the biggest stumbling block to the peace process is RA 9054.

Referring to RA 9054, Atty. Parcasio countered by saying, "Dura lex sed lex", which means that the law is hard but that is the law. Despite its loopholes, he believed that RA

9054 should be implemented, as far as the government is concerned because it is the only constitutional and legal paradigm at hand to address the plight of the Moro for self-determination. Noting that the implementation of RA 9054 leaves much to be desired, he asserted that the ARMM must have full powers to respond to and execute the demands for self-rule and effective governance in accordance with the unique, distinct and indigenous character of the Bangsamoro people. As a corporate entity, he stated that the ARMM is governed by a regional government which shall exercise those powers and functions expressly granted to it by the Constitution and other laws in the Philippines.

He cited actual cases where the regional government have been prevented to exercise some of their powers. One is the lack of empowerment caused by the delay in the devolution of line agencies to the ARMM which in turn hampers effective service delivery. Full devolution is required to enable the ARMM to address all challenges of governance. Devolved agencies are not accorded corresponding authority, functions, budget and resources necessary to carry out peace and development programs and projects. He mentioned many departments and offices of the national government which were not devolved, or which do not have regional offices in the ARMM. As a consequence, people in the ARMM experience difficulties in accessing these offices. Moreover, he criticized Section 4, Article 18 of RA 9054, which states that, as soon as practical, the annual budgetary support for the line agencies or offices devolved to the regional government will be terminated. He recalled a draft proposal submitted to the President which pushed for more devolution of services to the region but this remained unsigned.

Another stumbling block to the exercise of autonomy powers refers to the non-implementation of civil and criminal cases as provided for in the Shariáh legal system, although he admitted that a bill on the matter is now being deliberated on in the Regional Assembly. He related that the Asia Foundation and ADB have given assistance in drafting this bill along with other bills such as the amendments to the ARMM Local Government Code, ARMM Administrative Code, and Commercial Law for the Muslims in the ARMM.

The third stumbling block is the non-establishment of the Regional Security Force (RSF). This is different from the integration program. Under the law and peace agreement, the RSF is composed of the regular PNP in the area, MNLF forces, and other qualified citizens.

He lamented that the 1996 peace agreement which until today remains as the only constitutionally and legally mandated peace formula that can arrest the conflict in Mindanao was not allowed to work. The success stories in the ARMM, he explained were mostly supported by foreign donors. Even former ARMM Governor Parouk Hussein expressed disgust on the lack of support from the central government. He recalled that the former governor attributed the inroads to development during his administration mainly to foreign donors /donor communities' intervention. In a recent OIC meeting, he said that the Secretary General reported that eight million Muslims from the Southern Philippines are still living under deteriorating political, social and economic conditions as evidenced by extreme backwardness and acute lack of educational and health services. These conditions are brought about by the central government control of natural resources in the Muslim areas, political marginalization of Muslims as shown by the absence of fair representation in the government and judiciary posts, as well as continued military operations resulting in displacements of Muslims from their villages and towns.

With all these predicaments, Atty. Parcasio reflected on the relevance of autonomy in solving the conflicts and problems of the Moros in the South. He still believes that autonomy did not fail the Moro, and that misgivings on autonomy stem from lack of implementation of real autonomy. He said that 30 years after the Tripoli Agreement and 10 years after the 1996 Peace Agreement, the negotiated autonomy envisioned in these two peace covenants are still to be implemented. Genuine autonomy therefore is not yet fully tested. He said that we have not yet failed since it has not been fully tested. Autonomy therefore remains an option for him. Due to unresolved issues, the GRP-MNLF peace tract has reached a deadlock, but not a dead-end. For him, the positive side is, despite conflicting positions, both parties express willingness to pursue fruition of the peace covenant. The MNLF's actions will be guided by the OIC resolutions. And two years ago, the GRP committed to fully implement the September 2, 1996 peace agreement. He concluded by posing a question, "The spirit is willing, but is the flesh ready?"

Paper Presentation No. 2: Federalism as a Bangsamoro Option

Atty. Musib Buat

Chairman, Technical Committee, MILF Peace Panel

Before proceeding to the next speaker, Atty. Lorena divulged some information regarding the oversight committee created under RA 9054 to complete the devolution. He said that it has not terminated its work yet. As mentioned by Atty. Parcasio, of the 17 executive orders submitted to the President, only four have been signed. He then asked the audience if non-execution by the President of a law that addresses vital issues in Mindanao is an impeachable offense.

The second speaker, Mohd. Musib M. Buat, talked about *Federalism as a Politico/Governance Option*. He used to be the Presiding Commissioner of the National Labor Relations Commission at Cagayan de Oro City and former Director of the Office of Muslim Affairs. Presently, he is the Chairman of the Technical Committee of the Moro Islamic Liberation Front (MILF) peace panel. Before starting his presentation, Mohd. Buat clarified to the audience that he was not there to represent the MILF. Rather, he was making the presentation upon the invitation of Dr. Rasul, and as a graduate of UP College of Public Administration when it was still in Padre Faura, Manila.

Mohd. Buat noted that there are various options that could respond to the Bangsamoro People's quest for freedom and self-determination. Autonomy is one of the solutions but, as presented earlier by Atty. Parcasio, the present autonomy is not what the MNLF has envisioned, which is genuine autonomy. For him, this is the trouble of many agreements. When it comes to the implementation phase, some things happen, perception changes, new leaders come, and new policy actions created. As a result, he said that the original vision would be lost and the perception is taken as the reality and the reality as the perception. He informed the audience that in many of the peace agreements, an international monitoring system usually by a third country has been institutionalized to see to it that the agreements are faithfully implemented. Likewise, it is tasked to recommend changes or modifications to address certain matters that have not been anticipated. He noted that in the MILF-GRP peace agreement signed in Tripoli on June 22, 2001, it stipulated the presence of an international monitoring team to check the enforcement of the ceasefire which in turn minimized the armed encounters between the AFP and the MILF. He clarified though that the present clashes going on in some towns in Maguindanao are more of *redu* or clan disputes. He added that in Lanao del Sur, clan wars are also common and

violent but the trouble escalates when the military take sides. There is an indigenous way of solving *redu* but when the military who do not know the peculiar customs and traditions of the Moro intervene, the trouble becomes unmanageable.

Going back to federalism, Mohd. Buat said that there are many models of a federal system. One model is that of the United States which he referred to as the classical model. Power comes from the states which then devolve it to the center or the federal authority/government. The other model is that of Canada where the federal government is the one which devolves power downward. In the federal system, devolution can be upward, downward or linear/horizontal. The ARMM could well qualify for a federal state, it being one step to federalism because it has already devolved powers from the center. As a matter of fact, he said that the autonomous regions in Spain, like Andalusia and the Basque are called regional autonomous states. He also quoted Sen. Miriam Santiago who considered regional autonomy as quasi-states. He added that another model is that of France where provinces are also states. However, in the Philippines, Mohd. Buat remarked that provinces are just administrative units as they are not really autonomous. In the 1987 Constitution, the autonomous region was classified under local governments. As a local government, he said that it is under the general supervision of the executive department. In other words, the local governments in the Philippines are carried over from the *provincia* of the Spanish colonial era. He regarded the imperial Manila as the colonial government which deals with the provinces as the Spanish colonial administration would. In fact, he claimed that during the American Period, the colonizers realized that the original Spanish model of administration was the best way to administer the Philippines.

On the other hand, Mindanao was different as it was governed separately from the rest of the country during the American Period. He claimed that Mindanao sultanates were really states which were similar to the *migri* of the Malay Peninsula where the British applied indirect rule during the colonial period. In the Philippines, there was a debate during the American period whether to apply direct or indirect rule on Moro land. The Republicans won over the proponents of indirect rule.

Mohd. Buat went on to say that there is a further step on federalism, that is, the commonwealth type. The Philippine Commonwealth was a transition government from an American colony to independent state. He claimed that Mindanao and Sulu were qualified as commonwealths because under the Bates Treaty, Sulu was a protectorate.

Another option mentioned by Mohd. Buat is the “free state,” which he said is an improvement from the commonwealth. He cited as a model the Trust Territory of the Pacific Islands composed of the Marshall Islands, Micronesia, Northern Marianas, and Palau. He added that Cook Islands was a territory of Britain but has now entered into free association with New Zealand.

The other model described by Mohd. Buat is the United Nations (UN) Resolution 1541 of 1960 or the UN’s decolonization policy which presents three options for self-governance, namely, integration with an independent state, free association, and independence. He remarked that the Bangsamoro qualifies under the UN’s decolonization policy. On May 1, 1968, former Governor of Cotabato Datu Udtog Matalam issued a manifesto calling for the establishment of the Republic of Mindanao and Sulu. Copy of the manifesto was forwarded to U.N. Secretary-General U Thant who officially acknowledged receipt of the same.

An example of decolonization, Mohd. Buat told the audience, is the case of East Timor, a former colony of Portugal. After a coup in Portugal, the East Timorese declared independence but was immediately annexed by Indonesia as a province. The East Timorese leaders later withdrew their fight for independence and opted to go via decolonization under the auspices of the UN. He then revealed that during his discussions with ARMM Governor Misuari, he said that they were for decolonization. But the OIC prevailed to make them accept autonomy. But now, he disclosed that Misuari is again espousing for decolonization which he believes is the best way for seeking independence.

Mohd. Buat went on to talk about the MNLF-GRP relationship. He said that there's no difference between the two since both are pursuing the same objective, which is for the interest of the Bangsamoro people. Quoting the late Hashim Salamat, he said that the difference lies in the policy strategies. Misuari opted for autonomy, but there was this national policy of defeating the MNLF politically, and the MILF militarily. He reported that the government succeeded in crippling the MNLF politically. Fortunately, the OIC intervened and served as the guardian of the MNLF's interests. It brokered a meeting to merge the MNLF and MILF interests but it did not push through. In August 2002, the MNLF entered into a framework of unity with the MILF for joint representation in the OIC. In the peace talks between the MNLF and Philippine government, Chairman Salamat subscribed to a wait and see policy. The negotiations broke down because the MILF was dissatisfied at the GRP's failure to address the problems of the Bangsamoro people, particularly the 19 talking points which were mutually agreed upon by the joint technical committee of the MILF and GRP.

Mohd. Buat remarked that the policy of then President Ramos was for the complete resolution of the Mindanao conflict, which was why there were separate talks between the government and the MNLF, as well as between the government and the MILF. He said that this was not really to betray the MNLF as he believes that President Ramos just did not want any stone left unturned. However, while the policy solved one problem or autonomy as espoused by the MNLF, he claimed that it created another one with the MILF because Chariman Salamat said that it did not comply with the provisions in the 1976 Tripoli Agreement. He mentioned that this was the shortcoming of that strategy.

He continued to the third option, after autonomy and free association, which is independence, which he said, has been the main goal of the MNLF and the MILF. Mohd. Buat recounted that ironically, when the group of Salamat broke away from the MNLF, it was for autonomy while Misuari was for independence. This was reversed when the MNLF shifted for autonomy, while the MILF was way ahead on espousing for independence.

Mohd. Buat went on to enumerate some points for consensus published in Newsbreak by Carol Arguillas as follows:

- entrenchment of the Bangsamoro homeland as a territorial space aimed to secure the identity and posterity of the Bangsamoro people;
- protecting the propriety rights and resources, and establishing a system of governance suitable and acceptable to the Bangsamoro;
- respect for the freedom of choice of the indigenous people;
- popular consultation leading to a referendum as a mode to determine the future political status of the Bangsamoro people; and

- a transition period to allow institution-building simultaneous to the transfer of power of governance to the Bangsamoro juridical entity prior to the final political status.

He explained that the transitional government will be empowered to build, develop and maintain institutions such as the civil service, electoral, financial and banking, education, legislation, legal, economic, police and internal security force, judicial system and correctional institution, to develop a progressive Bangsamoro society. In all of these, Mohd. Buat said that a multinational third party is needed to monitor the actual implementation of the comprehensive compact.

Mohd. Buat then posed the question whether the present area under the ARMM could be a viable territory for a federal Mindanao. Again, he quoted a Newsbreak article in 2005 where local officials were complaining of their Internal Revenue Allotment (IRA) which was not enough to solve their fiscal problems. In that article, many Muslims bemoaned the fact that their IRA is too small, and that of the Region was only P300M. Therefore, he asked, how can a region, which is one of the poorest in the country, fend for itself in a federal set-up? He quoted the Mindanao Business Council which stated that there should be a bigger base where the Region could be big enough to survive economically and independently to chart its own course. He added that this is the form of federalism that the council is advocating. As Ricardo Julian, an MBC member said, the ARMM will be too weak to start on its own. Mohd. Buat said that the better option is to adopt the area mentioned in the Tripoli Agreement composed of the original 13 provinces including parts of Davao and Zamboanga where Muslim indigenous people reside.

Finally, he told the audience that solving the Bangsamoro problem will redound to the benefit of the whole country, economically, socially, and politically. Funds spent for military operations which amount to billions could be used to help the poor Filipinos.

Paper Presentation No. 3: Independence as a Politico/Governance Option

Mr. Abhoud Syed Lingga

Executive Director, Institute of Bangsamoro Studies

Mr. Lingga started the discussion by underscoring the need for a Forum to raise solutions to the problem in Mindanao. The proposed solutions he said present the contrasting positions of the Bangsamoro people and the Government of the Republic of the Philippines on Bangsamoro's political status. He stressed that the issue is neither religious nor economic, but political in nature. The government denies the Moro people's assertion for their right to an independent state and uses force to do so resulting in a violent conflict that has been going on for decades.

He identified four reasons why the Bangsamoro are fighting for independence as follows:

1. The Moro people have a rich historical experience on governance as reflected by the booming economy even before the colonial period;
2. The Moro people want to ensure human security specifically in health, economy, environment, political, among others;
3. The Moro people want to ensure their welfare that the Philippine government it seems is not able to enhance; and
4. The Moro people want to preserve their identity as a people.

Moving on, he related the experiences of the Moro people in interacting with the Philippine Republic. He cited a recent study that showed the government's strong biases and prejudices for the Christian majority leading to their exclusion from job opportunities in the private sector, discrimination from banks, loss of lands to Christians, and poverty. Sadly, the Moros became the minority in their homeland. Likewise, they and their properties are not secured as human rights violations have been left unresolved and ignored.

On the other hand, he cited the possible gains that independence can bring them.

1. justice to the Bangsamoro people;
2. more money for the Filipinos out of savings from military operations in Mindanao which will go to education, infrastructure, health and other social services;
3. more business opportunities for the Filipino people since the government will give its undivided attention in spurring economic development for the archipelago. The case of Malaysia and Singapore was cited as basis for this argument; and
4. to the region, an independent Bangsamoro state will be a reliable partner in the war against terrorism.

No state, Mr. Lingga articulated, has maintained its boundaries for thousands of years. Even empires fall. States, he continued, are created by men for the purpose of their welfare and if it is not able to provide them that, then probably it is time to reinvent it. The main issue is whether the efforts of reinventing will boil down to the Bangsamoro welfare.

Democracy is not impotent, Mr. Lingga noted, as it offers solutions to the extreme option of secession. He maintains though that secession is a constitutional option as in the case of Ethiopia and Saint Kitts and Nevis where their constitutions allow it.

He stated that there are peaceful and democratic ways to resolve political issues or conflicts. Even terrorism, he believed, can be stopped since there are reasons to convince the Moros not to pick up arms. He pushed for an independent Bangsamoro state as a win-win solution to the problem of Mindanao. Besides, he argued that an independent Mindanao will not be a great loss to the Philippines. On the other hand, while he is pro-independence, he said that he is willing to give in to the option that the Moro people will choose for themselves.

IV. Launch of the Moro Times

Two important personalities who were instrumental in the birth of the Moro Times expressed messages of gratitude. Mr. Dante Ang, Chairman of the Commission on Filipino Overseas and former publisher of the Manila Times, said that the Manila Times is happy to partner with the PCID on the monthly publication of the Moro Times targeted specifically for the Moro people. He disclosed that there are plans of expanding the number of pages of the Moro Times with the goal of eventually making it an independent paper by itself. The Moro Times, he said, supports the right of the people to express their voice, sentiments and opinions in a non-violent, democratic and most importantly, rational way. He ended by expressing hope that the Moro Times will be able to live up to the expectations of their Muslim brothers and sisters.

Dr. Amina Rasul profusely thanked Mr. Ang and the Manila Times for providing a venue for the expression of the thoughts and inspirations of their brothers and sisters from Mindanao as well as an opportunity for airing a holistic view of the Moro issues. The majority view is always looked at through the political lens but the Moro Times has opened a window of opportunity for the people in Manila to feel that they can come safely to the Muslim homes and see their brothers and sisters for who they truly are.

The messages were followed by the symbolic signing of the Memorandum of Agreement between the two organizations. They were joined by members of the diplomatic community present in the Forum.

V. Open Forum

Issue No. 1: Reactions of the two other speakers on Mr. Lingga's proposal for independence

Councilor Carlo Fortuno, Secretary-General of the Union of Local Authorities in the Philippines (ULAP) and President of the Philippine Councilor's League asked Atty. Buat and Atty. Parcasio for their reactions on Mr. Lingga's proposal for independence in Mindanao.

Response:

Atty. Parcasio responded that independence can be an option if the Philippine government will not be true to its international commitment on implementing genuine autonomy. Echoing the reply of former ARMM Governor Misuari on a similar question, he said that autonomy will no longer be necessary if the Philippine government grants independence. However, he maintains that the constitutional legal formula of self-rule should be fully implemented first before the idea of independence among the hearts of the Moros will be erased. On the other hand, if the Moros continue to see no hope in continuing to be part of the Philippines, he predicted that the call for independence will be heightened. By aspiring to have an autonomous government, he believed that the Moro people will have a solution to inequity and lack of opportunities.

Atty. Buat countered that one should not settle for a slice of cake when he/she can have the whole. That same argument goes for independence and federalism he said.

Atty. Parcasio raised two valid concerns. One concern is the extent of willingness of the Philippine government to give up part of its territory. Another concern is on the acceptability of the independence option when the federalism option has not been realized yet.

Atty. Buat agreed that independence will not be accepted because the Philippines is a unitary state. The constitution does not allow it at all. For these reasons, the Moro group invoked the Tripoli Agreement and international humanitarian laws guaranteeing self-determination rather than the Philippine Constitution.

Issue No. 2: On the steps to be taken to achieve independence

Mr. Ali Al-Rashid asked Mr. Lingga on the steps to be undertaken to achieve independence for the Bangsamoro people.

Response:

Mr. Lingga suggested that the constitution should be amended to incorporate the right to secession. He related that there have been efforts now to use the international forum to advance the Moro's right to self-determination. On a positive note, he observed that before 1996, independence as an option has never been raised, much less discussed in venues such as the DGF, unlike now when the discourse on independence as an option is being held thus making it a viable option.

Issue No. 3: On looking for another political structure rather than working for full implementation of or even amendments to RA 9054

Atty. Ibañez, Instructor on Legal Foundations of National Security at the National Defense College raised the issue on looking for another political structure when it seems that only full implementation of RA 9054 or even amendments to it are necessary.

Response:

Atty. Parcasio explained that there are 10 provisions in RA 9054 that do not conform with full autonomy, but the law itself maybe considered as federalism in its infancy. In the Tripoli Agreement, fully autonomous regions will have the same powers as the federal states in other countries. He suggested that RA 9054 can be amended to make it consistent with the Tripoli Agreement and 1996 Peace Agreement, although he lamented that the government seems not interested. He said that former President Aquino did not even allow legislators from the Bangsamoro to contribute to the drafting of that bill.

Atty. Buat linked the whole conflict to the Philippine Constitution. He argued that until the unitary system is changed, the dream of transcending the present autonomy under RA 9054 would remain a dream. If the Constitution goes federal, there is no more need for RA 9054 since the Bangsamoro state will be able to enact its own federal constitution depending on the model it pursues either the Malaysian or German system whichever seems to deliver better services. He stated that the Bangsamoro problem cannot wait for another 25 years for by then, the alignment of world forces will already be different which may render what we are crafting now obsolete.

Issue No. 4: On the issue of territorial distribution under the federal system

Mr. Raphael Montes, Jr., Research Associate at CLRG-NCPAG, inquired on how the territorial distribution under the federal system will be carried out.

Atty. Buat replied that the conduct of territorial distribution would be a joint effort of the government and Moro group based on certain criteria, the specific delimitations of which have to be drawn out yet, and which he is not at liberty to divulge at the moment. He mentioned though the general terms of reference that will govern the territorial distribution to include: (1) taking back of the original ancestral domain; (2) non-Christian provinces under

the Mindanao and Sulu Code; and (3) other areas interested to join the Bangsamoro. The existing ARMM would form as the core of the territory. He is certain that the territorial configuration will not be far from what was defined in the 1976 Tripoli Agreement or 1996 Peace Agreement but could be more since other areas have already signified their interest of joining like the Manobos of Agusan and the Muslims in Davao Oriental.

Issue No. 5: On the implications of territorial distribution to a fairly mixed Muslim-Christian population and necessity of implementing the Islamic laws in the area

Mr. Montes inquired on the implications of territorial distribution to a fairly mixed Muslim-Christian population and the necessity of implementing the Islamic laws in the newly-formed areas.

Response:

With regard to the question on Islamic law, Atty. Buat replied that the Bangsamoro state framers would decide on their own whether or not to institute it and what model(s) to adopt although he assured the audience that it would not be of the Taliban or Wahhabi type. He said that there are other maps of creating institutions and the Shariah Law is one. He disclosed that the Philippines is actually more advanced politically since it already has a Code on Muslim Laws as well as Family Law and Inheritance compared with other Muslim states which do not have them yet.

Issue No. 6: On the possibility of cessation of terrorism once Mindanao become independent

The third question raised by Mr. Montes was the possibility of cessation of terrorism in what will be left of the Philippines after Mindanao becomes independent. He further asked if the Philippines will still be a target of international terrorist organizations even after it grants independence to Mindanao.

Response:

Mr. Lingga responded that providing security is a responsibility of the government. He said that nobody can read the minds of terrorists. However, he explained that it is possible to design new security arrangements whereby it is easier to engage state actors or change regimes believed to be responsive to the terrorism issue.

Atty. Buat countered that terrorism thrives in areas where there is dispute, but not in peaceful waters as there is nothing to feed the people's grievances.

Issue No. 7: On adopting referendum to avoid bloodshed and disseminate information on the three options

Mr. Jul Asirij inquired on the possibility of adopting referendum as an option to avoid bloodshed and inform the people of the advantages of the three possible options.

Response:

Mr. Lingga stated that advocacy initiatives should be pursued. He also agreed that there are peaceful alternatives to violence.

Issue No. 8: On quoting Quoranic verses supporting independence

A participant named Max asked for specific Quoranic verses that would support the fight of the Bangsamoro for independence.

Response:

In reaction to Mr. Max's earlier statement that the struggle in Mindanao should aim for liberation and not secession, Mr. Lingga asserted that the Bangsamoro deserves independence. The Moro struggle is in effect a liberation movement. The use of the term secession conforms with the common terminology used in political science literature to refer to a struggle similar to theirs. What is important, he argues, is that the resolution of the Bangsamoro problem will redound to the general welfare of the people.

With regard to specific Quoranic verses supporting the independence struggle, he explained that the concept of state is new. He added that to govern, one must have a state. He declared that the Moro people are a separate people who deserve a separate state. He declined to specify particular Quoranic verses saying that these should be shared among Muslims alone since there are Christians in the Forum who will not be able to understand them.

As a rejoinder, Atty. Buat cited the countries of Ethiopia, Russia and Saint Kitts and Nevis where the word secession is used. Applied to the Moro struggle for independence, what they are actually seeking for is the restoration of the state, the land that is theirs. He referred to the maps in the London Library which show the extent of the Muslim influence and spread of population in the early period stretching from Palawan to as far up to Ilocos.

VI. Closing Remarks

*Dr. Carmen Abubakar
Dean, Institute of Islamic Studies, University of the Philippines*

Dr. Abubakar first thanked the speakers for providing the participants insights on the three possible options. She expressed hope that the options were made clear. She then thanked the organizing institutions and sponsors for their initiative and efforts to come up with this activity. She took the opportunity to invite everyone to their upcoming forum on August 4 about the crisis in the Middle East. Lastly, she thanked everyone for coming and hoped that the forum has contributed in enlightening them on the Bangsamoro issue.

Dr. Alex B. Brillantes, Jr.
Dean, NCPAG, UP

Dean Brillantes closed the program by informing everyone that the papers of the presentors and the proceedings of the open forum will be compiled and uploaded to the NCPAG website. He thanked the organizing institutions for their collaboration this endeavor.