THE LONG AND WINDING ROAD: THE PEACE PROCESS IN MINDANAO, PHILIPPINES

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THE LONG AND WINDING ROAD: THE PEACE PROCESS IN MINDANAO, PHILIPPINES

This paper examines the peace process in Mindanao, Philippines, situating it within broader national and international political economies. The paper argues that the root causes of the conflict can be found in the long-term processes of state formation and capital penetration in the region which have resulted in the displacement and marginalization of the indigenous groups of Mindanao under consecutive Spanish, American, and independent Philippines control. Examining the peace process within this context, it argues that mainstream approaches to peace processes that focus on particular “actors” (e.g. spoilers, third party interventions) and “technologies” (e.g. commitment mechanisms) provide some insights into the failure to achieve a lasting peace in the region, but that a full explanation requires consideration of two further issues. Firstly, formal peace processes are often embedded within wider developmental programmes and the tensions and interactions within this broader dynamic are important to understand. In Mindanao, while the formal peace process has moved towards explicitly addressing root concerns of the local population, the wider “peace through development” package promoted by the international community is, in fact, exacerbating many of the economic tensions behind the conflict. Secondly, in localized conflict such as Mindanao, it is important to examine the peace process within the broader political context of the country in question. In the Philippines, opposition to the peace settlement has, in recent times, been used for political opportunism by opposition forces at the national level. Similarly, for incumbent presidents, a return to militaristic solutions and associated nationalist agenda has been used as a way to shore up popular support in the rest of the country, undermining moves towards peace.
BIOGRAPHICAL INFORMATION

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MINDANAO IN GEO-HISTORICAL PERSPECTIVE

Linguistic patterns and archaeological evidence suggest that the forefathers of the vast majority of the contemporary population of the Philippines arrived in the islands between four and six thousand years ago from mainland China via Taiwan (Pawley and Ross, 1993; Bellwood, 1997: p.11). Expert seafarers who spoke the proto-form of Malayo-Polynesian languages that now dominate island Southeast Asia, they spread out across the region over the ensuing two or three millennia, displacing the smaller Negrito groups that had arrived much earlier and who remain in isolated pockets in the highlands of the Philippines and the Malay peninsula. Linguistically, the Philippines rapidly diversified into three major language groups roughly approximating to the northern island of Luzon, the central Visayas archipelago, and the southern island of Mindanao and the Sulu archipelago.

While the population and languages of the Philippines came from the north, religious influences have come in waves from the West. The first of the major world religions to arrive in the islands was Hinduism. The earliest inscription found in the Philippines, the Laguna Copperplate Inscription, dates to around 900CE and is written in a form of old Malay but shows clear Hindu influences (Postma, 1992; Andaya, 2001). By the thirteenth century, Mindanao and the Sulu archipelago had fallen under the control of the Hindu Majapahit empire, the great pre-colonial empire of Southeast Asia centred on West Java. While traces of Hinduism remain embedded in the cultures of the Philippines, however, it was the arrival of first Islam and then Christianity that had the most enduring impact upon the region.

Islam first arrived in Southeast Asia in Aceh at the northwestern tip of Sumatra around the twelfth century and rapidly spread across the region. It is unclear at what stage Islam was first adopted by local inhabitants, and this clearly varied from place to place, but royal inscriptions found in what is now the east coast Malaysian state of Terengganu extolling the observation of the Islamic religion have been dated to the fourteenth century. Lacking a priestly class, the spread of Islam was mediated primarily through merchants, “accustomed to conducting their business under the protective umbrella of Muslim law” (Andaya, 1999: p.170). Indeed, given the absence of Islamic “missionaries”, in the sense of the Christian missionaries from Europe, it has been suggested that it was the existence of a coherent and comprehensive body of law relating to commercial transactions in the Islamic doctrines, along with the potential to improve trading relations with the Arab empires, that provided the first step in the local adoption of Islamic practices, rather than any “spiritual” conversion (van Leur, 1955; Wolters, 1970). Perceived commercial benefits were thus major factors in the official adoption of Islam in the broader Southeast Asian region. On the eve of the arrival of the European colonial powers, the major political centres of maritime Southeast Asia—Aceh, Melaka, Johor, and Brunei—were all Islamized with overlapping spheres of influences.
The exact date that Islam arrived in Mindanao itself is hard to determine, but it appears to have been both the last and the farthest reach of Islam in the region. Local legend attributes its arrival to one SaripKabungsuan, a scion of the Sultan of Johor, around the early sixteenth century. By the mid sixteenth century, two major Islamic polities had emerged in the region, the Sultanates of Maguindanao (of which the word Mindanao is a corruption) and Sulu (McKenna, 2002), although both were under the influence of the more powerful Sultan of Brunei (of which the word Borneo is a corruption).

![Figure 1: Islam in Southeast Asia, c.2000](image)

Source: Author’s calculation based on census data from IPUMS (Minnesota Population Center 2008)

The third wave of conversion that came to the Philippines was brought by the Spanish colonial expansion. Under Miguel López de Legazpi, the Spanish landed in the Visayas in 1565 and rapidly conquered Luzon, the Visayas and the northern coast of Mindanao. European powers had been fighting with and over Southeast Asia for half a century by this stage—Portugal had established the first colonial base in the region with its conquest of Melaka in 1511—but the locus of their conflicts had been the fabled Spice Islands of what is now eastern Indonesia. While the Portuguese, the Dutch and the British fought over varying spheres of influence in Southeast Asia, the Spanish remained uncontested in their control of the Philippines and brought to their colonial empire a much greater religious zeal than the rest of the region, successfully converting the vast majority of the Filipinos under their control to Catholicism. Mindanao, however, eluded the Spanish both politically and religiously. Despite numerous military attempts and rather fewer

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1 Britain nominally occupied the Philippines for two years from 1762 to 1764 during the Seven Years War between the European powers, although its de facto control did not extend much beyond Manila.
diplomatic accords, Spanish control of Mindanao never stretched much further than its original bases on the northern coast of the island. At the same time, however, the Spanish sewed much of the seeds of communal antagonism through promoting in the areas of the Philippines under their control a form of popular theatre, the *moro-moro* plays that depicted the heroic attempts of Christian missionaries to bring civilization to the Muslims and the barbaric response of these *Moros*, the generic Spanish term for Muslims (i.e. Moors).

While separatist sympathizers in particular tend to present the conflict in the southern Philippines as one between the Hispanized, Christianized colonial subjects of Luzon and the Visayas against the pre-colonial authenticity of Islam in Mindanao (see, e.g., Jubair, 1999), then, the timing of the arrival of Islam and Christianity to what is now the Philippines differed by little more than a few decades. While Mindanao and Sulu certainly lie on the fuzzy border of two historic “civilizational” realms—Hispanized Filipino Christianity against Malay Islamdom—the historical “timelessness” of this intersection is not nearly as deep as either side to the conflict typically believes.

**THE MODERN CONJUNCTURE: STATE AND CAPITAL IN THE PHILIPPINES**

While the “ethnohistorical” roots of the conflict in Mindanao can be traced to the precolonial era and the overlapping spread of Islam and European colonialism, the political economy of the separatist movement finds its roots in the era of the American colonial administration in the Philippines—this despite the fact that the Americans were, in many ways, much more sympathetic towards the Muslims than their Spanish predecessors. While our focus in this section will be on the nature of the state that emerged in Mindanao over the longue duree, it is important to understand the nature of the Philippine state itself because it had important ramifications for the peace process.

The state which emerged in the Philippines under the Spanish initially relied overwhelming on the church for its legitimacy and its territorial control. Through a policy termed reducción, populations in the areas controlled by the Spanish were coerced into new settlements centred—politically and physically—on a church with a resident friar. While a secular administration did exist, based on a system of provincial governors and coopted local “big men”, known as datu, it was “weak in personnel…and it remained extremely dependent upon the friars for its most basic functions” (Abinales and Amoroso, 2005: p.66). It was also highly corrupt. Moreover, the two systems of authority—secular and religious—were often in competition with each other. By the nineteenth century, Spain was attempting to implement reform in the Philippines towards a more typically bureaucratic state, but met with resistance from both existing arms of government in the colony. At the same period, a class of university-education ilustradolocals was emerging that had travelled to—and often studied in—Spain, where they had learned many Western liberal ideas, but also seen the relative weakness of Spain compared to its European rivals. On the back of the ilustrado, a nationalist movement emerged agitating for independence. Two key figures epitomize this movement: José Rizal, a Spanish educated novelist, poet and intellectual, whom Benedict Anderson dubs
the “First Filipino” (Anderson, 1998); and Andrés Bonifacio, a man of more humble upbringing than Rizal, but more radical political agenda. Rizal formed an organization, La Liga Filipina, to campaign peacefully for political reform in the Philippines. Bonifacio joined La Liga, but was quickly disillusioned and formed a more radical secret society, Katipunan, planning armed struggle for full independence. This was reflective of a broader ideological split between the educated, elitist vision of the Filipinos promoted by Rizal and later Aguinaldo; and Bonifacio populist atavism (Ileto, 1979; Evangelista, 2002). After an initial Katipunan revolt in Manila was discovered and put down by the Spanish in 1896, Rizal was tried and executed, but Bonifacio escaped. Subsequently, however, the Katipunan revolt—known in its latter phase as the Philippine Revolution—gathered pace beyond Manila, but its leadership turned on Bonifacio and he was executed by his own party. A more elite Filipino, Emilio Aguinaldo, replaced him. By this stage, however, Spain was separately embroiled in war with the US; after its heavy defeat in that war, the Philippines were ceded to the US in reparations. Aguinaldo responded by declaring Philippine independence and attempting to form a government but in a relatively short but brutal Philippine-American war, the US asserted its control over the territories.

Before turning to examine the American administration of the Philippines—which constituted the first time that Mindanao had been fully brought within the same political structure as the rest of the Philippines—it is worth reflecting briefly on how this first generation of Filipino nationalists saw the position of Mindanao and the Muslim population within their “imagined community”. This is complicated by the fact that even among Filipino historians, remarkably little attention has been paid to Mindanao in the context of the Philippine Revolution. Within the writings of Rizal and Bonifacio, there is little evidence that they had seriously contemplated the problematic position of the Moro within the imagined Filipino community. While Rizal himself was lived in Mindanao for a period under internal exile imposed by the Spanish, this was in the area already dominated by Christians and he did not address the Moro regions in his writings. The Katipunan manifesto that Bonifacio launched in exile in Hong Kong reached out to the Moro and urged them to participate in the uprising, addressing the Sultan of Sulu as his “brother”, but there was no attempt to recognize or reconcile the different historical and cultural traditions of the region in their conceptualization of an independent Philippines. While the Katipunan did recruit some membership in Mindanao, this was very limited and there is no evidence it stretched beyond the Christian areas (Evangelista, 2002).

Moro participation in the Philippine Revolution is likely to have been discouraged by two further features of the movement. Firstly, the popular interpretation of the revolution drew extensively upon Christian symbolism of martyrdom and suffering with Rizal painted by many as an explicitly Christ-like figure; a portrayal that remains popular to date (Ileto, 1979; Ileto, 1998). Secondly, even among the Christianized Filipinos, there was in many parts of the country a sense that the Katipunan was primarily an ethnically Tagalog movement. In Negros, for instance, anti-Spanish insurgents formed a separate Negros Republic that “affiliated with but
did not become part of Aguinaldo’s regime” (Sturtevant, 1974: p.122). For the Moro, the heavily Christian nature of the revolution in particular made them wary, many seeing it as merely an extension of the hated Spanish regime.

American control over the Philippines came almost by accident as a result of its crushing victory in the Spanish-American War of 1898. While the US had initially been relatively supportive of Aguinaldo in the interregnum between the end of the Spanish-American War and Aguinaldo’s declaration of independence—Aguinaldo himself returned to the Philippines from exile accompanying by US troops—relations quickly soured and Congress ratified the US-Spanish peace treaty that transferred the Philippines to US control. Nonetheless, American policy was from the start concerned with whether to maintain a colonial presence in Asia, and if not how to “dispose” of the territories. Writing in the North American Review in 1898, before the Spanish-American War had even been resolved, the US diplomat John Barrett observed that America would have four options in dealing with possession of the Philippines—to maintain them as a permanent colony, to return them to Spain, to give them independence, or to sell them to another state—and that none was particularly palatable (Dilke, Barrett et al., 1898). US plans for Hispianized Philippines quickly settled on a slow transition to independence, but the status of Mindanao and the Sulu archipelago within that process was a matter of heated debate in the US Government and the Philippines itself.

The state that emerged in the Christianized Philippines under American tutelage bore institutional resemblance to US-style democracy, with a bicameral parliament and a directly elected executive Presidency limited to two terms, but the nature of political power in the country was highly localized. Political expediency led American administrators to collaborate with elite Filipinos whose power was largely based on control of the large hacienda estates and patronage network (Hutchcroft, 2000). As a result, come independence, democratic structures had already been subverted and local “big men” and their families dominated political positions and collected votes through extensive patron-client relationship as well as by more dubious means—the infamous “guns, goons, and gangs” of Filipino politics (Sidel, 1999). At the national level, ideological differences between the two main parties, the Liberals and the Nationalists, were scant; at the local level, private armies were common and more influential than political parties. As a result, neither party was able to attain lasting political domination and the presidency oscillated frequently between the two parties. In 1969, Ferdinand Marcos, who had been elected in 1965 on the Nationalist slate having defected from the Liberal Party the previous year, became the first Philippine president to win re-election. During his second term, Marcos began actively cultivating a personality cult and, with his final constitutional term expiring in 1972, he declared martial law—largely legitimized on the basis of the violence in the South (see below) as well as a wider Communist insurrection. Under martial law, the Philippine state became heavily centralized, with Marcos

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2 A notable difference, however, was that the Vice President was elected separately from the President and hence often came from a different political party.

3 In 1957, the incumbent president Carlos Garcia won but he had taken over the presidency only eight months previously when Ramón Magsaysay died in a plane crash.
dominating the political structure. Although martial law was lifted in 1981, Marcos had secured a new constitution which not only allowed him to run for president again, but also to serve concurrently as prime minister. The assassination of Benigno Aquino, an outspoken opponent of Marcos, as he stepped off a plane returning from a long exile fomented widespread opposition to Marcos, however. Marcos called snap presidential elections in 1986, in which Aquino’s widow, Corazon Aquino, ran. The official election body COMELEC declared Marcos the winner but this was contested by NAMREL, a coalition of NGOs monitoring the election. Huge protests began—the famous People Power revolution—and after military leaders (notably Fidel Ramos, later himself president) backed the protestors and Reagan’s administration in the US withdrew its previously solid support for Marcos, Marcos fled to the US and Corazon Aquino was installed as president. A new constitution was drawn up that restored many of the democratic institutions of the pre-martial law era but limited the presidency to a single six-year term. To the surprise of many observers, however, the centralized period of the Marcos administration had not effectively broken the local power structures and the post-Marcos era has largely seen a return to the localized nature of political mobilization in the country (Sidel, 1999; Abinales and Amoroso, 2005).

State formation in Mindanao and the Sulu archipelago took a very different trajectory. In 1903, a Moro Province was created and directly administered as a military regime by the US. Often vicious pacification campaigns were interspersed with efforts to secure collaboration of leading datu (local chiefs). By 1911, Moro Province was deemed pacified and transferred to civilian control. In 1916, the Jones Law transferred control to the Philippine legislature, bring the region under the de facto control of Manila for the first time, and a Bureau for non-Christian Tribes created to manage the residual “Moro problem”. American politicians and academics alike began congratulating themselves that their policy was “acknowledged by all unbiased observers as a decided success” (Kalaw, 1919: p.11).

In ways that would ultimately feed into the political economy of separatism in the region, however, American policy towards Mindanao was in no small measure shaped by the undoubted potential of the island of economic development and resource exploitation. The island was sparsely populated and was endowed with rich natural resources. General John Finley, the second US governor of Moro Province, wrote in 1913 that “it has been clearly evident to the American army… that the regeneration of the uncivilized [i.e. non-Christian] tribes must be accomplished along industrial lines” (Finley, 1913). Finley himself set up a series of trading markets or “Moro Exchanges” designed both to “teach” the Moros the value of economic activity and to encourage peaceful interaction between the Muslim and non-Muslim groups. Finley’s use of the word “industrial” here is in a broad sense of economic activity—including agriculture—rather than the modern economic notion of “industry”. He also developed a scheme to allow non-Christians to register land in their name for free up to 40 acres. This scheme,

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4 Finley’s use of the word “industrial” here is in a broad sense of economic activity—including agriculture—rather than the modern economic notion of “industry”.

5 A similar system, the tamu—which remains in existence to date—had been effectively implemented by the British North Borneo Company in the neighbouring island of Borneo since the 1890s. It is unclear how far Finley was directly influenced by this model.
however, turned out to be the first step in a long process of land displacement of Muslims in Mindanao, for two reasons. Firstly, the scheme was in fact very poorly taken up due to the prevailing land customs in Mindanao in which land was sole held in usufruct. Explicit “ownership” of land was simply anathema to Moro traditions, even among the datuwho, while holding power of arbitration in disputes over land use, did not even “own” the land themselves (Scott, 1982; Stewart, 1988). Secondly, while Finley congratulated himself extensively on this policy (Finley, 1913), the 40 acres that could be registered by Muslims was, in fact, far smaller than the acreage allowed to Christian settlers.

By the 1920s, the potential to develop Mindanao into a rubber economy was high on the agenda of US politicians and big business. In 1926, Harvey Firestone Jr., son of the founder of the Firestone Tire and Rubber Company, made an exploratory trip to the Philippines and is reported as having told President Coolidge on his return that “a fraction of the uncultivated acreage in the southern islands would, if developed, provide all the rubber needs of the United States”.6 At around the same time, the Republican senator for New York, Robert Bacon, introduced a bill to Congress to separate once again the administration of the Moro Province from the rest of the Philippines. In promoting the bill in Congress, Bacon was explicit: belief in “altruistic” motivations for the continued US presence in the Philippines was self-delusional and America needed to secure “a permanent and controlled source” of food and raw materials. Separating Mindanao from the rest of the Philippines would “open the way for the production of rubber and other tropical articles by American capital”, and mean that even if the Philippines were granted independence, the US would maintain its interest in—and control of—the Moro Province.7

The Bacon Bill was not passed, but US capital remained interested in Mindanao for agricultural exploitation. American capital was ready to move into Mindanao, but exploitation required more than just capital—it required labour. Writing in Foreign Affairs in 1928, the vice-governor general of the Philippines, Ralston Hayden, noted that “those regions [of Mindanao] which possess the most valuable natural resources are the most nearly empty of inhabitants” (Hayden, 1928). For Hayden, the economic logic of settling these regions for economic development was “inescapable”; the question was who should settle there. Hayden left no uncertainty about his views on this. The “Moros and primitive pagans who [inhabit Mindanao] are neither capable nor desirous of developing [these regions]...[but] only a few miles northward of vacant Mindanao lies a group of Christian islands which are greatly overcrowded”. Hayden warned that the Moros must be allowed to “participate” in the development process, but argued that with a stable US policy in the region, good will and cooperation between the Moros and the Filipinos would grow and allow for the economic exploitation of Mindanao.

In fact, the colonial administration in the Philippines had already been actively encouraging Christian migration to Mindanao for over a decade by this stage. In 1917, the Philippine legislature set up a fund “for aid to such inhabitants of the

6 “Philippine rubber production trivial up to date”, Baltimore Sun, 8 Aug. 1926.
7 “Bill to free Moros explained by Bacon”, Baltimore Sun, 27 Jun. 1926.
provinces of Luzon and the Visayas as may desire to settle in Mindanao and Sulu" (Kalaw, 1919). Particularly around the Cotabato area, colonies were set up and migrants from across the Philippines settled there, taking advantage of the preferential land policies. By the 1920s, non-Muslims outnumbered in Mindanao and Sulu, although Muslims remained the majority on the west coast of Mindanao, the Zamboanga peninsula and the Sulu archipelago, as they do still (see Figure 2).

![Figure 2: Population of Mindanao by religion, 1903-2000](source: Author’s calculations from 1990 and 2000 census samples and Che Man (1990))

After independence, however, the new governments in Manila began encouraging even faster Christian migration to Mindanao. During 35 years of American control, between 1903 and 1939, just short of 700,000 migrants came to Mindanao; during just 12 years between 1948 and 1960, more than 1.2 million Christian Filipinos migrated to Mindanao, an annual increase of 6.7% (Wernstedt and Simkins, 1965). State-sponsored resettlement schemes, still with the ostensible aim of promoting agricultural production, brought thousands of poor Christians from Luzon and the Visayas islands to Mindanao (Abinales, 2000; Gutierrez and Borras, 2004).

While under the Americans, migration had been encouraged to serve the needs of international capital, however, under the independent Philippines government in Manila, liberalization of land ownership restrictions combined with monopolistic laws on commodity exportsto allow a number of politically-linked Christian families to accumulate vast plantation holdings. Given the political links and personal biases of their owners, these haciendas tended to employ Christian labourers at the expense of Moros (Che Man, 1990; Gutierrez and Borras, 2004). Thus, not only were the Moro displaced from their “traditional” lands, they were also denied access to the emerging money economy.

By 1965, observers were already noting that Christian “penetration” of Mindanao was causing “unrest and strife”, with the dispute settlement processes usually favouring the Christians as “the better educated Christian has been able to present a stronger case to the courts...while Muslim litigants have been viewed as
obstructionists and anachronists” (Wernstedt and Simkins, 1965: 101). Some local Muslim leaders began making claims for separation, although Lela Garner Noble argues that until the 1970s, “Muslim leaders did not want to secede; they wanted rewards for not seceding” (Noble, 1975: 456).

In the late 1960s and early 1970s, however, a series of events drove the politicization of Moro resentment towards the Christian state in Manila rather than the migrant population in Mindanao. The first of these was the “Corregidor Incident” or “Jabidah massacre” of 1968. Corregidor Island, in the Manila bay, was the site for the secret training of a group of Muslim volunteers recruited by the Philippine Armed Forces, apparently for a planned infiltration of the neighbouring Malaysian state of Sabah, to which the Philippines retained a territorial claim through its former status as a dependency of the Sultan of Sulu. In March 1968, the trainees mutinied and were massacred by their Christian officers. Whether this mutiny was caused by their perception that the planned “invasion” of Sabah was unjust or for the more prosaic reason that the recruits did not receive their promised pay-cheques is unclear, but whatever the reason, the massacre of Muslims recruits by Christian officers raised Muslim resentment against Manila (Noble, 1976; Noble, 1981). Shortly afterwards, the Muslim governor of Cotabato province, Datu Udtog Matalam, announced the formation of the Mindanao Independence Movement (MIM), explicitly in response to the Corregidor Incident, although the MIM manifesto also asserted the theme of historical separateness elucidated above (Lingga, 2004).

Subsequently, in 1970, on-going disputes over land between Christian and Muslim groups broke out into fighting, with the Philippine Constabulary intervening on the Christian side. These fights themselves stemmed largely from the competing cultural perceptions of land, and thus the inability of the Christians and Moros to agree even on a suitable legalistic venue to resolve their disputes, “since there was no agreement on legal systems or judges” (Noble, 1975: 455). Fighting intensified as elections drew near and rival politicians mobilized ethnic and religious militias to gather votes and intimidate their opponents. In 1972, with his second and constitutionally final term as president ending, Ferdinand Marcos declared Martial Law, justifying it largely on the basis of the on-going violence in Mindanao. Martial law in turn provided the trigger for the Moro National Liberation Front (MNLF), which launched an armed movement for a separate Moro state. Funded by Libya and given logistical assistance by Mustapha Harun, Chief Minister of neighbouring Sabah, the MNLF was led by a charismatic lecturer from the University of the Philippines (UP), Nur Misuari, and brought together student radicals and the intelligentsia with Moro farmers displaced from their lands as well as religious leaders and local politicians. At this early stage, however, religion played only a minor role in the rhetoric and mobilization of the movement and the MNLF was oriented towards a Moro ethnic nationalism.

How far, then, was conflict in Mindanao inevitable? As we have seen, major protagonists on both sides, as well as American colonial powers, certainly saw conflict as if not inevitable then at least difficult to avoid due to Huntingdon-style “civilizational” clashes (Huntington, 1996). As early as 1908, the New York Times
was reporting that many American colonial administrators “believe that if the islands, including the Moro Province, were given independence to-day, the Moros would conquer the northern islands in a year or two”. Yet the socio-economic forces that drove the conflict were primarily linked to the ways in which successive regimes sought to open up Mindanao for integration into the national and global markets. Some American colonial administrators were certainly aware that incorporating Muslim groups into this process was an important aspect of “nation-building”. As we have seen, Rolston Hayden expressed this concern in the 1920s, while even earlier, Najeeb Saleeby—a local Muslim who became an influential collaborator within the American administration—argued that “a process of gradual development” was necessary in order for the Moros to “gradually rise in wealth and culture to the level of a democratic municipality” (Saleeby, 1913). Yet these warnings were not acted upon in opening up Mindanao for development. Whether or not a more inclusive development strategy would have prevented any conflict from emerging is, of course, rather too counterfactual to answer conclusively, but it certainly seems plausible to assert that there would have been considerably less support for secessionist claims in Mindanao if the Moro had been better integrated into the development process.

TRIPOLI, JEDDAH, KUALA LUMPUR: THE LONG AND WINDING ROAD TOWARDS PEACE

In this section we examine the nature of and obstacles to the peace process in Mindanao. We focus here on the political process; in the next section, we examine the socio-economic dynamics of the peace. Perhaps the most surprising aspect of the peace process in Mindanao is that while the insurgency has rumbled on at varying degree of intensity for almost four decades now, the basic framework of a peace agreement was worked out relatively quickly in the Tripoli Agreement of 1976 and while subsequent negotiations have sought to modify this agreement—either through its extension, particularly in terms of equalisation polices; or through its restriction, particularly in terms of territorial extent—none of the sides to the negotiations have entirely repudiated the Tripoli Agreement as the basis for a settlement. Certainly, the peace process has been complicated by the splintering of the separatist movement, first with the Moro Islamic Liberation Front (MILF) breaking away from the MNLF in the late 1980 and subsequently with the emergence of the Abu Sayyaf Group (ASG). Yet the role of “spoilers” (Stedman, 1997) in preventing the achievement of a lasting settlement has been, we shall see, only marginal. Instead, the obstacle to a lasting settlement have been primarily structural.

The first few years of the Moro insurgency from 1972 to 1976 were undoubtedly the most intense militarily, with thousands of fatalities on either side. By the mid-1970s, the conflict had descended into a military stalemate along classic guerrilla warfare lines: while the MNLF was not strong enough to rout entirely the might of the Armed Forces of the Philippines (AFP), the latter was unfamiliar with the terrain, unable to break local supply chains and hence unable to destroy the MNLF militarily either.

After 1975, however, both sides had greater reason to try to find a settlement. On the one hand, the ouster of Mustapha from Sabah state in Malaysia had denied the MNLF its primary source of arms and other supplies. On the other hand, Marcos was becoming increasingly concerned that Islamic countries in the Middle East were threatening to punish the Philippines out of sympathy with the Muslim insurgents by denying or restricting oil supplies.

Under the auspices of the Organisation of the Islamic Conference (OIC), officials from the MNLF finally met with representatives of the Government of the Philippines, including Imelda Marcos, in Tripoli in 1976 and fleshed out a ceasefire agreement and the terms for a settlement. The sixteen point agreement covered political autonomy, defence and foreign policy, and administrative and fiscal structures but in all cases, the details of these arrangements were to be “fixed later” (see Annex I for the text of the agreement). What is noticeable about the Tripoli Agreement, however, is the extent to which its focus is primarily on the nature of political arrangements between the putative autonomous regime and the central government. While vague in its commitments, the Tripoli agreement constituted a set of political arrangements that appeared to be very generous towards Mindanao. The territorial extent of the autonomous region was agreed to include thirteen provinces which, while eight short of the 21 provinces that made up the MNLF’s declared Moro homeland of Mindanao and Sulu, also included eight provinces with that had a Christian majority population. The Muslims of the autonomous region were also to be guaranteed representation at the central level, including in the judicial branch right up to the Supreme Court level, and in “all other organs of the state”.

On economic matters, however, while the agreement allowed for the autonomous authority to have its own “economic and financial system”, there was no commitment to equalisation policies or land reform to address the prevailing horizontal inequalities within Mindanao and between Mindanao and the rest of the country. Indeed, the sole explicit developmental policy mentioned in the agreement was that natural resources and mining within the autonomous region would remain the competence of the central government; a “reasonable percentage” of revenues therefrom was committed “for the benefit of the areas of autonomy” but what constituted “reasonable” was left unspecified, as was the channel through which this disbursement would happen—that is, whether the revenue share would be transferred to the new authority or whether it would be disbursed within Mindanao by the central government.

At the same time, the first major split in the MNLF emerged after NurMisuari fell out with his deputy HashimSalamat, who created the breakaway Moro Islamic Liberation Front (MILF). Three sets of issues appear to have influenced the schism. Firstly, after the failure of the Tripoli Agreement, NurMisuari moved back to a more radical position demanding complete secession rather than autonomy; Hashim’s MILF announced more limited demands for autonomy within the Philippines. Secondly, as the respective names of the organisations suggest, Hashim and his supporters were more committed to an Islamic notion of Moro autonomy whereas NurMisuari had always emphasized Moro as a kind of ethnonation identity. Finally,
and less publicly, the split reflected internal ethnic tensions between the Tausug who largely lived on the Zamboanga Peninsula and the Sulu archipelago and the Magindanao and Maranao, who lived on mainland Mindanao. Misuari was Tausug; Hashim Maranao. There are some suggestions that Marcos was well aware of these tensions and that acquiescing to an early peace in Tripoli was a strategic ploy to capitalize on these tensions, with Marcos’ regime gambling that the longer the war dragged on, the more unified the Moro would become. While the preliminary negotiations for Tripoli were underway, Marcos announced that his government would not treat the MNLF as the sole representative of the Moro people and instituted a number of parallel negotiations with Muslim leaders who had not joined the MNLF (Yegar, 2002). The success of this strategy explains why Misuari and the MNLF agreed to a peace deal in Tripoli that did not seem to address the fundamental socio-economic marginalization of the Moro. Their fear was that without this deal, they risked eclipse as the major Moro power in the region.

The Tripoli Agreement committed the Government to “take all necessary constitutional processes for the implementation of the entire agreement” and, almost immediately after the agreement was signed, Marcos announced that this meant that the agreement required ratification in a plebiscite of the affected provinces. It is not entirely clear whether the MNLF had understood this clause to entail a referendum, but contemporary documents from the Philippines—together with their lack of public criticism of Marcos’ announcement—demonstrate that, at any rate, they were not opposed to a referendum (Noble, 1981). While the MNLF may not have opposed a referendum in principle, however, differences quickly emerged over the wording of the questions that the referendum would pose. Intervention by the OIC failed to bring both sides to an agreement, and so after several delays, Marcos went ahead with his own version of the referendum questions. The MNLF’s success in getting eight non-Muslim majority provinces included in the purview of the agreement proved its downfall; the referendum was decisively rejected. Marcos then created two new regional governments with very limited autonomy out of ten of the original thirteen provinces, and unilaterally declared the Tripoli Agreement implemented. Several senior members of the MNLF and other influential datu were induced to join the autonomous governments, reportedly gaining lucrative concessions in the process. The bodies that Marcos created, the Autonomous Governments of Region IX (Western Mindanao) and Region XII (Southern Mindanao) were highly restricted in fund-raising powers and “could only pass resolutions addressed to [central government bodies] requesting action or appealing for aid without any legal sanction to enforce its measures” (Saideman Pangarungan, former Region XII assemblyman, quote in Che Man, 1990: p.156). Moreover, the Tripoli agreement had mandated the creation of a single regional government, rather than the separate bodies that Marcos created. The MNLF cried foul and hostilities resumed.

After the People Power revolution of 1986, which received “strong support” from Muslim organizations in Manila, Corazon Aquino began to pursue options for a peace settlement in Mindanao. Aquilino Pimentel, a Christian politician from

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9 Interview, Aquilino Pimentel.
Mindanao who had generally favourable relations with the Muslim population, was sent to Jeddah to negotiate with Misuari, who was then living in exile. Although this resulted in the signing of an accord between the MNLF and the new government, this accord did little more than agree to further talks, to be held in Manila. Pimentel himself concedes that the agreement “did not amount to much”, although claiming that the location of the proposed talks was important as it constituted an “implicit admission [by Misuari] of the jurisdiction of the country over the issue”. The talks themselves were also largely a failure. While the Aquino government was prepared to concede the principle of greater autonomy for the thirteen provinces in the original Tripoli Agreement, Misuari continued to push for all 23 provinces of Mindanao and Sulu to be included, as well as the maintenance of the MNLF as, in effect, a separate army for the region (Hernandez, 1988). Clearly, this was unlikely to be countenanced by the government in Manila, and the talks collapsed, although the MNLF did not return to armed combat.

Despite the failure of the peace talks, Aquino’s government pushed ahead with regional autonomy. The new constitution promulgated in 1987 expressly allowed for the creation of an autonomous regional government in Mindanao, subject to the formation a Regional Constitutional Commission. In collaboration with some of the local datu leaders (Bertrand, 2000), Aquino’s government went forward with plans for the creation of the Autonomous Region of Muslim Mindanao. In 1989, Congress passed a bill allowing for the creation of the Autonomous Region of Muslim Mindanao in up to thirteen provinces in Mindanao, subject to a referendum in each province. The extent of autonomy to be granted under the new act was much greater than that implemented by Marcos—including the creation of shari’a courts, genuine revenue-raising powers, and the establishment of a regional police force—but still ruled out any move to independence, stating that the ARMM would remain “an integral and inseparable part of the national territory of the Republic of the Philippines”. Misuari and the MNLF rejected the referendum as a transgression of the Tripoli Agreement, and asked Muslims to boycott participation, as did the MILF. In the event, only four provinces with mainly Muslim populations voted for inclusion in the ARMM—Maguindanao, Lanao del Sur, Sulu, and Tawi-Tawi. The ARMM thus came into being in 1990, but without the backing of either of the major separatist groups.

When Fidel Ramos replaced Aquino as president in 1992, negotiations with the MNLF were resumed in earnest, culminating in the 1996 Agreement on the Final Implementation of the 1976 Tripoli Agreement. The intervening years had seen the MNLF’s support base largely drained as its rival splinter group, the MILF, built up its own strength; Ramos’ insistence on negotiating first with MNLF—still recognized by the OIC as the “official” voice of the Moro—gave Misuari “renewed hope to recoup his shattered prestige” (Serajul Islam, 1998: p.450). The agreement mandated the creation of a transitional Southern Philippines Council of Peace and Development

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10 Joint Statements of the Philippine Government and the MNLF Panels, 4 January 1987, Jeddah.
11 Interview, Pimentel.
(SPCPD) and committed the government to the expansion of the ARMM, both territorially and in terms of power within three years. The agreement also provided for the integration of demobilized MNLF guerrillas into the Armed Forces of the Philippines. At the same time, Misuari was appointed chairman of the SPCPD and agreed to run for election as governor of the existing ARMM in 1996 under the banner of Ramos’ own party, which he won convincingly.

Despite the Ramos administration’s assessment that he would prove an “excellent administrator”\textsuperscript{13}, Misuari’s governorship of the ARMM was marked by incompetence and allegations of corruption. As Bertrand (2000: p.40) notes, even prior to Misuari’s stewardship, the creation of the ARMM “provided an opportunity for the traditional datus to re-establish some of their political clout”. Misuari himself ran an administration that was profligate in “personnel” expenditure but not so forthcoming with development project, despite massive investment in the region from both the central government and donor organizations such as USAID. In 1997, some 84% of the ARMM budget was spent on “personnel services”, 14% on “operating expenditure”, and just 1% on capital outlays (Ibid.). Misuari’s lifestyle as governor was notoriously lavish, spending over 20 million Pesos (approx. £200,000) of ARMM funds on his own travel in just nine months and he reportedly “pocketed funds allocated for the poverty alleviation programme”.\textsuperscript{14} With disillusionment running high, the MNLF itself finally had enough and ousted Misuari as its leader in April 2001, although this did not affect his position as governor of the ARMM. With his term expiring later that year, however, Misuari’s position looked bleak. Barely weeks before his term expired, Misuari announced a resumption of armed conflict against the Philippine state and attacked a police station together with a small contingent of still-loyal MNLF fighters. The attack was a failure and Misuari fled to Malaysia, where he was arrested for illegal immigration and, after some prevarication, deported back to the Philippines, where he now languishes in jail.

The start of the twenty-first century saw an upsurge in violence in the Southern Philippines, largely on the part of rebel groups such as the Abu Sayyaf which emerged during the 1990s apparently more intent on extortion and profiteering that “genuine” separatist struggle (Turner, 2003). Post September-11 analysts have also made much out of apparent links with Al Qaeda (e.g. Abuza, 2003), although the methodology and findings of these studies are disputed (Hamilton-Hart, 2005; Brown, 2006). These developments, combined with the abject failure of the ARMM in any of its manifestations to bring about a lasting peace or any kind of socio-economic development in Mindanao, has seen more protagonists of conflict resolution in the Philippines turn to a radical new option: the complete transformation of the country into a federal state.

Foremost among the proponents of a federal solution was Aquilino Pimentel, the Christian Mindanao senator who negotiated with Misuari in 1986 and helped draft the original ARMM act. For Pimentel, “there is no other peaceful, feasible,
constitutional solution to the problem than the creation of a federal state of the Bangsamoro, within a federal republic of the Philippines". Calls for the transformation of the Philippines into a federal parliamentary system have in fact been on-going for many years, but gained momentum in 2005 when the then president Gloria Macapagal Arroyo threw her weight behind the proposals and set in place a Consultative Commission charged with designing a federal constitution. The most ardent proponents of charter change have seen it as a virtual panacea for the Philippines political woes—a way of reaching a permanent settlement in the South and, more broadly, a way of reforming the national political system to break the stranglehold of big business and political clans over parliament and the government.

Arroyo’s declaration of intent was, however, regarded with scepticism by many quarters. Firstly, her proposed changes would have potentially allowed her to continue as a prime ministerial head of state beyond the end of her presidential term in 2010. Accusations of self-interest in proposals of charter change are not new. The single-term nature of the presidency under the 1987 constitution, designed to prevent the emergence of another Marcos, has meant that any president seeking to amend the constitution is often interpreted as seeking to preserve their own power. Both the Aquino and Ramos administrations stood accused of such when they proposed changes that would allow the president to run for a second term. Proponents of charter change had thus leapt on Arroyo’s ascension to the presidency after the ouster of Estrada as a chance to push for charter change. In 2001, house representative Constantino Jaraula argued that the timing was right for a constitutional debate because Arroyo was still qualified to run for the presidency in 2004 and hence could promote such changes without standing accused of self-interest. Unfortunately, Arroyo herself only publicly subscribed to charter change after the 2004 election. Secondly, Arroyo’s declaration came at the height of a vote-rigging scandal after the revelation of a taped telephone conversation between Arroyo and the head of the election commission, made during the counting of the 2004 presidential election, in which Arroyo apparently exhorted the commission to ensure she won by at least a million votes. The charter change issue was thus viewed by some as an attempt to divert attention from her own political woes.

Political machinations aside, Arroyo instituted a Consultative Commission mandated with proposing amendments to the 1987 Constitution, headed by Jose Abueva, a political scientist, former president of the University of the Philippines, and advocate of federalism. The commission’s report, submitted in December 2005, recommended the immediate transformation of the republic into a unicameral parliamentary system with a prime ministerial executive and that the existing primary divisions of the country—provinces and chartered cities—be amalgamated into “autonomous territories”. Parliament would be compelled to pass another law within a year, or after 60% of the existing administrative divisions had formed.

15Interview, Pimentel.
autonomous territories, transforming these autonomous territories into states within a federal structure.

The 1987 constitution provides two routes for constitutional amendment—a constituent assembly or a constitutional convention. The constituent assembly (the term is not itself used in the constitution but this is how it is usually known) would comprise both houses of Congress, which would vote on proposals and make constitutional amendments with a three-quarters majority. Unfortunately, the constitution is not clear whether the two houses would vote separately or together, i.e. whether a three-quarters majority was required in both houses, or whether three quarters of the combined houses would suffice. This emerged as an issue of importance as there was a stark difference of attitude towards charter change in the current House of Representative and the Senate. The alternative route, the constitutional convention, would involve the convening of a separate body elected by the public, which would then pass amendments to the constitution. In either event, the amendments would then have required ratification through a popular plebiscite, which most observers consider unlikely to have resulted in confirmation.

While Arroyo’s belated quest to transform the Philippines into a parliamentary system failed, her government’s direct negotiations with the insurgents were more effective. Her predecessor, Joseph Estrada who had been ousted in massive street demonstrations, had favoured a military solution to the conflict and had launched an “all-out war” on the MILF, by this stage the militarily dominant faction in Mindanao. The war resulted in massive casualties on both sides and the AFP overran the MILF headquarters at Camp Abubakar, but was not able to entirely destroy its forces. When Arroyo replaced Estrada, however, she held out an offer of resumed negotiations, and the MILF quickly agreed. A framework for a peace process was worked out in Kuala Lumpur with the mediation of the Malaysian government in July 2001.

The subsequent peace process was slow and intermittently broke down with accusations of breaches of the ceasefire on both sides, but by 2008 finally produced an agreement, signed in Kuala Lumpur under continued Malaysian mediation. Unlike previous negotiations, this process had dealt with—and been bedevilled by—land issues, or what the MILF termed the issue of “ancestral domains”. The 2008 agreement, the Memorandum of Agreement on Ancestral Domain (MOA-AD) was, by any standards, an extraordinary agreement (see Annex II). In contrast to the vague principles of the Tripoli Agreement, it was exceptionally detailed and dealt with all manner of economic and juridical issues, including land and water resources, explicit revenue sharing formulae that heavily favoured Mindanao (75:25), and detailed explanation of the territorial extent and governance structure of the proposed Bangsamoro Juridical Entity (BJE). The agreement even entitled the BJE to conduct its own foreign relations and committed the GoP to help the BJE seek representation on such regional bodies as ASEAN.

Indeed, such was the extent of the agreement that a coalition of Christian politicians from Mindanao and opponents of Arroyo in Manila petitioned the Supreme Court to issue an injunction preventing the Government from signing the memorandum on
the grounds that is constituted de facto complete independence and was hence unconstitutional. In August 2008, the Supreme Court ordered a temporary restraining order preventing the signing of the document while it deliberated. The decision was followed by a resumption of violence in Mindanao, although the MILF maintained initially that this was rogue elements rather than an official withdrawal from the peace process. The Government responded by announcing that it would not sign the MOA-AD whether or not the Supreme Court endorsed its constitutionality, and in October 2008 the Supreme Court ruled that the document was indeed unconstitutional. The MILF and the GoP subsequently both officially withdrew from the peace process, and the military conflict resumed apace, with over 600,000 people displaced within a month.

In May 2010, Arroyo’s term as president concluded and she was replaced by Benigno Aquino III, the son of the assassinated Benigno Aquino and Corazon Aquino. Aquino quickly committed himself to resuming peace talks with the MILF, and Indonesia, Malaysia and Libya all expressed support and offered logistical assistance and mediation. As of writing, however, nothing has yet solidified from this.

IDENTITY, INEQUALITY, AND DEVELOPMENT: THE MORO IN THE UNITARY STATE OF THE PHILIPPINES

If conflict between the Moros and the Hispanized Filipinos was not demographically inevitable, it was certainly imbued with the appearance of inevitability during the colonial era as the Spanish sowed the seeds of intrinsically opposing identities between the Christianized indios and the Muslim moro. The term moro itself was, of course, a Spanish import from the Iberian peninsula where, at the start of the colonial era, the expulsion of the “moors” (moro) from Grenada was within living memory. In the Philippines, the Spanish used the term moro “to indicate a moral boundary against which Spanish evangelical mission, and therefore Castilian hegemony, could be organized and legitimized” (Blanchetti-Ravelli, 2003: p.49). Key here was the promotion of the moro-moroplays mentioned above, a form of popular theatre that portrayed the Muslims as uncivilized heathens, bringing their religion by force with threats of unspeakable deaths, and the Christians as unbowed and ultimately victorious moral agents. Survey evidence from the early 1970s, on the eve of the conflict, suggests that the stereotypes promoted by the Spanish endured throughout the American era and independence (Lacar and Hunt, 1972).

Yet as noted above, the term “Moro” itself conceals a high degree of ethnic and linguistic diversity, as indeed does the term “Filipino” for the Christianized groups. Table 1 provides the ethnolinguistic breakdown of Mindanao in 1990, based on census sample data. The three largest Muslim groups in Mindanao, the Maguindanao, the Maranao, and the Tausog, are relatively evenly balanced, each constituting just over a quarter of the Muslim population and around 5% of the population of Mindanao as a whole. They are concentrated in different parts of the region, however: the Maguindanao on the west coast of Mindanao; the Maranao in the northwestern provinces of Lanao; and the Tausog on the Zamboanga
peninsular and the Sulu archipelago to the west of Mindanao itself. The largest Christian ethnolinguistic group, the Cebuano, constitute around a quarter of the population of Mindanao—larger than the entire Muslim population, although even this may hide a degree of heterogeneity, as Cebuano is a lingua franca for many different groups originating in the central Visayas archipelago.

Table 1: Ethnolinguistic breakdown of Mindanao

<table>
<thead>
<tr>
<th>Ethnolinguistic Group</th>
<th>% Pop.</th>
<th>Region of origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>MUSLIM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maguindanao</td>
<td>5.0%</td>
<td>Maguindanao (Mindanao)</td>
</tr>
<tr>
<td>Tausog</td>
<td>4.9%</td>
<td>Sulu (Mindanao)</td>
</tr>
<tr>
<td>Maranao</td>
<td>4.7%</td>
<td>Lanao del Norte/Lanao del Sur (Mindanao)</td>
</tr>
<tr>
<td>Other Muslim</td>
<td>4.1%</td>
<td></td>
</tr>
<tr>
<td>CHRISTIAN</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cebuano</td>
<td>25.6%</td>
<td>Cebu (Visayas)</td>
</tr>
<tr>
<td>Bisaya/Binisaya</td>
<td>18.1%</td>
<td>Visayas</td>
</tr>
<tr>
<td>Hiligaynon, Ilongo</td>
<td>8.4%</td>
<td>Negros (Visayas)</td>
</tr>
<tr>
<td>Boholano</td>
<td>4.1%</td>
<td>Bohol (Visayas)</td>
</tr>
<tr>
<td>Surigaonon</td>
<td>3.2%</td>
<td>Surigao del Norte/Surigao del Sur (Mindanao)</td>
</tr>
<tr>
<td>Ilocano</td>
<td>2.3%</td>
<td>Luzon</td>
</tr>
<tr>
<td>Zambageno/Chavacano</td>
<td>1.9%</td>
<td>Cavite/Zamboanga (Mindanao)</td>
</tr>
<tr>
<td>Other Christian</td>
<td>17.8%</td>
<td></td>
</tr>
</tbody>
</table>

The Spanish colonial project of constructing the Moro as a single community was, however, one that was taken up enthusiastically by the emergent separatist movement in the late 1960s and early 1970s. Misuari in particular was adamant that the Bangsa Moro identity was one that transcended ethnic differences and, indeed, even held out the option that the primarily animist lumad tribes of the Mindanao highland were a constitutive part of the Bangsa Moro, despite not confessing Islam. Yet, as we have seen in relation to the Tripoli negotiations, internal divisions within the Moro community remained sensitive.

As noted above, the Misuari regime in the ARMM was noted for its personalized profligacy, but also, opponents claimed, for favouring of the ethnic Tausog, his own community. Using census sample data from 1990 and 2000, we can examine the validity of these claims. Table 2 shows the results of logistic regression results predicting the likelihood of skilled employment for males of working age living in the ARMM after holding for age and educational attainment. In 1990, before Misuari took up his position at the helm of the ARMM, the probability of an ethnic Tausog male holding a skilled job was around one-fifth of the rest of the population, even after holding for age and educational level. Relative to other Muslims in the region, they fared slightly better but still had only around two-fifths the skilled employment rate relative to those of equal age and education. A decade later, however, after five years of Misuari’s regime, there was no statistically significant difference in the skilled employment rate of ethnic Tausog from the rest of the population after

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17 Interview, anonymous Muslim NGO activist (Manila, August 2010)
18 Skilled employment is based on the ISCO occupational classifications of “Legislator, senior official, management”, “professional” and “associate professional.”
holding for level of qualifications, while among the Muslim population they held a slight advantage with a 20% higher chance. In fact, all three major Muslim ethnic groups improved their skilled employment position over this period relative to the population as a whole. This was reflective however, of an absolute decrease in Christian employment in these occupations, from 11% of Christian employment in ARMM in 1990 to 6.5% in 2000. Within the Muslim population, however, the improvement in the Tausog employment position was markedly at the expense of the ethnic Maguindanao. In 1990, there were twice as many ethnic Maguindanao employed in skilled occupations as ethnic Tausog; by 2000, this situation was almost exactly reversed. While Misuari’s regime was in many ways undoing the extreme socio-economic exclusion of the Tausog of earlier years, it is nonetheless easy to understand a sense of ethnic marginalization among other Muslim groups in the face of their rapid improvement in socio-economic position.

Table 2: Logistic regression results - skilled employment, males aged 16-60 in ARMM

<table>
<thead>
<tr>
<th></th>
<th>All Males 1990</th>
<th>All Males 2000</th>
<th>Muslims Only 1990</th>
<th>Muslims Only 2000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Age</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.04***</td>
<td>1.04***</td>
<td>1.05***</td>
<td>1.05***</td>
</tr>
<tr>
<td></td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
</tr>
<tr>
<td><strong>Primary completed</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2.07***</td>
<td>2.09***</td>
<td>1.97***</td>
<td>2.16***</td>
</tr>
<tr>
<td></td>
<td>(0.13)</td>
<td>(0.19)</td>
<td>(0.13)</td>
<td>(0.20)</td>
</tr>
<tr>
<td><strong>Secondary completed</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.19***</td>
<td>5.22***</td>
<td>3.26***</td>
<td>4.85***</td>
</tr>
<tr>
<td></td>
<td>(0.16)</td>
<td>(0.35)</td>
<td>(0.19)</td>
<td>(0.35)</td>
</tr>
<tr>
<td><strong>Tertiary completed</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2.45***</td>
<td>0.92</td>
<td>2.08***</td>
<td>0.84***</td>
</tr>
<tr>
<td></td>
<td>(0.11)</td>
<td>(0.05)</td>
<td>(0.11)</td>
<td>(0.05)</td>
</tr>
<tr>
<td><strong>Ethnic Maranao</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.48***</td>
<td>1.87***</td>
<td>2.74***</td>
<td>2.13***</td>
</tr>
<tr>
<td></td>
<td>(0.07)</td>
<td>(0.11)</td>
<td>(0.26)</td>
<td>(0.15)</td>
</tr>
<tr>
<td><strong>Ethnic Maguindanao</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.63***</td>
<td>0.69***</td>
<td>1.16</td>
<td>0.78***</td>
</tr>
<tr>
<td></td>
<td>(0.03)</td>
<td>(0.06)</td>
<td>(0.12)</td>
<td>(0.07)</td>
</tr>
<tr>
<td><strong>Ethnic Tausog</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.22***</td>
<td>1.05</td>
<td>0.42***</td>
<td>1.19***</td>
</tr>
<tr>
<td></td>
<td>(0.02)</td>
<td>(0.07)</td>
<td>(0.05)</td>
<td>(0.09)</td>
</tr>
<tr>
<td><strong>N</strong></td>
<td>55533</td>
<td>37357</td>
<td>48725</td>
<td>32707</td>
</tr>
<tr>
<td><strong>Pseudo-R²</strong></td>
<td>0.20</td>
<td>0.16</td>
<td>0.20</td>
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<tr>
<td><strong>Log. Likelihood</strong></td>
<td>-11445</td>
<td>-7488</td>
<td>-9414</td>
<td>-6532</td>
</tr>
</tbody>
</table>

Source: Author’s calculations from 1990 and 2000 census samples (Minnesota Population Center 2010). Sample restricted to males between 16 and 60 living in ARMM. Coefficients reported as odds ratios; standard errors in brackets. Significance designated by asterisks: *<.05; **<.025; ***<.01.

**CONCLUSIONS**

What can we make of this drawn out process analytically?

It is clear that the role of third parties has been critical, but not always beneficial. While both Libya and Malaysia initially supported the insurgency—the former openly, the latter more covertly—since the mid-1970s, they have both sought to contribute to a negotiated settlement by offering neutral venues trusted by both sides. For the MNLF and the MILF, this trust emerged from shared religious values in Islam. For the GoP, Libya and Malaysia’s position as members of the
international community afforded them legitimacy as mediators who could not afford to be seen to be biased.19 While outside intervention has facilitated negotiation when both sides to the conflict have sought it, however, they have not been successful in creating opportunities for negotiation or preventing the collapse of talks, with the exception of the initial period in 1975 when combined pressure from the OIC on the GoP and withdrawal of support for the MNLF from Malaysia forced both parties to the negotiating table. In 1982, Saudi Arabia attempted to force a resumption of talks by boycotting oil supplies to the Philippines, but Marcos’ regime did not respond and after six months the boycott was dropped. While the intervention of the Muslim world has generally supported the peace process, Western involvement has been less beneficial, as detailed below.

What has bedevilled the peace process constantly over four decades has been both economic and political issues. Economically, the major issue has been land reform and equalisation policies. The MNLF probably did no favours for a long-term settlement by agreeing in 1976 to the Tripoli Agreement that had no mention of land whatsoever and only the vaguest reference to resources use. The continued perception of Tripoli as the “benchmark” for subsequent peace deals arguably hamstrung later attempts to bring economic issues to the table although, as we saw above, the 2008 MOA-AD eventually did so in spectacular fashion.

Running alongside this formal peace process has been the wider issue of land reform, which affects not only Mindanao but the whole country. In 1988, the administration of Corazon Aquino initiated a Comprehensive Agrarian Reform Package. While committed to redistributing land to smaller landowners, the package was flawed for a number of reasons. Firstly, it stipulated that remuneration would be required for the land redistributed, making it difficult for poorer people to claim land. Secondly, it deferred including commercial estates in its purview for ten years, subsequently extended for another ten years by Ramos. As a result, the actual amount of land redistributed under CARP was minimal and actually resulted in a higher concentration of land holding among commercial companies and multinationals.

In Mindanao this process was, ironically enough, exacerbated by Western donors commitments to assist peace through economic development programme, because they tended to favour large scale commercial enterprises (often with international corporations involved)—with the presumption of employment generation—rather than redistributing land to landless Muslim farmers. Hence, for instance, the EU donated 13 million for the development of 13 rubber plantations in Mindanao covering over 500 hectares. More generally, and in line with Mark Duffield’s broader critique of the “liberal peace” (Duffield, 2001), Western donor assistance to Mindanao—which has been bountiful—has tended to view market-oriented solutions, with an emphasis on export-oriented commodities, as the best ways to encourage development and, hence, reduce the grievances of the Moro population. Critical voices see donor “peace-building” engagement in Mindanao as little

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19Interviews, Manila 2010.
different from the US colonial era policy of shaping the region for the entry of Western capital.

Politically, two major stumbling blocks have hampered the peace process. Firstly, successive regimes in Manila have followed a political strategy of one-sided implementation of accords accompanied by the co-optation of individual members of the insurgent groups and other Moro leaders into these bodies and strategies that intensified internal divisions within the Moro, whether deliberately—as appears to have been the case in the Tripoli era—or accidentally—as was more the case in Ramos’ selection of Misuari to lead the ARMM. While often successful in the short-term at reducing hostilities, this has ultimately undermined the peace process by generating distrust within the Moro community and a general sense of disillusionment towards their own leaders and the prospects for an equitable negotiated settlement.²⁰ NurMisuari’s inglorious end as the corrupt overlord of the toothless ARMM and the subsequent collapse of the MNLF epitomized this process.

Secondly, the peace process in Mindanao has become something of a political football in Manila. On the one hand, for successive presidents facing other political problems, a renewed offensive in Mindanao has often provided useful distraction. Marcos’ initial declaration of emergency that enabled him to remain in power for another fourteen years was legitimated in part by the violence in the South, while both Estrada and Arroyo launched new offensives when their popularity was sinking. On the other hand, however, for opponents of incumbent presidents, peace negotiations have occasionally provided opportunities to score points against the administration by depicting them as betraying the territorial unity of the Philippines. The geographically restricted nature of the Mindanao conflict and the highly localized nature of the Philippines' “cacique” democracy (Anderson, 1998) has meant that it has rarely figured majorly in national political discourse unless summoned there for the political advantage of elites contesting power in Manila, not Mindanao. This was particularly notable during the Arroyo administration, both in opposition to her proposed federalization of the Philippines and in the application to the Supreme Court to abrogate the 2008 MOA-AD.

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**ANNEX I: TEXT OF THE TRIPOLI AGREEMENT**

In the Name of God, the Omnipotent, the Merciful.

Agreement Between the Government of the Republic of the Philippines and Moro National Liberation Front with the Participation of the Quadripartite Ministerial Commission Members of the Islamic Conference and the Secretary General of the organization of Islamic Conference.

In accordance with the Resolution No. 4 Para. 5 adopted by the Council of Ministers of the Islamic conference in its Fourth Session held in Benghazi, Libyan Arab Republic during the month of Safar 1393 H. corresponding to March 1973, calling for the formation of Quadripartite Ministerial Commission representing the Libyan Arab Republic, the Kingdom of Saudi Arabia, the Republic of Senegal and the Republic of Somalia, to enter into discussions with the Government of the Republic of the Philippines concerning the situation of the Muslims in the South of the Philippines.
And in accordance with the Resolution No. (18) adopted by the Islamic conference held in Kuala Lumpur, Malaysia in Jumada Alakhir 1393 H. corresponding to June 1974 A.D. which recommends the searching for a just and peaceful political solution to the problem of the Muslims in the South of the Philippines through the negotiations.

And in accordance with the Resolution No. 12/7/S adopted by the Islamic conference held in Istanbul in Jumada El-Ula 1396 H. corresponding to May 1976 A.D. empowering the Quadripartite Ministerial Commission and the Secretary General of the Islamic Conference to take the necessary steps for the resumption of negotiations.

And following the task undertaken by the Quadripartite Ministerial Commission and the Secretary General of the Islamic Conference and the discussions held with H.E. President Marcos, President of the Republic of the Philippines.

And in realization of the contents of Para. 6 of the Joint Communiqué issued in Tripoli on the 25th Zulgeda 1396 H. corresponding to 17th November 1976 A.D. following the official visit paid by the delegation of the Government of the Philippines headed by the First Lady of the Philippines, Mrs. Imelda R. Marcos, to the Libyan Arab Republic and which calls for the resumption of negotiations between the two parties concerned in Tripoli on the 15th of December 1976 A.D.

Negotiations were held in the City of Tripoli during the period between 24th Zulhija 1396 H. to Second to Moharram 1397 H. corresponding to the period from 15th to 23rd December 1976 A.D. at the Ministry of Foreign Affairs presided over by Dr. Ali Abdussalam Treki, Minister of State for Foreign Affairs of the Libyan Arab Republic, and comprising of the Delegations of:

- Moro National Liberation Front, led by Mr. Nur Misuari Chief of the Front.

And with the participation of the representatives of the Quadripartite Ministerial Commission:

- The Libyan Arab Republic - represented by Dr. Ali Abdussalam Treki, Minister of State for Foreign Affairs.
- The Kingdom of Saudi Arabia - H.E. Salah Abdalla El-Fadl, Ambassador of the Kingdom of Saudi Arabia, Libyan Arab Republic.
- The Republic of Senegal - Mr. Abubakar Othman Si, Representative of the Republic of Senegal and Charge d’Affairs of Senegal in Cairo.
- Democratic Republic of Somalia, Libyan Arab Republic.

With the aid of H.E. Dr. Amadou Karim Gaye, Secretary General of the organization of Islamic Conference, and a delegation from the Secretariat General of the Conference composed of Mr. Qasim Zuheri, Assistant Secretary General, and Mr. Aref Ben Musa, Director of Political Department.

During these negotiations which were marked by a spirit of conciliation and understanding, it has been agreed on the following:

First: The establishment of Autonomy in the Southern Philippines within the realm of the sovereignty and territorial integrity of the Republic of the Philippines.

Second: The areas of the autonomy for the Muslims in the Southern Philippines shall comprise the following:

1. Basilan
2. Sulu  
3. Tawi-tawi  
4. Zamboanga del Sur  
5. Zamboanga del Norte  
6. North Cotabato  
7. Maguindanao  
8. Sultan Kudarat  
9. Lanao del Norte  
10. Lanao del Sur  
11. Davao del Sur  
12. South Cotabato  
13. Palawan  

Third:  

1. Foreign Policy shall be of the competence of the Central Government of the Philippines.  
2. The National Defense Affairs shall be the concern of the Central Authority provided that the arrangements for the joining of the forces of the Moro National Liberation Front with the Philippine Armed Forces be discussed later.  
3. In the areas of the autonomy, the Muslims shall have the right to set up their own Courts which implement the Islamic Shari‘ah laws. The Muslims shall be represented in all Courts including the Supreme Court. The representation of the Muslims in the Supreme Court shall be upon the recommendation from the authorities of the Autonomy and the Supreme Court. Decrees will be issued by the President of the Republic of their appointments taking into consideration all necessary qualifications of the candidates.  
4. Authorities of the autonomy in the South of the Philippines shall have the right to set up schools, colleges and universities, provided that matters pertaining to the relationship between these educational and scientific organs and the general education system in the state shall be subject of discussion later on.  
5. The Muslims shall have their own administrative system in compliance with the objectives of the autonomy and its institutions. The relationship between this administrative system and the Central administrative system to be discussed later.  
6. The authorities of the autonomy in the South of the Philippines shall have their own economic and financial system. The relationship between this system and the Central economic and financial system of the State shall be discussed later.  
7. The authorities of the autonomy in the South of the Philippines shall enjoy the right of representation and participation in the Central Government and in all other organs of the State. The number of representatives and ways of participation shall be fixed later.  
8. Special Regional Security Forces are to be set up in the area of the Autonomy for the Muslims in the South of the Philippines. The relationship between these forces and the Central security forces shall be fixed later.  
9. A Legislative Assembly and an Executive Council shall be formed in the areas of the Autonomy for the Muslims. The setting up of the Legislative Assembly shall be constituted through a direct election, and the formation of the Executive Council shall take place through appointments by the Legislative Assembly. A decree for their formation shall be enacted by the President of the Republic.
respectively. The number of members of each assembly shall be determined later on.

10. Mines and mineral resources fall within the competence of the Central Government, and a reasonable percentage deriving from the revenues of the mines and minerals be fixed for the benefit of the areas of the autonomy.

11. A Mixed Committee shall be composed of representatives of the Central Government of the Republic of the Philippines and the representatives of the Moro National Liberation Front. The Mixed Committee shall meet in Tripoli during the period from the Fifth of February to a date not later than the Third of March 1977. The task of said Committee shall be charged to study in detail the points left for discussion in order to reach a solution thereof in conformity with the provisions of this agreement.

12. The ceasefire shall be declared immediately after the signature of this agreement, provided that its coming into effect should not exceed the 20th January 1977. A Joint Committee shall be composed of the two parties with the help of the organization of the Islamic Conference represented by the Quadripartite Ministerial Commission to supervise the implementation of the ceasefire. The said Joint Committee shall also be charged with supervising the following:

a. A complete amnesty in the areas of the autonomy and the renunciation of all legal claims and codes resulting from events which took place in the South of the Philippines.

b. The release of all the political prisoners who had relations with the events in the South of the Philippines.

c. The return of all refugees who have abandoned their areas in the South of the Philippines.

d. To guarantee the freedom of movements and meetings.

13. A joint meeting be held in Jeddah during the first week of the month of March 1977 to initial what has been concluded by the Committee referred to in Para. 11.

14. The final agreement concerning the setting up of the autonomy referred to in the first and second paragraphs shall be signed in the City of Manila, Republic of the Philippines, between the Government of the Philippines and Moro National Liberation Front, and the Islamic Conference represented by the Quadripartite Ministerial Commission and the Secretary General of the organization of Islamic Conference.

15. Immediately after the signature of the Agreement in Manila, a Provisional Government shall be established in the areas of the autonomy to be appointed by the President of the Philippines; and be charged with the task of preparing for the elections of the Legislative Assembly in the territories of the Autonomy; and administer the areas in accordance with the provisions of this agreement until a Government is formed by the elected Legislative Assembly.

16. The Government of the Philippines shall take all necessary constitutional processes for the implementation of the entire Agreement.

Fourth: This Agreement shall come into force with effect from the date of its signature.

Done in the City of Tripoli on 2nd Muharram 1397 H. corresponding to 23rd December 1976 A.D. in three original copies in Arabic, English, French languages, all equal in legal power.

For the Government of the Republic of the Philippines:

Hon. Carmelo Z. Barbero Undersecretary of National Defense for Civilian Relations

For the Moro National Liberation Front:
MEMORANDUM OF AGREEMENT ON THE ANCESTRAL DOMAIN ASPECT OF THE GRP-MILF TRIPOLI AGREEMENT ON PEACE OF 2001

The Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) herein referred to as the “Parties” to this Agreement,

TERMS OF REFERENCE:

- The Agreement for General Cessation of Hostilities dated July 18, 1997 Between the GRP and the MILF, and its Implementing Administrative and Operational Guidelines;
- The General Framework of Agreement of Intent Between the GRP and the MILF dated August 27, 1998;
- The Agreement on the General Framework for the Resumption of Peace Talks Between the GRP and the MILF dated March 24, 2001;
- The Tripoli Agreement on Peace Between the GRP and the MILF dated June 22, 2001;
- The Tripoli Agreement Between the GRP and the Moro National Liberation Front (MNLF) dated December 23, 1976 and the Final Agreement on the Implementation of the 1976 Tripoli Agreement Between the GRP and the MNLF dated September 2, 1996;
- Republic Act No. 6734, as amended by R.A. 9054, otherwise known as “An Act to Strengthen and Expand the Autonomous Region in Muslim Mindanao (ARMM)”;  
- ILO Convention No. 169, in correlation to the UN Declaration on the Rights of the Indigenous Peoples, and Republic Act No. 8371 otherwise known as the Indigenous Peoples Rights Act of 1997, the UN Charter, the UN Universal Declaration on Human Rights, International Humanitarian Law (IHL), and internationally recognized human rights instruments; and
- Compact rights entrenchment emanating from the regime of dar-ul-mua’hada (or territory under compact) and dar-ul-sulh (or territory under peace agreement) that partakes the nature of a treaty device.

For the purpose of this Agreement, a “treaty” is defined as any solemn agreement in writing that sets out understandings, obligations, and benefits for both parties which provides for a framework that elaborates the principles declared in the Agreement.

HAVE AGREED AND ACKNOWLEDGED AS FOLLOWS:

CONCEPTS AND PRINCIPLES:

It is the birthright of all Moros and all Indigenous peoples of Mindanao to identify themselves and be accepted as “Bangsamoros”. The Bangsamoro people refers to those who are natives or original inhabitants of Mindanao and its adjacent islands including
Palawan and the Sulu archipelago at the time of conquest or colonization and their descendants whether mixed or of full native blood. Spouses and their descendants are classified as Bangsamoro. The freedom of choice of the Indigenous people shall be respected.

It is essential to lay the foundation of the Bangsamoro homeland in order to address the Bangsamoro people’s humanitarian and economic needs as well as their political aspirations. Such territorial jurisdictions and geographic areas being the natural wealth and patrimony represent the social, cultural and political identity and pride of all the Bangsamoro people. Ownership of the homeland is vested exclusively in them by virtue of their prior rights of occupation that had inherited in them as sizeable bodies of people, delimited by their ancestors since time immemorial, and being the first politically organized dominant occupants.

Both Parties acknowledge that ancestral domain does not form part of the public domain but encompasses ancestral, communal, and customary lands, maritime, fluvial and alluvial domains as well as all natural resources therein that have inured or vested ancestral rights on the basis of native title.

Ancestral domain and ancestral land refer to those held under claim of ownership, occupied or possessed, by themselves or through the ancestors of the Bangsamoro people, communally or individually since time immemorial continuously to the present, except when prevented by war, civil disturbance, force majeure, or other forms of possible usurpation or displacement by force, deceit, stealth, or as a consequence of government project or any other voluntary dealings entered into by the government and private individuals, corporate entities or institutions.

Both Parties acknowledge that the right to self-governance of the Bangsamoro people is rooted on ancestral territoriality exercised originally under the suzerain authority of their sultanates and the Pat a PangampongkuRanaw. The Moro sultanates were states or karajaan/kadatuan resembling a body politic endowed with all the elements of nation-state in the modern sense. As a domestic community distinct from the rest of the national communities, they have a definite historic homeland.

They are the “First Nation” with defined territory and with a system of government having entered into treaties of amity and commerce with foreign nations. The Parties concede that the ultimate objective of entrenching the Bangsamoro homeland as a territorial space is to secure their identity and posterity, to protect their property rights and resources as well as to establish a system of governance suitable and acceptable to them as a distinct dominant people.

Both Parties affirm their commitment to mutually respect the right to one’s identity and the parity of esteem of everyone in the political community. The protection of civil rights and religious liberties of individuals underlie the basis of peace and justice of their totality of relationships.

Both Parties agree that the Bangsamoro Juridical Entity (BJE) shall have the authority and jurisdiction over the Ancestral Domain and Ancestral lands, including both alienable and non-alienable lands encompassed within their homeland and ancestral territory, as well as the delineation of ancestral domain/lands of the Bangsamoro people located therein.
Vested property rights upon the entrenchment of the BJE shall be recognized and respected subject to paragraph 9 of the strand on Resources.

TERRITORY:

The Bangsamoro homeland and historic territory refer to the land mass as well as the maritime, terrestrial, fluvial and alluvial domains, and the aerial domain, the atmospheric space above it, embracing the Mindanao-Sulu-Palawan geographic region. However, delimitations are contained in the agreed Schedules (Categories).

Toward this end, the Parties enter into the following stipulations:

- The GRP and MILF as the Parties to this Agreement commit themselves to the full and mutual implementation of this framework agreement on territory with the aim of resolving outstanding issues that emanate from the consensus points on Ancestral Domain.
- The Parties confirm their understanding that the mutual goal of reaching an agreement on Bangsamoro territory specific to mapping the outlying borders and the boundaries affecting local government units will lead to consolidation of the agreed texts on the Ancestral Domain Strands.
- The Parties affirm that the core of the BJE shall constitute the present geographic area of the ARMM, including the municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan and Tangkal in the province of Lanao del Norte that voted for inclusion in the ARMM during the 2001 plebiscite.
- Without derogating from the requirements of prior agreements, the Government stipulates to conduct and deliver, using all possible legal measures, within twelve (12) months following the signing of the MOA-AD, a plebiscite covering the areas as enumerated in the list and depicted in the map as Category A attached herein (the “Annex”). The Annex constitutes an integral part of this framework agreement. Toward this end, the Parties shall endeavour to complete the negotiations and resolve all outstanding issues on the Comprehensive Compact within fifteen (15) months from the signing of the MOA-AD.
- The areas covered by Category B are reflected on a map and list attached herein as agreed to by the Parties. Category B (the “Special Intervention Areas”) refers to conflict affected areas outside the BJE which shall be the subject of special socio-economic and cultural affirmative action implemented by the Central Government pending the conduct of a plebiscite not earlier than twenty-five (25) years from the signing of the Comprehensive Compact to determine the question of their accession to the BJE. The areas reflected are subject to further negotiations by the Parties. The Annex constitutes an integral part of this framework agreement.

Internal Waters:

The BJE shall have jurisdiction over the management, conservation, development, protection, utilization and disposition of all natural resources, living and non-living, within its internal waters extending fifteen (15) kilometers from the coastline of the BJE area.

Territorial Waters:

1. The territorial waters of the BJE shall stretch beyond the BJE internal waters up to the Republic of the Philippines (RP) baselines south east and south west of mainland Mindanao. Beyond the fifteen (15) kilometers internal waters, the Central
Government and the BJE shall exercise joint jurisdiction, authority and management over areas and all natural resources, living and non-living contained therein. The details of such management of the Territorial Waters shall be provided in an agreement to be entered into by the Parties.

2. The boundaries of the territorial waters shall stretch beyond the 15-km. BJE internal waters up to the Central Government’s baselines under existing laws. In the southern and eastern part of the BJE, it shall be demarcated by a line drawn from the Maguling Point, Palimbang, Province of Sultan Kudarat up to the straight baselines of the Philippines. On the northwestern part, it shall be demarcated by a line drawn from Little Sta. Cruz Island, Zamboanga City, up to Naris Point, Bataraza, Palawan. On the western part of Palawan, it shall be demarcated by a line drawn from the boundary of Bataraza and Rizal up to the straight baselines of the Philippines.

3. The final demarcation shall be determined by a joint technical body composed of duly-designated representatives of both Parties, in coordination with the appropriate Central Government agency in accordance with the above guidelines.

Sharing of Minerals on Territorial Waters:

Consistent with paragraphs 5 and 6 of the provisions on Resources, all potential sources of energy, petroleum in situ, hydrocarbon, natural gas and other minerals, including deposits or fields found within the territorial waters, shall be shared between the Central Government and the BJE in favor of the latter through production sharing agreement or economic cooperation agreement.

Activities Allowed on Territorial Waters:

1. The Parties shall have authority to carry out the following activities within the territorial waters:
   a. Exploration and utilization of the natural resources, whether living or non-living, within the territorial waters;
   b. Establishment and use of artificial islands, installations and structures;
   c. Marine scientific research;
   d. Protection and the preservation of the marine environment;
   e. Conservation of living resources;
   f. Regulation of shipping and fishing activities;
   g. Enforcement of police and safety measures, including interdiction of the entry and use of the waters by criminal elements and hot pursuit of suspected criminal elements;
   h. Regulation and control of contraband and illegal entry of prohibited materials and substances, including smuggling; and,
   i. Such other measures as the Parties may otherwise mutually agree.

2. Activities relating to exploration and utilization of non-living resources, as well as paragraphs (c) and (d) of the Authorized Activities will be carried out on a joint basis agreed by the Parties which may be in the form of production sharing agreements or joint development pacts.

Establishment of a Joint Commission:

1. The Parties shall establish a Joint Commission, which shall elaborate the modalities for the implementation and the carrying out of the Authorized Activities and the measures adopted in cases of allegation of breach, and carry out any other
functions which may be assigned to it by the Parties for the purpose of implementing the joint management of resources.

2. The Joint Commission shall consist of one representative from each Party, who are assisted by advisers as may be needed. The conclusions of the Joint Commission shall be adopted by consensus and shall only be recommendatory in nature. Only when the conclusions of the Joint Commission are adopted by the Parties do they become binding on the Parties.

Demarcation and Status of Territorial Waters:

1. The demarcation and status of the BJE territorial waters shall be finally determined together with the demarcation and final status of Category B territory of the BJE.
2. From and after entrenchment of compact rights over the Bangsamoro homeland and the territorial jurisdictions for associative governance shall likewise embrace those under proclamation for agricultural and human settlements intended for the Bangsamoro people, all alienable and disposable lands, pasture lands, timberlands together with all existing civil and military reservations, parks, old growth or natural forests declared as forest reserves, watersheds, mangroves, fishponds, wetlands, marshes, inland bodies of water; and all bays, straits and channels found within the BJE.
3. All territorial and geographic areas in Mindanao and its adjacent islands including Palawan, and the Sulu archipelago that have been declared recognized, and/or delineated as ancestral domain and ancestral land of the Bangsamoro people as their geographic areas, inclusive of settlements and reservations, may be formed or constituted into political subdivisions of the Bangsamoro territorial jurisdictions subject to the principles of equality of peoples and mutual respect and to the protection of civil, political, economic, and cultural rights in their respective jurisdictions.
4. For purposes of territorial delimitation, the Parties have agreed to the joint determination of geographic areas encompassed within the territorial borders of the Bangsamoro homeland and territory based on the technical maps and data submitted by both sides as provided above.

RESOURCES:

1. The BJE is empowered with authority and responsibility for the land use, development, conservation and disposition of the natural resources within the homeland. Upon entrenchment of the BJE, the land tenure and use of such resources and wealth must reinforce their economic self-sufficiency.
2. Among the purposes or measures to make progress more rapid are:
   a. Entry into joint development, utilization, and exploitation of natural resources designed as commons or shared resources, which is tied up to the full setting of appropriate institution, particularly affecting strategic minerals;
   b. Stimulation of local economy by a range of mechanism, in particular the need to address unemployment and improvement of living conditions for the population in the BJE;
   c. Intensification of measures needed to uproot the cause of poverty in the BJE through responsible harnessing and development of its natural resources; and,
   d. Undertaking program review of public services, industrial or trade-related and agrarian-related issues in situations of different sectors of the society in the
BJE, which acquire communal character deriving from the special nature of their industry.

3. The Bangsamoro People through their appropriate juridical entity shall, among others, exercise power or authority over the natural resources within its territorial jurisdiction:
   a. To explore, exploit, use or utilize and develop their ancestral domain and ancestral lands within their territorial jurisdiction, inclusive of their right of occupation, possession, conservation, and exploitation of all natural resources found therein;
   b. To conserve and protect the human and natural environment for their sustainable and beneficial enjoyment and their posterity;
   c. To utilize, develop, and exploit its natural resources found in their ancestral domain or enter into a joint development, utilization, and exploitation of natural resources, specifically on strategic minerals, designed as commons or shared resources, which is tied up to the final setting of appropriate institution;
   d. To revoke or grant forest concessions, timber license, contracts or agreements in the utilization and exploitation of natural resources designated as commons or shared resources, mechanisms for economic cooperation with respect to strategic minerals, falling within the territorial jurisdiction of the BJE;
   e. To enact agrarian laws and programs suitable to the special circumstances of the Bangsamoro people prevailing in their ancestral lands within the established territorial boundaries of the Bangsamoro homeland and ancestral territory within the competence of the BJE; and,
   f. to use such natural resources and wealth to reinforce their economic self-sufficiency.

4. The BJE, and the Central Government agree on wealth-sharing based on a mutually agreed percentage ratio in favor of the BJE through an economic cooperation agreement or arrangement over the income and revenues that are derived from the exploration, exploitation, use and development of any resources for the benefit of the Bangsamoro people.

5. The BJE is free to enter into any economic cooperation and trade relations with foreign countries: provided, however, that such relationships and understandings do not include aggression against the Government of the Republic of the Philippines; provided, further that it shall remain the duty and obligation of the Central Government to take charge of external defense.

6. Without prejudice to the right of the Bangsamoro juridical entity to enter into agreement and environmental cooperation with any friendly country affecting its jurisdiction, it shall include:
   a. The option to establish and open Bangsamoro trade missions in foreign countries with which it has economic cooperation agreements; and
   b. The elements bearing in mind the mutual benefits derived from Philippine archipelagic status and security.

7. And, in furtherance thereto, the Central Government shall take necessary steps to ensure the BJE’s participation in international meetings and events, e.g. ASEAN meetings and other specialized agencies of the United Nations. This shall entitle the BJE’s participation in Philippine official missions and delegations that are engaged in the negotiation of border agreements or protocols for environmental protection, equitable sharing of incomes and revenues, in the areas of sea, seabed and inland
seas or bodies of water adjacent to or between islands forming part of the ancestral domain, in addition to those of fishing rights.

8. Jurisdiction and control over, and the right of exploring for, exploiting, producing and obtaining all potential sources of energy, petroleum, in situ, fossil fuel, mineral oil and natural gas, whether onshore or offshore, is vested in the BJE as the party having control within its territorial jurisdiction, provided that in times of national emergency, when public interest so requires, the Central Government may, during the emergency, for a fixed period and under reasonable terms as may be agreed by both Parties, temporarily assume or direct the operations of such strategic resources.

9. The BJE take or profit split from total production shall be shared with the Central Government on a percentage ratio of 75:25 in favor of the BJE. All royalties, bonuses, taxes, charges, custom duties or imposts on natural resources and mineral resources shall be shared by the Parties on a percentage ratio of 75:25 in favor of the BJE.

10. The legitimate grievances of the Bangsamoro people arising from any unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization shall be acknowledged. Whenever restoration is no longer possible, the GRP shall take effective measures or adequate reparation collectively beneficial to the Bangsamoro people, in such quality, quantity and status to be determined mutually by both Parties.

11. All proclamations, issuances, policies, rules and guidelines declaring old growth or natural forests and all watersheds within the BJE as forest reserves shall continue to remain in force until otherwise modified, revised or superseded by subsequent policies, rules and regulations issued by the competent authority under the BJE.

12. Forest concessions, timber licenses, contracts or agreements, mining concessions, Mineral Production and Sharing Agreements (MPSA), Industrial Forest Management Agreements (IFMA), and other land tenure instruments of any kind or nature whatsoever granted by the Philippine Government including those issued by the present ARMM shall continue to operate from the date of formal entrenchment of the BJE unless otherwise expired, reviewed, modified and/or cancelled by the latter.

13. The Parties recognize an immediate need to establish a five-member BJE economic-expert mission (the "Mission") bearing in mind that the functioning of the economy and the operation of institutions involve financial and other resource management as well as parallel or complementary means, by which the Bangsamoro Development Agency (BDA) will manage and administer resources acquired for the above purposes, especially in coordinating strategies and programs for cooperation in all fields.

14. The Mission acts as a link in the conduct of BJE’s associative parallel relationships and shall cooperate fully with all organizations involved in implementation of the peace settlement. It shall launch a plan and joint international appeal for the reparation and development of the conflict affected areas in Mindanao. Persons appointed thereto must be familiar with the specific economic, political and legal characteristics in the Mindanao-Sulu-Palawan region and must possess recognized competence, integrity, and high moral standing.

15. Cognizant that the Mission will benefit from international expertise, both the Central Government and the BJE hereby join the Third Party facilitator in inviting international funding institutions or equivalent entities for reconstruction and development to appoint two members and to designate one as the Chairman. The BJE shall designate one member as Co-Chairman.
16. The remaining two members shall each be designated by the Central Government and the BJE.

GOVERNANCE:

1. The recognition and peaceful resolution of the conflict must involve consultations with the Bangsamoro people free of any imposition in order to provide chances of success and open new formulas that permanently respond to the aspirations of the Bangsamoro people.

2. The ultimate objective of entrenching the Bangsamoro homeland as a territorial space is to secure their identity and posterity, to protect their property rights and resources as well as to establish a system of governance suitable and acceptable to them as a distinct dominant people.

3. The Parties respect the freedom of choice of the indigenous peoples.

4. The Parties agree to invite a multinational third-party to observe and monitor the actual implementation of the comprehensive compact which will embody the details for the effective enforcement of this Agreement. The participation of the third-party shall not in any way affect the status of the relationship between the Central Government and the BJE.

5. The relationship between the Central Government and the BJE shall be associative characterized by shared authority and responsibility with a structure of governance based on executive, legislative, judicial and administrative institutions with defined powers and functions in the Comprehensive Compact. A period of transition shall be established in a Comprehensive Compact specifying the relationship between the Central Government and the BJE.

6. In the context of implementing prior and incremental agreements between the GRP and MILF, it is the joint understanding of the Parties that the term “entrenchment” means, for the purposes of giving effect to this transitory provision, the creation of a process of institution building to exercise shared authority over territory and defined functions of associative character.

7. The modalities for the governance intended to settle the outstanding negotiated political issues are deferred after the signing of the MOA-AD.

8. The establishment of institutions for governance in a Comprehensive Compact, together with its modalities during the transition period, shall be fully entrenched and established in the basic law of the BJE. The Parties shall faithfully comply with their commitment to the associative arrangements upon entry into force of the Comprehensive Compact.

9. The Parties agree that the mechanisms and modalities for the actual implementation of this MOA-AD shall be spelt out in the Comprehensive Compact to mutually take such steps to enable it to occur effectively.

10. Any provisions of the MOA-AD requiring amendments to the existing legal framework shall come into force upon signing of a Comprehensive Compact and upon effecting the necessary changes to the legal framework with due regard to non derogation of prior agreements and within the stipulated timeframe to be contained in the Comprehensive Compact.

11. The Parties agree that the BJE shall be empowered to build, develop and maintain its own institutions, inclusive of, civil service, electoral, financial and banking, education, legislation, legal, economic, and police and internal security force, judicial system and correctional institutions, necessary for developing a progressive Bangsamoro society, the details of which shall be discussed in the negotiation of the Comprehensive Compact.
12. The Parties further agree to undertake activities which will enhance the capacity of the government institutions during the transition through technical assistance, information-sharing and human resource development.

13. Matters concerning the details of the agreed consensus points on Governance not covered under this Agreement shall be deferred to, and discussed during, the negotiations of the Comprehensive Compact.

IN WITNESS WHEREOF, the undersigned, being the representatives of the Parties hereby affix their signatures.

Done this 5th day of August, 2008 in Kuala Lumpur, Malaysia.

FOR THE GRP:

(SGD) RODOLFO C. GARCIA
Chairman, GRP Peace Negotiating Panel

FOR THE MILF:

(SGD) MOHAGHER IQBAL, Chairman MILF Peace Negotiating Panel

WITNESSED BY:

(SGD) DATUK OTHMAN BIN ABD RAZAK
Special Adviser to the Prime Minister

IN THE PRESENCE OF:

(SGD) ALBERTO G. ROMULO
Secretary of Foreign Affairs
Republic of the Philippines

(SGD) DATO’ SERI UTAMA DR. RAISBIN YATIM
Minister of Foreign Affairs
Malaysia