

The Mindanao Peace Process:  
Is Autonomy a Viable Option for Mindanao?

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The year 2005 marks the third decade of the on-going conflict in Southern Philippines or Mindanao. Scholars attribute the violence to historic ethnoreligious conflict, rapid capitalist expansions, outcomes of nation building and state formation, and poverty and repression. Regardless of its causes, the state needs to increase its efforts to stop the escalating human and monetary costs. On the surface, the “Moro” problem appears to be a battle of will-a struggle between conflicting ideologies. However, a closer look reveals that fundamentally it is a struggle for political and economic power.

Mindanao is rich in natural resources. Its metallic mineral reserves are placed at some 3.6 million tons and non-metallic mineral reserves are placed at some 8.6 billion tons. Potential coal reserves are estimated at 37.5 million metric tons and or 18.2 percent of the national reserves.”<sup>1</sup> The island produces 50 percent of all the corn and coconut, 20 percent of all the rice, 50 percent of all the fish, 40 percent of all the cattle, almost 100 percent of all the banana and pineapple exports, 89 percent of the nickel and cobalt, 90 percent of the iron ore, 62 percent of the limestone, and almost 100 percent of the aluminum ore in the Philippines.<sup>2</sup> Mindanao keeps the country afloat in terms of revenue. In addition, with a 20 or so million people, it provides a large electoral and tax base.<sup>3</sup> Clearly, the state cannot afford to lose this region.

On the other hand, years of repression pushed the Bangsamoro people to demand for their independence. They claim a separate cultural and ethnic identity. Since 1976, the Philippine government and Muslim organizations specifically the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF) had been working towards a peace agreement with no apparent success. Despite the signing of peace treaties in 1973 and 1996, violence still continued. In fact, the Stockholm

International Peace Research Institute lists the Philippines among the countries that had major armed conflict in 2003.<sup>4</sup> “A major conflict is defined as the use of armed force between one government and at least one organization, resulting in the battle-related deaths of at least 1000 people in any single year.”<sup>5</sup> Despite the creation of an Autonomous Region of Muslim Mindanao under the Aquino Administration, the problem persisted. The question remains, is autonomy a viable option for Mindanao? I argue that it is a viable option as long as the arrangements between the Philippine government and Mindanao leaders are negotiated in a sincere, inclusive, democratic, and voluntary way; and that leaders are committed in making a long-term commitment to find a peaceful solution to end the violence.

What is autonomy in the first place? The concept of international law defines it as “the independence of action on the internal or domestic level, as foreign affairs and defense normally are in the hands of the central or national government, but occasionally power to conclude international agreements concerning cultural or economic matters also may reside with the autonomous entity.”<sup>6</sup> It is also “a legally entrenched power of ethnic or territorial communities to exercise public policy functions (legislative, executive, and adjudicative) independently of other sources of authority in the state, but subject to the overall legal order of the state.”<sup>7</sup>

To put it simply, political autonomy falls short of sovereignty.<sup>8</sup> It involves the transfer of power from the central government to the autonomous entity. It also means that the central government must transfer powers rather than delegate it.<sup>9</sup> They cannot revoke it without their permission.<sup>10</sup> They can only interfere in extreme cases such as threat to national security and once their powers have been exceeded.<sup>11</sup> Since the

autonomous entity functions under the supervision of a central government, the success of this political partnership is based on the premise that both entities will uphold the agreement. The leaders of the autonomous region must also actively participate in developing and/or amending the national constitution to guarantee their independence.

However, history tells us that the Government of the Republic of the Philippines (GRP) repeatedly committed grave mistakes in dealing with the Mindanao peace process. It repeatedly failed because they were reluctant to transfer powers to Mindanao leaders. For instance, the Marcos and Aquino administrations insisted on plebiscites to create the Autonomous Region of Muslim Mindanao despite open protests by the MNLF.<sup>12</sup> The GRP continually made decisions and delegated powers, usually to cronies to maintain their control, without consulting local leaders.

Many critics fault the Marcos dictatorship for the emergence of Muslim secessionist groups such as the MNLF, particularly after the Jebidah Massacre. The Jebidah Massacre involved the mass murder of Muslim soldiers recruited for a clandestine military operation to invade Sabah during the Marcos administration.<sup>13</sup> They protested against the Armed Forces of the Philippines for discrimination, unpaid salaries, and poor living conditions while in training.<sup>14</sup> In response, they were executed by the military in Corregidor Island. The massacre shocked and angered the Muslim communities. It also pushed young and idealist Muslim scholars to go underground and to take up arms to fight the Philippine government. One of them was Nur Misuari, a former Political Science professor at the University of the Philippines.

Nur Misuri led the MNLF, an armed secessionist organization. He was also successful in internationalizing Bangsamoro's struggle for independence. Through

Misuari's political organizing abroad, he was able to win the undivided attention of the OIC who became an important and strong ally for their cause. The MNLF gained an observer status in the OIC, a position that gave legitimacy to the organization. Moreover, the OIC gave the MNLF an international leverage that the Philippine government could not ignore. They pressured the Marcos administration to sign a peace contract with the MNLF under the threat of an oil embargo. Nevertheless, despite the organization's valuable assistance to the MNLF, it became their double edge sword. The OIC forced the MNLF to settle for autonomy rather than secession.<sup>15</sup>

In January of 1975, as part of the peace process brokered by the OIC, Marcos sent a nine men team on a mission to Jedah to assure OIC members of their dedication to the peace process. Marcos' primary goal was actually to forge a closer diplomatic and economic tie with Middle East countries particularly Saudi Arabia, Libya, and Algeria.<sup>16</sup> His motivation was oil driven. However, they soon found out that all talk led back to the OIC's mission of securing a peace agreement for the MNLF. According to Vitug and Gloria, OIC members such as Libya wanted its own Yasser Arafat in the person of Nur Misuari and Tohamy, the president of the OIC at the time, wanted a success story under his leadership.<sup>17</sup> They were bent on securing an agreement in Jedah even at a point of threatening to keep the Philippine panel "hostage."<sup>18</sup> However, the talk was cancelled due to Tohamy's family emergency.

In November 1976, Marcos sent his wife Imelda Marcos to meet with Qadaffi with the agenda to ask Qadaffi to convince the MNLF to sign a peace contract with the government.<sup>19</sup> By January 1976, a settlement was signed by Nur Misuri and the Philippine government, but with major changes to the draft agreement that would have a

lasting impact on the Tripoli Agreement. According to Vitug and Gloria, the most controversial of the provisions which would be later referred to as Paragraph 15 of the agreement, “called for the establishment of a provisional government” in the areas covered by the autonomy pact; it was to lay the groundwork for the future establishment of a regional government in the 13 provinces. The agreement listed down the areas of autonomy as Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte , North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao del Sur, South Cotabato, Palawan, and all the villages situated in the above mentioned areas.”<sup>20</sup>

The Marcos camp was deeply concerned that the agreement gave too much power to the MNLF. They argued that the agreement “compelled the government to appoint Muslim in practically all key governmental posts and apply *shariah* laws in local courts. “It also called for an ‘autonomous’ economic and political system in the regional government that was to be formed.”<sup>21</sup> They feared that this will break Marcos’ monopoly of Mindanao.<sup>22</sup>

Signs of the Tripoli agreement’s failure were numerous especially when the Philippine government tried twice to escape from the peace talks in Jeddah. During the negotiation, the panel objected to the agreement and tried to call a recess. When Libya did not budge, they planned an escape. However, it turned out that their rooms were tapped and Libya managed to call and persuade Marcos in Malacanang to let his men sign the agreement. As a last ditch to make the agreement work for the Philippine government, Marcos had the final provision attached. Paragraph 16 states “the Philippine government shall undertake all the “necessary constitutional processes to

implement the entire agreement.”<sup>23</sup> The final paragraph gave the government freewill to interpret the Tripoli Agreement. It was clear from the get go that the Marcos Administration had no intentions of implementing the agreement. Marcos was only interested in keeping his monopoly over Mindanao and satisfying the demands of the oil producing countries. The peace only lasted for two years. War broke out in 1978 after Marcos “insisted on a plebiscite to determine which provinces wanted to be a part of an autonomous region.”<sup>23</sup>

OIC’s pressuring the MNLF to settle for autonomy rather than full secession did not help the *Bangsamoros* either. This created a conflict within the leadership of the MNLF. This may have attributed to the split in the organization in later years. By the time the People Power in 1986 toppled the Marcos Regime, the MNLF have already split up and a new secessionist group, the MILF, was born. Several factions have also emerged. This disunity among the Bangsamoro people only made peace more illusive. This made the peace process even trickier.

Aquino had all the intentions and sincerity in the Mindanao peace process even insisting on meeting with Nur Misuari in Jolo, but was drowned in other pressing issues that threatened her presidency.<sup>24</sup> Her administration also made the mistake of not including all stakeholders in drawing up a peace plan. Her administration’s call for a plebiscite that established Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi as part of the ARMM’s domain was criticized by the MNLF. They rejected it complaining that they were not “included in drawing up the autonomy law.”<sup>25</sup> This also limited their power to only four provinces. The Ramos administration also made the same mistake for only recognizing the MNLF as the legitimate organization representing the *Bangsamoro*

people. Both administrations overlooked the importance of including all groups including religious leaders from both Christian and Muslim sects, community leaders, and local representatives in drawing up a peace plan.

Estrada's military policy of an "all-out-war" only made the situation worse. He introduced the Four-Point Agenda to tackle the problem with the MILF. It contained the Strategy of Total Approach which follows: (1) The government shall pursue peace negotiations with the MILF within the framework of the constitution and the concept of meaningful autonomy; (2) The Government shall assert and uphold its authority under the Constitution (i.e. preserve territorial integrity, maintain law and order, and protect the civilian population through effective military and police actions); (3) The Government shall pursue socio-economic development programs in the Muslim areas that would develop and uplift the living conditions of the people and serve as confidence-building measures and moral encouragement for the MILF to embrace autonomy; and (4) The Government shall continue with the full and effective implementation of the GRP-MNLF Peace Agreement as proof of their sincerity and goodwill to resolve the Mindanao problem politically.<sup>26</sup> Estrada's administration developed several more programs to address the problem in Mindanao. However, he launched an "all-out-war" against the MILF to force them into the bargaining table. His mission behind his administrations program was to weaken them to bring them to the negotiation table.<sup>27</sup>

Since the Marcos Regime up to the Estrada Administration, the Philippine government has dealt with the Mindanao Peace Process with insincerity, misunderstanding, and force. This violates the essence of autonomy. A modern state such as the Philippines cannot expect stability in this region if they keep short changing

Mindanao. So far we saw a vertical relationship between the GRP and Mindanao leaders where Philippine leaders were at the apex of the pyramid and were calling all the shots. As noted earlier, there is a clear incentive for the Philippine government if Mindanao leaders settle for autonomy. On the other hand, an independent Muslim nation lacks the infrastructure and financial capability to survive. It also has to face the reality of Mindanao's diversity. We are not only talking about Muslims, but also the region's Tri-People (Muslims, Christians, and Lumad) as well as its dominant Chinese communities. It has to assure independence and equality for all these people. Secession may bring further bloodshed not only from fighting with the state, but also from within.

Autonomy seems to be a better solution to meet the demands of the *Bangsamoro* people and the GRP. However, they must rebuild the trust that was lost through years of fighting. There have been many analysis and recommendations to the Mindanao problem. Here are several that are worth mentioning including some of my own.

*Recognition that a military solution is costly, fruitless, and will only escalate the problem.* The GRP need to recognize that a military solution to the Mindanao problem is costly and that the only way to achieve lasting peace is through a non-violent alternative. Since the year 2000, the Armed Forces of the Philippines reported that more than 100,000 people have been killed in Mindanao since 1970.<sup>28</sup> 30% of this number were soldiers, 50 percent were rebels and the rest were civilians caught in the crossfire.<sup>29</sup> About 55,000 were wounded not including the rebel side. Between the years 1970 and 1976, an average of 18 people were killed each day.<sup>30</sup> The AFP also spent 73 billion pesos to "fix" the Moro problem since 1970. This is an average of 40 percent of its annual budget. 30 percent of the Philippine Air Force and 40 percent of the Naval budget and 60

percent of the Philippine Army goes into this region.<sup>31</sup> Imagine how much this money could have helped poverty reduction programs.

Furthermore, Estrada's declaration of an "all-out war" policy in 2000 was futile in terms of the peace process. Nothing came out of this action, but broken trust and the creation of a pool of disgruntled and displaced Muslims that became a recruiting ground for secessionists and terrorist groups. A closer look during the Aquino Administration shows that diplomacy combined with trust works. According to Vitug and Gloria, Nur Misuari honored the ceasefire during her leadership.

*Comprehensive and proactive participation.* Particularly significant in the study of the Mindanao conflict is the role of the Tri-people (Christian, Muslim, Lumad) in shaping the region's future. Muslims only comprise a small percentage of Mindanao mainly concentrated within the Autonomous Region of Muslim Mindanao (ARMM). The local governments and community leaders must be present in policy and decision making.<sup>32</sup> The Philippine government is known for consulting local groups, but not necessarily implementing their recommendations.<sup>33</sup>

*Presence of political will and genuine sincerity in creating a lasting peace.* There is too much political and economic power at stake. During the dictatorship, Marcos refused to meet the demands of the MNLF stating that the Philippine Republic will not surrender their sovereignty over Mindanao. He was more concerned about breaking his monopoly over Mindanao. However, the essence of autonomy is the transfer of power from the central government to the autonomous entity. Autonomy is doomed if leaders are not willing to give up some of their powers.

*Promote trust and raise awareness.* The success of two negotiating panels rely on trust. Estrada ruined whatever trust his predecessors may have achieved with some Muslim leaders during his administration. “He spoke of forging peace, but at the same time tried to win the battle of arms.”<sup>34</sup> The same goes for the Marcos administration that seriously violated the ceasefire under the Tripoli Agreement.

Another issue worth mentioning is the distrust between the Christian and Muslims. During Estrada’s “all-out-war,” many people outside of the war zone supported his policy. Prejudice against Muslims by the Christian majority is a reality. The continuing armed struggle stems from the disregard and continuous rejection of Muslim identity. The *Bangsamoro* people are fighting to retain their cultural identities and for representation in the national government.

*“Creation of a rigid constitution guaranteeing the permanence and independence of Mindanao and amending provisions that violate their sovereignty.* Since an autonomous government functions within the framework of the constitution of a central government, local leaders have to have a hand in amending this document to ensure that their rights are protected. A major complaint by Muslim leaders is that new presidents do not necessarily support the agreements made by their predecessors. A strong constitution will provide a legal claim for independence for Muslims regardless of new leadership.

Additionally, a major problem with the peace process is its reliance to the Philippine constitution. For instance, the Tripoli Agreement functions within the framework of the constitution. However, this document is seriously flawed. It does not protect the rights of the indigenous Muslim people. It violates their rights to their ancestral domain. The government awards land with the underlying assumption that most

of Mindanao's natural resources came under the rights of the state. This assumption was based on the *Regalian Doctrine* that states that all lands of the public domain belong to the state. The Spaniards institutionalized this concept during the Spanish colonial period. Under this doctrine, the Kings of Spain owned all lands not otherwise registered or titled in the name of private properties.<sup>35</sup> In 1898, under the American Colonial Government, the state adopted the same concept and claiming all untitled land under its property rights. By 1973, The Regalian Doctrine made its way to the constitution of the independent Philippines and expressed in Article XII, Section 8, stating that all agricultural, timber, and mineral lands of the public domain, waters, mineral, coal, petroleum, and other mineral oils, all forces of potential energy and other natural resources of the Philippines belong to the state.<sup>36</sup> Similarly, the revised constitution of 1987 states the extent of the states control over natural resources, including forests, timber, wildlife, flora and fauna, and other natural resources are owned by the state.<sup>37</sup> Land rights and repatriation is a major contention between the government and Muslim communities.

*Economic development.* Money from government funds and international donors should only be used for rehabilitation and socio-economic programs and not for military operations.<sup>38</sup> The Estrada administration claimed that 32 billion pesos in their resources have been directed toward the Muslim areas. However, there is no clear indication of how this was utilized.<sup>39</sup>

*Clear program to tackle and prevent corruption.* As with the rest of the country, corruption is a serious problem that impedes on the growth of the region. Corruption is a societal problem and nobody seems to be immune to it. Even Nur Misuari who fought

for the *Bangsamoro* people for years succumbed to it. A local anti-corruption task force formed by a diverse group could monitor and insure accountability of public servants.

These recommendations will only work if the government and Mindanao leaders are sincere and committed to finding peace in the region. However, disunity among Mindanao leaders who claim control over the same territories makes the problem even more complicated. There is no unified voice that represents the needs of Mindanaons. This makes the Philippine governments' responsibility greater. Mindanao, particularly the ARMM region, faces many problems such as illiteracy, poor health, crime, unemployment and underemployment, instability, poor governance, terrorism, absentee mayors, among others. The government could certainly use this situation as an opportunity to improve relations and strengthen their presence. For example, they could set up programs that provide loans to start small businesses or clinics that provide basic health care.

Currently, the U.S. government through the Balikatan Exercises is active in the region not only to assist the Philippine Military on the U.S.'s Global War on Terrorism, but also to provide social services. The Arroyo government has been bombarded with criticisms for allowing the U.S. to get involved in Mindanao, especially when reports of human rights violation are on the rise under her leadership. It is the government's duty especially if it is in their interest to stabilize Mindanao to assess such actions. History can tell us what the outcome might be.

In conclusion, it is imperative that the Philippine government increase its programs in bringing peace to this region. It is not a matter of choice, but of obligation and survival for the entire country. They cannot risk losing this region. Since, they are

dealing with a conflict that is deeply rooted in a long history of struggle and repression, the road to peace will take time, patience, and commitment. It is not easy to rebuild trust. Finally, autonomy for Mindanao will only be successful as long as the arrangements between the Philippine government and Mindanao leaders are negotiated in a democratic and voluntary way. All Mindanao stakeholders must be active participants of the planning and decision making process. Importantly, there must be a genuine sincerity to uphold the peace process and to commit to a peaceful solution. Only then can we finally achieve peace.

## Notes

1. Fabros, Cora, "Philippine Country Report." In International Meeting on Human Development and Security, (Manila, November 22-27, 2004), 19.

2. Ibid.

3. Jayme, Catherine Denni R., "The Challenge For Peace In Mindanao: Counter Insurgency Policies of the Estrada and Arroyo Governments for Southern Philippines." Maxwell Review, (2002): 106.

4. Stockholm International Peace Research Institute. *SIPRI Yearbook 2003: Armaments, Disarmaments and International Security*. (Stockholm, 2003), 8.

5. Ibid.

6. Marc Weller and Stefan Wolff. *Autonomy, Self-governance and Conflict Resolution: Innovative approaches to institutional design in divided societies*. (London, 2005), 11.

7. Ibid., 13

8. Ibid., 12

9. Ibid., 13

10. Ibid.

11. Ibid.

12. Marites Danguilan and Glenda M. Gloria. *Under the Crescent Moon: Rebellion In Mindanao*. (Quezon City, 2000), 34.

13. Ibid., 15.

14. Ibid.

15. Ibid., 34

16. Ibid., 32

17. Ibid.

18. Ibid., 33

19. Ibid.

20. Ibid., 34
21. Ibid., 32
22. Ibid., 34
23. Ibid.
24. Ibid., 38
25. Ibid.
26. Jayme, Catherine Denni R., "The Challenge For Peace In Mindanao., 109.
27. Ibid., 109
28. Rodil, B.R., *Kalinaw Mindanaw: The Story of the GRP-MNLF Peace Process, 1975-1996.* (Davao City, 2000), 8.
29. Ibid., 9
30. Ibid.
31. Ibid.
32. Jayme, Catherine Denni R., "The Challenge For Peace In Mindanao., 118.
33. Ibid.
34. Ibid., 110.
35. Manaligod, Ruffa, ed., *Tribal Filipinos and Ancestral Domain: Struggle Against Development Aggression* (Quezon City: A Tabak Publication, 1990), xv.
35. Ibid., 113.
36. Ibid.
37. Aguirre, Sec. Alexander P., *Why the Present Hostilities in Mindanao?* National Security Council. (Quezon City, 2000), 2.
38. Jayme, Catherine Denni R., "The Challenge For Peace In Mindanao., 115.

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