

# Understanding the Bangsamoro Right to Self-Determination

✪ By Abhoud Syed M. Lingga

## Self-determination as a Right

**T**he right to self-determination is the right of peoples everywhere to freely determine their political status and pursue their economic, social and cultural development. For this right to be fully effective, the realization of the political, economic, social and cultural sovereignty of peoples is vital.

Self-determination is a continuing process where people continue to make choices to achieve their security and to fulfill their human needs.

The right of peoples to self-determination is enshrined in many United Nations (U.N.) instruments, among which are:

- Article 55 of the United Nations charter, which provides that the world body shall create “conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples...”
- General Assembly resolution 1514 (XV) of December 14, 1960, which states that, “All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

- Article 1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and repeated in Article 1 of the International Covenant on Civil and Political Rights (ICCPR), which makes this statement: “All peoples have the right of self-determination, including the right to determine their political status and freely pursue their economic, social and cultural development.”

On the other hand, there are U.N. instruments that uphold the principle of territorial integrity of existing states. Whether people who claim right to self-determination and are living within the boundary of existing states are prohibited to carve an independent state of their own is not clear in the U.N. resolutions.

Article 2 (4) of the U.N. charter provides, “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state . . .” This provision clearly applies only as between states. It prohibits member states from using force to threaten the political independence and territorial integrity of any state.

United Nations General Assembly Resolution No. 2625 (Declaration of Principles Concerning Friendly Relations among States) advised that right of self-determination shall not be construed as “authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples ... and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.”

However, this U.N. resolution reiterating the territorial integrity of states is made contingent on the government being representative of the whole people and non-discriminatory.

There is substantial debate as to the scope of “a government representing the whole people”. Hannun, for example, is for the “limited requirement of non-discrimination only on the grounds of race, creed or colour.” But Buchheit “sees it simply as a component of a larger theory based on the premise that oppression legitimizes secession.”<sup>1</sup>

Other commentators, like Musgrave,<sup>2</sup> interpreted Resolution No. 2625 as implying that “international law permits secession as a legal remedy in certain circumstances”. He also contends that secession is also permissible “by virtue of the 'oppression theory' when part of a population suffers gross oppression: in these circumstances secession is permitted primarily to prevent the abuse of human rights.” In Allen Buchanan's<sup>3</sup> remedial right theory of secession, separation would be acceptable if there are systematic violations of human rights or unjust annexation of territories.

There are attempts to resolve the conflict between demands for self-determination and the principle of the territorial integrity of states. Hannun<sup>4</sup> puts forward the idea of autonomy as a “less-than-sovereign self-determination.” However, Musgrave<sup>5</sup> says: “Some jurists contend that autonomy is not a principle of international law but a matter which falls within the domestic jurisdiction of a state.” He opines that “autonomy within an independent state cannot be part of self-determination for the purposes of international law.”

Essentially, right to self-determination is a right of a people to choose their political status, and decide on their economic, social and cultural development. That right includes the right of a people who hold the right to self-determination to choose, through democratic and participatory manner, to form their own separate state if that is essential to the expression of their right to self-determination. The right to secede, although not being encouraged, is not prohibited particularly in a situation where the minority suffers systematic violations of human rights and gross oppression.

### **Holders of the Right of Self-determination**

The holders of the right to self-determination, according to the Report of the International Conference of Experts organized by UNESCO on November 21-27, 1998, are a people (a group of individual human beings) who have some or all of the following common features: (1) common historical tradition; (2) racial or ethnic identity; (3) cultural homogeneity; (4) linguistic unity; (5) religious or ideological affinity; (6) territorial connection; and (7) common economic life.<sup>6</sup>

Additionally, the UNESCO experts stated that “the group as a whole must have the will to be identified as a people or the consciousness of being a people.” The people, according to the experts, must be of a

certain number, which need not be large but must be more than “a mere association of individuals within a state.” The existence of “institutions or other means of expressing its common characteristics and will for identity” is also important.

### **Bangsamoro right to self-determination**

The Bangsamoro thus qualify as people who hold the right of self-determination. They have a common historical tradition and religious affinity and share many cultural practices. The Bangsamoro occupy contiguous territory (maritime societies are connected by the sea) with rich natural resources.

### **Identity and homeland**

The Muslims in the Philippines consist of thirteen ethno-linguistics groups: Iranun, Magindanaon, Maranao, Tao-Sug, Sama, Yakan, Jama Mapun, Ka'agan, Kalibugan, Sangil, Molbog, Palawani and Badjao. There are also Muslims among the other indigenous peoples of Mindanao like the Teduray, Manobo, Bla-an, Higaonon, Subanen, T'boli, and others. In recent years, significant number of people from Luzon and Visayas and migrant communities in Mindanao converted to Islam.

The Muslims who traditionally inhabited Mindanao, the islands of Basilan and Palawan, and the Sulu and Tawi-Tawi archipelago in the south of the Philippines identify themselves as Bangsamoro. The name Moro was given by the Spanish colonizers to the Muslims in Mindanao whom they found to have the same religion and way of life with the Muslims of North Africa who ruled the Iberian Peninsula for centuries. The Malay word *bangsa*, which means nation, was prefixed to suggest distinct nationhood. The name Bangsamoro has found place in official documents of the Organization of Islamic Conference<sup>7</sup> and agreements between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF).<sup>8</sup>

The traditional homeland of the Bangsamoro people consisted of the territories under the jurisdiction of their governments before the emergence of the Philippine state. At the height of its power, the Sulu Sultanate exercised sovereignty over the present-day provinces of Sulu, Tawi-Tawi, Palawan, Basilan and the Malaysian state of Sabah (North Borneo). The territory of the Magindanaw Sultanate included Shariff Kabunsuan province, some parts of Maguindanao province, the coastal

areas of the provinces of Sultan Kudarat, South Cotabato, Sarangani, parts of Lanao provinces, Davao del Sur and Davao Oriental, and the eastern part of Zamboanga del Sur. The Datu Dakula of Sibugay, who ruled the Sibugay autonomous region under the Magindanaw Sultanate, exercised jurisdiction over Zamboanga del Norte, Zamboanga Sibugay, Zamboanga City, and the western part of Zamboanga del Sur. The Rajah of Buayan ruled North Cotabato, the upper valley of Maguindanao and the interior areas of Sultan Kudarat and South Cotabato and some parts of Bukidnon. The Pat a Pangampong ko Ranao (Confederation of the Four Lake-based Emirates) ruled the interior parts of Lanao del Sur, Lanao del Norte, and parts of Bukidnon, Agusan, and eastern and western Misamis provinces. The small sultanate of Kabuntalan separated the domains of Magindanaw and Buayan.

As the result of the colonial policy of the Philippine government to reduce the Bangsamoro into a minority by encouraging Filipino settlers from the north to settle in their traditional homeland, the Bangsamoro are now confined in the provinces of Tawi-Tawi, Sulu, Basilan, Lanao del Sur, Maguindanao and Shariff Kabunsuan, and some municipalities of Zamboanga del Sur, Zamboanga Sibugay, Zamboanga del Norte, Lanao del Norte, North Cotabato, Sultan Kudarat, South Cotabato, Sarangani, Davao Oriental, Davao del Sur, Davao del Norte, Compostela Valley, and Palawan. Although their territory was significantly reduced the Bangsamoro people continuously assert their right over their homeland, which has gained implied recognition from the government.<sup>9</sup>

### **History of independence**

The historical experience of the Bangsamoro people in statehood and governance started as early as the middle of the 15th century when Sultan Shariff ul-Hashim established the Sulu Sultanate. This was followed by the establishment of the Magindanaw Sultanate in the early part of the 16th century by Shariff Muhammad Kabungsuwan. The Sultanate of Buayan and the Pat a Pangampong ko Ranao (Confederation of the Four Lake-based Emirates) and later other political subdivisions were also organized.

By the time the Spanish colonialists arrived in the Philippines the Muslims of Mindanao, Sulu and Tawi-Tawi archipelago and the islands

of Basilan and Palawan had already established their own states and governments with diplomatic and trade relations with other countries including China. Administrative and political systems based on the realities of the time existed in those states. In fact, it was through these well-organized administrative and political systems that the Bangsamoro people managed to survive the military campaign against them by Western colonial powers for several centuries and preserve their identity as a political and social organization.

For centuries the Spanish colonial government attempted to conquer the Muslim states and add these territories to the Spanish colonies in the Philippine Islands but history tells us that it never succeeded. The Bangsamoro sultanates, with their organized maritime forces and armies, succeeded in defending the Bangsamoro territories, thus preserving their independence.

That is why it is being argued, based on the logic that you cannot sell something you do not possess, that the Bangsamoro territories are not part of what were ceded by Spain to the United States in the Treaty of Paris of 1898 because Spain had never exercised sovereignty over these areas.

The Bangsamoro resistance continued even when U.S. forces had occupied some areas in Mindanao and Sulu. Though the resistance was not as fierce as during the Moro-Spanish wars, group-organized guerrilla attacks against American forces and installations reinforced what remained of the sultanates' military power. Even Bangsamoro individuals showed defiance against American occupation of their homeland by attacking American forces in operations called *prang sabil* (martyrdom operation).

When the United States government promised to grant independence to the Philippine Islands, the Bangsamoro leaders registered their strong objection to be part of the Philippine republic. In a petition to the U.S. president on June 9, 1921, the people of Sulu archipelago said that they would prefer being part of the United States rather than be included in an independent Philippine nation.

In the Declaration of Rights and Purposes, the Bangsamoro leaders in a meeting in Zamboanga on February 1, 1924, proposed that the "Islands of Mindanao and Sulu, and the Island of Palawan be made an unorganized territory of the United States of America" in anticipation

that in the event the U.S. would decolonize its colonies and other non-self governing territories the Bangsamoro homeland would be granted separate independence. Had it happened, the Bangsamoro people would have regained by now their independence under the UN declaration on decolonization. Their other proposal was that if independence to be granted would include the Bangsamoro territories, a plebiscite would be held in Mindanao, Sulu and Palawan fifty years after the grant of independence to the Philippines to decide by vote whether the territory incorporated by the government of the Islands of Luzon and Visayas, would be a territory of the United States, or become independent. The fifty-year period ended in 1996, the same year the Moro National Liberation Front (MNLF) and the Philippine government signed the Final Agreement on the Implementation of the Tripoli Agreement. The leaders warned that if no provision of retention under the United States would be made, they would declare an independent constitutional sultanate to be known as Moro Nation.

In Lanao, the leaders who were gathered in Dansalan (now Marawi City) on March 18, 1935 appealed to the United States government and the American people not to include Mindanao and Sulu in the grant of independence to the Filipinos.

### **Continuing assertion for independence**

Even after their territories were made part of the Philippine republic in 1946, the Bangsamoro people have continued to assert their right to independence. They consider the annexation of their homeland as illegal and immoral since it was done without their plebiscitary consent. Their assertions manifest in many forms.

The armed resistance of Kamlon, Jikiri and Tawan-Tawan was a protest against the usurpation of their sovereign right as a people. Those who joined the Philippine government used the new political system to pursue the vision of regaining independence. Congressman Ombra Amilbangsa, for example, filed House Bill No. 5682 during the fourth session of the Fourth Congress. The bill sought the granting and recognition of the independence of Sulu. As expected, the bill found its way into the archives of Congress since there were few Muslim members of Congress. Then on May 1, 1968, the then provincial governor of

Cotabato, Datu Udtog Matalam, made a dramatic move. He issued the Mindanao Independence Movement (MIM) manifesto calling for the independence of Mindanao and Sulu to be known and referred to as the Republic of Mindanao and Sulu.

When it became evident that it would not be possible to regain independence within the framework of the Philippine nation state system, the Moro National Liberation Front (MNLF) was organized to wage an armed struggle to regain independence. When the MNLF accepted autonomy within the framework of Philippine sovereignty, a faction of the MNLF separated and formed the Moro Islamic Liberation Front (MILF) to continue the armed struggle for independence. The MILF is still fighting the government forces.

The clamor for independence is not only among the liberation fronts but also among other sectors of the Bangsamoro society. The delegates to the First Bangsamoro People's Consultative Assembly (BPCA) held on December 3-5, 1996 in Sultan Kudarat, Maguindanao were unanimous in calling for the reestablishment of the Bangsamoro state and government.<sup>10</sup>

The hundreds of thousands of Bangsamoro who participated in the Rally for Peace and Justice held in Cotabato City and Davao City on October 23, 1999, in Marawi City on October 24, 1999 and in Isabela, Basilan on December 7, 1999 issued a manifesto stating, "We believe that the only just, viable and lasting solution to the problem of our turbulent relationship with the Philippine government is the restoration of our freedom, liberty and independence which were illegally and immorally usurped from us, and that we be given a chance to establish a government in accordance with our political culture, religious beliefs and social norms."<sup>11</sup>

Bangsamoro leaders headed by Sultan Abdul Aziz Guiwan Mastura Kudarat IV of the Sultanate of Magindanaw, meeting in Cotabato City on January 28, 2001, likewise expressed their strong desire to regain the Bangsamoro independence. The Declaration of Intent and Manifestation of Direct Political Act<sup>12</sup> they issued states: "As sovereign individuals, we believe that the Bangsamoro people's political life, as matters stand, call for an OIC-sponsored or UN-supervised referendum in the interest of political justice to decide once and for all," whether to remain part of the Philippines as an autonomous region, or to form a state of federated union; or to become an independent state.



The Second Bangsamoro People's Consultative Assembly held on June 1-3, 2001 at the same place, attended by delegates<sup>13</sup> from all over the Bangsamoro homeland, including representatives of non-Muslim indigenous communities, unanimously declared that "the only just, meaningful, and permanent solution to the Mindanao Problem is the complete independence of the Bangsamoro people and the territories they now actually occupy from the Republic of the Philippines."

### **GRP recognizes Bangsamoro self-determination**

Whether the Bangsamoro people are entitled to self-determination or not is no longer debatable for the Government of the Republic of the Philippines (GRP) recognizes that. This was clear in one of the provisions of the Tripoli Agreement of Peace of 2001 between the GRP and the MILF, which states that "the observance of international humanitarian law and respect for internationally recognized human rights instruments and the protection of evacuees and displaced persons in the conduct of their relations reinforce the Bangsamoro people's fundamental right to determine their own future and political status." (Underscoring supplied)

The recognition of the Bangsamoro right to self-determination was affirmed by Secretary Silvestre C. Afable, Jr., Chairman of the Government Peace Negotiating Panel in the talks with the MILF, in his letter to Mohagher Iqbal, Chairman of the MILF Peace Negotiating Panel, on November 9, 2006, which stated that the GRP would like to explore with the MILF in the next round of talks, "the grant of self-determination and self-rule to the Bangsamoro people based on an Organic Charter to be drafted by representatives of the Bangsamoro people." In Tokyo last May 2007, he again reiterated the Philippine government position: "On the negotiating table, we have offered a political settlement based on self-determination that strives to unify the Bangsamoro people rather than divide them, for them to finally live in a homeland rather than a rented territory paid for in blood and suffering. We are crossing bridges of understanding that others have never ventured to do in the past."<sup>14</sup>

## Grievances

Under the Republic of the Philippines, the Bangsamoro complain that they suffer discrimination and oppression. Some of these complaints are cited below.

1. Christian majority are biased against Muslims as shown by studies.<sup>15</sup> These prejudices lead to exclusion of the Bangsamoro from jobs, education, housing and business opportunities. These are evident in the personal experiences of Muslims on how they were shut out of jobs, housing and study opportunities recounted in the Philippine Human Development Report (PHDR 2005).

The PHDR 2005 study reveals that a considerable percentage (33 percent to 39 percent) of Filipinos is biased against Muslims. Exclusion from job opportunities is very high given that 46 percent of the Christian population would choose Christian male worker and 40 percent Christian female domestic helper. Only 4 percent will choose a Muslim male worker and 7 percent Muslim female domestic helper. Majority of the Christians cannot even accept Muslims as neighbors, as the study shows that in Metro Manila 57 percent opt for residence with higher rent but far from a Muslim community.

2. Because of government policies and programs the Bangsamoro lost big portions of their lands and became minority in their own homeland.<sup>16</sup>

The Philippine government opened the whole of Mindanao to resettlement and corporate investments. So, in 1903, the Philippine Commission declared as null and void all land grants made by traditional leaders like sultans, datus, and tribal leaders if done without government consent. And through the years the government implemented public land laws which are discriminatory to the Bangsamoro and other Indigenous Peoples of Mindanao, and favorable to Filipino settlers and corporations.<sup>17</sup> The introduction of public land laws, which were based on the Regalian doctrine, “became an opportunity for the colonized north-Filipino elites to own or lease substantial landholdings as well as a chance for the 'legal' or systematic landgrabbing of traditional lands”<sup>18</sup> of the Muslims.

The discrimination against Muslims and indigenous peoples in land ownership is evident in the following table that shows the number

of hectares people and corporations may own under the Philippine public land laws.<sup>19</sup>

Year	Hectares Allowed		
	For Homesteader	For Non-Christian (Moros and Wild Tribes)	For Corporation
1903	16 has.	(no provision)	1,024
1919	24 has.	10 has.	1,024
1936	16 has.	4 has.	1,024

In 1954 the National Resettlement and Rehabilitation Administration (NARRA) was established. Under this program, from 1954 through 1958 close to 23,400 Christian Filipino families were resettled in Cotabato.<sup>20</sup>

The consequence of the state policies on land ownership and encouragement of Christian settlers to settle in Mindanao is the minoritization of the Bangsamoro in their traditional homeland. The lands that remain to the Bangsamoro are those located in the Autonomous Region in Muslim Mindanao (ARMM) and small areas in other provinces.

3. Government failed to deliver basic services and needed development to Bangsamoro communities. In the ARMM, which comprises provinces where the Bangsamoro are majority, poverty incidence is the highest in the country. In 2000, poverty incidence in the ARMM was 66 percent while the national average was 33.7 percent, and it worsened compared with the 1997 poverty incidence which was 57.3 percent.<sup>21</sup> Incidence of families below the per capita food/subsistence threshold was also highest in the ARMM with 33.5 percent in 2000 while the national average was 16.7 percent.<sup>22</sup> Life expectancy for women was 59.3 years and 55.5 years among men.<sup>23</sup>
4. Government also failed to protect the persons and properties of the Bangsamoro people. There were reported massacres of Muslims and destruction of their properties but the government failed not only to give them protection but also to give them justice. No serious investigations were conducted and no one was held responsible in many of these incidents of human rights violations. For example, the incidents cited below, which are just few of the many incidents of human rights violations against the Bangsamoro people, happened three decades ago but no investigation was done and no one was held responsible.<sup>24</sup>

- On March 17, 1968, Muslim military trainees were reported missing in their training camp in Corregidor Island.
- On December 21, 1970, three Muslims were killed and 147 houses were burned in the barrios of Ahan, Limpugo and Montid, in the municipality of Datu Piang, Cotabato.
- On January 19, 1971, 73 Muslims were killed in the municipality of Alamada, Cotabato.
- On June 19, 1971, 70 Muslims were killed and 17 were wounded at a mosque in barrio Manili, Carmen, Cotabato.
- From April 6, 1971 to July 22, Muslim houses were burned:
  - 55 houses in Carmen, Cotabato
  - 18 houses in Pikit, Cotabato
  - 25 houses in Kidapawan, Cotabato
  - 22 houses in Buldon, Cotabato
  - 52 houses in Wao, Lanao del Sur
- On September 8, 1971, ten Muslims were killed in the municipality of Sapad, Lanao del Norte.
- On October 24, 1971, 66 Muslims were killed in Magsaysay, Lanao del Norte.

### **Determination of Bangsamoro Political Status**

The core issue in the right to self-determination is the determination of a people's political status. How is the political status of a people determined? The UNESCO experts were of the opinion that a people should be able to achieve self-determination through a fully participatory and democratic process. The experts said: "Self-determination is achieved by fully participatory democratic processes among the people who are seeking the realization of self-determination, including referenda where appropriate."<sup>25</sup>

To determine the wishes of the Bangsamoro people as to their political status, referendum has to be resorted to. The above cited letter of Secretary Afable stated further that the Bangsamoro people shall decide on their political status in a referendum to be held after a certain period. To avert the worry of some that the referendum may turn into an all-out, winner-take-all contest the range of choices should include all possible political arrangements, such as independence, autonomy, free association, consociational arrangement, federal arrangement, and other power sharing arrangements.

For a referendum to be participatory and democratic, it should be preceded by lengthy political debate and dialogue within the given communities to ensure that citizens are aware of what the options are, are fully informed about their implications, and are as ready as possible to vote in a referendum. In Southern Sudan, the referendum will take place after the interim period of six years. To cite an example, the referendum on Bougainville's future political status would be held not earlier than 10 years but not later than 15 years after the signing of the agreement.

In the case of the Bangsamoro, I agree with the recommendations of the Bangsamoro People's Consultative Assembly (BPCA) and the Mindanao People's Peace Movement (MPPM) that the referendum shall be held not earlier than five years but not more than 10 years after a decision is made to give enough time for people to understand the pros and the cons of every proposition, and to provide the Philippine government time to demonstrate to the Bangsamoro people once again that they will be in better condition if they remain part of the Philippines.

Considering the bad experiences we always have in Philippine elections, the referendum will be credible if supervised by a third party from the international community. The third party can be the United Nations, European Union, Organization of Islamic Conference (OIC), or joint efforts of the Association of Southeast Asian Nations (ASEAN) and other multilateral groupings.

Before holding a referendum the issue of territory has to be resolved through negotiations because the area where referendum will be conducted has to be definite. Likewise, the mechanism on how to conduct the exercise to ensure that it will be democratic and participatory has to be agreed upon by the Philippine government and the representative organization of the Bangsamoro people.

### **Independence as expression of self-determination**

If the Bangsamoro people will choose independence as expression of their right to self-determination, an independent Bangsamoro state shall be founded on the principles of freedom, democracy, equality of all men and women, respect to religious and political beliefs, and adherence to universal human rights. Among other principles, an independent Bangsamoro government has to observe the following:

1. The system of government to be adopted shall be determined by the Bangsamoro people themselves. A provisional government shall see to the drafting of a constitution and to its adoption. The constitution shall include a bill of human rights and freedom, and recognition of the right of people comprising the Bangsamoro entity to self-governance.

2. Residents of the territory at the time of independence shall be the citizens of the Bangsamoro state. They shall enjoy equal rights, privileges and obligations. They will have rights to suffrage, ownership of property, practice of their religious beliefs and participation in public affairs.

Residents who will prefer to remain citizens of the Philippines after independence can choose whether to remain as permanent resident alien or move to Philippine territory with the right to bring with them all their properties. They can sell their immovable properties to private individuals or opt for government compensation.

3. The Bangsamoro government shall assume the obligations and enjoy the rights arising out of international conventions to which the Philippines is a signatory, in accordance with the rules of international law. Multilateral and bilateral agreements signed by the Philippines that directly apply to the territories of the Bangsamoro state shall be honored.

4. Through treaties, the independent Bangsamoro state can have special relationship with the Philippines, like for example on development of shared resource, exploitation of resources to benefit from economy of scale, flow of goods and services, movements of their citizens, regional security, and other concerns.

5. Laws passed by the Congress of the Philippines that specifically apply in the territory of the Bangsamoro state at the time of independence shall remain in force until amended or repealed by the Bangsamoro legislative body.

Pensions payable to retirees shall continue to be paid by the Bangsamoro government according to the same terms and conditions. Permits, franchises and authorizations that have been issued shall remain in force until their expiry.

6. The Bangsamoro government shall conclude agreements with the Philippines on matters relating to the apportionment of properties and debts of the Philippines.

### **Options for Christians and Indigenous Peoples of Mindanao**

Although the whole of Mindanao, Sulu – Tawi-Tawi archipelago, the islands of Basilan and Palawan are the traditional homeland of the Bangsamoro people, the demographic reality is that the greater portions of these territories are occupied by the Indigenous People and the Filipino settler communities. Being pragmatic, the Bangsamoro people are claiming only areas where they remain the majority.

The Bangsamoro respect the right of Indigenous People of free choice.<sup>26</sup> If they will choose to join the Bangsamoro state they will be welcomed, if they opt to form their separate independent state it has to be respected.

In the same vein, if the Filipino settlers in Mindanao will decide to secede from the Philippines and establish their own state, peaceful and democratic efforts to achieve that have to be recognized.

Having three independent states in Mindanao – for the Bangsamoro, the Indigenous People, and the Christian settler communities – may be better because each can address the specific and unique needs of their citizenry. Although they may be independent from each other, the three states can cooperate on areas of common concern and matters of mutual benefits, like development of shared resource, flow of goods and services, movements of their citizens, and in the fields of international relations, trade and regional security.

If the other two communities prefer to remain part of the Philippines then that decision has to be respected.

## Conclusion

The Mindanao problem is rooted in the Bangsamoro's aspiration for self-determination. The implementation of this fundamental right of peoples to determine their political status through a democratic and participatory mechanism will open the opportunity to resolve the ongoing conflict between the Philippine government and the Bangsamoro people.

As signatory to United Nations instruments on right to self-determination, the Philippines has the obligation to uphold, respect and promote this right. Constitutional and institutional barriers should not be made the excuse to deny the Bangsamoro people this right. Sudan, for example, has amended its constitution to give way to a referendum in the South, and Papua New Guinea has promised "to move amendments to the National Constitution to guarantee a referendum on Bougainville's future political status" when it signed the Bougainville Peace Agreement in 2001.

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## END NOTES

<sup>1</sup>Quoted by Thomas D. Musgrave, 1997. *Self-Determination and National Minorities*. Oxford: Oxford University Press, 1997, p. 188.

<sup>2</sup>Musgrave 1997: 209

<sup>3</sup>Allen Buchanan, "Secession", *Stanford Encyclopedia of Philosophy*, 2003. <http://plato.stanford.edu/entries/secession/index.html>

<sup>4</sup>Quoted by Musgrave, p. 208

<sup>5</sup>Musgrave, p. 208

<sup>6</sup>Michael C. Van Walt van Praag, and Onno Seroo, eds. *The Implementation of the Right to Self-determination as a Contribution to Conflict Prevention*. Report of the International Conference of Experts held in Barcelona on November 21-27, 1998, organized by the UNESCO Division of Human Rights, Democracy and Peace and the UNESCO Centre of Catalonia.

<sup>7</sup>Organization of Islamic Conference, "Resolution No. 58/28-P." *Twenty-Eight Session of the Islamic Conference of Foreign Ministers*, 2001.



<sup>8</sup>The Agreement on Peace between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front, otherwise known as the Tripoli Agreement on Peace of 2001, signed on June 22, 2001 in Tripoli, Libya, unambiguously recognizes that identity. Examples are these provisions of the agreement:

"Recognizing that peace negotiations between the GRP and the MILF is for the advancement of the general interest of the Bangsamoro people..."

"On the aspect of ancestral domain, the Parties, in order to address the humanitarian and economic needs of the Bangsamoro people and preserve their social and cultural heritage and inherent right over their ancestral domain, ..."

"The observance of international humanitarian law and respect for internationally recognized human rights instruments and the protection of evacuees and displaced persons in the conduct of their relations reinforce the Bangsamoro people's fundamental right to determine their own future and political status."

<sup>9</sup>In the preamble of the Agreement on Peace Between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front, otherwise known as the Tripoli Agreement on Peace of 2001, signed on June 22, 2001 in Tripoli, Libya, states that the GRP and the MILF are "Determined to establish a peaceful environment and normal condition of life in the Bangsamoro homeland".

<sup>10</sup>The first assembly was "said to have been attended by more than one million Bangsamoro people from all over Mindanao" See Patricio P. Diaz, *Understanding Mindanao Conflict*. Davao City: MindaNews Publications, 2003, p. 41. The assembly report stated that attendance was 1,070,697 delegates (see Summary Proceedings. Bangsamoro People's Consultative Assembly, Da'wah Center, Sultan Kudarat, Maguindanao, 3-5 December 1996, p. 7).

<sup>11</sup>Copy of the document is available in the collections of the author.

<sup>12</sup>Copy of the document is available in the collections of the author.

<sup>13</sup>According to Diaz, the second assembly "said to have a bigger attendance". The assembly report said that attendance was 2,627,345 (see Declaration of the Second Bangsamoro People's Consultative Assembly, Simuay, Sultan Kudarat, Maguindanao, June 1-3, 2001.)

<sup>14</sup>Quoted by P. Abinales in his column "The Separatist", *MindaNews*, May 21, 2007. Also in *Philippine Free Press*, May 15, 2007.

<sup>15</sup>Christian prejudices against Muslims were revealing in the study conducted by Filipinas Foundation, *Philippine Majority-Minority Relations and Ethnic Attitudes*. Makati, Rizal, 1975, and in the *Philippine Development Network, Philippine Human Development Report 2005 (PHDR 2005)*.

<sup>16</sup>On the minoritization of the Bangsamoro people, see B. R. Rodil, *The Minoritization of the Indigenous Communities of Mindanao and the Sulu Archipelago*. Davao City: Alternative Forum for Research in Mindanao, Inc., 1994.

<sup>17</sup>See Rudy B. Rodil, "Philippine Government Policies on the Indigenous Peoples," paper presented during the Workshop on Multi-Ethnic Asia: Peace and Sustainable Development, Ho Chi Minh City, 16-20 April 2007.

<sup>18</sup>Myrthena L. Fianza, "Contesting Land and Identity In The Periphery: The Moro Indigenous People of Southern Philippines". Working paper prepared for the 10th Biennial Conference of the International Association for the Study of Common Property held at Oaxaca, Mexico on August 9-13, 2004, p. 5.

<sup>19</sup>Rodil, "Philippine Government Policies on the Indigenous Peoples."

<sup>20</sup>Michael O. Mastura, *Muslim Filipino Experience*. (Manila: Ministry of Muslim Affairs, 1984), p. 245.

<sup>21</sup><http://www.census.gov.ph/data/sectordata/2000/ie00p02f.htm>

<sup>22</sup><http://www.census.gov.ph/data/sectordata/2000/ie00p06f.htm>

<sup>23</sup>World Bank, *Human Development for Peace and Prosperity in the Autonomous Region in Muslim Mindanao*. Manila: World Bank, 2003, p. 17.

<sup>24</sup>See Magsaysay S. Werble, "The Mindanao Peace Process: Chronology of Events from Tripoli to Jakarta 1976-1996." Master's thesis submitted to the Institute of Islamic Studies, University of the Philippines Diliman, 1996.

<sup>25</sup>Michael C. Van Walt van Praag, and Onno Seroo..

<sup>26</sup>The GRP and MILF Technical Working Groups arrived at a consensus during the 7<sup>th</sup> Exploratory Talks on April 18-20, 2005 affirming "the rights of non-Islam professing indigenous tribes to free choice."