



Comments on the Framework Agreement between the Philippine Government (GPH) and the Moro Islamic Liberation Front (MILF)

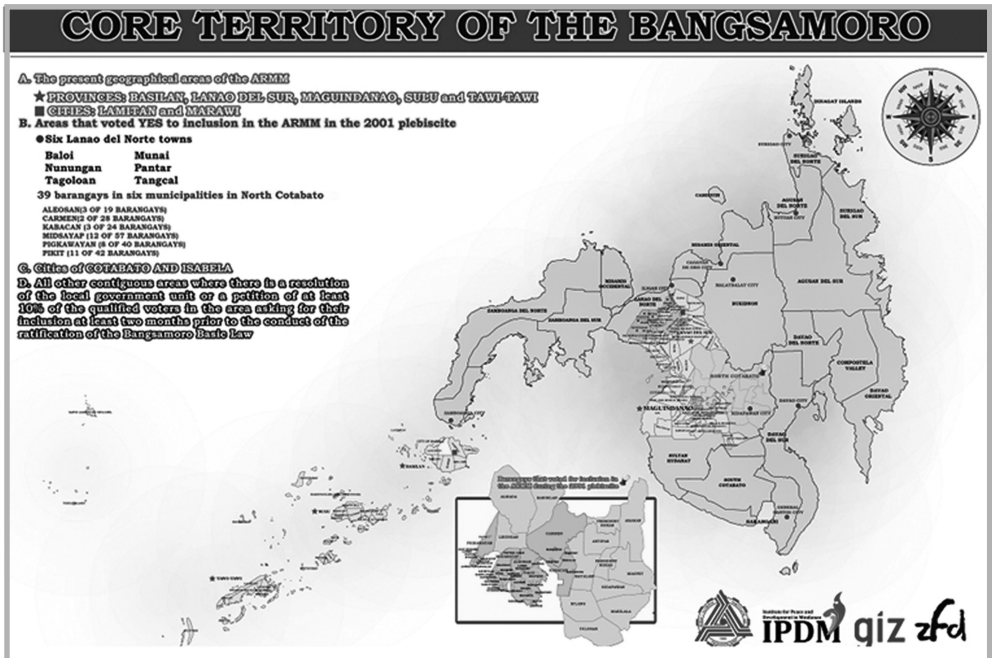
BY RUDY BUHAY RODIL

THE BANGSAMORO'S ASSERTION of self-determination, from the Muslim Independence Movement (MIM) in 1968 to the Moro Islamic Liberation Front (MILF), has always been a sensitive issue, especially to non-Muslim and *Lumad* (indigenous peoples) inhabitants who feel threatened. The Bangsamoro core territory as defined in the Framework Agreement is to be composed of the following:

1. The present geographical area of the Autonomous Region of Muslim Mindanao (ARMM);
2. The municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan and Tangkal in the province of Lanao del Norte and all other barangays in the municipalities of Kabacan, Carmen, Aleosan, Pigkawayan, Pikit and Midsayap that voted for inclusion in the ARMM in the 2001 plebiscite;
3. The cities of Cotabato and Isabela; and
4. All other contiguous areas where there is a resolution of the local government unit or a petition of at least 10% of the qualified voters in the area asking for their inclusion at least two months prior to the ratification of the Bangsamoro Basic Law and the process of delimitation of the Bangsamoro.

These territories are contiguous to the ARMM territory. The two maps below show the core territory of the Bangsamoro.

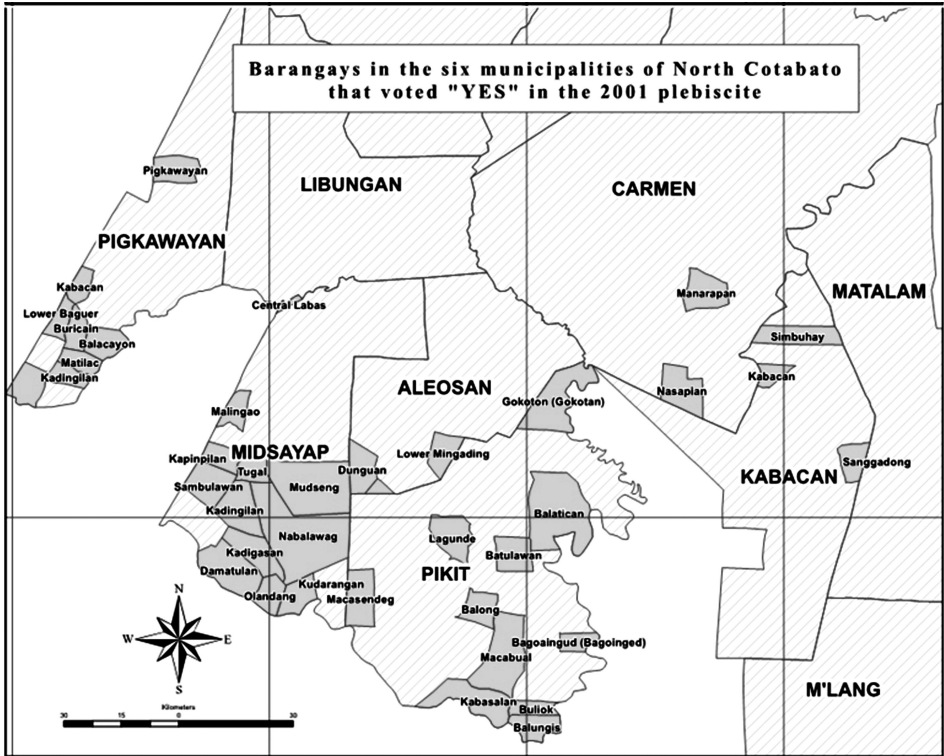
FIGURE 1
Core Territory of the Bangsamoro



Source: Minda-News.com

According to the terms of the Organic Act, which was submitted to the 2001 plebiscite, the municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan and Tangkal were supposed to have been constituted into one province and appended to ARMM, but it never happened.

FIGURE 2
The thirty-nine (39) Barangays in the Six Municipalities in North Cotabato



Source: Prof. Miriam Ferrer's lecture entitled "The Political Settlement with the Bangsamoro Compromises and Challenges", 20 January 2013.

Consent of the governed

Even prior to the Spanish conquest of the islands, the Muslims had been a self-respecting sovereign state, and it only became part of the Philippines under the Treaty of Paris in 1898. This inclusion was done without their consent, and unfortunately was carried onto the formulation of the Republic of the Philippines in later times.

At the core of today’s democratic world, consent of the governed is crucial. As such, the Framework Agreement is a product of mutual consent that embodies the Muslim assertion to self-determination. Hence, the “yes” votes in the 2001 plebiscite represent this democratic consent. The following data reveal information about the six municipalities in North Cotabato that participated in the plebiscite.

TABLE 1. Barangays, who voted “Yes” in the 2001 Plebiscite in the 6 municipalities of North Cotabato

Municipality/Barangay	Yes (%)
ALEOSAN (has 19 barangays)	
Dunguan	90.00
L. Mingading	51.90
Tapodoc	77.27
CARMEN (has 28 barangays)	
Manarahan	64.60
Nasapian	97.06
KABACAN (has 24 barangays)	
Nanga-an	69.46
Simuhay	57.71
Sanggadong	73.91
MIDSAYAP (has 57 barangays)	
Damatulan	59.11
Kadigasan	75.00
Kadingilan	65.22
Kapinpilan	96.80
Kudarangan	84.08
Central labas	98.58
Malingao	94.44

Municipality/Barangay	Yes (%)
Mudseng	93.02
Nabalawag	77.63
Olandang	85.65
Sambulawan	95.24
Tugal	82.57
PIGKAWAYAN (has 40 barangays)	
Lower Baguer	96.99
Balacayon	58.33
Buricain	92.77
DatuBimasing	62.52
Kadingilan	64.65
Matilac	65.22
Patot	91.89
L. Pangankalan	52.63
PIKIT (has 40 barangays)	
Bagoenged	95.99
Balatican	85.94
S. Balong	55.54
S.Balongis	62.05
Batulawan	51.38
Buliok	87.28
Gokoton	78.32
Kabasalan	72.28
Lagunde	56.06
Macabaul	72.84
Macasendeg	82.94

The following numbers show the population of the Muslim communities relative to the population in the six municipalities in North Cotabato:

Aleosan – 6 out of 19 barangays are Muslim-dominated, representing 25.54% of the total municipal population. Three (3) of the 6 Muslim-dominated barangays voted “yes.”

Carmen – 12 out of 28 are Muslim-dominated, representing 34.17% of the total population. Only two (2) barangays out of the 12 voted “yes.”

Kabacan – 11 out of 24 barangays are Muslim-dominated, representing 41.38% of the population. Only three (3) barangays voted “yes.”

Midsayap – 16 out of 57 barangays are Muslim-dominated, representing 29.62% of the total population. Twelve (12) barangays voted “yes.”

Pigkawayan – 13 out of 40 barangays are Muslim-dominated, representing 26.91% of the total population. Eight (8) said “yes.”

Pikit – 32 out of 40 barangays are Muslim-dominated, representing 75.28% of the total population. Only eleven (11) voted “yes.”

Overall, only 90 out of the 208 barangays in the six municipalities are Muslim-dominated. Moreover, out of the 90, only 39 (roughly one-third of the population) Muslim barangays voted for their inclusion in the ARMM territory.

Does this settle the territorial issue within the six municipalities? Yes, it seems settled, but only temporarily. No, if we refer to the item in the Framework Agreement which indicates that local political units may petition for their inclusion in the Bangsamoro.

Further, does this satisfy the definition of “geographical areas” as defined in the 1987 Philippine Constitution? According to Article X, Section 15:

There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines. (emphasis added)

Then, the answer is yes.

However, since only one-third of the barangays voted for their inclusion in the Bangsamoro territory, what remains of the other barangays who opted for non-inclusion? Perhaps this is where administrators and the local peoples of the six municipalities can nurture the seeds of peace. At the height of the GPH-MILF conflict in 2003, the people of Pikit, popularly called the GINAPALADTAKA, fostered fraternal relations and demonstrated a harmonious process by creating peace sanctuaries, which still remain extant until today.

Moreover, another consideration for the Framework Agreement is the inclusion of the indigenous communities living within Muslim territory. The succeeding discussion elaborates on the participation of the Lumad communities in the Bangsamoro agreement.

The Lumad inhabitants and the Bangsamoro

There are at least two Lumad communities which are directly affected by the Framework Agreement, namely the Manobos in North Cotabato and the Teduray-Lambangian-Dulangan Manobo in Maguindanao. Since 1986, the Manobos have lobbied for their right to self-determination and the protection of their ancestral domain.

The Manobos are the traditional inhabitants of Cotabato from Pigkawayan to Mt. Apo. The area includes the six towns of Aleosan, Carmen, Kabacan, Midsayap, Pigkawayan and Pikit; all six are part of the ancestral domains of both the Manobo and the Maguindanao Moros, who trace their ancestry to the Tabunaway and Mamalu. During the American colonial period, government-sponsored resettlement programs resulted in the influx of non-Lumad, thus changing the demographics in the area. The Lumad communities became the minorities in their traditional territories.

According to the census in 2000, Aleosan reports a population of 463 Lumad inhabitants. However, Barangays Dunguan, L. Mingading and Tapodoc have no single Lumad population. In Carmen, Barangays Manarahan and Nasapian have also reported zero Lumad population.

In Kabacan, Barangay Simbuhay has 192 Lumad inhabitants, Sanggadong has 6, while Nanga-an has none. In Midsayap, Barangay Tugal has 10, another has 2, one has 1, while all the rest have none. In Pigkawayan, Barangay Kadingilan has 6, Burican has 1 and the rest have zero. In Pikit, Barangay Balatican has 1, while all the rest has zero. Overall, only Barangay Simbuhay of Kabacan will benefit from the new order.

Another Lumad community involved in the Framework Agreement are the Tedurays. They are the traditional inhabitants of a vast territory in the south of Cotabato City, once referred to as the Tiruray Highlands. Along with the Lambangian and Dulangan Manobo, who happen to be their kin, the Tedurays are found in the province of Maguindanao. More than 80% of their population of 71,154 is found in the towns of Upi (24,650), South Upi (17,559), Datu Odin Sinsuat (6,846) and Shariff Aguak (5,801).

The Tedurays have also wanted to petition the reclaiming of the ancestral domain but the Indigenous Peoples' Rights Act does not apply in the ARMM. Likewise, the ARMM Legislative Assembly has not enacted

an ancestral domain law. Hence, there is no law that could help these indigenous communities in staking their claim to their land. But can they pursue this under the Bangsamoro? Like the Muslims, the Lumad had also worked hard for the preservation of their customary law and the strengthening of their traditional structures for future self-governance. Will they be allowed to do so under the Bangsamoro? And how much participation can they expect in the formulation of the Basic Law?

How much of this consciousness has seeped down to the Manobos of Simbuhay? It would be an autonomy within an autonomy, a concern that should be involved in the formulation of the Bangsamoro Basic Law.

Provisions for the Lumad inhabitants in the Framework Agreement

At least five items in the Framework Agreement refer to the treatment of the Lumad communities in the Bangsamoro. These are the following:

Under “I. Establishment of Bangsamoro,” item 5:

Those who at the time of conquest and colonization were considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent islands including Palawan, and their descendants whether of mixed or of full blood shall have the right to identify themselves as Bangsamoro by ascription or by self-ascription...The freedom of choice of other Indigenous peoples shall be respected. (Framework Agreement on the Bangsamoro 2012, 2-3)

This provision shows admirable statesmanship for stressing the element of free will, which is a fundamental principle in the consent of the governed. Further, religious affiliation is not regarded as an inclusive criterion; instead, it emphasizes the participation of the native inhabitants of the region.

Second and third refers to items under “III. Powers,” item 6:

The customary rights and traditions of indigenous peoples shall be taken into consideration in the formation of the Bangsamoro’s justice system. This may include the recognition of indigenous processes as *alternative modes of dispute resolution*. (emphasis added)

This affirms and institutionalizes the exercise and use of customary laws as part of the law of the land. Recognizing and utilizing indigenous processes as “alternative modes of dispute resolution” ought to have been done early on.

The fourth is under “VI. Basic Rights,” item 2:

Vested property rights shall be recognized and respected.

Is collective ownership of ancestral domain regarded as a vested property right?

Finally, under the same heading, item 3 refers to:

Indigenous peoples’ rights shall be respected.

These provisions affirm the recognition and acceptance of the Lumad population within the broader Bangsamoro community; hopefully these will contribute to the creation and sustenance of a climate of mutual respect and recognition between and among different culture groups.

Response to the Bangsamoro Framework Agreement

In his speech last October 7, President Aquino expressed the following sentiments on the signing of the Bangsamoro Framework Agreement:

This agreement creates a new political entity, and it deserves a name that symbolizes and honors the struggles of our forebears in Mindanao, and celebrates the history and character of that part of our nation. That name will be “Bangsamoro.”

These words are a public affirmation and acceptance of the Bangsamoro by the Philippine government, a feat that is unprecedented in national history. Although I have not shed tears (of joy), this brings an overwhelming response for both parties who have worked hard and long to bring this into fruition.

Traditionally in “*rido*,” or clan conflicts, it is typical for clan members to sob or bawl aloud when the settlement of a feud is reached. Shedding tears seems to simulate the melting of hatred between parties, a fact brought to mind by the signing of the Bangsamoro Framework Agreement.

The process also recalls the traditional “sandugo” or “blood compact,” which is a traditional way of settling disputes and reaching peace agreements. Only when I conducted fieldwork among the Dibabawon of Davao del Norte in 1974, and later among the Blaans of South Cotabato, did I begin to understand the significance of this cultural tradition. In a blood compact, an important factor is the presence of a neutral elderly that mediates between the two parties. At present, we call this back-channeling. After a settlement is reached, it is succeeded by a ritual presided over by a *baylan* or priest. In this celebration, “spirits” are summoned and the families and kin of the two clans are required to witness the restoration of harmony and peace between the parties involved. Although today we no longer have “spirits,” having international actors as witnesses to an agreement somehow generates a similar effect.

The official acceptance of the Bangsamoro is a quantum leap in history. The Framework Agreement is not only a peace agreement between the Philippine government and the MILF, but also an inauguration of a new relationship: brotherhood, *kapatiran* (in Tagalog), *panagsuon* (in Bisaya) that irons out the wrinkles in the long history of the nation. It is the story of how two streams, divided by history, finally converge and become one not by virtue of colonial fiat, but by force of an agreement and act of will.

Nahinog rin sa wakas (Ripe at last).

Immediately after the signing of the framework, the Tedurays expressed their aspirations by coming out with a statement asserting the indigenous peoples' self-determination in light of the Bangsamoro Framework Agreement. The following is an excerpt from the statement issued by the Timuay Justice and Governance (JTG) on 4 November 2012:

We, the Baglalan (title holders) of the Timuay Justice and Governance (JTG) in the Province of Maguindanao, Autonomous Region in Muslim Mindanao (ARMM) continue to assert our inherent and inalienable right to self-governance and determination in the context of the Framework Agreement on the Bangsamoro (FAB) between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF).

This assertion is anchored on the historically-accepted covenants/agreements/treaties between native inhabitants of Mindanao that were traced by blood relationship or products of fraternal relationships and alliances among communities with common root but live separately with different beliefs and traditions. The most notable aspect of this relationship is the Recognition of and Respect for each other's Distinct Identity.

...Today we re-affirm our 2005 commitment of support and full participation to the Mindanao peace processes based on the traditional pacts as follows:

That we accept and recognize the Bangsamoro as the new political entity in place of the ARMM;

That if the Bangsamoro is the collective identity of the constituents of the Bangsamoro Government, then we shall be known as the Bangsa-Mamalu to distinguish our distinct identity within the Bangsamoro entity;

That our domains shall also be accepted as distinct in accord with the ancient pacts between our ancestors;

That there will be sharing of powers and control and supervision in the management and development of resources within the Bangsa-Mamalu territorial domains;

That the political relationship be akin to autonomy within an autonomy where we can freely exercise self-governance in accordance with the customary practices;

Finally, those available laws for the Indigenous Peoples in the Philippines shall be the legal basis in formulating provisions of laws for the Bangsa-Mamalu in the Bangsamoro entity including the United Nations Declaration on the Rights of Indigenous Peoples and other UN charters and conventions.