

# **Understanding Bangsamoro Independence as a Mode of Self-Determination\***

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**I** would like to thank the University of the Philippines on Mindanao, the Philippine Development Assistance Programme and the Association of Mindanao State University Alumni for the invitation to share with you some thoughts on the issue of Bangsamoro Independence. As a mode of self-determination, independence occupies, and will always occupy, space in the discourse on the Mindanao Problem since it is the core issue in the struggle of the Bangsamoro people for self-determination.

I am happy that this issue is given separate treatment in a forum like this outside the circle of the Bangsamoro people. Discussion on issues of independence, autonomy and federalism in the search for solution to the Mindanao Problem will certainly contribute positively in the quest for peace on Mindanao.

## **Right to Self-Determination**

The right to self-determination is the collective right of a people to determine its own future, free of any outside interference or coercion. It includes the right to determine this people's political status and to freely pursue its economic, social, spiritual and cultural development.

In the exercise of that right, people at one end can demand and pursue within the nation state more political power, active participation in the decision-making and administration of government affairs, equitable redistribution of

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economic benefits, and appropriate ways of preserving and protecting their culture and way of life. On the other end, they have the right to organize their own sovereign and independent state with the right to international recognition.

The United Nations declaration on decolonization states, "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."

As a people, the Bangsamoro possesses the right to self-determination. Both the Philippine government and the MILF recognize that right. Paragraph B (1) of the *Agreement on Peace Between the Government 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, provides:

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* (Emphasis supplied).

The use of the word "reinforce" implies that "the Bangsamoro people's fundamental right to determine their future and political status" exists even before the signing of the agreement. Negotiated and signed in the presence of foreign dignitaries in a foreign country gave that recognition an international character.

The recognition of the "aspirations of the Bangsamoro people for freedom" (Paragraph B (2) of the abovesited document) substantiates the legitimacy of its right to self-determination.

Having also a long history of independence in the same territory they now occupy and possessing distinct identity and culture, in the assertion of their right of self-determination the Bangsamoro people choose to regain their independence. Both the liberation fronts and the civil society movement share the vision of reemergence of the Bangsamoro state and government in their homeland.

### **History of Independence**

The historical experience of the Bangsamoro people in statehood and governance started as early as the middle of the 15<sup>th</sup> century when Sultan Sharif ul-Hashim established the Sulu Sultanate. This was followed by the establishment of the Magindanao Sultanate in the early part of the 16<sup>th</sup> century by

Sharif Muhammad Kabungsuwan. The Sultanate of Buayan and the *Pat a Pangampong ko Ranao* (Confederation of the Four Lake-based Emirates) and other political subdivisions were organized later.

By the time the Spanish colonialists arrived in the Philippines, the Muslims of Mindanao, Sulu – 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. An administrative and political system based on the realities of the time existed in those states. In fact it was the existence of the well-organized administrative and political system that the Bangsamoro people managed to survive the military campaign against them by the 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 to subjugate their political existence and to add the territory to the Spanish colonies in the Philippine Islands but history tells us that it never succeeded. The Bangsamoro state with their organized maritime forces and armies succeeded in defending the Bangsamoro territories, thus preserving the continuity of 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 against attempts to subjugate their independence continued even when US forces occupied some areas in Mindanao and Sulu. At this time the resistance of the Bangsamoro governments was not as fierce as during the Moro-Spanish wars but group-organized guerilla attacks against American forces and installations reinforced what remained of the sultanates' military power. Even individual Bangsamoro showed defiance against American occupation of their homeland by attacking American forces in operation called *prang sabil* (martyrdom seeking operation).

### **Opposition to Annexation**

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 president of the United States dated June 9, 1921, the people of Sulu archipelago said that they would prefer being part of the United States rather than to be included in an independent Philippine nation.

In the Declaration of Rights and Purposes, the Bangsamoro leaders 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 US will decolonize its colonies and other non-self governing territories the Bangsamoro homeland would be granted separate independence. Had that happened, the Bangsamoro would have regained by now its independence under the UN declaration on decolonization. Its other proposal was that if independence were to be granted to the islands including the Bangsamoro territories, 50 years after Philippine independence, a plebiscite should be held in Mindanao, Sulu and Palawan to decide by vote whether the territory would be incorporated in the government of the Islands of Luzon and Visayas, remain a territory of the United States, or become independent. The 50 years period ended in 1996 the same year the Final Agreement on the Implementation of the Tripoli Agreement was signed by the MILF and the Philippine government. The leaders warned that if no provision of retention under the United States was made, they would declare an independent constitutional sultanate to known as the Moro Nation.

The opposition against annexation continued. On March 18, 1935, the datus of Lanao met in Dansalan (now Marawi) and 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**

Even after their territories were made part of the Philippine nation after it gained independence from the United States in 1946, the Bangsamoro people 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.

The armed resistance of Kamlon was the manifestation of protest in response to the usurpation of their sovereign right as a people. And to show their strong desire to regain independence through all possible means, Congressman Ombra Amilbansa filed House Bill No. 5682 during the fourth session of the Fourth Congress that sought the granting and recognition of the independence of Sulu, even knowing that it would not pass Congress since there were only few Muslim members. Then on May 1, 1968, Governor Datu Udtog Matalam of Cotabato 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 compliment the political struggle with the military force. 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 struggle for independence.

Even the Bangsamoro civil society, through peaceful and democratic means, joined the campaign for independence. The 1,070,697 delegates to the First Bangsamoro People's Consultative Assembly (BCPA) held on December 3-5, 1996 in Sultan Kudarat, Maguindanao were unanimous in calling for reestablishment of the Bangsamoro state and government.

The Second Bangsamoro People's Consultative Assembly held on June 1-3, 2001 at the same place, this time attended by 2,627,345 delegates 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."

Bangsamoro leaders, headed by Sultan Abdul Aziz Mastura Kudarat IV of the Sultanate of Magindanao, meeting in Cotabato City on January 28, 2001 expressed their strong desire to regain the Bangsamoro independence. The Declaration of Intent and Manifestation of Direct Political Act 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:

- To remain as an autonomous region
- To form a state of federated union
- To become an independent state

### **Bangsamoro, Not Filipino**

The feeling of having distinct identity and culture reinforces the political consciousness of being separate from the Filipinos. Historical documents show that the Bangsamoro people have a distinct identity. This was the reason why the US organized the Moro Province as a separate administrative unit to administer the Bangsamoro territories.

The MIM manifesto asserts that the Muslims' culture and history are distinct from that of the Filipinos. That a feeling of separateness is still strong as we can still read in placards and streamers during rallies and demonstrations saying, "We are not Filipinos, we are Bangsamoro."

Even the Philippine government acknowledges this distinct identity. The Tripoli Agreement on Peace of 2001 in several occasions refers to the Muslim inhabitants of Mindanao and Sulu – Tawi-Tawi archipelago and the islands of Basilan and Palawan as Bangsamoro people and that they occupy a definite territory referred to in the document as Bangsamoro homeland. This was a total departure from the usual reference to them as "Muslim Filipinos" or "Muslims in the Philippines," and "Southern Philippines" when referring to their place of domicile.

### **Democratic Approach**

It now becomes clear to all of us that the fundamental issue in the Mindanao Problem that has to be addressed is the continuing assertion of the Bangsamoro people of their right to independence. No doubt that the problems of mass poverty, neglect and underdevelopment and other social inequities should ultimately be addressed but it should be after the issue of the political status of the Bangsamoro people has been settled. It should be noted that all these economic and social problems had taken root when the Bangsamoro homeland was illegally annexed to the Philippine nation-state.

In addressing this issue, there is within the democratic space a mechanism that can be used. The decision whether to be free and independent or not has to be made by the Bangsamoro people themselves. This can be done through referendum, a universally accepted means of settling political conflicts, like the case of East Timor. It is also resorted to in determining the will of the people on certain political issues, as when the Province of Quebec organized a referendum to decide on the issue of sovereignty, which would pave the way for the separation of the province from Canada.

The Philippine government and the MILF, as well as countries that witnessed the signing of the Tripoli Agreement on Peace of 2001, recognized the need for referendum as a method of peaceful resolution of the Mindanao conflict. The agreement provides:

The negotiations 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 for freedom. (*Emphasis supplied*)

The document mentions *consultations* and referendum is the universally accepted method of doing it. It is the peaceful and democratic way to conduct consultations free from imposition.

To address all issues, it is preferable to widen the range of choice, rather than confine the choice to “yes” or “no” to independence, to include questions on whether the Bangsamoro people want to be free and independent, have a federal relationship with the Philippines, have a federated relationship with the United States as earlier proposed by the leaders during the American occupation, have a federated relationship with any Muslim country in the region with whom it shares common cultural, religious, political and social ties in the past, or maintain the status quo of autonomous relationship.

The referendum should be held in areas that the Bangsamoro people presently occupies. These includes the provinces of Maguindanao, Lanao del Sur, Basilan, Sulu and Tawi-Tawi, and the cities of Cotabato Marawi and Isabela. There are also towns in the provinces of Cotabato, Sultan Kudarat, South Cotabato, Sarangani, Davao del Sur, Davao Oriental, Lanao del Norte, Zamboanga del Sur, Zamboanga del Norte, Zamboanga Sibugay and Palawan that should be included, subject for discussion with the people in the areas. Territories that will vote for independence shall constitute the separate independent Bangsamoro state.

The referendum has to be supervised by the UN in order to be credible in the eyes of the Bangsamoro people, the Filipino people and the international community. Common sense dictates that a party to a conflict cannot be credible to conduct or supervise such political exercise. The UN is the best body to oversee that the results of the referendum is respected and implemented. If there will be a need, the UN can organize its force to disarm those who will refuse to respect and implement the sovereign will of the Bangsamoro people.

### **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 they now share the territories with the Christian settler communities and the Indigenous People. In the spirit of justice and human brotherhood, the Bangsamoro people recognize the right of the two communities to self-determination. Should they opt to exercise that right and decide to secede from the Philippines and establish their own governments, the

delegates to the Second Bangsamoro People's Consultative Assembly (BPCA) would be committed to recognize and support any peaceful and democratic efforts to achieve that.

Having three independent state in the Mindanao region – 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. But being independent from each other cannot prevent them from cooperating on areas of common concern and matters of mutual benefits, like development of shared resource, 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.

### **Independent Bangsamoro State**

An independent Bangsamoro state is to 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.

#### ***System of Government***

The system of government to be adopted will be determined by the Bangsamoro people themselves. A provisional government will see to the drafting of a constitution and to its adoption.

The constitution will include a bill of human rights and freedom, and recognition of every region's right of self-governance.

#### ***Rights of Citizens and Residents***

Residents of the territory at the time of independence will be the citizens of the Bangsamoro state. They will enjoy equal rights, privileges and obligations. They will have rights to suffrage, ownership of properties, 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 aliens or move to Philippine territory with the right to bring with them all their properties. For their immovable properties they can sell them to private individuals or opt for government compensation.

### ***International Conventions and Agreements***

The Bangsamoro government will assume the obligations and enjoy the rights 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 will be honored.

### ***Special Relationship with the Philippines***

Through treaties, the independent Bangsamoro state can have special relationship with the Philippines; 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.

### ***Continuity of Laws***

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

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

### ***Apportionment of Properties and Debts***

The Bangsamoro government may include agreements with the Philippines on matters relating to the apportionment of properties and debts of the Philippines.

### **Win-win Option**

A political commitment on the part of the Philippine government to allow the holding of referendum under the supervision of the United Nations after an agreed period of time to finally decide on whether the Bangsamoro people want independence or not will be a win-win option. It will ultimately resolve the Mindanao Problem since it will put to rest the issue of political status of the Bangsamoro people. It will certainly redound to the good of the Filipinos and the Bangsamoro people because it will put an end to a war that causes the death of tens of thousands, displacement of millions from their homes, division of people and the drain of the economic resources of the Philippines.

If the budget spent to wage war in the Mindanao region is spent for infrastructures, education and other social services, there will be more farm to

market roads, bridges, schoolbuildings for children, hospitals and health centers, and more teachers to teach in the rural areas, and doctors and nurses to attend to the sick.

It should be recommended that sovereignty and territorial boundaries are not so sacred that they cannot be re-configured. Historical events and contemporary realities tell us that sovereignty and territories shift from time to time whether through bloody wars of peaceful means. The experiences of the Soviet Union, Yugoslavia and other countries are recent enough to remind us that territorial boundaries can change to respond to people's political aspirations.

Countries that respond to this aspiration without resorting to war develop tremendously, as in the case of the separation of Singapore from the federation of Malaysia, while those who continuously deny the people's fundamental right to self-determination suffer economic stagnation and remain a nation divided.

Statesmanship of leaders are not measured on how bloody and how long they can suppress people's right to freedom and independence but how they see through that these people enjoy this fundamental human right. History has never been kind to leaders who do not hesitate to use the might of the state apparatus to repress people's aspirations to be free.

If the only road to peace will lead to political divisions, without hesitation we should bravely tread that road. It is better to live in peace under two nations rather than live in one nation without peace.