

DEFINING THE BANGSAMORO RIGHT TO SELF DETERMINATION IN THE MILF PEACE PROCESS

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The Right to Self Determination (RSD) struggle of the Bangsamoro of Mindanao, Philippines has been internationalised since its first peace process in the 1970s with third party actors being involved. However, it is in the recent Government of the Republic of the Philippines and the Moro Islamic Liberation Front (GRP-MILF) peace process that the idea of RSD is well articulated in several ways. An example of this is in defining development in terms of RSD.

In a usual peace process, development is often introduced in the post-conflict phase soon after a peace agreement had been signed. However, in the context of the GRP-MILF Peace Talks, a new approach of starting reconstruction, rehabilitation, and development efforts in the conflict affected areas is being undertaken as part of a confidence building measure during the peace process itself. This new phase can be seen in the creation of the Bangsamoro Development Agency (BDA).

This research will present its findings on how the Bangsamoro articulate their concepts of development and Right to Self Determination. Mainly, it discusses the creation of the Bangsamoro Development Agency (BDA) and the worldview of MILF communities.

1. Introduction

The core of the conflict in Mindanao, Philippines is identity-based leading to a right to self-determination struggle. The Bangsamoro of Mindanao maintains that it is a sovereign nation and it wants to assert its freedom from the Philippine nation-state.¹ Mindanao is the historical ancestral domain of the 13 ethno-linguistic tribes forming the Bangsamoro group and other Indigenous Peoples. While the Bangsamoro are divided among these distinct tribes, it is Islam and their shared history that binds them together.

Mindanao is the second largest group of islands in the Philippines. It is divided politically into 25 Provinces, 27 cities and 408 municipalities.² Within these groupings, there are 5 provinces, 1 city, and 101 municipalities that form part of an (ARMM).³

In 1987, under the leadership of then Philippine President Corazon Aquino, the Autonomous Region in Muslim Mindanao (ARMM) was established to satisfy the perceived aspirations for autonomy of the Bangsamoro people.⁴

At present, this ARMM structure of governance continues to operate but is confronted with many problems. In spite of the ARMM project, however, the grievances of the Bangsamoro and their aspirations to a right to self-determination remain very high. Primary to these grievances are: (1) the disenfranchisement of the people in their ancestral domain as a result of the systematic migration programs from the North (to Mindanao) during the American period and that continued in the succeeding Filipino government, (2) lack of development in their areas, (3) their lack of representation and influence in the local and national politics, (4) prevailing discrimination towards them, and (5) the continued human rights violations and poor access to the justice system among others. Not only do the Moro communities feel that they are being treated as second class citizens under the Philippine state, but they have found themselves to have been marginalised in their own land.

The existence of two revolutionary movements and their local support is a testament to the Bangsamoro struggle for freedom. While the Moro National Liberation Front (MNLF) led by Chair Nur Misuari signed a Final Peace Agreement in 1996 with then Philippine President Fidel Ramos' administration leading to the strengthening of the ARMM, they, however, insists that the implementation of this agreement had failed. To this day, the MNLF is still pursuing a review of the agreement as facilitated by the Organization of Islamic Countries (OIC). On the other hand, the second peace process with the Moro Islamic Liberation Front (MILF), formerly led by the late Chair Hashim Salamat, and currently by Chair Murad Ibrahim, is recently taking the forefront in undertaking another negotiated political settlement with the Philippine government. This Government of the Republic of the Philippines-Moro Islamic Liberation Front (GRP-MILF) peace talks is being facilitated by the Malaysian Government since 2001.⁵

Generally, the entrance of government-initiated development programs in Mindanao has been negatively viewed by the Bangsamoro communities. These programs are not only perceived as biased towards the welfare of the Christian settlers but are also looked at as cheap bribes to some traditional Moro politicians who have been corrupted by the Government as part of a divide and rule system. At worse, the Government has been able to capitalise on the ongoing conflict as a compelling issue for international agencies to pour in financial support in the name of development funding. Thus, with the increasing interests and presence of the international community in Mindanao, the Bangsamoro civil society groups have emerged.⁶ In this process, these groups are also re-framing their notions of Right to Self Determination (RSD) not only through the revolutionary struggle but also including the pursuit of development in their areas. The creation of the Bangsamoro Development Agency (BDA), as the MILF development arm is a good example of this ownership dynamics in this development process. At the grassroots level, it is important to find out how ordinary Moros actually perceive development as part of their RSD struggle. This is illustrated in a case study of two conflict communities in this paper.

2. The Development Problem

When the Americans finally turned over the ruling of the Philippine government to the Filipinos in 1946, the new Government was formed by predominantly *Tagalogs* and Christians from Luzon.⁷ In spite of firm resistance from the Bangsamoro in Mindanao, the Philippine government continued with its policy of integration and assimilation. It also carried on with its various development projects making Mindanao as its major source for food, timber, agricultural produce, power and other natural resources. In turn, Mindanao became the recipient of the Government's installation of public institutions and services that should help develop the people. On the other hand, the people remained suspicious of aims to integrate them as part of the new Filipino society.⁸ Borne out of the Government's centrist approach and political assertions on developing Mindanao is the consequential marginalization of the Bangsamoro in their own lands (Mastura, 1988) (Gutierrez and Borrás, Jr., 2004). Hence, this marginalization together with various incidences of human rights violations and atrocities has fuelled the strong support for the revolutionary groups, namely the Moro National Liberation Front (MNLF), and later on, the Moro Islamic Liberation Front (MILF).⁹

The Mindanao armed conflict that intensified in early 1970s became a major obstacle in the development of Mindanao and in turn created a burden on the government's resources (World Bank, 1976). The Philippine government attempts to solve the conflict included formal negotiations with the Moro National Liberation Front (MNLF) in 1973 coupled with introduction of various programs that could deliver better economic opportunities to the people (World Bank, 1976). The goal of developing Mindanao has become a frequent program for the government in Manila. Yet, with many of its attempts, the Bangsamoro areas remain to be the poorest of the poor and sorely lacking of access

to human development services. In the Philippine Human Development Report of 2005, the five ARMM provinces belong to the lowest Human Development Index (HDI) ranking.¹⁰

This situation is further compounded with the very real human security problems brought about by a mixture of the armed conflict, an environment of impunity among powerful politicians and security officials, high militarization in the area, the presence of clan wars or “rido” among families, and the general lack of justice and rule of law in the area.

3. The Struggle for RSD and the MILF

The Mindanao conflict has had one of the longest histories that started with the Moro-Spanish wars in 1578 (Jubair, 2007). But it was in the 1970s that the right to self determination struggle was borne with the emergence of the Bangsamoro liberation groups. Since then, the Bangsamoro struggle has been internationalised with the intervention of groups like the OIC that first brokered the peace negotiations between the Philippine government and the Moro National Liberation Front (MNLF). At that time, disturbing reports of mass atrocities against the Bangsamoro communities attracted attention and sympathy from the OIC member countries.

Some of these incidents include the Manili Massacre, the Ilaga attacks, and the penultimate Jabidah Massacre.¹¹ These turn of events not only gained patronage from other Muslim countries but also have placed the Bangsamoro problem in the realm of the OIC. Through diplomatic efforts, the MNLF became successful in gaining an observer status within the OIC as representing the Bangsamoro people. The plight of the Bangsamoro, as a minority in a Christian country, the Philippines, has gained international recognition as a distinct group of people who are fighting for their right to self determination. In the succeeding years, the MNLF came to sign the 1996 Final Peace Agreement (FPA). While this agreement remains to be contested by the MNLF and the Philippine government under the purview of the OIC, another revolutionary group continued with this quest for freedom—the Moro Islamic Liberation Front (MILF).

The GRP-MILF peace process formally commenced in 1997 and started using direct negotiations up until year 2000.¹² However, this mode of negotiations proved to be unsustainable when the MILF completely lost its trust on the government. At the height of their negotiations, the government, then led by President Joseph Estrada, decided to attack the MILF camps and made full use of its military strength in resolving the conflict. Year 2000 saw the “all-out-war” against the MILF and further escalated the conflict. As soon as then Vice President Gloria Macapagal Arroyo took over the leadership post from President Estrada, she invited Malaysia to be the third party facilitator in an attempt to save the peace talks. Since 2001, Malaysia serves as a third party facilitator and host to the GRP-MILF peace process. As a separate and distinct peace track, this peace process has shown many innovations. The peace process has not only limited itself to the peace talks

but extended its activities to the implementation of the ceasefire through the deployment of an International Monitoring Team (IMT) in Mindanao since 2004. In assessing the ongoing peace process, this paper identifies two relevant areas to the idea of building a philosophy and strategy for development as part of their RSD aspiration, namely: the creation of the Bangsamoro Development Agency (BDA) as the MILF development arm; and the perspectives of local communities on how they define the concepts of Right to Self Determination and development in their context. These two areas will be elaborated in the succeeding sections.

The MILF's RSD philosophy hinges on its historical narrative that the Bangsamoro people were never part of the controlled areas under the Spanish colonial government and even up until the American government when the latter took over the Philippines. Therefore, the annexation of Mindanao was done illegally without the plebiscitary consent of the people who continue to maintain their own form of government, and a well defined territory, under the sultanate and datship system. Subsequently as an outcome of the Philippine government's integration and assimilation policy, and eventual marginalisation of the people, this situation of injustice has manifested in various forms as enumerated by Archbishop Orlando Quevedo, (1) injustice to the Moro identity, (2) injustice to Moro political sovereignty, and (3) injustice to Moro integral development.¹³ Thus, the MILF puts the onus on the Philippine State, as having a democratic form of government and pronouncing its own obligations towards the right to self determination to its indigenous peoples in its constitution, and in agreement with the many relevant international human rights standards (in relation to indigenous peoples), to accommodate the Bangsamoro aspirations for Right to Self Determination in a process of a negotiated political settlement. At one point, the spirit of unity of mind among the GRP-MILF peace panels in tackling the Right to Self Determination can be best understood in the statement of former GRP Peace Panel Chair, Secretary Silvestre Afable, Jr. wherein he mentions of "...the existence of 'shared sovereignties or nations within nations' which have been long accepted in the realm of conflict resolution."¹⁴

The concept of the Right to Self Determination can be found in the International Human Rights Declaration and Covenants. It is stated:

Article 1. (1) All peoples have the right to self determination. By virtue of the right they freely determine their political status and freely pursue their economic, social and cultural development. (2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based on the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence. (3) The State Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of self determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations'.¹⁵

Apart from the MILF argument of Mindanao's historical realities and the need to correct this injustice, it also pursues the concept of right to self determination using what is being espoused by the International Human Rights Covenants and other instruments as part of its language. In a significant development in the GRP-MILF peace process, the crafting of a Memorandum on The Ancestral Domain Aspect (MOA-AD) that was supposedly signed last August 5, 2008 in Putrajaya, Malaysia holds to be an important document. The MOA-AD distinctly identifies its claim for ancestral domain and its vision towards defining the issues of territory, resources and governance elements. However, due to an application for a temporary restraining order by some opposing leaders in Manila and in Mindanao, the Supreme Court, consequently, barred the Philippine government from signing this agreement on the basis of its unconstitutional provisions. This unconstitutionality, however, does not close the doors to options of pursuing a peace agreement.¹⁶

As of present, the GRP-MILF peace talks have yet to fully resume its formal peace talks and tackle how it will concretely overcome the MOA-AD issue. However, the content of the MOA-AD is worth visiting specifically on how it articulates the Bangsamoro aspiration for Right to Self-Determination. First, under the MOA-AD Terms of Reference, the following are used:

"ILO Convention No. 169, in correlation to the UN Declaration on the Rights of the Indigenous Peoples, and Republic Act No. 8371 otherwise known as the Indigenous People's Rights Act of 1997, the UN Charter, the UN Universal Declaration on Human Rights, International Humanitarian Law (IHL), and internationally recognized human rights instruments; and compact rights entrenchment emanating from the regime of dar-ulmua'hada (or territory under compact) and dar-ul-subl (or territory under peace agreement that partakes the nature of a treaty device."

It is notable that the agreement makes use of the customary laws, national laws and international law standards including the UDHR. The Philippines is a signatory to many of these international human rights standards. Therefore, the right to self-determination of the indigenous peoples, like the Bangsamoro, finds justifications using the same universal and inalienable rights to groups.

Second, in the Concepts and Principles, the following items can be noted:

No. 1: Referring to the birthright identity of all Moros and other Indigenous Peoples of Mindanao and are fully asserted. This also includes the important clause of freedom of choice for the Indigenous Peoples that shall be respected. This concept holds much importance as it invokes the identity of the people including the culture, language, ancestral domain, religion, and other social facets that constitute the Bangsamoro identity.

No. 4: Acknowledgment that the right to self-governance is rooted on the ancestral territoriality originally including the sultanate areas. It also emphasizes that the

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

This statement is reiterated under the Governance section No. 2. It lays foundation to the Right to Self Determination argument of the MILF. It can be inferred that the governance issue would also include the pursuit of development amongst the Bangsamoro communities. Therefore, emphasizing that any form of governance, and development, should also effectively respond to the aspirations of the people, again, emphasizing the pursuit of preserving and developing their identity as a distinct group of people.

Lastly, under the Governance section, No. 8, the MOA-AD states that the envisioned Bangsamoro Juridical Entity (BJE), or territory, shall be empowered to build, develop, and maintain their own institutions in various aspects (e.g. education, judicial system, financial and banking, etc.), all of which that are needed to develop a “progressive Bangsamoro society.”

Hannum Hurst argues that there is no right to secession under the present international law. The Right to Self Determination as part of human rights is criticised as a weak basis for groups like the MILF to use as a tool for its secessionist inclinations within existing sovereign territories. Although there is an attempt of “creating a new right in international law- the right of every people defined ethnically, culturally, or religiously to have its own independent state”, this has yet to be supported by international law.¹⁷ In response to the claims for RSD, he suggests two human rights aspects which can be pursued: (1) the protection of cultural, religious, linguistic, and ethnic identity of individuals and groups, and (2) the right of individuals and groups to participate effectively in economic and the political life of the country.¹⁸

By using these two lenses, it can be rightly said that both the GRP and MILF panels are very much aware of this limitation, thus, the concepts and principles used under the MOA-AD clearly bears the abovementioned human rights instead of an absolute idea for independence or secession. In this regard, it is then important to note that RSD is a very dynamic concept that is continuously being defined. Whether this definition of RSD, short of secession or independence, is acceptable to groups like the MILF and the Bangsamoro at large, it is only them who can fully appreciate its meaning and relevance to their own aspirations as a distinct people who wants to be ensured of a future.

The definition of the Right to Self Determination found on the GRP-MILF peace agreements, based on universally accepted human rights standards, is further realised in the peace process through the accommodation of the Bangsamoro’s development

philosophy. Therefore, this paper elaborates on the rationale behind the Bangsamoro Development Agency (BDA) and the actual perspectives of MILF communities. The ideas on RSD are further explored on how the people actually articulate it in terms of their development aspirations as well.

4. The BDA and its Development Philosophy

In 2001, the GRP-MILF peace process introduced the conceptualisation and establishment of the BDA that was tasked to “determine, lead and manage relief, rehabilitation and development in the conflict affected areas of Mindanao.”¹⁹ In spite of the context of BDA’s birth that mainly came about as part of the confidence-building mechanism of the peace process to allow the MILF to have a free hand in undertaking development programs in the conflict affected areas, the BDA has also taken the longer view challenge of building its development philosophy and program in anticipation of a post-conflict development in Mindanao.²⁰ The BDA envisions a Bangsamoro community that upholds a sustainable development for their people. The vision is stated as follows:

*“An enlightened, progressive, self-sustaining and healthy Bangsamoro community living in harmony, dignity, security and peace.”*²¹

The existence of the BDA, and its activities, is very significant in this peace process for two important reasons: (1) the dynamics of post-conflict development has taken a much earlier time frame in Mindanao even before a peace agreement is signed, and (2) BDA is the development arm of the MILF and therefore it is where it presents its ideas and methods on how they envision development for the greater Bangsamoro constituency. While the BDA’s mandate was formalized in 2001, it was only in 2003 that the organization started to exist and operate. An important reason to this is the scepticism towards this new and unique institution that was borne out of an incremental agreement from a peace process that has not yet fully completed. Thus, it is but natural that donor agencies and other organizations were less willing to work with BDA. It made things more difficult that BDA is also not a duly registered organization under Philippine laws since the MILF assumes a non-state characteristic and do not uphold national legislations.²²

As an emerging development organization, the BDA, is a learning-in-progress type of project. It recruits volunteers from the young and old in the communities which the MILF identifies being part of the would-be Bangsamoro Juridical Entity (BJE).²³ BDA have since undertaken various small community-based projects as part of its capacity building phase. Two of the biggest funders of BDA activities are the World Bank (WB) and the Japan International Cooperation Agency (JICA). But what is more important in its history is BDA’s way of doing things. All BDA volunteers and staff undergo a Values Transformation Training (VTT) Program. It is here that BDA hopes to make a big difference by emphasizing the need to have a new mindset in working for development. The VTT does not only focus on the skill-set areas of development workers but it

drives the point of personal integrity as a crucial asset for BDA. In the VTT Program, BDA volunteers unlearn many of the negative notions towards work and in developing themselves and their communities. It is also here that they renew their religious beliefs, cultural identity, and social relationships as part of one community. As a result of the VTT, the volunteers and their communities are expected to carry the VTT values that are imparted. Thus, the completion of projects with the World Bank and JICA has not only demonstrated strong community participation but most especially, it has shown that there is a strong community ethic towards work. This also explains why BDA have accepted projects from both donor agencies in a way that will help them build their capacity first, before more donor funding is poured in. Dr. Abas Candao, the former BDA Chair, further explains that, “no amount of dollars can bring development to the Bangsamoro areas if we cannot change the attitude of the people first.”²⁴ Therefore, he upholds that it is only through BDA’s VTT that they can be successful in showing to the people the possibilities of true development in their communities. He adds, that “the Bangsamoro have grown tired and weary in a harsh environment of conflict and violence in Mindanao, thus, there has to be a values transformation that must occur first in order for them to start believing and taking the path towards their BDA vision of development.”²⁵

The BDA approach of institutionalizing its VTT Program may yet be another social preparation strategy that is becoming a norm in development implementation. However, what is notable is that this initiative is something that bears indigenous creativity and content. The program itself is a demonstration of the Bangsamoro Right to Self Determination—in charting their own means to development, and starting with the community’s education on planning and doing development projects. The effectiveness of this approach is recognized in the success rate of the many projects that BDA has implemented. There is a high accountability among the community members as stakeholders to the projects. And that they are able to show the donors how it is possible to implement a project with 100% efficiency rate as to the use of funds.²⁶

5. MILF Communities and Their Perceptions

While there continues to be an unclear reference to the term “peoples” identified in the Right to Self Determination concept under the international human rights covenants, it is however, with clarity, that the Bangsamoro people having their own unique identity and historical territory, belong to the Indigenous Peoples that are recognized (in the human rights) as having the collective cultural rights. And based on the latter, “there is a trend in the international law that does recognize people’s cultural rights.”²⁷ Given the context of arguments in the MOA-AD of attributing the rights of Indigenous Peoples, including cultural rights and others, to the Bangsamoro Right to Self Determination framework, it is imperative that the Bangsamoro communities are provided the avenues to articulate these aspirations. As such, this research selected two conflict affected communities located in the Maguindanao Province in order to determine the perceptions of the Bangsamoro people with regards to the idea of right to self determination and development in general.

In this case, a participatory method is used to ensure that community members and respondents fully articulate their ideas in their own language. In a series of workshops organized in May to June 2010, the communities have undergone a participatory rural appraisal (PRA) and participatory learning and action (PLA) in which the community members identified all their development needs.

The first community is Baranggay Labungan located in the highland areas of a mountain known as Upi. This area covers 1,341 hectares of flat land, 3,950 of forest cover, and another 4,575 hectares of land that are earmarked for resettlement program of the government. The native inhabitants of Labungan are composed of Indigenous Peoples, namely, the Tedurays. Many of them are Muslims, while some are Christians. While the Tedurays are the majority group, there are also some Maguindanao and Bisaya who have migrated into the area. The people are also known to be supporters of the Moro Islamic Liberation Front (MILF). Although the *barangay* and its local leaders are active participants in local governance and politics—political patronage through the local mayor, nonetheless, it has limitedly benefitted from the usual government services. An example is that they have an “Annex High School” but the building was solely built by the community. They have a multi-purpose hall (room) built by the local government but with no other facilities or equipment. This is the same building used as a health center, meeting hall (room), *barangay* justice hall, and day care center for children.

Many of the constituents are traditional farmers. Some of the youth seek blue collar employment in the nearby city. The area has an abundant of natural resource. It has fertile farmlands, but with no irrigation facility. It has also unexploited sources of sulphur, gold, and petrol.

It is only in 2008 that the barangay finally was able to build a Level 1 water supply station. This was a project undertaken with the Bangsamoro Development Agency (BDA) and the Japan International Cooperation Agency (JICA). Also, by 2010, a national road that passes this area was recently completed. From discussions with the constituents who are mostly parents, they identified educational facilities as importantly lacking for their children.

The second community is called *Barangay* Dalgan located in the middle of the Liguasan Marsh. It covers at least 11, 266 hectares. This area is hardly accessible and the only means of transportation is through the use of small motorboats. The people living in Dalgan are of the Maguindanao-ethnic group. Their population is estimated to be at least 7,000 with many of them of adult age. Although the whole area is part of this vast marshland, it has grown patches of land as part of the effects of siltation from the nearby development of Maridagao-Malitubog Irrigation system that traverses this region. As a boon and bane, the inhabitants have built their houses on land and planted their agricultural livelihoods as well.²⁸ The marshland is their primary source of water and marine life. Considering that this natural resource is still limitedly exploited, it is

facing threats due to (1) degradation of the natural environment with a weak government conservation efforts, (2) potentials of natural gas and petrol source and the consequential political interests at play, (3) it is included as part of the Maguindanao's ancestral domain claim, and (4) it has become one of the occasional battlegrounds between the government and MILF forces in times of armed conflicts. Although there is no clear study of this petrol source and its exact location, the people in Dalgan strongly believe that their area carries much natural resource wealth.²⁹ Because of this, the MILF has strongly guarded this area from outsiders and even from the intrusion of development activities—from government or non-government agencies. As a result, the only semblance of government services in the community is the presence of a four classroom primary school building. But even this, is unusable because it has been submerged in mud due to regular flooding in the area. Instead, the community took the initiative of installing a temporary structure that is being used as a school. This primary education facility is operated by two teachers who only come to the community twice in a week.

Based on the community discussion, the people demonstrate a strong comprehension of the various challenges that they face, e.g. issue of human security, environmental degradation—climate change, and dynamics of local and national politics and governance. While it may be perceived that they do not welcome the government and non-government organizations (NGOs) in bringing development interventions in their communities, they contend that they are for development. However, due to their past experiences, it cannot be helped that they have become very cautious towards development interventions that do not benefit them but instead tend to exploit their communities.

As Muslims and Moros, they carry with them a strong value system with the belief that their ancestral domain is an “*amanah*” or heritage to them and is part of their collective property. Thus, they take this obligation very seriously. During the workshops, the participants were also asked to discuss what does the right to self-determination or RSD means to them. To this, RSD definition included the enumeration of various facets of the first and second generation human rights, and consequently leading to answers that pertain to solidarity rights, mainly, their right to peace—and for them “there will be peace if they achieve independence from the government.”

For the purpose of this study, the idea of sustainable human development was introduced to them as a possible strategy in achieving their right to self determination. Sustainable human development (SHD) is defined as:

“The basic purpose of development is to enlarge people’s choices. In principle, these choices can be infinite and can change over time. People often value achievements that do not show up at all, or not immediately, in income or growth figures: greater access to knowledge, better nutrition and health services, more secure livelihoods, security against crime and physical violence, satisfying leisure hours, political and cultural freedoms and sense of participation in community activities. The objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives.”³⁰

Under the SHD framework, it is not only the basic needs and human security that are emphasized but most especially, the idea of achieving freedom so that individuals and communities can have the needed capabilities to achieve a better well being. Therefore, it is proposed to the communities that SHD is a development paradigm that strongly values freedom as both an ends and means to human development. In spite of these explanations, the communities insist that development, whatever paradigm it carries, will not be successful unless their Right to Self Determination is addressed first. It cannot be argued that many of the deprivations in development experienced in the conflict communities are very much entrenched in the institutional structures of the Philippine State—political, social, cultural, economic and markets, etc. Therefore, they understand that the only viable way out of it is to create a new social order that can deliver the development that will respond to their needs. Again, this is where their argument for independence or secession re-starts. Although vague and uncertain, their ideas of means of development are deeply rooted on their aspirations to build a Bangsamoro Nation.

6. Conclusion

Over the years, the idea of the right to self determination has become very powerful as a burning hope for many indigenous peoples around the world. Some may look at it merely as a principle or rhetoric, while others may strongly believe to be very much a natural right, especially for communities who have become marginalised in the process of a postcolonial world. Such a case is that of the Bangsamoro of Mindanao who assert their freedom from a historical past of conflict and struggle. In as much as the Right to Self Determination, to mean secession or independence, does not find any legal support in the realm of international law, it is something that can find realization in the creativity of leaders and communities. As for the Bangsamoro, the MILF pursues this RSD aspiration through the relevant human rights that protect the survival of indigenous peoples and cultures around the world; and through the BDA, it is defining the Right to Self Determination according to its own process of development interventions in the name of the values transformation training (VTI) program. Most importantly, at the community level, there is a strong affirmation of how this concept has effectively delivered great mass support to a revolutionary movement like the MILF. There is then a very real danger and potential, at the same time, on how the MILF can carefully translate this concept and manage expectations. How much of this RSD struggle will result in Sustainable Human Development, and eventually, sustainable peace in Mindanao?

While the GRP-MILF peace process has yet to resume and complete the task of charting a new peace agreement and framework, it presents much room for peace and human rights scholars and advocates to show the way to both conflict actors and parties that solidarity rights (e.g. right to peace, right to development, or right to self determination) are crucial part of nation building, and in the event of conflict resolution. In effect, instituting reforms of social justice is what will bring about the needed legitimacy of the state as the very institution empowered and as a primary protector of the rights of its peoples.³¹ The Right to Self Determination cannot be limitedly defined as having the potential threat of creating another independent state within a state, but most importantly, it should mean as the expansion of freedoms that communities must enjoy in order for them to fully participate in their development and future—for it is these that hold most value among peoples.

The reasons for the pursuit of protecting indigenous peoples, whether in the language of Right to Self Determination or cultural rights, or others, holds similarities with the pursuit of Sustainable Human Development as envisioned by its architects.³² Both actually promote a development where there is social justice and that the focus of development rests upon the people and not on mere technological advances or economic growth. While it is development, or Sustainable Human Development, that which a society seeks, Human Rights, including the Right to Self Determination, are the pillars of this process. It is these universal principles and standards that give due respect to our humanity.

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ENDNOTES

- ¹ The terms Bangsamoro or Moro are used interchangeably in this paper. Both terms are used to identify the same group of people belonging to the 13 ethno-linguistic groupings who are all native inhabitants of Mindanao.
- ² See Department of Interior and Local Government website, www.dilg.org.ph.
- ³ The provinces include Maguindanao, Lanao del Sur, Basilan, Tawi-Tawi, and Marawi City.
- ⁴ This was a project of President Corazon Aquino. Although her administration re-started the peace talks with Chair Nur Misuari of the MNLF, the establishment of ARMM was a unilateral decision by the government and without consensus or any input from the MNLF.
- ⁵ The GRP-MILF peace process started in 1997 during the time of President Fidel Ramos using a direct negotiations mode and where there were no third party intervenors and facilitators. By the late 2010, the GRP-MILF peace process has been renamed GPH-MILF peace process to refer to the Government of the Philippines (GPH) following ISO standards.
- ⁶ The Bangsamoro remained to hold on to their traditional leadership and means of community organization up until they started to be threatened by the pervasive NGO culture in Mindanao and which was mostly dominated by Christian groups.
- ⁷ The Tagalogs are a distinct ethno-linguistic grouping found in the northern part of the country called as the Luzon group of islands. They speak the Tagalog language and most of them, if not all, are Roman Catholics and Christian by religion.
- ⁸ See page xii in the Foreword by Alejandro Melchor in Cesar Majul's Book, *Muslims in the Philippines, 1999* (Third Edition) (Quezon City: University of the Philippines Press) where he clearly states the aims of the Philippine government to develop the tribal peoples by integrating them into the new political system. To quote, "One of the happy effects of martial law was to begin the process of breaking down the many tribalistic enclaves into which the Filipinos had come to enfold themselves, and merging all of them as so many cooperating units into one single unitary system." Also, see page 102 in an article by R. de los Santos, Jr. entitled "Reflections on the Moro Wars and the New Filipino" where he explains the campaign for "Filipinization" by the Filipino politicians in the 1920's, source: by Peter Gowing (ed) in *Understanding Islam and the Muslims in the Philippines, 1988* (Quezon City: New Day Publishers).
- ⁹ For more explanations on the events that triggered the emergence of the revolutionary armed struggle of the Bangsamoro, see the article by Cesar Majul in "A Case Study in the Role of International Islamic Institutions: Arbitration and Mediation in the Philippine Case" in *Islamic and Conflict Resolution, Theories and Practices, 1998* (Maryland: University Press of America).
- ¹⁰ In the HDI Rank in 2000, Lanao del Sur is no. 72, Basilan no. 74, Tawi-Tawi is no. 76, Maguindanao no. 75, Sulu no. 77; in HDR Rank in 2003 Lanao del Sur is no. 68, Basilan no. 74, Tawi Tawi no. 75, Maguindanao no. 76, and Sulu no. 77. The highest HDI rank is 1 with the lowest of 77—out of the 77 total number of provinces in the Philippines.

- ¹¹ For more explanations to these incidents, please see the book by Salah Jubair, "Bangsamoro: A Nation Under Endless Tyranny", 1999 (Kuala Lumpur: IQ Marine Sdn. Bhd.).
- ¹² Informal talks were started between President Corazon Aquino and her government, and the MILF's Ustadz Salam Hashim in 1987. But the formal talks began during the term of President Fidel Ramos in 1997 soon after the MNLF Final Peace Agreement was signed in 1996.
- ¹³ As cited by Salah Jubair in *The Long Road to Peace: Inside the GRP-MILF Peace Process*, 2007 (Cotabato City: Institute of Bangsamoro Studies)
- ¹⁴ See page viii, Foreword in *The Long Road to Peace: Inside the GRP-MILF Peace Process*.
- ¹⁵ See Art. 1 ICCPR/ ICESCR and Art. 1 (2) UN Charter. See also Art. 20 (1) ACHPR.
- ¹⁶ For arguments on this, see article by Sedfrey Candelaria in "Postscript to the Supreme Court MOA-AD judgment: No other way but to move forward" in *Peace for Mindanao*, 2009 (Penang: SEACSN).
- ¹⁷ See page 242-244 in Hurst Hannum, "The Right to Self Determination in the Twenty First Century" in *Human Rights in the World Community, Issues and Action*, by Richard Peirre Claude and Burns H. Weston (ed.), Third Edition, 2006 (Philadelphia: University of Pennsylvania Press).
- ¹⁸ See Ibid., p. 242-244.
- ¹⁹ Presentation by Dr. Danda Juanday in the "Mindanao Educators Peace Summit: Transforming the Conflict in Mindanao Through Peace Education and Quality Higher Education", January 11-16, USM Penang, Malaysia.
- ²⁰ The postconflict phase referring to the aftermath of signing a peace agreement.
- ²¹ Interview with Dr. Abas Candao, September 2-6, 2007, Penang, Malaysia.
- ²² See article by Ayesah Abubakar in "Challenges of Peacebuilding in the GRP-MILF Peace Process" in *Building Peace: Reflections from Southeast Asia*, 2007 (Penang: SEACSN). Also from interviews with BDA Chair and Executive Director, from the periods of 2004-2010 in Cotabato City and Penang.
- ²³ This includes the ARMM areas and other contiguous and non-contiguous areas but all forming part of the being claimed ancestral domain territory. See the MOA-AD document in www.morosestudies.org.
- ²⁴ Interview with Dr. Abas Candao during the Consolidation for Peace Seminar 2 held at USM Penang, Malaysia, September 2-6, 2007.
- ²⁵ Ibid.
- ²⁶ Article by Artha Kira Isabel R. Paredes, in "Spirituality and Reality Do Co-Exist" in *Yes, Pigs Can Fly, Facing the Challenges of Fighting Corruption in Procurement*, 2008 (Pasig City: Procurement Watch, Inc.)
- ²⁷ See page 110, Federico Lenzerini in "Indigenous People's Cultural Rights and the Controversy over the Commercial Use of Their Traditional Knowledge" in *Cultural Human Rights*, by Francesco Francioni and Martin Scheinin (eds.), 2008 (Leiden: Martinus Nijhoff Publishers and VSP).

- ²⁸ The people survive by subsistence farming.
- ²⁹ See article by Janet and Mary Ann Arnado, “Casualties of Globalization: Economic Interest, War, and Displacement Along Ligawasan Marsh”, November 15, 2004 (Manila: Social Science Research Council).
- ³⁰ See Human Development Report Website of the United Nations Development Program, <http://hdr.undp.org/en/humandev/origins/>. Also, see page 14 of Mahbub Ul Haq’s *Reflections on Human Development*, 1995 (New York: Oxford University Press).
- ³¹ The state being referred in this case is the Philippine government, but this should also include the new state institution which non-state actors like the MILF hopes to set up as part of a desired new political arrangement and governance system.
- ³² Both Mahbub Ul Haq and Amartya Sen pursue a line of thinking that there has to be social justice in advancing the aims of development around the world. Also, the idea behind sustainable human development as a new development paradigm is hinged on the shift towards creating a human face to development.

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