

The Moro Conflict and the Philippine Experience with Muslim Autonomy.

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In 1996, the government of the Philippines and the leadership of the Moro National Liberation Front signed a peace agreement, which was widely hailed, at the time, as bringing an end to the long-running conflict in the Philippines Muslim south. Such a view was always wildly optimistic, and in 2001 the agreement came predictably, and spectacularly unstuck. This paper looks at the history of the conflict and the peace process, and the reasons for the failure (or at least the incomplete success) of the 1996 agreement.

Background

The demand for autonomy in Muslim Mindanao has its roots deep in the history of the Philippine islands.

When the Spanish colonists arrived in the Philippines in the sixteenth century, Islam had been established in the islands for some three centuries and there were Muslim sultanates stretching from Cotabato to Manila. The Spaniards, eager not only to establish commercial enterprises in the Philippines but also to convert the '*indios*' and 'Moros' to Christianity, promptly set about conquering Islamic forces in the north and launching a virtual crusade against the Moros in Mindanao and Sulu, which lasted for around 350 years.

Spain never did establish effective colonial rule over the Muslim and tribal (*lumad*) peoples of Mindanao, but when in 1898 the Philippine Islands were ceded by Spain to the USA under the Treaty of Paris, Mindanao and Sulu were included. This was strongly contested by the Muslims in the southern Philippines, but they were unable to counter the military might of the US, and the Battle of Bud Bagsak in 1913 marked the decisive defeat of Muslim armed resistance. Through a series of administrative arrangements the US administration then proceeded with a policy of 'attraction' designed to integrate the Moros into 'mainstream' Filipino society, though outbreaks of resistance—against the American colonial administration, the pre-independence Philippines Commonwealth (from 1935), and the independent government of the Philippines (after 1945)—continued over the following decades.

From early in the twentieth century, national governments in Manila saw Mindanao as a new frontier and encouraged migration from the populous islands of Luzon and the Visayas to Mindanao. In part such migration served as a strategy to promote the spread of northern lowlands cultures and reduce the threat of Moro (and *lumad*) insurrection. In fact, however, by the early 1970s continuous heavy immigration had produced a situation in which immigrant settlers were frequently

clashing with traditional Muslim and *lumad* landowners on the borders of new settlements, the political machines of emergent immigrant (Christian) dynasties were trespassing on the territories of traditional Muslim leaders, and rival gangs of local politicians and warlords were coming into increasingly violent confrontation.

It was against this background that the Moro National Liberation Front (MNLF) emerged.

In 1968 a Muslim (later Mindanao) Mindanao Independence Movement was formed by Datu Udtog Matalam. Around this time also a group of young Muslims, convinced that the formal political system offered no avenue for the redress of Muslim grievances, took to armed rebellion and began guerrilla training in Sabah. In 1969 this group, led by Nur Misuari, became the nucleus of the MNLF and its armed wing, the Bangsa Moro Army. By the early 1970s the southern Philippines was in a state of open rebellion. The declaration of martial law in the Philippines in 1972, and an escalation of the military campaign against the MNLF, exacerbated the situation.

The central demand of these Muslim insurgents was for a separate Bangsa Moro—a Muslim homeland based on what they saw as the traditional Philippine Muslim territory, comprising the (then) twenty-three provinces of Mindanao, Sulu and southern Palawan. Attempts at negotiation between the MNLF and the Philippines government of President Marcos, and a series of concessions by the Marcos administration (including the creation of a Southern Philippines Development Authority) had little impact on the situation. Economic programmes in Mindanao tended to benefit non-Muslims more than the Muslims, and both sides accused the other of ceasefire violations and lack of good faith. Intervention on behalf of the MNLF by the Organization of Islamic Conference (OIC), and the OIC's Islamic Conference of Foreign Ministers (ICFM) and Quadripartite Ministerial Committee, also failed to resolve the conflict.

In 1976 progress towards peace appeared to have been achieved, following negotiations between Imelda Marcos and Libyan President Gaddafi, when the Tripoli Agreement was signed in Libya between the Philippine government and the MNLF. The Tripoli Agreement established a ceasefire and provided for autonomy in the southern Philippines 'within the realm of the sovereignty and territorial integrity of the Republic of the Philippines'. The agreed area of autonomy was defined to encompass thirteen provinces of Mindanao, Sulu and Palawan. Spheres of national competence and of Muslim autonomy were identified. Provision was made for Special Regional Security Forces, and amnesty was granted within the areas of autonomy. The shift in the MNLF's position, from the demand for a separate nation to acceptance of political autonomy, was substantially due to President Gaddafi's intervention.

The MNLF, however, pulled out of talks over the implementation of the Tripoli Agreement when President Marcos made clear his intention to hold a plebiscite in the proposed autonomous region of Muslim Mindanao. The plebiscite subsequently went ahead but was boycotted by the MNLF and its supporters, and in the event only four provinces voted for autonomy. President Marcos responded by setting up two

autonomous regions, one in each of the two predominantly Muslim administrative regions (Regions IX and XII). But the two regional governments lacked substantive powers and funding, and never achieved significant credibility.

Around this time, also, splits occurred within the MNLF, along ideological, ethnic and personal lines. In 1977 a predominantly Maguindanaon-Iranun group led by Hashim Salamat broke away to form the Moro Islamic Liberation Front, and subsequently a predominantly Maranao, and relatively politically conservative, group led by Dimas Pundato separated as the MNLF-Reformist Group. The MNLF, led by Misuari, a progressive Tausug-Samal, however remained the largest group and was recognized as such by the Philippine government, and by the OIC, which had granted the movement OIC observer status.

Following the demise of President Marcos in the People power Revolution of 1986, the incoming president, Corazon Aquino initiated a new round of negotiations with the MNLF. Misuari returned to the Philippines for talks with President Aquino, and the new constitution of 1986 made specific provision for the creation of an Autonomous Region of Muslim Mindanao (and for a Cordillera Autonomous Region in northern Luzon, where armed clashes between the national government and indigenous peoples had escalated during the latter years of the Marcos regime). But while President Aquino's good intentions were clear, the process by which the ARMM was created was severely flawed, the MNLF did not take part in the negotiations, and when the mandated plebiscite was held in 1989, predictably only four of the thirteen provinces, and none of the nine cities, within the proposed Autonomous Region voted to join it. (In the Cordilleras, the proposed autonomous region was also rejected by all but one of the provinces covered by it.) The ARMM thus continued to lack popular support, and with limited powers and modest funding it did little to bring the longrunning conflict to an end.

In 1992 Fidel Ramos succeeded Corazon Aquino as president of the Philippines, and soon after taking up office he revived negotiations with the MNLF. In October 1992 a statement of understanding was signed by the MNLF and the Philippine government in Libya. The OIC, through its Ministerial Committee of Six, chaired by Indonesia, played a significant role as 'facilitator' in the ensuing talks, and Libya again played an important mediatory role. The eventual outcome of the negotiations between the Philippine government and the MNLF was an agreement, signed in Jakarta in 1996 by Misuari and Ambassador Yan (as chair of the Government of the Philippines Peace Panel), which established a Special Zone of Peace and Development (SZOPAD) and a Southern Philippines Council for Peace and Development (SPCPD). In acknowledging the ASEAN contribution to the peace process, President Ramos observed: 'The ASEAN approach of *Musjawarah* (consultation) and *Mufakat* (consensus) proved to be most productive'. This agreement was widely (though somewhat optimistically) hailed as bringing an end to the decades-old conflict and providing a new basis for a lasting settlement.

The 1996 Peace Agreement

The 1996 agreement, described in its sub-title as ‘The final agreement on the implementation of the 1976 Tripoli Agreement...’, provided for the creation of the SZOPAD, comprising the (now) fourteen provinces and nine cities specified in the Tripoli Agreement, to ‘be the focus of intense peace and development efforts’ over the next three years, and of the SDCPD.

The SPCPD was to comprise a chairman, vice chairman, and three deputies, the latter to represent the Muslims, the Christians, and the Cultural Communities. It was mandated to ‘control and/or supervise’ ‘appropriate agencies of the government that are engaged in peace and development activities in the area [of the SZOPAD]’; such agencies included the SPDA, set up by the Marcos administration to promote development in Mindanao (but which in practice almost certainly did more for the Christian areas of Mindanao than for Muslim Mindanao), regional offices of the Office of Muslim Affairs (OMA) and Office of Southern Cultural Communities, and the Special Development Planning Group, an *ad hoc* body of government officials from the Department of Trade and Industry, the National Economic and Development Authority, the Department of Public Works and Housing, and other agencies. Local government units in the area, including the ARMM, were to remain subject to existing (national) legislation.

The functions and powers of the SPCPD were described as ‘derivative and extension of the powers of the President’, and the operating funds of the SPCPD and its subsidiary bodies were to be initially sourced from the Office of the President.

The Agreement also provided for a Consultative assembly of 81 members, comprising the chair of the SPCPD as head, the governor and vice governor of the ARMM, the 14 provincial governors and 9 city mayors of the SZOPAD, 44 members of the MNLF, and 11 sectoral representatives nominated by NGOs and people’s organizations (POs). The Consultative Assembly’s functions were listed as:

- a) To serve as a forum for consultation and ventilation of issues and concerns;
- b) To conduct public hearings as may be necessary and to provide appropriate advice to the SPCPD; and
- c) To formulate and recommend policies to the President through the Chairman of the SPCPD and make rules and regulations to the extent necessary for the effective and efficient administration of the affairs of the area.

The SPCPD was also to be assisted by a Darul Iftah (religious advisory council) appointed by the chair of the SPCPD.

The OIC was specifically requested to support the implementation of the agreement and, along with the government of the Philippines and the MNLF, was represented on a Joint Monitoring Committee created to oversee the ceasefire and

process. (The OIC had served as an interim ceasefire monitor/observer, deploying Indonesian soldiers with OIC patches.)

A particular feature of the 1996 Peace Agreement was the provision for the integration of 1500 former MNLF (Bangsa Moro Army) fighters into the Philippine National Police (PNP), and a further 250 into special or auxiliary forces, and the integration of 5750 former MNLF fighters into the Armed forces of the Philippines (AFP). (It was also agreed to create an AFP/PNP security detail of former MNLF fighters for the security and protection of SPCPD officials.) During a transitional period MNLF fighters were to join 'as units distinct from AFP units...until such time that mutual confidence is developed', and normal requirements for entry were waived. A Deputy Commander, Southern Command was to be appointed from among the MNLF recruits to assist in the command, administration and control of the separate units. As well, a special socio-economic, cultural and educational program was to be developed for MNLF forces not absorbed into the AFP/PNP, to help them and their families acquire education, technical skills and livelihood training.

The 1996 Peace Agreement was to be implemented in two phases. Phase 1 was to cover three years beginning with the signing of the agreement and issuance of an executive order establishing the SZOPD, SPCPD and Consultative Assembly. Within this period legislation was to be drawn up to repeal or amend the organic act (RA6734) under which the ARMM had been set up in 1987, to 'include the pertinent provisions of the Final Peace Agreement and the Expansion of the present ARMM area of autonomy'. Such new legislation, having been passed by Congress and approved by the president, was to be submitted to a plebiscite in the SZOPAD within two years from the establishment of the SPCPD (i.e. by September 1998): 'The new area of autonomy shall then be determined by the provinces and cities that will vote/choose to join the said autonomy (1998)'.

The provisions for a new ARMM were anticipated in the agreement. They included the creation of an executive council, legislative assembly and administrative system. The proposed legislative assembly, like the corresponding bodies in other local government units in the Philippines, was to comprise members elected from existing congressional districts (three per district) and sectoral representatives (up to 15 per cent of the number of elected members) appointed by the head of the autonomous government from candidates nominated by sectoral groups (labour, disabled, industrial, indigenous cultural communities, youth, women, NGOs, agricultural, and others). The proposed regional legislative assembly was to have legislative power 'in the area of autonomy'; thirteen specific areas were noted for exclusion (foreign affairs, national defence and security, post, coinage and fiscal and monetary policy, administration of justice except on matters of Shariah, quarantine, customs and tariff, citizenship, immigration and deportation, general auditing, civil service and elections, foreign trade, transportation beyond the autonomous region, and patents and copyright).

Residents of the Autonomous Region were also assured of 'representation and participation' in the national government and 'all organs of the state', including at least one member of cabinet, recommended by the head of the autonomous region,

and one representative in Congress as a sectoral representative. The head of the autonomous region was to be an *ex officio* member of the National Security Council on all matters affecting the autonomous region. Phase 2 was also to see the establishment of Special Regional Security Forces (SRSF)—in practice, a PNP regional command—in the Autonomous Region, ‘civilian in nature’, comprising existing PNP units in the area of autonomy, MNLF elements, and other residents, to maintain peace, law and order, and protect life, liberty and property in the region. (Provision for SRSF had been a significant point in the Tripoli Agreement.)

The agreement also made detailed provisions for an integrated system of education, which ‘shall, among others, perpetuate Filipino and Islamic ideals and aspirations’ (s.95) (but ‘will adopt the basic core courses for all Filipino children’ and use the same textbooks as the national government (ss.97, 100); ‘The integration of Islamic Values in the curriculum should be done gradually after researches and studies are conducted’). *Madaris* would be included under The Regional Autonomous Government education system, and Arabic recognized as a medium of instruction in *madaris* and other Islamic institutions; however ‘Religious instruction in public schools should be optional’ (s.112).

Economic and fiscal autonomy arrangements in Phase 2 included the right of the autonomous region government to contract foreign and domestic loans, and provision was made for the establishment of an Islamic Banking Unit in the central bank. Tax sharing arrangements were outlined (s.151). Apart from ‘strategic minerals’, control over the exploration, exploitation and development of minerals was vested in the autonomous region government.

Potential problems concerning the respective roles of the SPCPD and the existing ARMM were avoided when Misuari, having returned to the Philippines and been appointed chairman of the SPCPD, was elected governor of the ARMM soon after.

Regional autonomy in practice

The negotiation of the 1996 Peace Agreement was undoubtedly a major achievement. But in the euphoria which surrounded its conclusion, many commentators failed to acknowledge its limitations.

For one, the 1996 Peace Agreement generated considerable anxiety among non-Muslim communities in Mindanao, who expressed exaggerated fears that they would be subjected to Muslim dominance. Christian community leaders, led by Congresswoman (and later mayor of Zamboanga) Maria Clara Lobregat, organized demonstrations against the agreement, and there were threats that the Christian vigilante groups which had been active during the conflicts of the early 1970s would be revived. In Congress, where public hearings on the peace agreement were held in the latter part of 1996, there was opposition to the granting of autonomy, complaints that civil society organizations had not been party to the negotiations, and accusations that President Ramos had ‘sold out’ to the militant Muslims. In the Senate, there were demands for the withdrawal of powers from the SPCPD and Consultative Assembly and for the exclusion of local government units from SPCPD

control; six of the twenty-four senators (including the Senate president) voted against a resolution supporting the peace agreement. In the House of Representatives, the House Appropriations Committee threatened to block funding for the SPCPD and Consultative Assembly. Just prior to the signing of the final agreement a group of congressional representatives and a provincial governor filed a petition in the Supreme Court seeking the invalidation of the agreement.

Against this background, when the implementing executive order (EO 371) was signed in October 1996, it was a significantly weakened version of the final agreement. As one commentator wrote in 1999:

...the transitional structures [the SPCPD and Consultative Assembly]...were too powerless to make an impact. They had very limited funding, no police powers, no control over national projects and programmes that were supposed to be within their remit, and no jurisdiction over significant sections of the bureaucracy in the region (Gutierrez 1999:66-67).

Among other things, the provision in the agreement for forty-four MNLF members in the Consultative Assembly was dropped, and the provisions of the agreement which placed specified government agencies under the control and/or supervision of the SPCPD were deleted. In fact, the SPCPD was given little scope for policy action except through the Office of the President.

In the 1998 elections in the Philippines a number of local politicians who had supported the Peace Agreement were voted out, and MNLF candidates (who had supported the Ramos administration's Lakas-NUCD party) polled poorly at the national level.

Secondly, the MILF, which appears to have grown in strength and militancy during the 1990s, was not party to the 1996 agreement and threatened to maintain the armed struggle for a Bangsa Moro. Repeated attempts have been made to negotiate a separate peace accord with the MILF, and a general framework for agreement of intent was signed by the Philippine government and the MILF in August 1998. Little progress was made towards a peaceful settlement, however, and in early 2000, after MILF attacks on non-Muslim communities in North Cotabato and Magiundanao, Ramos's successor, President Estrada abandoned the talks and declared 'all-out war'. Against the MILF (see *Philippine Daily Inquirer* 17, 19 February 2000).

Thirdly there seems to have been a widespread and growing feeling among the Muslim population that the creation of the SZOPAD and SPCPD had not brought the benefits which were expected. In the early months after the SPCPD's establishment, Governor Misuari and his administration actively sought foreign investment (especially from OIC countries) and development assistance. But despite some success in these efforts (notably through a UN Multi-Donor Assistance Program), ARMM officials continually complained of inadequate resourcing from the national government, and Misuari warned that unless conditions improved former MNLF fighters would return to the hills. (Already in 1997 there were reports that some former MNLF fighters had left the MNLF to join the more militant MILF).

Moreover, Misuari himself was being challenged by elements within the MNLF, and *lumad* spokesmen were complaining of undemocratic practices in the selection of *lumad* representatives in the SPCPD and Consultative Assembly.

The integration of former MNLF fighters into the AFP has also been a source of friction. By August 1998 some 3800 former MNLF personnel were being integrated into the armed forces, but on more than one occasion groups of MNLF inductees have quit, complaining of discrimination and ethnic bias. Some AFP members, on the other hand, have clearly resented the favourable conditions of entry offered to former MNLF fighters who were for many years the enemy of the AFP.

More significantly, however, hanging over the entire SZOPAD/SPCPD exercise was the prospect of the mandated plebiscite.

The 2001 referendum.

In the terms of the 1996 agreement, RA 6734 should have been repealed or amended, and new legislation put to a plebiscite by September 1998. But although legislation had been drafted in 1998, the plebiscite was rescheduled, twice.

Finally, in August 2001, despite objections from Misuari and the MNLF, the long-awaited referendum on the proposed expansion of the ARMM was held. Not surprisingly, of the (now) fifteen provinces and nine cities covered by the SZOPAD only five provinces and one city voted in favour. Shortly after this, elections for the ARMM took place and in the election for governor, Misuari was displaced by a rival candidate who was supported by the newly incumbent president, Gloria Macapagal-Arroyo. Misuari subsequently made good his threat to return to the hills, launching an armed attack on government troops before fleeing to Malaysia, where he was arrested and repatriated (May 2001b). He is now facing trial on charges of rebellion.

Conclusion

The Philippines thus presents an interesting case study. After years of armed struggle and sporadic negotiation, first with a united MNLF and more recently with the two major Moro factions, the government (or, more precisely, the executive government) of the Philippines achieved a settlement with the MNLF essentially by setting up a new set of institutional arrangements, and by using the good offices of the OIC and its ASEAN partner, Indonesia in a facilitating/mediatory role. But given the demography of Mindanao-Sulu, it is difficult to see how any arrangement for Muslim autonomy which acknowledges the territorial claims of the Moro movement can be sustained over non-Muslim opposition, and it is equally difficult to see Philippine Muslims accepting a Bangsa Moro as geographically circumscribed as the demographic reality dictates. Despite the goodwill and enlightened planning that went into drafting provisions for a new autonomous region, the gap between perceptions and present day realities was simply too great for the peace agreement to survive the inevitable referendum. With Misuari's demise, it remains to be seen what can be salvaged from the 1996 agreement. In the meantime, the activities of

another renegade Muslim group, Abu Sayyaf, the return of US troops to the Philippines, and the opposition which the Macapagal-Arroyo government has attracted from Philippine Muslims (and others) for its support of American initiatives in the 'global war against terrorism', pose obstacles to the continuing peace process in the south.