



Astrid S. Tuminez

**The Past Is Always Present:
The Moros of Mindanao and the Quest for Peace**

Working Paper Series

No. 99

May 2008



香港城市大學
City University
of Hong Kong

The Southeast Asia Research Centre (SEARC) of the City University of Hong Kong publishes SEARC Working Papers Series electronically

©Copyright is held by the author or authors each Working Paper.

SEARC Working Papers cannot be republished, reprinted, or reproduced in any format without the permission of the papers author or authors.

Note: The views expressed in each paper are those of the author or authors of the paper. They do not represent the views of the Southeast Asia Research Centre, its Management Committee, or the City University of Hong Kong.

Southeast Asia Research Centre Management Committee

Professor William Case, Director
Dr Vivienne Wee, Associate Director
Dr Catherine Chiu
Dr James Lee

Southeast Asia Research Centre

The City University of Hong Kong
83 Tat Chee Avenue
Kowloon Tong, Hong Kong SAR
Tel: (852) 3442 6106
Fax: (852) 3442 0103
<http://www.cityu.edu.hk/searc>

The Past Is Always Present: The Moros of Mindanao and the Quest for Peace

**Astrid S. Tuminez, Ph.D.¹
Senior Research Fellow
Southeast Asia Research Centre
City University of Hong Kong**

astridtuminez@gmail.com

The island of Mindanao and Sulu archipelago in the southern Philippines have been the scene of an old conflict. Although its latest incarnation began only in the late 1960's, this conflict is actually a few hundred years old, marking the amount of time when the Moros or Muslims of these islands have fought intermittent wars against rulers they viewed as illegitimate. The present conflict, which reached its apogee in the early 1970's, has killed over 120,000 people and cumulatively displaced millions. The conflict areas of Mindanao are the poorest in the Philippines, and have the worst human development indicators. Despite the signing of two major peace agreements—one in 1976 and another in 1996—a lasting resolution to the conflict has not been found. Today, peace talks are ongoing between the government of the Philippines and the Moro Islamic Liberation Front (MILF), a loosely-organized and roughly 10-000-strong guerilla force. MILF leaders have been in talks on-and-off with the government since 1997. The latest round, sponsored by Malaysia, has been ongoing since 2001. The MILF broke away from the Moro National Liberation Front or MNLF, a larger group that signed a peace agreement with the government in 1996.

This working paper will address the following questions. What are the roots of conflict in Mindanao? What is the historical American role in creating the Mindanao problem and what are the implications of current American counter-terrorism efforts for stability and peace? Finally, what prospects does the current peace process hold for a long-term resolution of Moro grievances? What must the government, Moro leaders, and outsiders do to secure Moro welfare and peace in the long-term?

¹ Dr. Astrid S. Tuminez was a part-time Senior Fellow of the Southeast Asian Research Center, City University of Hong Kong, from January 2006-May 2008. She was also Senior Research Associate, Philippine Facilitation Project, United States Institute of Peace, from 2003-2007. Previously, Dr. Tuminez was Director of Research, Alternative Investments, AIG Global Investment; Program Officer, Carnegie Corporation of New York; a consultant to the World Bank; and Moscow director of the Harvard Project on Strengthening Democratic Institutions. She holds a Master's from Harvard University and a doctorate from the Massachusetts Institute of Technology.

I. THE LOADED PAST: A LOOK AT THE ROOTS OF MORO GRIEVANCES

Territorial grievances lie at the root of conflict in Mindanao. Mindanao and Sulu, for centuries, were primarily Moro ancestral lands. The term “Moros” came from Spanish rulers who conquered the islands that later became the Philippines. In their eyes, the Islamized islanders represented a version of their own Moors—Muslims who ruled Spain for eight hundred years. Although thirteen Islamized ethnic groups live in Mindanao, the most dominant are the Tausugs of Sulu; the Maguindanaos of central Mindanao; and the Maranaos of Lake Lanao in central-west Mindanao. Islam may have come to Mindanao as early as the fourteenth century, largely as a continuation of the process of Islamization of the nearby Malayan islands. It became a pillar of life in two Moro sultanates, the Sulu Sultanate and the Maguindanao Sultanate. Both were state formations that had independent governance systems, a culture based on Islam, and free relations with outside state and trading entities. Tausugs ruled the Sulu Sultanate roughly from the fifteenth to early twentieth centuries, while Maguindanaos dominated the Maguindanao Sultanate from the early sixteenth to the mid-nineteenth centuries.² Today Moros number roughly 4-5 million or 5% of the Philippine population, but this number is contested.³

The territorial and economic roots of Moro grievances are intertwined, both being a result of Moro minoritization. Minoritization began under Spain, continued under American rule, and intensified in an independent, Christian-dominated Philippines. Under Spain

² For background on the advent of Islam in the Philippines, see Cesar Adib Majul, *Muslims in the Philippines* (Quezon City: University of the Philippines Press, 1999 ed.), Chapter II.

³ Estimates of the Moro population range from 3-11 million. Beginning in 1990, religion ceased to be recorded in the Philippine census. The CIA World Factbook 2008 estimates the Philippine population at 92.6 million, with 5% of it Muslim. This amounts to 4.6 million Moros. The oft-quoted figure of five million seems to have originated from the Moro National Liberation Front (MNLF) in the 1970's. Moros argue that they are under-counted because researchers and government agents are afraid to canvas Moro “conflict-affected” areas. They also mention polygamy as a reason to believe their numbers are greater than officially acknowledged.

(1565-1898), the “Regalian doctrine” was observed, making the Spanish crown, by virtue of conquest, sole owner of “state domain,” possessing the right to classify lands throughout the Philippines as alienable or inalienable. The Spanish crown controlled all inalienable lands, forests, bodies of water and natural resources. The Regalian doctrine contradicted and nullified Moro traditions of communal land ownership, whereby clan chiefs or *datus* ruled over and disposed of land considered to be under their jurisdiction. It removed free communal access to water, forests, land and other natural resources that were integral to the local peoples’ daily sustenance. It nullified the sultanate domains and invalidated the prior occupancy rights of Moros and other indigenous tribes.

When Spain ceded the Philippines to the United States in 1898 (at the end of the Spanish-American War), ownership of the entire archipelago passed to American hands. American land acts and laws further pushed Moros off their land. The Land Registration Act of 1902, for example, required landowners to acquire title for their properties. But only *individuals and corporations* could register land, not communities or clans, thus excluding Moros and indigenous peoples who subscribed to *ancestral and communal* land ownership. Most Moros also lacked literacy, financial means (e.g., to fund cadastral surveys), and other kinds of sophistication required for land registration. Only a few privileged and educated Moros were able to title lands for themselves, including land that their followers had traditionally tilled and owned.⁴ In 1903 another law removed the authority of traditional *datus* or chiefs to dispose of land. The title of this law, Philippine Commission Act No. 718, fully conveyed its purpose: “An Act making void land grants from Moro

⁴ These few Moros benefited from laws that disenfranchised the majority of their people. See Myrthena L. Fianza, “Contesting Land and Identity in the Periphery. The Moro Indigenous People of Southern Philippines,” Paper Presented at the Tenth Conference of the International Association for the Study of Common Property, Oaxaca, Mexico, August 9-13, 2004.

sultans or *dattos* or from chiefs of non-Christian Tribes when made without governmental authority or consent.”⁵ In 1905, a Public Land Act declared all unregistered lands as public land, without regard to prior occupancy.

Legal discrimination in the size of private land holdings was another scourge for the Moros. In 1903, a public land act allowed individuals to acquire homesteads not exceeding sixteen hectares, and corporations 1,024 hectares. But in 1919, an amendment permitted Christians to apply for homesteads of up to twenty-four hectares, while non-Christians could apply for a maximum of only ten. Another amendment in 1936 stipulated that Christians could own homesteads up to sixteen hectares, but non-Christians only four. In addition to discriminatory laws, government and corporate development projects further displaced Moros from land they had occupied virtually continuously for centuries. The net result was land-grabbing by legal means and massive land disenfranchisement among Moros and other indigenous groups.

Resettlement policies begun under the Americans and continued by the independent Philippine government between 1911 to the late 1960's added to Moro dislocation. The early decades of American rule combined “brutal pacification” with “pious paternalism,” expressed partly in resettlement programs “grounded in the colonial perception that, as non-Christians, Muslim Filipinos were among the most benighted members of a backward people and required additional tutelage and protection to bring about ‘their advancement into civilization and material prosperity’ (Philippine Commission

⁵ B. R. Rodil, *A Story of Mindanao and Sulu in Question and Answer* (Davao City: MINCODE, 2003), pp. 105-107.

Act No. 253, Oct. 2, 1901).”⁶ Early resettlement produced agricultural colonies in Mindanao, supported and funded by the national and, later, provincial governments. Planters from overpopulated Philippine areas relocated to Mindanao to enhance rice production and launch the cultivation of new crops such as corn. Outside the agricultural colonies, labor from other parts of the country also migrated to Mindanao to meet demand on government-supported plantations and logging concessions.

From 1935 to the 1960’s, the Philippine Commonwealth and subsequent Philippine independent governments continued to bring Christian settlers to Mindanao. The rationale behind resettlement included: mitigating “peace and order” problems with the Moros; giving incentives to military trainees who received farms upon completion of their training; increasing rice and corn production; implementing land reform programs; and awarding land to communist/Huk rebels who had surrendered during the administration of President Ramon Magsaysay (1953-1957). Spontaneous migration to Mindanao also increased as individuals joined migrant friends and relatives in the south. Land-grabbing and land speculation abound, helped by a Bureau of Lands policy that based priority of claim upon priority of filing rather than priority of occupancy. A Philippine historian notes that six decades of population redistribution in Mindanao resulted in “imbalances in the distribution

⁶ Thomas M. McKenna, *Muslim Rulers and Rebels. Everyday Politics and Armed Separatism in the Southern Philippines* (Berkeley, CA: University of California Press, 1998), p. 89. An example of American “brutal pacification” is the Bud Dajo massacre of 1906 in Sulu, where American soldiers killed 600 Tausug men, women, and children who rebelled against the imposition of a local head tax. See Peter Gordon Gowing, *Mandate in Moroland: The American Government of Muslim Filipinos, 1899–1920* (Quezon City: New Day Publishers, 1983), p. 164.

of political power as well as of cultivable land and other natural and economic resources.”⁷
Moros and smaller indigenous groups were the chief losers.

Precise demographic statistics on Moro minoritization over time are difficult to find, but available figures indicate a clear pattern. In what used to be called the “empire province of Cotabato” (now divided into six provinces) in central Mindanao, the 1918 census showed Moros to be a majority in twenty towns and migrants in none. In 1939, Moros were still a majority in twenty towns and migrants in three. By 1970, a stark change had occurred, with Muslims showing a majority in only ten towns and migrants in thirty-eight! In Mindanao as a whole, the Moro population stood at 39% in 1903, but this was practically halved to 20% by 1975. Another source notes that, in 1903, Moros constituted as much as a 76% majority of Mindanao’s population, but dwindled to 23% in 1960 and 20% by 2000. As for land ownership, Moros went from majority owners in Mindanao and Sulu in 1912 but, by 1982, comprised only 18% of total land ownership.⁸

Territorial losses went hand-in-hand with Moro socio-economic marginalization from 1913 to the late 1960’s. When war was added to the equation in the 1970’s, Moro areas suffered economic setbacks from which they never recovered. Today, Moro-dominated provinces number among the poorest in the Philippines. Moro children are among the worst educated, with only fourteen of every hundred finishing high school and only four of

⁷ Rodil. *A Story of Mindanao and Sulu*, 112 and Owen Lynch, *Native Title: The Legal Claim of Tribal Filipinos and the Bangsa Moro to their Ancestral Land*, Paper delivered at the 15th UGAT Conference, Mindanao State University-Iligan Institute of Technology, Iligan City, Philippines, 16 April 1982.

⁸ Rodil. *Ibid.*, p. 114; Eric Gutierrez and Saturnino Borrás, Jr., *The Moro Conflict. Landlessness and Misdirected State Policies*, Policy Studies 8 (Washington, D.C.: East-West Center, 2004), pp. 14-17; Salah Jubair, *Bangsamoro. A Nation Under Endless Tyranny*, 3rd ed. (Kuala Lumpur: IQ Marin, 1999), pp. 130-31; 1990 and 2000 Philippine Census (National Statistics Office); and Miriam Coronel Ferrer, “From Rebels to Governors: ‘Patronage Autonomy’ and Continuing Human Underdevelopment in Muslim Mindanao,” in *Developing Regional Minorities: Challenges for the Future in East and Southeast Asia*, ed. Dr. Huhua Cao (Ottawa: University of Ottawa Press, forthcoming).

every hundred attending college. Moros also have the lowest basic literacy rate at 70.2% versus 93.4% nationally. The 2005 Philippine Human Development Report showed that Moro areas had the lowest life expectancy among all Philippine provinces and had the highest infant mortality rate at 55 deaths per 1,000 live births. Indeed, the five Moro-dominated provinces of Maguindanao, Sulu, Basilan, Tawi-Tawi, and Lanao del Sur were all on the list of the bottom ten provinces in human development indicators.⁹ Finally, although Moro territories abound in arable land, forests, rivers, marine life, and mineral deposits (including, potentially, oil and gas), these resources have not been developed for the welfare of the Moro majority.¹⁰

Moro grievances extend beyond land to politics. Often, Moros talk about their glorious past, when the sultanates existed and they ruled themselves independently. Many educated and politically active Moros express a longing to return to self-rule. Uniformly, they argue that the Moros, as a minority, deserve self-determination, expressed through political and other arrangements that reflect and respect their culture and give them a full voice in running their lives. In the past, organized Moro rebel groups defined self-determination exclusively as independence. Today, however, MILF leaders and others express a willingness to consider a system of self-government with minimal or no interference from Manila, but short of full independence. This means, in essence, a strong Moro autonomy.

⁹ See Amina Rasul, "Peace Accord with MNLF Derailed," *Manila Times*, 31 August 2007, in <http://www.manilatimes.net/national/2007/aug/31/yehey/moro/20070831moro1.html> and *Philippine Human Development Report 2005*, 2nd ed., in http://hdr.undp.org/en/reports/nationalreports/asiathepacific/philippines/philippines_2005_en.pdf.

¹⁰ For comments on the natural endowments of, and investment opportunities in, Mindanao, including Moro areas, see Astrid S. Tuminez, "Peril and Promise. Mindanao, the Southern Philippines," CLSA Asia Pacific Markets, CLSAU, June 2006.

There is, in fact, already a Moro autonomous region in Mindanao, called the Autonomous Region in Muslim Mindanao or ARMM. ARMM's origins date back to the 1976 Tripoli Agreement, a document brokered by Libya and signed by the Marcos government and the MNLF to end the worst period of civil war. The Tripoli Agreement promised autonomy for thirteen provinces and nine cities in Mindanao, but then-president Ferdinand Marcos never implemented the arrangement. Instead, using constitutional and martial law powers, he created two super-regions in Mindanao that remained fully under Manila's jurisdiction. After Marcos was overthrown, the government of Corazon Aquino started dialogue with the MNLF and created ARMM in 1989 to redress the excesses of the Marcos years. After nearly two decades, however, ARMM has become a symbol of failure. To Moros, it has not delivered genuine political power or significant representation in national bodies of government. The region has been fiscally dependent on Manila, and has suffered from incompetent and corrupt administration. The process of creating ARMM itself was illegitimate in the eyes of many Moros. The constitution mandated that ARMM's composition be determined through mass plebiscite, and the process involved majority Christian populations outvoting the minority Moros. Thus, the insurgent groups—the MNLF and MILF—chose to boycott the vote on ARMM. As expected, most provinces in Mindanao, populated by majority Christians, opted out of ARMM. Instead of the thirteen provinces and nine cities promised in the Tripoli Agreement, the Moro autonomous region initially garnered only four poor, Moro-dominated provinces.

The law that governed the creation of ARMM had numerous weaknesses in its provisions on power-sharing between Manila and Muslim Mindanao. Its revised version, Republic Act 9054 ("An Act to Strengthen and Expand the Organic Act for the Autonomous

Region in Muslim Mindanano"), which became law in March 2001 and is the chief legislative mechanism for Moro autonomy, contained only limited provisions on Moro political power and administrative authority. For example, the law stipulated that ARMM shall be represented only "as far as practicable" in "departments, offices, commissions, agencies and bureaus of the central government or national government that implement and enforce policies, programs and projects of the central government or national government in the region" (Art. IV, Sec. 5) Provisions for at least one cabinet secretary, one Supreme Court justice, and two justices in the Court of Appeals to be appointed from among the Moros were not mandatory but were to be implemented only "as practicable" or "whenever feasible." The result is that Moros have rarely been represented in the cabinet in Manila or in the country's highest judicial institutions. And though there are Moro representatives in the lower house of the legislature, it has been rare to have a Moro in the more powerful Senate, whose members are elected nation-wide.

ARMM also lacked fiscal independence. Although the regional government had some taxing powers and revenue-sharing arrangements with Manila, in practice, ARMM has been almost completely dependent on block grants and subsidies from the national government and external donors. Unpredictable in size and timing, such financing has reinforced the dependence and near-mendicant status of ARMM.¹¹ Fiscal weakness, along with corrupt and incompetent administration, account in large part for ARMM's failure to deliver sufficient public goods and services to people under its jurisdiction. Moro education, livelihood and development have not improved much since the autonomous

¹¹ Contrast this with stronger autonomy arrangements elsewhere—e.g., in the Aland Islands in Finland, where the autonomy regime in 1991 established a fixed criterion for allocating funds to Aland: 0.45% of Finland's state income for the year. This fixed budgetary allocation has contributed to predictability, stability, and greater cohesion between Aland Islands and Finland.

region was created. And some measures, such as poverty incidence, actually increased in ARMM provinces from 1997-2003.¹²

Other factors that have hampered governance and development in ARMM include intra-Moro violence and widespread rivalry and competition between ARMM officials and local government units (LGU's) that, along with ARMM, also have jurisdiction over Moro territories.¹³ LGU leaders are both Muslim and Christian, and have entrenched interests in areas under their control. Some have used their clout with leaders in Manila to maintain themselves in power and obstruct political change within the context of the government-MILF peace process. Others have resorted to using their own civilian militias, or police and military personnel, to advance parochial agendas and intimidate would-be political challengers. Local violence and the general reality and perception of conflict in ARMM provinces have hampered the influx of serious private investment, without which a vibrant and growing Moro economy could not be built.

Beyond politics, Moro grievances also touch religion and culture. The practice of Islam and respect for the cultural legacies of Moro ethnic groups are particularly important. Although most common Moros are not formally schooled in Islam, nonetheless they value their religious traditions and local culture. For centuries, Moros have suffered discrimination as an Islamic minority in a predominantly Christian country. Most Filipinos tend to be ignorant of Moro history, culture, and religion. Widely-used history textbooks often ignore the Moro experience and Islam's legacy. The story of the sultanates or the

¹² For a review of ARMM governance shortcomings, challenges and prospects, see Rufa Cagoco-Guiam, "The Autonomous Region in Muslim Mindanao (ARMM) and the Peace Process: Imperatives, Challenges, and Prospects," *Autonomy and Peace Review* II, No. 1 (January-March 2006):41-60.

¹³ An excellent overview of intra-Moro clan feuding, usually over political positions or land, is Wilfredo Magno Torres, ed., *Rido: Clan Feuding and Conflict Management in Mindanao* (Philippines: The Asia Foundation, 2007).

Moro experience of displacement from their ancestral lands is unfamiliar to many. In Manila or in large Christian cities in Mindanao, Moros often have to adopt Christianized names in order to facilitate employment. Surveys show a widespread feeling of second class citizenship among Moros, who are frequently stereotyped as dishonest, violent, lazy, and pagan. Few, if any, legal sanctions may be taken against perpetrators of anti-Moro discrimination. And on the rhetorical front, some high-profile politicians—particularly from Mindanao—have occasionally resorted to inflammatory and demagogic speech against Moros, providing the worst example of cultural intolerance.¹⁴

II. AMERICA IN MINDANAO: FROM COLONIALISM TO COUNTER-TERRORISM

In 1903, early in the period of American colonial rule, U.S. officials acknowledged Islam and the distinctiveness of Moro culture by creating a Moro Province that was administered separately from the rest of the Philippines. Over time, however, American policy shifted towards integrating Moro areas into the emerging Philippine state. The Moro Province was abolished in 1914 and a new Department of Mindanao and Sulu created. In 1920, non-differentiation between Moros and other Filipinos progressed, with Moro lands coming under the jurisdiction of a new Bureau of Non-Christian Tribes. When the Philippine Commonwealth was formed in 1936 in preparation for independence, the United States allied with Filipino elites in the north to incorporate Mindanao and Sulu fully into the commonwealth. While seeking to incorporate Moros as citizens of the new Philippine state,

¹⁴ Discrimination against Moros remain rampant in the Philippines today. See “Government Admits Moros ‘Unhappy’ About Being Filipinos,” *Maradika* 26, No. 11, 2006 and “Human Development Gains Can Reduce Armed Conflict and Terrorism in the Philippines,” UN Development Programme, Press Release, 23 May 2006.

U.S. officials also simultaneously created and promoted the idea of a unified Moro identity. This nascent identity would later emerge as a rallying point in the Moro rebel movement.¹⁵

Moro leaders, representing separate ethnic groups in Sulu and mainland Mindanao, several times petitioned the American government between 1916-1935 to consider Moro identity and the historically troubled state of affairs between Moros and Christian Filipinos as reasons to keep Moros administratively separate from the Hispanized and Christianized Philippines. In 1921, for example, fifty-two *datus* of Sulu addressed the U.S. president in a letter, asking that Sulu be made “permanent American territory” and “that law and order be maintained by American troops, as they have in the past treated us justly, . . . do not steal our property, . . . and do not mix or meddle with our women.”¹⁶ In 1935, in the same spirit, over one hundred Maranao *datus* sent a petition to President Franklin D. Roosevelt, declaring:

Should the US government grant the Philippines independence, the islands of Mindanao and Sulu should not be included. . . Our public lands must not be given to other people. . . The practices, laws and decisions of our Moro leaders should be respected similar to what the Americans have extended to us. Our religion should not be curtailed in any way. . . Once our religion is no more our lives are no more.¹⁷

Although a few officials sympathized with Moro sentiments, ultimately, American decision-makers ignored Moro entreaties. In one case in 1926, New York congressman Robert L. Bacon, motivated by Moro friendliness to American business interests and recognizing differences between Moros and Christian Filipinos, submitted a bill in Congress to keep Mindanao and Sulu under continued American control. But the bill failed. U.S. policy sided with Filipino elites who were eager to become the dominant rulers of an

¹⁵ See McKenna, *Muslim Rulers and Rebels*, Chapters 4, 5, and 11.

¹⁶ Rodil, *A Story of Mindanao*, p. 87.

¹⁷ *Dansalan Declaration*. Translation of document in author's possession.

independent Philippines, including the rich lands of Mindanao. American rule created a political and social foundation that favored Christian Filipinos over the minority Moros. Moros, for their part, became resentful and angry subjects of a people they perceived to be fundamentally different from them and unsympathetic to their religion and culture. At this juncture, seeds were planted for future conflict.

When conflict flared in Mindanao in the 1970's and continued in subsequent decades, U.S. policymakers largely stayed out of the picture, considering the conflict a domestic affair of the Philippines. When outside intervention did happen—whether to help Moro fighters or to assist the Philippine government in peace negotiations—it came from Muslim entities including Malaysia, Libya, Indonesia and the Organization of the Islamic Conference (OIC). But since the events of 9/11, U.S. policy and presence have become more palpable in Mindanao. In the context of a global fight against terrorism, Mindanao has acquired an importance it did not have before. American concern stems from the fact that terrorists such as Ramzi Youssef, Muhammad Jamal Khalifa, and Hambali had been active in Manila and Mindanao prior to 9/11.¹⁸ Officials in Washington feared that Al-Qaeda and its affiliates may have exploited, and could continue to exploit, local Moro grievances and the conflict in Mindanao to advance a larger agenda against U.S. interests. Marking the new urgency of the Moro problem, U.S. security assistance to the Philippines, which languished at \$1 million per year since the closure of U.S. bases in Clark and Subic Bay, rose to \$100 million in fiscal year 2001-2002.¹⁹ Beginning in 2002, American military advisers and soldiers, in the hundreds and thousands, have been deployed in Mindanao at

¹⁸ For background on terrorist activity in the Philippines prior to 9/11, see Yosri Fouda and Nick Fielding, *Masterminds of Terror* (New York: Arcade Publishing, 2003), Chapter Five.

¹⁹ "Joint Statement Between the U.S. and the Philippines," in <http://www.whitehouse.gov/news/releases/2001/11/20011120-13.html>.

different times to train and assist the Philippine military in counter-terrorism, provide logistical and intelligence support in hunting terrorists, and win Muslim “hearts and minds” through civic, medical and other humanitarian projects. U.S. concern was reflected in the words of a former senior diplomat at the U.S. Embassy in Manila, who compared Mindanao to Afghanistan and called it the new “Mecca of terrorism.”²⁰

U.S. military presence and activity in Mindanao are significant, although American soldiers may not engage in direct combat and could return fire only if attacked first. The yearly *Balikatan* (Shoulder-to-Shoulder) joint Philippine-U.S. military exercises that have been ongoing since the 1980's have enlarged, become more regular, taken a strong counter-terrorism flavor and been conducted in Mindanao several times. In 2002-2008, thousands of U.S. soldiers have engaged in combat training with, and given intelligence and logistical support to, Philippine troops in pursuit of terrorists on the islands and seas of Sulu, Basilan, and Tawi-Tawi, and in central and western Mindanao. Along with military exercises, U.S. troops have conducted numerous humanitarian missions, including dental and medical assistance, road repair and construction, and renovation and building of schools, clinics, bridges, and other civic infrastructure. These projects have targeted tens of thousands of people and aimed to soften the attitudes of local Muslim populations towards American and Filipino soldiers, while hardening their attitude towards Islamist terrorists. Besides *Balikatan*, approximately five to seven hundred U.S. troops are stationed in Zamboanga City on the southern tip of Mindanao. They are part of the Joint Special Operations Task Force-Philippines (JSOTF-P), an initiative in the U.S. “global war on terror.” Together with the Philippine Navy, U.S. soldiers have conducted thousands of

²⁰ “Malacanang Rejects U.S. Warning on Mindanao,” Inquirer News Service, 12 April 2005, in <http://www.arabnews.com/?page=4§ion=0&article=62019&d=12&m=4&y=2005>.

“visit, board, search and seizure” operations in the Sulu seas. U.S. soldiers have also worked on civil affairs and psychological operations (or “military information support”) in order to counter the propaganda of extremist groups such as Abu Sayyaf or the Indonesian-based Jemaah Islamiyah.²¹ Finally, the U.S. Rewards for Justice program gives millions of dollars for information leading to the arrest or killing of wanted terrorists. Several high-value terrorist targets have been apprehended or killed through the use of informants, and the U.S. Embassy website in Manila has featured photos of informants with stockinged heads receiving sacks of cash from U.S. officials. Rewards for Justice—though not a Pentagon program per se—functions, and is perceived in Mindanao, as an integral part of the U.S. military effort to combat terrorism.

U.S. counter-terrorism can claim some successes. The U.S. military, for example, has helped Philippine armed forces kill or capture leaders of the Abu Sayyaf and other smaller terrorist groups. U.S. military assistance has also helped professionalize the Philippine military and modernize its equipment. Further, the presence and activities of American soldiers, working alongside their Philippine colleagues, have narrowed the geographic space wherein terrorists can train and operate, particularly in areas like Basilan.²² But counter-terrorism success has a dark flipside. Foremost, it has helped legitimize the Philippine government’s militarized approach towards the Moros. For over half a century since Philippine independence, this approach has killed over 100,000 and displaced millions, while failing to address Moro historical, cultural and political grievances. Violence is the hallmark of a failed Philippine state policy toward its Muslim minority. It

²¹ See, e.g., Stew Magnuson, “Comic Book Hero Spreads Counterterrorism,” *National Defense Magazine*, February 2008, in <http://www.nationaldefensemagazine.org/issues/2008/february/comicbook.htm>.

²² Ryan Anson, “Philippines War on Terror Not As Fierce: American Advisers Help Filipino Troops to Wipe Out Poverty, the Seeds of Islamic Extremism,” *San Francisco Chronicle*, 9 September 2007 and Paul Wiseman, “In Philippines, U.S. Making Progress in War on Terror,” *USA Today*, 13 February 2007.

denotes a refusal to acknowledge historical wrongs and a failure to amend policies that have caused deep grievance to a distinct group. The state, historically by itself and now with American “counter-terrorism” assistance, continues to pursue low-intensity violence against Moro targets, while failing to integrate Moros into the national body politic, mitigate deep anti-Moro prejudice, or work more effectively on credible arrangements for peace.

The military approach, particularly what is called “intel-ops fusion,” by which American forces give intelligence to the Philippine military on the movement of wanted terrorists so that the latter could pursue and attack them, has been problematic. U.S. officials rightly underline that American military support targets only proven extremists and terrorists, nonetheless the operations undertaken with American guidance have sometimes been more blunt than precise. For example, American intelligence guided the army to bomb the Butilan Marsh in Maguindanao in November 2004, January 2005, and April 2005, but in these instances the targeted terrorists were not killed. Those killed allegedly included MILF troops and civilians, but numbers and identities could not be thoroughly verified. Philippine soldiers complained about unfamiliar, “marshy” terrain and potential sniper fire that prevented them from doing a cleaner job of hunting terrorists. Other reports quoted military officials saying that the bodies of victims were too mutilated to be identified, or had been hidden by the MILF.²³ The lack of precision in these deadly assaults has

²³ See, e.g., “Unfamiliar Terrain Hampers Military Operations vs. Muslim Militants,” Philippine News Agency, 20 April 2005, in <http://www.gov.ph/news/printerfriendly.asp?i=8487>; and Ben O. Tesiorna, “No Militant Rebels Slain in Maguindanao Airstrike,” 30 January 2005, in <http://www.sunstar.com.ph/static/net/2005/01/30/no.militant.rebels.slain.in.maguindanao.air.strike.html>.

intensified local suspicion and anger against the Philippine military, and encouraged some to continue helping fugitive bombers and criminals.

American equipment given to Philippine troops has also occasionally endangered peace between soldiers and MILF guerillas. In one incident, Philippine soldiers strayed too close to MILF-controlled territory and were asked by their superiors to vacate immediately to avoid provoking the MILF and to observe jointly-agreed ceasefire procedures that had been in place since 2003. The soldiers, however, did not have the ease and agility to flee quickly. They were weighed down by heavy American-issued paraphernalia. In addition, those who dropped their equipment in the melee had to turn back to dangerous ground to find and collect what they had lost. Otherwise, they would be held accountable for losing equipment with assigned serial numbers. In this incident, the commanding general remarked that American intentions were good in training and equipping the soldiers for counter-terrorism, but the results were not always optimal for keeping peace on the ground between soldiers and Moro insurgents.²⁴

In a larger context, American counter-terrorism successes barely touch the official corruption, incompetence, and general lawlessness that feed and contribute to terrorism and violence. For example, Philippine military personnel have acknowledged (at least privately) their role in creating “deep penetration agents” within the Abu Sayyaf, which exacerbated human rights violations, especially in Sulu and Basilan. Allegations of police and military collusion with Abu Sayyaf bandits also abound. Local politicians, Muslim and non-Muslim, have used bombs in internecine political rivalries, while pressuring law enforcement and military personnel to ascribe these incidents to terrorist actions.²⁵ The

²⁴ Story recounted to author by a Philippine general in Mindanao.

²⁵ Personal conversations with senior Philippine military officials in Mindanao, 2006-2007.

majority of bombings, kidnappings and assassinations linked to Moro perpetrators or alleged terrorists are judicially unresolved. Arrested individuals simply disappear in the slow, corrupt, and labyrinthine prison and legal system. A few have been killed under questionable circumstances, without trial, as happened in the Taguig prison in Manila in 2005.²⁶ Notorious terrorists have also escaped from jail —the most famous being Indonesian Fathur Rohman al-Ghozi who, in July 2003, escaped from national police headquarters in Manila, traveled all the way to Mindanao, used a cell phone, and was killed in an alleged firefight days before President Bush arrived in Manila for a less-than-24-hour state visit in October 2003. Many accusations of police collusion arose in the wake of the Al-Ghozi incident. Although guards and others implicated in allegations of collusion failed their polygraphy tests, ultimately, no one was held accountable. Neither the chief of the national police nor the head of the department of interior were sanctioned for the embarrassing escape of a convicted terrorist.²⁷

Other “terrorists” have been arrested without charges, while wrong people have been apprehended for resembling terrorists in name or appearance.²⁸ The Indonesian terrorist, Dulmatin, wanted as a key perpetrator of the 2002 Bali bombings and with a \$10 million bounty on his head (three times the largest lottery price in the Philippines), has been reported killed eight times, wrongly, by the Philippine military. The latest “killing” of

²⁶ “FOCUS: Expert Says Philippines Needs to Revamp Antiterror Approach,” Asian Political News, 21 March 2005, in http://findarticles.com/p/articles/mi_m0WDQ/is_2005_March_21/ai_n13458336.

²⁷ “Collusion Ruled Out in Al-Ghozi Escape,” *Sun Star*, 28 August 2003, in <http://www.sunstar.com.ph/static/net/2003/08/28/collusion.ruled.out.in.al.ghozi.escape.html>.

²⁸ “Arrested Amputee Not ‘Putol’ After All,” *Manila Standard*, 7 November 2005, in http://www.manilastandardtoday.com/?page=news02_nov07_2005.

Dulmatin happened in early 2008, but DNA testing of the body's identity has been inconclusive.²⁹

In Mindanao, easy access to, and proliferation of, weaponry also aggravate violence and terrorism. Hundreds of thousands of legal and illegal weapons and large munitions, including rocket-propelled grenade launchers, are afloat in the hands of genuine terrorists, bandits, civilian militias, politicians, private armies, the military and police.³⁰ Theft and illegal sales have transferred ammunition and weapons from the police and military to Moro rebels, and most likely, to other unlawful parties. In 2004, an international inspection of MILF troops led by Malaysian monitors showed some of the MILF ranks wielding new weapons that had only recently been issued to the police.³¹ Elsewhere, firefights and bombings have become relatively common in clan or family disputes over land and political spoils. The lack of credible law enforcement and judicial processes and institutions leads parties in conflict to engage their relatives from rebel or state armed groups to help them in their "battles." People are killed, thousands are displaced, and the scant livelihood of many is jeopardized. In this context, Moro communities tend to ignore, minimize, or deny arguments regarding the urgency of dealing with such "terrorists" as Al-Qaeda, Abu Sayyaf or Jemaah Islamiyah. They argue that such terrorism, defined in American terms, is the least of their concerns as they eke out a living and survive the crimes and violence that plague their communities. The overt and publicly-touted "wins" in U.S.-backed counter-terrorism are likely to prove limited in usefulness and effect. In the long-term, weak or non-

²⁹ "Report Doubts Dulmatin Death," *Philippine Daily Inquirer*, 16 May 2008, in <http://newsinfo.inquirer.net/breakingnews/nation/view/20080516-137054/Report-doubts-Dulmatin-death>.

³⁰ Philippine authorities estimate that there are one million licensed guns and 500,000 illegal firearms in the Philippines. Mindanao has the distinction as a place where one can procure not only guns but rocket-propelled grenade launchers. See Alan Robles, "Philippines Haunted by Its Long Love Affair with Guns," *South China Morning Post*, 21 May 2008, p. A13.

³¹ Interview with member of Philippine government peace panel, Manila, 2004.

existent official accountability, lawlessness, weapons proliferation, and other systemic problems will continue to exacerbate terrorism and violence in Mindanao and elsewhere in the country.

U.S. humanitarian and civil affairs efforts also have mixed results. Moros who have benefited from military-supported humanitarian and civic missions openly express their gratitude and support. But they also recognize that these missions are fleeting and unsustainable. Local communities are thankful when given access to American and Philippine military dentists, for example, but they know that regular dental care will remain out-of-reach after the visitors leave. American-built clinics are terrific, but Philippine doctors and nurses do not stay in conflict-prone Moro neighborhoods. Renovated schools and new classrooms are celebrated, but teachers, without access to chairs or chalk and whose salaries might be delayed for months, tend to give up.

Moros also question the close alliance between the U.S. military and the Philippine armed forces, given the latter's poor record on human rights abuses, association with extra-judicial killings, and a long history of ill-treating Moros. Terrorism, some Moros fear, could simply be used by the Philippine military as an excuse to further trample Moro rights and destroy Moro lives. In 2003, for example, Philippine armed forces used the false pretext of going after a terrorist group called the Pentagon Gang to launch war against the MILF, displacing and traumatizing thousands of Moros. In the Butilan Marsh, as earlier mentioned, bombings by Philippine soldiers, with U.S. intelligence guidance, have killed Moro civilians. In Jolo, Moros objected to an American-supported pamphlet containing pictures of wanted terrorists because it included the photo of a local, well-respected cleric with no ties to terrorism. In 2002, an exercise involving thousands of American military

personnel, along with their Philippine counterparts, created a ratio of military to civilians of 1:60 on the impoverished island of Basilan. In the Sulu Sea, the presence of Mark V boats manned by U.S. Navy Seals initially alienated Tausug fishermen whose huts on stilts were flooded by waves that the boats created. More seriously, a military massacre in early 2008 in a Sulu village, ostensibly in pursuit of the Abu Sayyaf, caused the deaths of eight people, including two children, two teenagers, and a pregnant woman. A survivor of the incident noted that she saw U.S. soldiers with Philippine troops who carried out the massacre, while an independent human rights probe concluded that the victims were not Abu Sayyaf members.³²

In theory, military counter-terrorism, applied against terrorists and their supporters, could help protect U.S. security interests while also making Mindanao communities more peaceful. But in practice, counter-terrorism has many problems. Its focus is too narrow, ahistorical, and, in the long-term, unlikely to create durable peace and security. The biggest problem in Mindanao is not terrorism. Terrorism, perpetrated by individuals and small groups, is only the symptom of deeper ailments. Unaddressed, persistent, and legitimate Moro grievances feed popular support for insurgent groups such as the MILF and MNLF. Terrorists such as the Abu Sayyaf, in turn, take advantage of friendships and linkages with individuals within these insurgent groups.³³ Add to this a permissive environment of corruption and lawlessness, and any U.S. counter-terrorism success becomes a highly temporary respite from insecurity and violence. In the long-term, the

³² Al Jacinto, "MILF Hails Human Rights Report on Sulu Massacre," *Manila Times*, 18 February 2008, in <http://www.manilatimes.net/national/2008/feb/18/yehey/prov/20080218pro1.html> and "Prosecutors Probe Sulu 'Massacre'," 20 April 2008, in <http://www.gmanews.tv/story/90533/Prosecutors-probe-Sulu-massacre>.

³³ This point is the theme of International Crisis Group, "The Philippines: Counter-insurgency Vs. Counter-terrorism in Mindanao," Asia Report No. 152, 14 May 2008, in <http://www.crisisgroup.org/home/index.cfm?id=5441&l=1>.

bombings, beheadings, wars, banditry, kidnappings, and assassinations that terrorize Mindanao and occasionally blight Manila, will not go away.

III. TALKING PEACE: ANCESTRAL DOMAIN AND SELF-DETERMINATION

Ongoing peace talks between the government and MILF began in 1997, but was interrupted by violent encounters that year and an “all-out war” in 2000. Talks resumed in 2001, culminating in a general “agreement on peace” that outlined an agenda for detailed negotiation. But in 2003, Philippine armed forces attacked and occupied an MILF stronghold called the Buliok Complex in Maguindanao province, and negotiations were halted. In 2004, soldiers pulled out from Buliok and talks proceeded anew. To support the negotiations and a ceasefire signed in 2003, an International Monitoring Team (IMT) led by Malaysian soldiers and including Bruneian and Libyan troops began operating on the ground. Subsequently, a Japanese representative joined the IMT to monitor economic development. Malaysia has officially facilitated the current talks, which are focused on a three-item agenda: 1) security, 2) rehabilitation of conflict-affected areas, and 3) ancestral domain. Interim agreements have been signed on the first two, but the last and most important topic—ancestral domain—has proven difficult and remains unresolved.

Ancestral domain refers to the MILF demand for territory that will constitute a Moro homeland (called the BJE or *Bangsamoro* [Moro nation] Juridical Entity); sufficient control over economic resources on that territory; and a structure of governance that reflects Moro culture and involves minimal interference from Manila. MILF leaders do not want “autonomy” as practiced in ARMM, but seek what they call a “new formula” that recognizes

historical injustice against the Moros and promotes a measure of just restitution. They emphasize a need to avoid past failures, decrying the inadequacies of ARMM.

The first component of ancestral domain is land. How large a territory should be set aside for a self-governed Moro entity? MILF leaders recognize the practical impossibility of restoring the sultanates' domains, but they also want territory larger than the present ARMM. Negotiations over land reached an impasse in September 2006, after the government offered several hundred more Moro-dominated municipalities in addition to the current ARMM, but the MILF asked for a larger swathe of "conflict-affected areas." These include lands that used to be Moro-dominated, but whose Moro populations dwindled due to war-related dislocation. The peace panels announced a breakthrough on territory in late 2007, but talks stalled again because of a subsequent government demand that any changes on territory be subject to legal and constitutional processes. From the Moro viewpoint, "constitutional process" is a curse phrase. From the 1970's under Marcos, to the last peace agreement signed in 1996, "constitutional process" and legislative measures have reinforced Manila's control over Moro lands and emasculated gains Moros thought they had made at the negotiating table. It is thus unsurprising that MILF leaders seek a framework other than "constitutional process," as traditionally understood and practiced.

The second component of ancestral domain is control over economic resources, including forests, land, rivers, and seas, and minerals found therein. The MILF seeks to end ARMM dependence on Manila by creating a viable Moro economy. Although government negotiators have been sympathetic to MILF demands, they face large hurdles in granting Moros control over natural resources. The old Regalian doctrine instituted under Spanish colonial rule remains constitutionally enshrined and gives the state control

over all strategic mineral resources. A constitutional amendment or, at least, a new ruling by the Supreme Court may be needed to grant Moros control over resources. Christian land-owning families with entrenched personal, political, and corporate interests in Mindanao also powerfully oppose Moro ancestral domain claims. These families have opposed past peace agreements, and some have labeled a potential ancestral domain deal as “treason” and a “sell-out” of the national patrimony by the central government.³⁴ Finally, intra-Moro rivalries over land, political power, and natural resources also pose a challenge. Moro politicians currently in power (mayors, governors, members of congress) are loathed to relinquish their perks to a future MILF-dominated Moro homeland. They have, on occasion, fought the MILF, using civilian militias and government troops, and accused the MILF of terrorism.³⁵

Negotiations over natural resources will spotlight areas like the Liguasan Marsh, a nearly-45,000 hectare marshland straddling the provinces of Maguindanao, North Cotabato, and Sultan Kudarat in central Mindanao. Liguasan Marsh is purported to hold significant deposits of oil and gas, is located on MILF-controlled territory, and is claimed by the Moros as their ancestral domain. Another area that represents potential petroleum wealth is the Sulu Basin, where the Philippine government has already awarded Service Contracts to foreign corporations for initial exploration. If oil and gas reserves are proven in the Liguasan Marsh and Sulu Basin, their value as Moro ancestral domain would increase exponentially, as would conflict over who gets to develop and profit from these

³⁴ The author debated this issue with Zamboanga City mayor Celso Lobregat, whose political dynastic family has long opposed Moro interests, and with former Senator Francisco Tatad, in Manila in October 2005. See also “The Carving Up of Mindanao” in <http://www.mindanao.com/blog/?m=20051025>.

³⁵ Carolyn Arguillas, “Buffer zones set up to prevent CVO-MILF clashes in Maguindanao,” *Mindanews.com*, 10 July 2006. See also the section on clan power in Malcolm Cook and Kit Collier, *Mindanao. A Gamble Worth Taking*, Lowy Institute Paper 17, Lowy Institute for International Policy, 2006.

resources. Ultimately, full and stable exploitation of any natural resources on Moro lands will depend on an agreement that the MILF and Moro populations support. Otherwise, hostilities, kidnappings, and other violence are practically guaranteed at the sites in question.³⁶

Governance is the third component of ancestral domain and involves the devolution of power over Moro affairs to the Moros themselves. As discussed, Moro “autonomy” has not ended Manila’s control and patronage. The central government has always selected ARMM governors who, in turn, have depended on Manila to sustain them. In the 2005 gubernatorial elections in ARMM, for example, Manila leaders discouraged a highly qualified candidate from running and instead supported a candidate who was widely perceived as brutal and corrupt.³⁷ Manila’s candidate won. The MILF seeks a different model of governance, based partly on their experience of running Camp Abubakar, a 5,000-hectare area covering several villages and communities. The MILF controlled Camp Abubakar militarily, practiced a system of governance based on Islamic principles, and oversaw a functioning agriculture-based economic system.³⁸ This experiment of governing a demarcated territory, developing a local economy, and nurturing Islam and Moro culture was short-lived, however, because government troops captured Camp Abubakar in 2000.

To reinvigorate stalled peace talks in late 2006, Philippine government negotiators made a new proposal to the MILF based on “self-determination.” Over decades,

³⁶ Ishak Antonio V. Mastura, “Can the Autonomous Region in Muslim Mindanao Issue Petroleum License? The Geopolitical Implications of Discovery of Oil and Gas in Southern Philippines,” Master’s Thesis, Centre for Energy, Petroleum and Mineral Law and Policy, University of Dundee, Scotland, UK, January 2007, 6-7 and Tuminez, “Peril and Promise.”

³⁷ Author interviews in Mindanao, various dates, 2005 and Cook and Collier, *Mindanao*.

³⁸ Marites Danguilan Vitug and Glenda Gloria, *Under the Crescent Moon. Rebellion in Mindanao* (Quezon City, Philippines: Ateneo Center for Social Policy and Public Administration and the Institute for Popular Democracy, 2000), pp. 106-115.

government representatives have refused the term “self-determination” because they viewed it as a slippery slope that could lead to dismemberment of the state. But, as senior members of the government peace panel noted, they had to think “out of the box” to prevent negotiations from collapsing. Their guiding principle was how to accommodate MILF demands maximally *without* compromising Philippine sovereignty and territorial integrity.

Adopting self-determination as a basic frame of reference marked a fundamental break from past government approaches and showed a truly open approach to resolving ancestral domain. An agreement based on self-determination deemphasizes the constitutional provision of heavy central control over Moro lands, and emphasizes instead another provision that says the Philippines “adopts the generally accepted parts of international law as part of the law of the land.”³⁹ Referring to international law on minority rights and the rights of indigenous peoples, the peace panels agreed that Moro grievances may be directly and more effectively addressed. In the past, government insistence on “constitutional processes” led to legislative measures passed by an unsympathetic Congress for governing Moro territory. The same constitutional processes produced plebiscites in which majority Christians outvoted Moros. In the context of self-determination and international norms on minority rights, negotiators have eyed the possibility that a signed peace agreement would govern any future enabling law passed by Congress on the Moro homeland. Thus, there would be a protective barrier against potential legislative efforts to emasculate Moro gains. ARMM enlargement and the creation of a genuine Moro autonomy could theoretically happen without being held hostage to the opposition of Congress or local anti-Moro groups. The details of an

³⁹ The 1987 Constitution of the Republic of the Philippines, Art. 2, Sec. 2.

ancestral domain agreement guided by the principle of self-determination have yet to be elaborated, but tentatively it would include ARMMM plus added territory; self-government and the drafting of a charter by Moros; stronger Moro taxation powers; separate Moro internal security forces; a potential referendum to determine Moros' final political status after an agreed-upon period of transition; the right to exploit natural resources on Moro territory; and the right to social and cultural development. The future Moro government would be given full powers except in foreign affairs, defense, and the printing of money. It could also have symbols such as a *Bangsamoro* flag.⁴⁰

The government and MILF peace panels should be commended for tackling squarely the historical roots of conflict in Mindanao. They have courageously addressed such old Moro grievances as loss of land, socio-economic marginalization, and the quest for self-determination. But, to paraphrase a common quote, before every silver lining is a cloud. Moro self-determination and its codification in an ancestral domain agreement, as well as a comprehensive peace pact, will likely face serious opposition both in Manila and Mindanao. And though the peace process has made substantive progress, the requisite political power to move forward with an agreement has been missing. As of mid-2008, talks have stalled again because the government has balked from proceeding with the peace panels' consensus points on ancestral domain. Instead, the administration would like to return to the primacy of "constitutional processes." This substantive and procedural setback so severely disappointed the Malaysian facilitators that they pulled out two-thirds

⁴⁰ Author's notes from meetings with government and MILF peace panels and with MILF leaders, Manila and Cotabato City, December 2006. A hopeful precedent with regards to ancestral domain and self-determination is the passage in the Philippines in 1997 of the Indigenous Peoples' Rights Act (IPRA), whose constitutionality, when challenged, was upheld by the Supreme Court. Moros generally do not consider themselves among the "indigenous peoples" of the Philippines but as independent nations unlawfully integrated into the Philippine state.

of their peacekeeping contingent in Mindanao in May 2008 and have declared that they would not renew their commitment to monitor ceasefire on the ground after their mandate expires in August 2008. The Philippine executive, which is ultimately responsible for driving any agreement forward, has been hobbled by electoral scandal, accusations of corruption, military rebellion, and threats of impeachment. Thus, despite the strong conceptual foundation for a comprehensive resolution to the Moro conflict, the end game and outcome remain murky. Without strong, committed and effective leadership to muster internal support and harness external financial, monitoring, and dispute resolution assistance, the situation in Mindanao is likely to stagnate or, worse, spiral toward renewed violence.

IV. OVERCOMING THE PAST: IS PEACE POSSIBLE?

The conflict in Mindanao is rooted in history, particularly the Moro experience of colonial rule and minoritization. Efforts in the past three decades to end Moro rebellion have failed because they did not address deep and legitimate Moro grievances. With the advent of 9/11 and the focus on Islamist terrorism, the Moros have suddenly found themselves the target of unprecedented international attention. On one hand, such attention has helped disseminate the just aspects of the Moro struggle. On the other, it has overwhelmingly highlighted terrorism as the crux of the Moro story. The focus on terrorism, particularly by the United States, implies a new misdiagnosis and mistreatment of the Moro problem. It is imperative that the Moro story of minoritization and historical injustice be highlighted, and that the Philippine government, Moro leaders, and interested

outside actors tackle this problem more effectively through the peace process and the implementation of an agreement based on ancestral domain and self-determination.

Silvestre Afable, Jr., former head of the government peace panel, eloquently outlined imperatives for both the government and Moro rebels if durable peace is to be attained:

The most formidable task of the Philippine Government is to temper the legal and political reflexes that deny the existence of 'shared sovereignties' or 'nations within nations,' which have been long accepted in the realm of conflict resolution. These reflexes are conditioned both by power manipulation by vested interests, and by the anachronism of a 'national security state' as opposed to a 'human security state' that is today's standard of a modern nation.

The most formidable task of the MILF is to embrace the poor and disenfranchised people of Mindanao, of whatever creed, origin or persuasion, and to elevate the struggle to a peaceful revolution of the whole rather than a rebellion of one of its parts.⁴¹

Afable's statement underlines the greatest shortcoming of the Philippine government—which is to deny Moro distinctiveness and historical grievances, while simultaneously imposing the centralized constitutional order that maintains Moro second-class status and favors the narrow, entrenched interests of ruling individuals and families in Mindanao. This approach can only maintain the status quo and potentially heighten tensions that feed warfare, terrorism, and lawlessness. The constitution is a living document and has been changed and reinterpreted many times in the Philippines.⁴² Afable rightly encourages a movement away from constitutional and legal rigidity. Other norms and guidelines that are more cognizant of minority rights and identity should be considered in order to resolve conflict and write a new and better chapter of Moro history

⁴¹ Foreword to Salah Jubair, *The Long Road to Peace. Inside the GRP-MILF Peace Process* (Cotabato City: Institute of Bangsamoro Studies, 2007), pp. viii-ix.

⁴² In December 2004, for example, the Philippine Supreme Court fully reversed a previous ruling that proscribed foreign-led mining because it was tantamount to foreign ownership and violated the state's control over the country's natural resources. See <http://www.multinationalmonitor.org/mmm2005/012005/front.html>.

inside a sovereign Philippine state. Sincerity and political will are sorely needed to realize the vision that Afable outlines

For the MILF and other Moro leaders, Afable also offers valuable insight. Intra-Moro divisiveness, corruption, and violent competition are huge problems that Moro leaders must overcome. A unified Moro vision does not yet exist on how to structure, govern, and develop Moro territory. MNLF and MILF leaders have yet to discuss seriously the idea of power-sharing in a potential *Bangsamoro* Juridical Entity or homeland. If these groups are unwilling to share power, they must then look at a peaceful split of Moro lands and the possibility of having not one, but two, Moro homelands. Whatever new structures evolve, Moro leaders must have the will to improve their own governance and lift as many Moros as possible from the socio-economic rut they have occupied for too long. In addition, Moro leaders must face the challenge of shifting their rhetoric and vision from resentment against the injustices of the past to pragmatic unity for building a better future. This means, in part, embracing a live-and-let-live ethos with the other peoples of Mindanao—Christian and non-Christian (i.e., indigenous tribes who are not Moro but also have centuries-old claims on ancestral land in Mindanao and who will end up inside the new Moro homeland when its parameters are finally decided). In other words, a generosity of vision will be required, similar to that exemplified by leaders like Nelson Mandela, who acted on the premise that revenge against old oppressors was inferior to the vision of a unified, multi-ethnic, peaceful and thriving South Africa.

The central players in Mindanao peacemaking will be the government, MILF and other Moro leaders, and the people on the ground who are most familiar with the horrendous costs of conflict. But outsiders can also help. Malaysia has already proven its

diplomatic and operational usefulness by facilitating negotiations and working on peacekeeping. The U.S. government also has a key role to play, particularly in the implementation phase of an agreement. U.S. policy, foremost, must make the peace process at least as important—if not more—than counter-terrorism. U.S. personnel need to become more involved in the peace process in order to have the most informed basis for a role in implementation. The United States has pledged development assistance in the wake of a peace agreement, but targeting areas of genuine need and finding honest disbursement channels require that U.S. actors develop a detailed knowledge of the whos, whys, and hows underlying any future agreement. The U.S. could work with other countries that have already proven their commitment to Mindanao, including Malaysia, Canada, Japan, Sweden, Australia, Libya, and others. U.S. experience in such places as Northern Ireland could be used to help create an international body (call it “Friends of Mindanao”) that would monitor the implementation of an agreement, assist in dispute resolution, and maximize development assistance. By playing a constructive conflict resolution role in Mindanao, the United States will undoubtedly help the Moros build a more dignified existence while also enhancing its own prestige and relationships in the larger Muslim world.

U.S. counter-terrorism activities are likely to become more effective when strongly complemented with deep engagement in the peace process. Moro hearts and minds might be more credibly won by this approach, and greater local cooperation could result in hunting down real terrorists. Commitment to the peace process means that the U.S. must also extract greater accountability from the Philippine military and government on human rights, legal reform, and due process. This can be done quietly, but firmly and consistently;

progress should then be rewarded with increased security and development assistance. Finally, through USAID or other institutions, the U.S. could help strengthen the public constituency for understanding historical Moro grievances and strengthening Moro minority rights. Tremendous education is still needed to overcome prevalent anti-Moro prejudice. Civil society organizations are already making a difference, and generational attitudes towards Moros are changing positively (albeit slowly) in places like Manila.⁴³

The comedian Lily Tomlin once remarked that “forgiveness is giving up all hope of ever having a better past.” This thought is a-propos to Mindanao. History cannot be restored and re-enacted. However, past injustices can be brought to light and corrected. The outcomes will never be perfect, but in the case of Mindanao, there is reason for hope.

⁴³ This was observable in civil society projects that the author was engaged in over four years of working on the Mindanao peace process, from 2003-2007, on behalf of the United States Institute of Peace and with funding from the U.S. State Department. See G. Eugene Martin and Astrid S. Tuminez, *Toward Peace in the Southern Philippines*, United States Institute of Peace, Special Report 202, February 2008.