

TITLE OF DISSERTATION

AN EXPOSITION AND CHRISTIAN ETHICAL EVALUATION OF THE
CONFLICT BETWEEN THE BANGSAMORO PEOPLE AND THE
GOVERNMENT OF THE PHILIPPINES.

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To my ever-dearest grand-daughter Tamia Faith Dellosa, my grandson Sebastian, and another soon to be born grandson, grandpa dedicates this work to each and every one of you.

Declaration

I hereby declare that this dissertation is my own work and effort, and that it has not been submitted anywhere for any award. Where other sources of information have been used, they have been acknowledged.

Signature:

Rev. Norberto Dellosa

Date: 15/12/2012

Abstract

The purpose of this dissertation is to present an exposition and Christian ethical evaluation of the violent conflict in Southern Philippines between the Bangsamoro people and the Armed Forces of the Philippines (AFP) representing the central government of the Republic of the Philippines (GRP). The Bangsamoro people, the original Muslim inhabitants of Mindanao at the time of colonization by the Spanish in 1521, now comprise only about five per cent of the total 90 million Philippine population. The Bangsamoro people have been at war with the Christian dominated government since the 1960's. Their struggle is for self-determination within their ancestral homeland in Mindanao. They consider self determination as a way for them to uphold and enrich their Muslim cultural heritage, religion, and identity. It is equally an expression of their desire to recover their pre-Spanish period (1521) of political and economic authority in the Southern Philippines. They are not asking for the whole of the region of Mindanao, but want a parcel of it, especially where they predominate. This will enable generations after them to live in peace and piety, as Islam enjoins all believers.

The organised Muslim armed revolt against the Armed Forces of the Philippines has dragged on for almost forty years. This dissertation examines and ethically evaluates this conflict in the context of past Spanish and American colonialism. It is understood in this dissertation as an identity conflict, and religion is considered as a distinctive feature of each combatant group. However, in the light of the events of 9/11 and terrorist atrocities in Bali, Barcelona, London and India, and the wars in Iraq and Afghanistan, including tensions in Palestine, the conflict in Mindanao has taken on a religious hue.

That colour has been tainted by the radicalization of Muslim *ummahs* and the western media which daubs Muslims as terrorists. The causes of the conflict are complex. Among the many causes are colonialism, poverty, marginalization, inefficient and corrupt governance, injustice and abuse of power, exploitation of cultural communities, and lack of recognition of ancestral heritage. Although much has been written about the Bangsamoro conflict, what distinguishes this dissertation is that it presents a Christian ethical evaluation of the conflict using a narrative methodology. In particular, the dissertation pinpoints how the neo-colonial Manila government uses the Just War Doctrine to justify the war against the Bangsamoro people. The dissertation concludes with recommendations for a resolution of the conflict.

Glossary of Terms and Acronyms

AHJAG	Ad Hoc Joint Action Group
AI	Amnesty International
AFP	Armed Forces of the Philippines
<i>al-jihad al-akbar</i>	greater <i>jihad</i>
<i>al-jihad al-asghar</i>	lesser <i>jihad</i>
ARG	Autonomous Regional Government
ARMM	Autonomous Region of Muslim Mindanao
BDA	Bangsamoro Development Authority
ASEAN	Association of Southeast Asian Nations
ASG	Abu Sayyaf Group
AusAID	Australian Agency for International Development
‘Bantay Ceasefire’	Ceasefire Watch
BEC	Basic Ecclesial Christian Communities
BEC-CO	Basic Ecclesial Community office
BIFF	Bangsamoro Islamic Freedom Fighters
BJE	Bangsamoro Juridical Entity
BMP	Bangsamoro People
BUF	Bishop-Ulama Forum
CAFGUs	Civilian Armed Forces Geographical Units
CBCP	Catholic Bishops’ Conference of the Philippines
CCCH	Coordinating Committees for the Cessation of Hostilities
<i>Conciliation Resources</i>	A peacebuilding non-government organisation
CoP	Culture of Peace
CPC	Civilian Protection Component
CPE	Center for Peace Education
CRS	Catholic Relief Services
CSO	Civil Society Organization
CVOs	Civilian Voluntary Organizations
DDR	Disarmament, Demobilization and Reintegration
DENR	Department of Environment and Natural Resources
Duyog Ramadan	(participating in Ramadan)
ECID	Episcopal Commission for Inter-religious Dialogue
FPA	Final Peace Agreement
Gaudium et Spes	Pastoral Constitution on the Church in the Modern World
GPF	Global Peace Festival
GRP	Government of the Republic of the Philippines
HPI	Human Poverty Index
HRW	Human Rights Watch
IBS	Institute of Bangsamoro Studies
ICAF	Interagency Conflict Assessment Framework
ICCs/IPs	Indigenous Cultural Communities/Indigenous Peoples
ICFM	Islamic Conference of Foreign Ministers
ICG	International Contact Group
IID	Initiatives for International Dialogue
Indios	Christianised Filipinos
IMT	International Monitoring Team

IRD	inter-religious dialogue
JaB	Jus ad Bellum
JCCCH	Joint Coordinating Committee on the Cessation of Hostilities
Ji	Jemaah Islamiyah
JiB	Jus in Bello
<i>jihadism</i>	propagating ‘offensive <i>jihad</i> ’ or ‘armed <i>jihad</i> ’ in the advance of Islam
JpB	Jus post bellum
JRE	<i>Journal of Religious Ethics</i>
JWD	Just War Doctrine
KFR	kidnap-for-ransom
LGUs	Local Government Units
LMPF	Lumad Mindanaw Peoples Federation
LMT	Local Monitoring Team
Lumad	A group of indigenous peoples of the southern Philippines .
MCW	Mindanao Commission on Women
MEDCO	Mindanao Economic Development Council
MGB	Mines and Geosciences Bureau
MILF	Moro Islamic Liberation Front
Mindanao Peaceweavers	a network of peace advocates
MNLF	Moro National Liberation Front
MPC	Mindanao Peoples’ Caucus
MPPM	Mindanao People’s Peace Movement
MOA-AD	Memorandum of Agreement on Ancestral Domain
MPPM	Mindanao People’s Peace Movement
MSF	Médecins Sans Frontières (Doctors Without Borders)
NSSA	National Secretariat for Social Action
NCCP	National Council of Churches of the Philippines
NGO	Non-Governmental Organization
OIC	Organization of Islamic Conference
OPAPP	Office of the Presidential Advisor on the Peace Process
PACEM	Program to Assist Christians in Education about Muslims
PAZFI	Peace Advocates Zamboanga Foundation, Inc. :
PCID	Philippine Center for Islam and Democracy
PCIJ	Philippine Center for Investigative Journalism
PHP	Philippine Peso
PMA	Philippine Military Academy
PNP	Philippine National Police
POC	Peace and Order Council
Qur’an	Holy book of Islam
SC	Supreme Court
Sharia law	Islamic law based on the Qur’an and Muhammad’s example often called the <i>Sunnah</i>
SMI	Sagittarius Mines Inc, an Australian-backed mining company.
UCCP	United Church of Christ in the Philippines
USIP	United States Institute of Peace
WoT	War on Terror
ZOPA	Zone of Possible Agreement

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Chapter One: Introduction

Mindanao is situated at the Southern end of the Philippine archipelago, where it sits adjacent to Indonesia and Malaysia. It is a large island about the size of England (see Figure 18, p.162) with a population of about 18 million. The local population of Mindanao had made contact with the Muslim traders of Indonesia and Malaysia long before the arrival of the Spanish in 1521. Through this early contact with the Muslim traders, the inhabitants of the island converted to Islam, and the Muslim Sultanates of Maguindanao and Sulu were formed on the western side of the island (see Figure 14 p.167). The Spanish conquered the northern island of Luzon (where Manila is located) and most of the major islands amongst the Visayas (large North East island see Figure 1, p.157, Figure 2, p.158, and Figure 5, p.160). For the most part, the populations were converted to Catholicism. However, the Spanish failed to subjugate Mindanao. It was only under the Americans at the end of the Philippine-American war (1899-1902) that most of the island was brought under control, although resentment and conflict persisted. That resentment and conflict has continued for five centuries. After the Philippines gained independence from America in 1946, the Mindanao region remained largely non-violent until the 1960s when Christians mainly from Luzon and Panay Island in the Visayas began settling in the region.

This deliberate government policy of resettlement turned the Muslims into the minority group. This migration and the Jabidah/Corregidor Massacre (March 18, 1968) in particular are generally believed to have been the spark which ignited the modern Moro insurgencies in the Southern Philippines. The result of this conflict is staggering according to lawyer Laisa Alamia, head of the Commission on Human Rights in the Autonomous Region in Muslim Mindanao (ARMM).

Citing government data and estimates culled from official websites, Alamia laid out the cold and dark statistics on the impact of the war so far on the people of Mindanao, among them:¹

- More than 60,000 deaths
- Two million internal refugees
- 535 mosques destroyed
- 200 schools demolished
- 35 cities or towns damaged

Alamia also estimates that the Philippine government has already spent P76 billion in fighting the war in Mindanao from 1970 to 1996 alone. During the all-out war of then President Joseph Estrada against the MILF in 2000, another P6 billion came out of state coffers. These are the stuff of headlines – casualty reports, refugee statistics, towns burned to the ground, and villages ravaged. Yet as the unending cycle of violence and grief has shown over the past four decades (from 1966 to 2012), the hidden costs of war may actually far outweigh the toll on human lives and damaged property, if only for the deeper wounds it plants among protagonists and innocent victims alike.

What is particularly tragic in conflict areas is that the cycle of violence has already blurred the line between right and wrong. While the divide is seldom etched in black and white, the social costs of the conflict mean that the grey areas grow broader and broader with time. Recently, on October 12, 2012, the Government of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) agreed to create a new autonomous political entity, *the Bangsamoro*, to replace the *Autonomous Region in*

¹ 'Mindanao: The hidden costs of war', *Office of the Presidential Adviser on the Peace Process*, posted on Monday, 9 July, 2012.

Muslim Mindanao (ARMM), established in 1989. *The Bangsamoro* will have a “ministerial form of government.”

Aim and Methodology

This dissertation presents an exposition and Christian ethical evaluation of the conflict in Mindanao, with a particular focus on the Bangsamoro Muslims. The exposition of the conflict in Mindanao explains, defines and interprets the situation. This is undertaken using a narrative methodology. The dissertation takes a narrative approach in order to tell the story about the lives and identity of the Bangsamoro people. The story is the entrance to the feelings, experience, memory, culture, religion and moral reasoning of the Bangsamoro people. It is in telling the story that the origins and complexity of the conflict emerge and insights into the Bangsamoro’s identity, suppression, values and beliefs are gained. Examples of the suppression of the Bangsamoro are chosen to discuss the conflict from a Christian ethical evaluation.

Christian ethical evaluation in this dissertation is explored in the light of Christian discipleship. Christian discipleship is based on a faith encounter with the Risen Jesus and personal engagement in mutual commitment to Christ, and his mission of bringing the kingdom of God to others. The aim of our discipleship is to develop the character of Christ, to become like him so we can go and do likewise (Luke 10: 37). This is an important ethical criterion for interpreting the narrative of the Bangsamoro people. Christian discipleship is in itself a narrative which arises out of God’s narrative about humanity, creation and the world. Discipleship occurs within relationships and not just in relationship with Christ but in community. Christian discipleship is a commitment to God, who is a God of liberating love and forgiveness. God, who is love (love is patient and kind- 1 Corinthians 13), embodied in the words and actions of Jesus

the Christ, is calling disciples to sacrifice and simplicity in their lives. Christians are called to a way of life, and a life-style that liberates others such as the Bangsamoro people and God's creation in Mindanao from oppression. Jesus invites Christians to make a commitment to the reign of God. It is a revolutionary and transformative way of life which calls us "to repent and believe in the Gospel" (Mark 1:14-15). We are called to conversion, to turn from the sin of oppression and enter into the life of God's grace. Rather than see our Muslim neighbour as a threat, we are called to love our Muslim neighbour as our selves. We are asked to turn the other cheek, pray for those who hurt us, and strive to heal and forgive. The reign of God is at the heart of the message of Jesus. It is an inclusive reality which has cosmic implications (Romans 8:19-23). God is asking us to be cosmological in our thinking and to imitate Christ's behaviour within the context of the conflict in Mindanao. The struggle for justice and the rights of the poor is at the heart of the experience of the reign God (Luke 4:18-19).

...our cry and struggle with our people is for life. As we involve ourselves in the people's struggle for life, we experience God's empowering Spirit, inspiring, comforting, sustaining with inner strength --the very same Spirit manifest in the people's commitment to preserve in their search for justice and peace. People saying NO to forces and systems that try to diminish their humanity and their assertion of their rights as human beings are steady signs of God's redemptive activity in the Spirit...²

Jesus initiated the reign of God in person and in and through his actions and words. Justice in the Jesus movement is based on a new relationship (Matthew 5-7) with God and it is interconnected with a change of thinking (conversion; Luke 6:36) and compassion. A change in thinking by Christians and the Manila government is required if peace with justice is to descend on the Muslim people and the land of Mindanao. The compassion of Jesus for the poor in the New Testament is a mark of his ministry.

² Melanio L. Aoanan, 'The State of Theological Education in the Philippines', Bulletin of the [Program Area on Faith Mission And Unity](#), [Christian Conference Of Asia](#), *Theological Concerns*, Vol. XXII, no. 1, April 2006.

Jesus was moved by compassion when he healed the sick (Matthew 14:14). He was compassionate towards lepers (Mark 1:41), the hungry (Mark 8:2) and blind people (Matthew 20:30). With this in mind, the challenge for the Christian dominated GRP is to show compassion for the people in Mindanao rather than retaliation (an eye for an eye). Christian discipleship is faith that does justice and expresses compassion. It stands up for the rights of the oppressed Bangsamoro and the needs of mother earth in Mindanao. This dissertation demonstrates a preferential option for the Bangsamoro people and the land of Mindanao, created by God.

The exposition of the Bangsamoro struggle tells the story of a people who have been prevented from flourishing. It recalls their oppression and the intentional harms caused to them by their own government. By narrating the story, the truth is revealed and the ethical issues are identified. This in turn enables the ethical issues to be analysed in the light of Christian discipleship. Out of this story, ethical principles are identified which act as signposts towards a resolution of the conflict

Scope of Dissertation:

The armed conflict in Mindanao is multi-faceted, and motivated not only by ideology (Communist Party of the Philippines; New People's Army and National Democratic Front) but also by village and regional struggles over political power and resources, clan conflict (*rido*), vigilantism, and opportunistic crime. Private armies, militias and armed groups composed of soldiers who have staged various *coup d'etat* attempts are a feature of the fragmented landscape of Mindanao. These various groups complicate the already complex interface of the conflict between the MILF, the MNLF and Government forces. It is difficult to find clarity at times as to the relationships between various groups and this in turn causes problems for the implementation of

cease fires and the peace process between the Bangsamoro people and the Government. In the midst of this fragmented landscape in Mindanao are the indigenous population, the Lumads. They are isolated from both Christians and Muslims, and tend to live in mountainous areas. The Lumads also suffered injustice and discrimination. They have a great connectedness to nature and are especially outraged at the exploitation of the environment by mining companies. They have also been exploited and used by the violent groups as a means of recruiting members.

Given the complexity of the Mindanao conflict, this dissertation is limited in scope to the conflict in Mindanao between the Government forces and the MILF, the MNLF and terrorist groups such as *Abu Sayyaf* (ASG) and the Pentagong gang. The thesis is limited in scope to a Christian ethical evaluation of the conflict. It does not deal with the Muslim ethical literature on the Bangsamoro conflict and environmental issues.

In the late 1960s and early 1970s Muslim armed resistance to the Central Government in Manila was spearheaded by the Moro National Liberation Front (MNLF). The MNLF claimed fourteen provinces in Mindanao which it sought to consolidate into a separate Muslim state. The Moro Islamic Liberation Front (MILF) broke away (1984) from the MNLF when the MNLF accepted autonomy within the framework of Philippine nation-state. The MILF continues to fight for independence through an armed struggle against the Government. Both groups have a number of factions.

The *Abu Sayyaf* Group is the most violent of the Islamic separatist groups operating in the southern Philippines and claims to promote an independent Islamic state in western Mindanao and the Sulu Archipelago. It split from the Moro National Liberation Front in the early 1990s, and the group currently engages in kidnappings for

ransom, bombings, assassinations, and extortion, and has ties to *Jemaah Islamiya* (JI) and other criminal external groups.

Structure

The dissertation takes shape in seven core chapters:

Chapter 1: Introduction

Chapter two, the Vale of tears: Christians and Muslims in conflict. This chapter ethically critiques the historical narrative of the Muslim Bangsamoro (BMP) people in their struggle for self-determination. This is undertaken in three sections. Section one explores the identity of the Bangsamoro people and their struggle against the GRP in the 1960's. Section two explores two morally significant invasion and occupation narratives of the Philippines; first, the Spanish Catholic narrative (1521-1898) followed by the American narrative (1898-1946). Section three discusses the impact of Christian colonial aggression against the BMP and its compatibility or non-compatibility with the Gospels. This chapter concludes that the BMP suffered inequality, injustice and marginalization in its quest for a self-governed jurisdiction in a mainly Christian country.

Chapter three, neo colonialism and the Bangsamoro trauma. This chapter continues to explore the narrative of the BMP with an exposition and ethical evaluation of the Bangsamoro story in a neo-colonial context (circa 1946 when the Philippines gained independence from the Americans). This is undertaken in two sections. Section one critically explores a) the neo-colonial ethics of the GRP and b) the role of Catholic liberation theology in the struggle for justice. Section two discusses the Bangsamoro conflict within the context of the global terror (WoT).

This chapter concludes that the Government of the Philippines (GRP) inherited and continued the immoral colonial policies of the Spaniards and the Americans. The GRP became the new colonialists who benefited both economically and militarily from Bush's doctrine of global war on terrorism.

Chapter four, banishment by the Just War Doctrine (JWD). This chapter continues the moral narrative and ethical evaluation of the BM conflict. This is undertaken in three sections. Section one discusses the JWD in the context of Muslim Mindanao. Section two examines the Muslim *Jihad* as a response to the use of the JWD by the Christian GRP. Section three evaluates the principles of JWD. This chapter concludes that the Just War Doctrine is a tool of oppression. It reflects a way of thinking and consciousness which is open to abuse and misuse.

Chapter five, tracking the peace process continues the story of the BM conflict by focusing on the improvisations and creative thinking of the peace process in the Bangsamoro areas in Mindanao. This is undertaken in three sections. Section one highlights the challenges of the peace process. Section two explores external third intervention as a tool of the peace process. Section three examines the role of culture, power, and gender in the peace process in Mindanao. This chapter concludes that there is a growing moral awareness in the Philippines that fighting it out on the battlefield is counter-productive to the aims of the BM people in Mindanao and the country.

Chapter six, bridges of hope explores the prospect of building bridges of hope towards a lasting and just peace in the Bangsamoro region. This is undertaken in two sections. Section one explores the nature of peace within the context of Mindanao. Section two discusses the proposed new framework for peace. This chapter concludes that dialogue and collaborative thinking contribute to holistic peace.

Chapter seven: Dissertation Conclusion

The dissertation concludes by recommending eight ethical principles to support the dialogue towards peace with justice with the Bangsamoro people and the Philippines.

The significance and contribution of this dissertation is that it presents a Christian ethical evaluation of the conflict using a narrative methodology. In particular, the dissertation contributes to the Christian ethical literature on the Mindanao conflict by highlighting how the neo-colonial Manila government uses the Just War Doctrine to justify the war against the Bangsamoro people.

Objectives

The objectives of this research are as follows:

- to tell the story of a “forgotten conflict”
- to demonstrate the complexity of the conflict in Mindanao
- to present an exposition and Christian ethical evaluation of colonialism and neo colonialism.
- to present an ethical evaluation of the Just war doctrine in the context of the Mindanao conflict.
- to develop a set of ethical principles to support the dialogue towards peace with justice in Mindanao.

Chapter Two: The Vale of Tears: Christians and Muslims in Conflict

Historical injustices are at the heart of the armed conflict between the Bangsamoro people and the Government of the Philippines. The purpose of this chapter is to situate and ethically evaluate the Bangsamoro struggle for justice within the historical narrative of the Muslim Bangsamoro (BMP). This is undertaken in three sections.

Section one explores the identity of the Bangsamoro people with particular reference to the Christian settlers and land grabbing in the 1960s.

Section two explores two morally significant invasion and occupation narratives of the Philippines; the Spanish Catholic narrative (1521-1898) and the American narrative (1898-1946).

Section three probes the impact of Christian colonial aggression against the BMP and its compatibility or non-compatibility with the Gospels³.

Section 1: Who are the Bangsamoro people? Are they different from the rest of the Philippine population?

The Bangsamoro struggle for justice is based on their right to self-determination and ancestral domain in Mindanao. This struggle has a history and it takes place within a contemporary Mindanao which is populated with diverse communities of multi-faith and multi-ethnic people. The Bangsamoro Muslims are significant communities in Mindanao.

³ E. P. Flynn, *My Country, Right or Wrong: Selective Conscientious Objection in the Nuclear Age*, Chicago: Loyola University Press, 1985, p.28.

This chapter tells a story about the Bangsamoro people (BMP). The purpose of telling this story is to tell the truth about the BMP struggle and to explain the historical conditions which shaped the identity and moral character of the BMP. This story is not a story of fiction. It is an exposition of facts and these facts are morally relevant to the ethical evaluation of the struggle. The telling of the story of the Bangsamoro is a moral action which enables us to learn about the meaning of their struggle. We connect with their stories in their ‘vale of tears’ by recollecting their memories, struggles, achievements and truths. We discover what matters to the Bangsamoro people. By telling their stories we enter their imagination, feelings, culture, religion and moral reasoning. By telling the story of the Bangsamoro people, the morally relevant features of the conflict surface and are identified. It is through the narrative that the moral reasoning of the BMP struggle emerges and the ethical issues are acknowledged and engaged.

The Bangsamoro story begins with the name Bangsamoro. Bangsamoro (‘the Moro People’) is the generic name for the 13 ethno-linguistic Muslim tribes in the Philippines which constitute a quarter of the population in Mindanao in the Southern Philippines. They number from 5 to 6 million people and are found in every major island of the country, but the majority live in Mindanao in a conglomeration of provinces now called the ‘Autonomous Region of Muslim Mindanao’ (ARMM, see Figure 1, p.157, and Figure 3, p.159). The [region](#), located in the [Mindanao island group](#) of the [Philippines](#), is composed of predominantly [Muslim provinces](#), namely: [Basilan](#) (except [Isabela City](#)), [Lanao del Sur](#), [Maguindanao](#), [Sulu](#) and [Tawi-Tawi](#).

It is the only [region](#) that has its own autonomous government. The regional capital is at [Cotabato City](#), although this [city](#) is outside of its jurisdiction⁴ (see Figure 1 p.157). The BMP share a distinct culture, speak different dialects, and share a common belief in Islam. This belief in Islam is a uniting factor among the different ethnic groups. Of the 13 ethnic groups, there are three major groups on the basis of population and their leadership. These are the Maguindanaons (the people of the flooded plains), the Maranaos (people living around the lake located particularly in Lanao del Sur) and the Tausogs (people of the current, i.e. river located in the Sulo archipelago⁵, (see Figure 3, p.159).

The Philippines is divided geographically into provinces; and as of March 2010, there are eighty [provinces](#) comprising seventeen regions the country (see Figure 2, p. 158). Five provinces (i.e. Sulu 63.2% of its population, Tawi-Tawi 56.5%, Maguindanao 55.1%, Lanao Del Sur 55%, and Sultan Kudarat 54.3%) of the thirteen poorest provinces which have a paucity of economic resources in the Philippines are populated mainly by the Bangsamoros (i.e. Muslims). These same provinces are vulnerable to unstable peace and disorder caused by sporadic armed clashes between the Bangsamoro armed groups and the Armed Forces of the Philippines (AFP). There is a real feeling of disparity among the Muslims in these provinces and cities comprising Muslim Mindanao. There is an existing feeling in the Autonomous Region of Muslim Mindanao (ARMM) that they (BMP) have been neglected, and ignored, if not totally forgotten, by the central government of the Philippines (GRP) since its independence from the colonial United States of America in 1946.

⁴ The establishment of the Autonomous Region of Muslim Mindanao (ARMM) was through Republic Act No. 6734 on August 1, 1989 in pursuance with a constitutional mandate to provide for an autonomous area in Muslim Mindanao.

⁵ <http://armm.gov.ph/> accessed 19 November 2011.

What transpired after the 1946 independence of the country from the American colonial masters was *anathema* to the BMP. That *anathema* is the GRP continued the American policy of internal migration which involved encouraging people from other parts of the Philippines to settle in Mindanao.⁶ The BMP felt they were being invaded as they were not consulted about the migration policy by the central government. The intention of the migration policy was to increase the number of non-Muslims (Christians) in the Muslim area of Mindanao and decrease the Muslim majority. The following story is an example:

Foremost in the government's policy of attraction—and the only element of its agrarian reform program that was effectively implemented—was a resettlement program for [people from the northern island of Luzon] to Mindanao. The [Philippine] army-administered Economic Development Corps (EDCOR) established settlement projects primarily in Cotabato...but its first project, in 1951, was in the fertile Kapatagan Basin in neighboring Lanao Province. Demographic data are available only for Kapatagan, but they illustrate the scale of the postwar influx of Christian migrants. There were about 24 Christian settlers in the Kapatagan area in 1918. By 1941 their number had risen to 8,000 and by 1960 there were a total of 93,000 immigrants, many of whom had arrived under the EDCOR program. By 1960, Christian immigrants vastly outnumbered the 7,000 Maranao Muslims still living in the area.⁷

The identity of the BMP, that is, their uniqueness and credentials is woven into the story of their connectedness to the land. In a religious sense, the land is sacred and the new immigrants had committed sacrilege by disrespecting the land and the BMP natural rights to the land. The Bangsamoro people, as Muslims believe in the communal ownership of the land and consider *Allah* their God as the sole owner and creator of the land and natural resources. Individual ownership of land is not the practice of the BMP. The religious narrative of the sacredness of the land is a morally relevant feature of the conflict.

⁶ R.J. May, 'The Moro Conflict and the Philippine Experience with Muslim Autonomy', Paper for Centre for Conflict and Post-Conflict Studies Asia-Pacific, The Australian National University, Canberra, September 2002.

⁷ D. B. Schirmer and Stephen Rosskamm Shalom (eds.), *The Philippines Reader: A History of Colonialism, Neocolonialism, Dictatorship, and Resistance*, Boston: South End Press, 1987.

In other words, the Bangsamoro story and theology of land is anchored in the belief that the BM people are stewards of *Allah's* land and that ownership can never be allocated to any private individual. This belief is morally significant as it presents an insight into the context, motivation and stimulus of the conflict. This belief has acted as motivator in the BM opposition to mining in their ancestral land. As a result of the occupation of the land and dislocation of the Muslim people, the local Muslims wept to Allah from their 'vale of tears'. They, along with other indigenous people (e.g. Lumads) were driven from their lands. Consequently, their lands were subdivided for free to accommodate the Christian emigrants from Luzon and the Visayas. This in effect was legalised land grabbing as it was supported and managed by the Manila central government under its migration policy. It opened a new chapter of continued deprivation and oppression of the BMP, and continued the neglect and discriminatory policies which the Americans (1898-1946), the colonial masters of the GRP, had begun.

The background to the immoral migration policy was the American declaration that all public land usage in Mindanao was at the discretion of the American government, thus depriving all claims by the BMP to ancestral lands. The BMP had no rights and had to live with this policy of injustice.⁸ The Americans were motivated by colonial and commercial interests, missionary zeal, racial superiority, economic greed and the desire to exploitation the resource rich land of Mindanao. As mentioned before, the present day GRP kept up the land grabbing policy of the Americans and sided with the migrant Christians and used its armed forces (AFP) and police (PNP) to impose the land titles ruling. This military action of the AFP and the armed police (PNP) against the BMP raised religious, political, legal and ethical issues.

⁸ W. K. Che Man, *Moros of Southern Philippines and Malays of Southern Thailand*, Quezon City, Philippine: Ateneo de Manila University Press, 1990.

Not only was it illegal for the GRP to use its military and police forces against its own people (BMP), but it was also morally wrong and unjust as all inhabitants of the country, Christians and Muslims, were by right morally entitled to the full protection of the law, including protection from harassment and abuses by the armed forces and police. There was no attempt to set up discussions or negotiate with the BM people. In other words, the government (GRP) turned on its own people (BMP) in a discriminate manner and failed to act justly. This was state terrorism. The collusion with the Christian settlers was accompanied by prejudice and hatred for the Muslim tradition and Islam.

What is morally significant in the renewed and accelerated land grabbing policy of the 1960s was the Christian GRP's failure to care for the interests of the Muslim BMP. Christians seemed to believe that personal morality and conscience could be jettisoned when it came to dealing with people of other religious faiths and cultures, especially Islam. At this time, the land grabbing neo-colonial policy of the GRP was shot through the Christian belief of religious superiority to the Muslims. This is morally significant in understanding the conflict arising from the land grabbing policy in the 1960s. The Bangsamoro people identify themselves first and foremost as a community committed to the discipline and adherence of their religion (Islam), and secondly to their ancestral beliefs and values. The Bangsamoro people are by nature conservative in religion, culture and dress. When Christian Filipinos began settling in Mindanao in the 1960's (particularly in 1968 when there was massive migration of Christians from Luzon and Visayas to Mindanao), the BMP suffered a social, cultural, and religious shock. The Westernised Filipinos brought their ways of thinking, imagining, feeling and worshiping into the BM world.

However, this western mindset was not totally new to them. The invasion of Western ideas had begun in the 16th century when the Spanish invaded and continued with the American invasion in the 19th century.

The 1960s migration policy is an example of “ethnic cleansing” where the majority power rules and where a central government follows the utilitarian calculus in governing (i.e. the greatest happiness for the greatest number and ignores the rights of the minority). This massive migration resulted in the minoritization of the BMP as the following data provides:

The total population of the Philippines as of May 1, 2010 is 92,337,852 based on the 2010 Census of Population and Housing. The census counts up to the barangay level were made official with the signing by President Benigno S. Aquino III of Proclamation No. 362 on March 30, 2012. As of 1 May 2010, the population of Mindanao is as follows broken down per region:

Region IX – Zamboanga Peninsula 3,407,353; Region X – Northern Mindanao 4,297,323; Region XI – Davao Region 4,468,563; Region XII – SOCCSKSARGEN ([Cotabato](#), [City of Cotabato](#), [Sarangani](#), [South Cotabato](#), [General Santos](#), [Sultan Kudarat](#)) 4,109,571; Autonomous Region of Muslim Mindanao 3,256,140; Region CARAGA (Agusan del Norte but excluding Butuan City, Butuan City, Agusan del Sur, Dinagat Islands, Surigao del Norte, Surigao del Sur) 2,429,224.

Roman Catholic was still the dominant religious affiliation in Mindanao with 60.9 percent of the household population while Islam comprised 20.44 percent. Other religions were Evangelical (5.34%), Aglipayan (2.16), Iglesia ni Cristo (1.66%), and Seventh Day Adventist (1.65%). However, Islam was the dominant religious affiliation in ARMM-Autonomous Region of Muslim Mindanao (90.10%).

Sources:

National Statistics Office, 1990; Census of Population and Housing; National Statistics Office, 2000; Census of Population and Housing National Statistics Office, 2010 Census of Population and Housing⁹.

What this demonstrates is that the dominant utilitarian doctrine of the Manila government pushed aside the inalienable rights of the minority in Mindanao. Rights are like a net which uphold and protect the dignity of the human person in community. The Bangsamoro people were due protection and justice but they did not receive this from the state which has a duty to serve the common good.

⁹ Philippine *National Census of Statistics*, Number: 2012-27, Date Released: April 4, 2012.

What is critical here is that doctrine of utilitarianism disregards the whole notion of inalienable rights. This doctrine does not accept that individuals or groups (e.g. BMP) have such rights; meaning, that the GRP do not accept that the BMP have an entitlement to the Land, or that they can make demands on others not to interfere with their homeland. Undeniably, the state i.e. GRP has the legal right to protect its own territorial integrity even its own migration policy. However, when these policies become tools for oppression, discrimination and injustice, then these policies become violative of basic human rights and therefore become tools of state terrorism. What is morally significant is that a prime motivation for rights in general is to ensure that no-one is subject to unbridled calculations of utility, so that a minority (e.g. BMP) does not suffer in order that a great number enjoy some [benefit](#). Rights are a means to achieve human flourishing and happiness. Human rights stand in the way of governments or societies sacrificing individual or minority interests in favour of the collective, (e.g. the Philippine community in general). Similarly, human rights are argued to be universal and apply across political, religious, and cultural divides; i.e. Christians and Muslims.

At one level rights are those claims which protect individuals from being subjected to calculations of pure utility. The promotion of the greatest happiness for the greatest number cannot justify some violation of an individual's welfare, if that individual has a right to the benefit in question. The most basic utilitarian critique of human rights lies in the assertion that resources are scarce in any society, and especially limited in some. One significant challenge for the Christians migrants was to learn to live in peace with the BM people. Sadly, both the Christian settlers and the BMP did not coexist peacefully and this narrative of conflict continues to this present day in 2012. The telling of this volatile episode of the BMP story points to a significant cause of the present day conflict - land grabbing, prejudice and the belief that Christianity

was/is morally superior to Islam. The ‘vale of tears’ in Muslim Mindanao emerged from the denial of human rights and land rights. This kind of thinking and Christian theological worldview contributed significantly to the oppression of the BMP.

In section two below, the “vale of tears” in the land of the BMP is ethically evaluated by exploring the earlier narrative of two foreign powers (Spain and America) which invaded the Philippines at different times. The GRP vice of the land grabbing was modelled on the land grabbing of the Spanish and later by the Americans.

Section 2: Two morally significant invasion and oppression narratives: Spain and America

2a) Spanish period of invasion and oppression – 1565-1898

The roots of the current conflict in Mindanao are complex. The volatile period of land grabbing in the 1960s was in part motivated by a worldview habitually formed by the Spanish and American invasions of the Philippines. These two colonial powers were primarily concerned with their own imperialist self-interest. They viewed the Philippines as an economic resource and a military base. Their primary motive was for the indigenous population, (i.e. the Bangsamoros and the highlanders or people of the mountains called the Lumads) to be colonized. If they resisted, they would be put to the sword or shot. Although, the Bangsamoro people were not completely subjugated by both the Spanish and American invaders, they suffered badly at the hands of these foreign powers.

The prejudice shown by the invading Spaniards towards the Bangsamoros can be traced back to the Spanish experience of the Muslims who conquered and subjugated Spain from 711 C.E. Just when the last Moorish (Muslim) kingdom in Spain was conquered in 1492 by the forces of the monarchs Isabella and Ferdinand, the Muslim

faith established itself as the religion of the natives of southwestern Mindanao, including Jolo and other adjacent islands (see Figure 3, p.159, and Figure 10, p.164) depicting the areas of Muslim Mindanao). By the time of the arrival of the Spanish explorer Legazpi in 1565 at the mouth of the Pasig river in Manila (see Figure 9, p.163), two Muslim chiefs had established themselves a *fiefdom* (meaning: the area was ruled by a local Muslim chief) in Manila (see Figure 7, p.161). The Pasig River colony was converted to Christianity by the Spaniards, but the relations of the Spanish with the Muslims of Mindanao and Jolo were more frequently hostile than amicable. The Spaniards called these Muslims *Moros*, because they reminded them of the Moroccan Moors who invaded and settle in Southern Spain (Andalucia: 711 CE – 1492 CE, see Figure 6, p.160). The branding of the name *Moros* on these particular people by the Spanish conquistadores singled them out for an explosion of hereditary hatred gained from their dealings and wars with the Moors or *Moros* of Spain. The hatred and prejudice were due to some degree to the Muslim practices of polygamy, slavery and rape of infidels. This new encounter with the *Moros* marked the beginning of mutual revulsion between the *Moros* and Christians in the Philippines.

The series of invasions waged by the Spaniards against the Filipino *Moros* was not taken lying down. The Bangsamoros (BMP) or *Moros* defended themselves by declaring a religious Muslim war called *jihad*. The *jihad* is an intrinsic dimension of their religious identity and narrative as a people. It was a fundamental dimension of the narrative ethics of the BMP. Spanish conquests in Mindanao were intensified in 1602, and from 1627 to 1629; but all failed due to the all-out resistance by the BMP, particularly in Jolo. The Muslim resistance against the Spanish invaders can be viewed as an extension of the resistance against the Christian initiated re-conquest of Islamic

Spain which ended Islamic authority and power in 1492 C.E.¹⁰ In the case of the Philippines, the Spanish invaders were determined to wipe out the Bangsamoros because of what happened in Spain when the [Muslim Umayyad Caliphate](#) conquered and subjugated the [Iberian Peninsula](#) in 711–718 and marked the collapse of Visigothic rule and the establishment of the Islamic Empire era in Spain¹¹. (see Figure 6, p.160).

Consequently, the Spanish Governor-General Hurtado de Corcuera sent a military expedition of about eight hundred soldiers to Mindanao landing at Lamitan in the island of Basilan on February 2, 1637 (Figure 8, p.162). They were fully equipped with guns and military hardware, very much superior to the BMP who were also armed with rifles but on a smaller scale. From Rio Grande de Mindanao, the Spanish fleet attacked Lamitan (see Figure 8, p.167) which was then ruled by Sultan Kudarat, the most influential sultan warrior in the Bangsamoro land. Due to the overwhelming number of Spanish forces, (as mentioned above about eight hundred soldiers with superior weaponry) Kudarat had to retreat to Lanao (Figure 14, p.167). The Bangsamoros retaliated with major pillaging campaigns, and enslaved captured Filipino Christians after totally razing their villages.¹² This narrative is morally significant as it reveals the Muslim Bangsamoros were not the initiators of conflict in Mindanao. Rather, they reacted in self-defence, to defend their territory and their lives against a foreign invader.

A significant dimension of the character of the Spanish invasion of the Philippines was the interconnectedness between Catholicism and Hispanization.

¹⁰ Such as Muslim territories in [Al-Andalus](#), [Ifriqiya](#) (Africa), and [Egypt](#), as well as in [Eastern Europe](#).

¹¹ Francis Robinson, *The Cambridge illustrated history of the Islamic world*, Cambridge: Cambridge University Press, 1999, p. 26.

¹² K. Ongsotto, et al., [Philippine History Module, 2002 ed.](#), Rex Bookstore, Inc. p.112. see also: Nasser A. Marohomsalic, [Aristocrats of the Malay race: a history of the Bangsamoro in the Philippines](#), 2001 p.58.

In other words, Hispanization and the Catholic religion were synonymous. The indigenous people (the Lumads) and the Bangsamoro Muslims were pressured to convert to Christianity. At their conversion they would cease to be Manobos, Maguindanaos, Tausogs, Samals or Maranaos (these are some of the indigenous people of Mindanao). By becoming Catholics, they acquired the status of wards of the Catholic Church and became vassals of the Spanish Monarch King Phillip of Spain (1527-1598) and all succeeding monarchs until 1898 when the Americans defeated the Spanish military fleets in the Battle of Manila Bay (1898).

However, the Spanish invasion of Mindanao was not only a military challenge to the Bangsamoros of Mindanao and Sulu. It was also seen as a threat to their Muslim religious faith, identity and socio-economic authority. Spanish colonialism with its un-Christian vices of exploitation, greed, and territorial expansion presented a moral challenge to the Bangsamoros of the Mindanao and Sulu. As far as the BMP perceived the situation, the Spanish policy of conversion to Christianity was aimed at the undoing of Moroism (i.e. Muslim or Islamized). The name *Moros*, given by the Spanish to identify the Islamized Philippine ethnic groups officially recognized these communities, as outside the Spanish national integrity and colonial hegemony has remained to the present day. As the Jesuit Superior Pio Pi concluded at the beginning of the 20th century, the term Moroism subsisted as an element, which underwrote 'that race (i.e. Moros), its cohesion and duration in the islands'. In the opinion of the Catholic missionaries, the proper understanding of what constituted 'Moroism' was essential in overcoming their recalcitrance to conversion and civilization of Mindanao and Sulu. On this subject, Father Pio Pi declared in a memorandum to the Papal Delegate Msgr. Placidus Louis Chapelle in 1900:

“...It will be of great interest to the country, and something to which the Government ought to direct its political labors with decision, to proceed to the reduction of Moroism as it exists in the Philippines to a perfect assimilation with the remaining population under a common law, and this under the penalty of driving it out from the territory by means of war, unless, perhaps the Government should prefer to concentrate it in some specified spot (a particular island or group of islands, for example), where the Moros might live with more or less autonomy and protection or with total independence. Otherwise the Mohammedan-Malay race will be ever in the Philippines, not merely in Mindanao and Jolo, a powerful element of disturbance.”¹³

Through the divide-and-rule strategy (the concept of a strategy that breaks up existing power structures and prevents smaller power groups from linking up) the colonial power (Spanish) strengthened communal identities in order to pit indigenous groups (in the case here Christians and Muslims) against one another and thereby prevent broad-based indigenous opposition to colonial rule. The vision of the Spanish colonisers was to ensure that the sharing of the benefits of Spanish civilization hinged upon a devaluation of traditional Bangsamoro society and culture. In other words, the traditional BMP mores and structures of social organization were purposely denigrated and spuriously identified as the source of social decline and moral denigration. This policy showed a total disregard of a people's (BMP) cultural values and beliefs. It was tantamount to racial prejudice and discrimination by a colonial power on a native population.

One of the myths of the conflict between the Christianised Filipinos and the Muslim BMP is the erroneous belief by many Christians that the Muslim religion is associated with everything wicked and treacherous, and that everything noble and good was undertaken by Christians. An example of this distorted belief is portrayed in a play

¹³ Aishah Fatimah, ‘Colonialism in Bangsamoro Homeland’, <http://moroland.webs.com/apps/blog/show/5177392-colonialism-in-bangsamoro-homeland>, accessed 25 September 2012.

called the “*moro-moro*.”¹⁴ It is a play that became popular in the Philippines during the Spanish colonial period. It depicted battles between Christians and Muslim *Moros* where the *Moros* are depicted as the perpetual villains who always lost to the Christians in the end. Spanish plays, music, theology and songs acted as the medium of social and ethical taming and the formation of beliefs which conditioned the Spanish colonizers into demonizing the *Moros*. The *Moro* ballads and story-telling, however, recollect their struggle and resistance and they keep these historical events and episodes alive in the present. The telling of the story which recounts the Spanish oppression of the Muslim people and their religion is an ethical act. This is morally significant as it contextualizes the conflict and assists in the identification of the false beliefs and Christian worldview which were used by the colonialists to form an oppressive mindset. Also, this is equally morally relevant for the current peace process as all groups journey from falsehoods to truth.

2b) American period – 1898 – 1946

The Spanish invaders ceded the whole of the Philippines including the Muslim areas in the Mindanao Island that Spanish colonialists never completely occupied to the new American invaders for \$20 million American dollars, paid after the defeat of the Spanish in Battle of Manila Bay staged managed by the Americans under Commodore George Dewey. The Battle of Manila Bay occurred on the morning of 1 May 1898 only days after war had been declared between Spain and the United States. The objective of the American forces was to attack, and hopefully destroy, the Spanish forces in the Pacific.

¹⁴ See: ‘Moro-Moro on the Rise’, in *Bulatlat*, Volume 2, Number 42 November 24-30, 2002, Quezon City, Philippines.

This would protect the American Pacific coast, and keep the Spanish forces in Cuba from being reinforced. The 20 million dollar payment was part of the Treaty of Paris signed on December 19, 1898 between the Americans and the vanquished Spanish invaders.¹⁵ No consultation was ever made with the native inhabitants of the Philippines, as they were treated as property, and vassals of the Spanish colonizers. There is a moral question here given that the native inhabitants, like the BMP, were considered a non-entity and treated as pawns in a game that can be shifted, shuffled and ignored without concern for their rights to life, liberty and the pursuit of happiness. This attitude by both the Spanish and Americans reflects badly on Christianity. It would appear that the Spanish were handing over their culture of sin to the Americans who agreed to continue to this culture. Both worldviews appear to reflect that the human person is totally corrupt and cannot be trusted, that the natives without Christian salvation are doomed to eternal damnation.

When the Americans assumed sovereignty over the Philippine archipelago they were ill prepared to face the question of *Moroism*, as it had existed under their Spanish predecessors. The geographical concentration of the *Moro* elements and the antagonism between them and the new invading power prompted the American to regard the *Moros* as substantially different from the Christian population. Indeed, to the very end of the American regime (1946) the Moro problem persisted as a political factor in the Philippine independence question. American critics of Philippine independence contended that Christian Filipinos could not establish a government of their own because of the existence of the 'wild tribes' including the *Moros*, who had no right to govern or were incapable of governing.

¹⁵ See: [Murray Smith](#), 'War and Peace in Mindanao' in International Viewpoint Online magazine: IV388 April 2007, <http://www.internationalviewpoint.org/spip.php> accessed 22 November 2011.

However, unlike her predecessor, the Americans did not solely depend on the use of military force and divide-and-rule tactics to quell the Bangsamoro resistance. They employed several policies of attraction, for example: establishing the so-called *Moro* province which looked after the welfare of the Bangsamoro people. Also, the U.S. Army promoted the benevolent assimilation that U.S. President William McKinley (1899) had set forth as a U.S. goal.¹⁶ But this so-called benevolent assimilation resulted in millions of Filipinos massacred by the American army. Filipino nationalists led by Emilio Aguinaldo (1869-1964) from the northern island of Luzon sought independence rather than a change in colonial rulers. This became to be known as the Philippine-American War which lasted three years (1898 – 1902). It was a brutal war and resulted in the death of over 4,200 American and over 20,000 Filipino combatants. Also, as many as 200,000 Filipino civilians died from violence, famine, and disease. This figure does not include the thousands of Bangsamoros killed in the first two decades of U.S. colonial domination (1898-1912).¹⁷

In the bloody assimilation campaign against the Bangsamoros, the American invaders committed horrors of genocidal proportions. Two of the most unforgettable battles are *Bud Dajo-Jolo*, on March 9, 1906, where over 600 Bangsamoro men, women and children were massacred; and *Bud Bagsak* on June 13, 1913, where at least 2000 Bangsamoros were killed (other estimates put the figure at 3,000), with 340 Americans

¹⁶ See: Peter G. Gowing, *Mandate in Moroland: The American Government of Muslim Filipinos, 1899-1920*, Quezon City: University of the Philippines System, 1977, 47-57, 63-65; Andrew J. Birtle, *U.S. Army Counterinsurgency and Contingency Operations Doctrine, 1860-1941*, Washington, DC: Center of Military History, 2001, pp. 159-68; Donald Smythe, *Guerrilla Warrior: The Early Life of John J. Pershing*, New York: Charles Scribner's Sons, 1973, pp. 66-110.

¹⁷ E. San Juan Jr., 'U.S. Genocide in the Philippines and the New Armed Intervention', *Bulatlat*, Vol. V, No. 4, February 27- March 5, 2005, Quezon City, Philippines.

slain.¹⁸ What is morally significant here is that the American invasion of the Philippines [particularly that of the Muslim territories] involved, among others, the destruction of the specific character of a persecuted group by forced transfer of children, forced exile, prohibition of the use of the national language, destruction of books, documents, monuments, and objects of historical, artistic or religious value as attested by the following narrative

‘The goal of all colonialism is the cultural and social death of the conquered natives, in effect, genocide [i.e. the policy of deliberately killing a nationality or ethnic group]’.¹⁹

The historical stories of the Spanish and American invasions provide a morally significant background and context to understand the complexity of the Bangsamoro conflict today. While the conflict today is not considered a religious conflict *per se*, it is evident that religion has played a significant role in the origins of the conflict. This morally relevant fact makes the peace process much more challenging. What has emerged in telling the BMP story of oppression by the Spanish and Americans are:

- the invaders consider themselves morally, religiously and culturally superior to the indigenous population.
- Christianity was considered superior to Islam.
- Islam and its adherents were viewed as a threat to civilization.

With such assertions, assumptions and false beliefs, it is necessary to look at the moral and ethical implications of how Spanish and American Christianity followed through on these assumptions and false beliefs in their behaviour against the Bangsamoro people. This is evaluated in the next section.

¹⁸ E. San Juan Jr., ‘Imperialist War Against Terrorism & Revolution in the Philippines’, <http://www.leftcurve.org/LC28WebPages/ImperialistWar.html>, accessed 2 Jan 2012.

¹⁹ E. San Juan Jr., ‘U.S. Genocide in the Philippines and the New Armed Intervention’, *op. cit.*

Section 3. Christian colonial aggression against the BMP and the Gospel.

Colonialism, as an inherently unjust system contributed significantly to the emergence of the Bangsamoro struggle for justice. It set the stage or the historical foundation of the struggle. Spain's efforts to subjugate the BMP not only crippled or depleted the then relatively stable material infrastructure of the Moro society but also sowed the seed of the still persistent Christian-Muslim antagonism through the recruitment of the services of the Christianized Filipinos (Indios) in its brutal campaigns against the Bangsamoros. Although Spain failed to effectively conquer the BMP after more than three centuries, it had provided a crucial beachhead for the subsequent incursion into *Moroland*. Spain's aggressive military campaigns drove the BMP from most of the coastal parts of mainland Mindanao and were therefore able to establish forts and mission [stations](#) that housed Spanish soldiers and priests and their *Indio* (Christianised Filipino) collaborators or workers.

The sites of these forts and mission stations served as the nuclei of the Christian settlements that started to burgeon in Mindanao towards the end of the 19th century.²⁰ On the other hand, American colonialism ushered in the systematic plunder of BMP's resources. The enforcement of several capitalistic land laws dispossessed the BMP of most their agricultural lands. Foreign plantations (largely American) were among the first principal beneficiaries of the opening up of Mindanao and the enforcement of capitalist land laws.

In these efforts to fully exploit the resources of Mindanao, the Bangsamoros were completely excluded, and their moral rights to such lands and other resources were

²⁰ Aishah Fatima, [Colonialism in Bangsamoro Homeland](#), October 28, 2010, <http://moroland.webs.com/apps/blog/show/5177392-colonialism-in-bangsamoro-homeland>, accessed 18 September 2012.

trampled upon.²¹ Both the Spanish and American colonisers relied on the collaboration of some of the Christianized Filipino elite. To a degree, the moral problem centred on the nature of the collaboration. The collaboration was morally evil for it was geared towards the extermination of a people, their religion and the forced acquisition of their lands. Collaboration in the pursuit of strategies to divide and create an elite group of people subservient to the colonialist became the intended means of colonial or imperial practices similar to *apartheid*. The morality of Spanish and American regimes were bankrupt as both operated to include only the elites and exclude the powerless.

In a workshop organised by Institute of Bangsamoro Studies (IBS), [Ms. Rowena Awliya Alonto](#), a fellow of the Institute, addressed the participants of the ‘[Trainers Training on Peace Building and Conflict Transformation](#)’, (organized by the Christian Conference of Asia. This was undertaken in cooperation with the National Council of Churches of the Philippines (UCCP) and hosted by InPeace Mindanao. It was held at Brokenshire Resort and Convention Center in Davao City on January 30 - February 5 2012). Ms. Alonto (a Muslim) emphasized that:

colonization [Spanish and American] spawned the injustices that the Bangsamoro people now suffer from and only their liberation from colonialism can peace be established...while the common perception is that the conflict in Mindanao and Sulu is solely caused by poverty, discrimination and marginalization...these wrongs currently do flourish and are felt...[and] are merely the consequences of the historically rooted problem from which the conflict emanated, which is the colonization of the Bangsamoro people.²²

²¹ Aishah Fatima, [Colonialism in Bangsamoro Homeland](#), October 28, 2010, <http://moroland.webs.com/apps/blog/show/5177392-colonialism-in-bangsamoro-homeland>, op. cit.

²² Rowena Awliya Alonto, Colonization spawned the injustices that the Bangsamoro people now suffer’, *luwaran.com*, accessed 20 September 2012.

The BMP were clearly “in the way of progress” and the Spanish and Americans colonisers tried to wipe them off the face of the Philippines for their own self interests. Today, the BMP is also viewed by the central government in Manila as a people “in the way of progress”. History has repeated itself. Clearly these policies and views of the human person are unchristian and demonstrate a lack of Christian discipleship. The Christian gospel of love is challenged to speak to this context. What is God asking us to be and to do in this situation of conflict? In this context of conflict, God in Jesus Christ is asking us to be peace makers and to act as peace makers (‘Blessed are the peace-makers: for they shall be called children of God’ Matthew 5:9) and not to retaliate.

War kills people, the economy and distracts and divides nations, families, and individuals, from each other. Peace with justice restores people to a state of unity, giving them one object, and one interest. A peace-maker with a Christlike mind is committed to the spirit of peace (Romans 8:6). Such a Christlike person endowed with a generous public spirit, labours for the public good, and submits to Christ’s call to transform the world for the sake of the reign of God. A Christian disciple who is a peace maker is aware of God’s grace and sensitive to the consequences of sin on the journey towards peace. As such, the peace maker knows that peace is a journey and expects the journey to be turbulent but moves forward in hope.

Although, Spain and America are considered Christian nations, both failed miserably in their practice of the teachings of Christ in the Bangsamoro region. They both choose the track of aggression, retaliation, imperialism and colonialism in their foreign policies. The policies of Spain and America and modelled by the GRP created moral evil. Both nations and the Manila government seem to have argued that evil may be undertaken to achieve good for the development of the motherland and nation.

The moral option of non-violence and passive resistance are a prophetic option in the Mindanao conflict. They are painful moral options though, and can result in acts of martyrdom especially when the community is faced with the barbarity of an all-out-war, like that of President Estrada's war (2000) against the BMP.

Erap's [Pres. Joseph Estrada-1998-2001] "all out war" in 2000 caused the displacement of 200,000 people, the illegal arrests and torture of hundreds, and the deaths of not less than 100 civilians. GMA's [Pres. Gloria Macapagal-Arroyo-2001-2010] "all out peace" meant waging two major wars against the MILF, in 2003 and again in 2008, which produced 750,000 internally displaced people, making the Philippines no. 1 in the world in terms of number of displaced persons. As of April 2011, more than 125,000 long-term internally displaced persons are still languishing in various government camps all around Mindanao. According to Gen. Eduardo Oban, in order to "translate the directives of the President into operational goals," a second day of airstrikes has been launched by the Philippine Air Force on various communities in Zamboanga Sibugay. As I write this, entire communities are being bombed and tens of thousands of villagers are fleeing their homes as the AFP pursues these so-called "lawless elements." You can brand a war any manner you like but its consequences remains the same. Another all-out war can only breed further injustice, human rights violations, loss of lives, destruction of livelihood, and will push any prospect for peace in Mindanao further back. If the President [i.e. Pres. Benigno Aquino III [2010-2012]] is genuinely against all-out war, he must [exercise](#) his power as Commander-in-Chief of the Armed Forces and direct the military to put a stop to the ongoing aggression against communities in Basilan and Zamboanga Sibugay.²³

The peacemaker Christian disciple is faced with the serious question of whether this moral stance is one of moral courage or moral failure. It is a moral stance which flies in the face of the Catholic tradition and its JWD, and GRP ethic in Mindanao. Pacifism in the Mindanao context is counter cultural and radical and in Mindanao is perhaps, considered a "vice." This is because the pacifist is viewed as unrealistic and too idealistic. The pacifist is evaluated as making the moral mistake of being absolutist (i.e. nothing else is viable) and having neglected the moral virtue of prudence. However, the GRP have used Scripture and church dogma to unjustly manipulate the Christian population and the military alike in the war against the Bangsamoros.

²³ Neil V. Murad, Secretary General Suara Bangsamoro -Voice of the Moro Nation, 'All-out injustice' (Media Statement - Suara Bangsamoro), *The Mindanao Examiner*, Friday, October 28, 2011.

Some Christians who advocate an all-out-war approach have used religion to justify this stance. This is a scandal and unjust. A text like Romans 13:1-7 in the hands of the ungodly convinces them that the state has the power to command its citizens to obey its laws, (Romans 13:1 “*Let every person be submissive to the governing authorities*”) and this would include the BMP. On the other hand, the ‘an eye for an eye’ ethic which is both contained in the Hebrew Scriptures and Islam’s Qur’an (*Jihad*) are also used as justification for retaliation. Some examples from the Books are below:

- (Qur’an 2:178) “O you who have believed, prescribed for you is legal retribution (*Qisas*) for those murdered - the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother anything, then there should be a suitable follow-up and payment to him with good conduct. This is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment.”
- Gospel according to Matthew 5:38-5:39: ‘You have heard that it was said, “An eye for an eye and a tooth for a tooth.” But I say to you, Do not resist an evildoer. But if anyone strikes you on the right cheek, [turn the](#) other also.
- Book of [Exodus 21:23-25](#) (Old Testament): “life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe”.

The problem with using scriptural texts to justify a particular course of action is that they are often taken out of context and are not interpreted in their social and cultural context.

Some Christians and Muslims read the texts literally and use the texts for their own ends. The use of religion for the justification of war and killing is an ungodly act and is disrespectful to God. The actions of GRP and the Armed Forces of the Philippines (AFP) undertaken in the war against the BMP are indefensible in the light of what Jesus of Nazareth taught about love of neighbour and love of enemy (e.g. Christian gospels Matthew 22:36-40 and Mark 12:31); (Christian gospel [Luke 6:27](#)). The Christian gospel advocates help for the downtrodden, support for the dispossessed, and the demonstration of love to those persecuted. Christians believe that moral praxis is an inseparable part of the meaning of the faith they confess; the confession that Jesus is Lord. The love (*agape*) command is not an empty command, but rather a command to act in a specific way towards one's neighbour. This is a morally imperative in the context of interfaith relations between the Christians and Muslims in Mindanao.²⁴ And it must be translated into practical ways of building up the community in terms of security and socio-economic productivity which is beneficial to all inhabitants of Mindanao. One practical way is to respect the human rights of the BM people. The lack of love on Mindanao is present in the unjust policies of neglect and military retaliation. Not only does this kill innocent people but it also destroys the economic and social life of the Mindanao region and ultimately undermines the economy of the Philippines.

²⁴ Oscar S. Brooks, 'The Function of The Double Love Command in Matthew 22:34-40', *Golden Gate Seminary*, Mill Valley, California.

Conclusion:

This chapter concludes that that historical injustices against the Bangsamoro are centuries old, and that the root cause of the conflict can be traced to the two separate colonial invasions by the Spanish and the Americans. The GRP inherited the age old conflict and modelled their policies on the strategies of the Spanish and American colonialists. Consequently, the BMP have had to live in a “vale of tears” filled with inequality, injustice and minoritisation in the quest for a self-governed jurisdiction in a mainly Christian country. They continue to remain a minority in a country whose government has a history of depriving ethnic, cultural and religious groups its fundamental human right to live peacefully and flourish as a people. The causes of the conflict are complex. Among the many causes are colonialism, poverty, marginalization, inefficient and corrupt governance, injustice and abuse of power, exploitation of cultural communities and lack of recognition of ancestral heritage.

Chapter Three: Neo-Colonialism and the Bangsamoro Trauma

Chapter two concluded that the root cause of the historical conflict in Mindanao lies in the injustices inflicted by the colonial masters Spain and America. Chapter three continues to explore the narrative of the BMP with an exposition and ethical evaluation of the BMP story in a neo-colonial context (circa 1946 when the Philippines gained independence from the Americans). In this context, the neo-colonial ethics of the GRP are explored and the role of Catholic liberation theology in the struggle for justice is examined along with the BMP's place in the war on global terror. These issues will be explored in two sections:

Section 1 examines:

1a) Neo-Colonialist GRP's Ethics of Oppression.

1b) The role of Catholic liberation theology in the conflict.

Section 2 discusses the Bangsamoro conflict within the context of the global terror. (WoT).

Section 1:

1a. Neo-Colonialist GRP Ethics of Oppression

The Colonialists robbed the Bangsamoro of their land and treated the Muslims as inferior. This superiority of the colonists is partly explained by their developed technology as the Muslims had hardly any technology or sophisticated military hardware such as gunboats. Colonialism was an age of racism, slavery, exploitation, lawlessness, suffering and the violation of natural justice and Christian principles. Commercialism and capitalism, the friends of colonialism devoured the people and the natural environment of Mindanao.

The colonialism of Spain and the US arose out of two nations that were clearly both spiritually and morally corrupt. Neo-colonialism mirror images the colonial master. Power and wealth remain in the hands of a few and the people are reduced to paupers. It is anti-Gospel and dehumanizing. The neo-colonialists continued the mercenary and missionary work of the colonial powers. This was the gift of the Americans to the new colonists who were schooled in the culture of capitalism and western greed.

The Philippines gained its independence from Spanish rule on June 12, 1898 only to be replaced by the colonial rule of the Americans (14 August, 1898). On July 4, 1946, representatives of the [United States of America](#) and of the [Republic of the Philippines](#) signed a Treaty of General Relations between the two governments. The treaty provided for the recognition of the independence of the Republic of the Philippines as of July 4, 1946, and the relinquishment of American sovereignty over the Philippine Islands. In other words, the Philippines received independence twice from both its colonial masters, Spain and United States of America. In the latter days of American colonisation of the Philippines and the Bangsamoro homeland, the American backed Filipino neo-colonizers instilled terror and fear in the hearts and minds of the native inhabitants of Bangsamoro. The 'military solution' was adopted to suppress the genuine sentiments of the Bangsamoro people just as their colonial masters had taught them. The Filipino leadership ordered the indiscriminate bombings of the Muslim communities from the navy battleships, air fighter planes and land howitzer cannons.

The intention was to frighten and ‘pulverize’ the native inhabitants into complete capitulation in Mindanao. The new Philippine colonialist government conducted a war of extermination and genocide against the Bangsamoro freedom fighters of Mindanao.²⁵

The telling of the story of the neo-colonial practices which occurs in this section is in itself an ethical act. The telling of the BM story reveals the injustices perpetrated by the neo-colonialist, the GRP. As early as 1954 the Philippine Congress, prompted by the escalation of Muslim ‘banditry’ in Mindanao and Sulu, appointed a Special Committee to investigate the causes of lawlessness and possible solutions. The committee deliberated and adopted top-down-policies straight out of a colonial mindset which assumed Muslim backwardness and inferiority. Subsequently, the committee advocated that Muslims ought to integrate into the mainstream Christian Filipino nation. In other words, the postcolonial Philippine government continued the practice that was first established during the American period of ‘developing’ Bangsamoro Muslims not by providing them the material resources of the West, but by endeavouring to remove (by the selective provision of university educations) the cultural disabilities perceived to be impeding their advancement and, indirectly, that of the Philippine Nation.²⁶

After the 4 July 1946 independence, the new Philippine government was seen a symbol of alienation and trauma by the Muslims in Mindanao. For the first time in history, Mindanao was subjected to the effective control of a Manila-based Christian

²⁵ R. Rayhan, ‘Philippine State Terrorism vis-a-vis Bangsamoro Freedom Struggle, in *Bangsamoro Youth Corner*, 24 August 2012.

²⁶ Thomas McKenna, *The Origins of the Muslim Separatist Movement in the Philippines*, <http://asiasociety.org/countries/conflicts/origins-muslim-separatist-movement-philippines>, accessed 13 August 2012.

government.²⁷ Muslims became a socially, economically, and politically marginalized religious minority within a Philippine state which was openly hostile to the Mindanao Muslims.²⁸ Muslim Filipinos feared for their economic, cultural, and spiritual survival. And this feeling of fear fuelled a political and military resistance movement. The symbol of the Muslim alienation with the Philippine government took shape in the formation of the Moro National Liberation Front (MNLF) in 1969. What followed was a war between the MNLF and the Government of the Republic of the Philippines (GRP) Manila based government together with its armed forces the AFP. This resulted in a legacy of mutual mistrust and animosity.

The GRP applied the Spanish model of occupation, suppression, violence and economic exploitation to the Mindanao region by masquerading as allies to the BMP. They did this by introducing a settlement policy and relocated people to Mindanao. Like their previous masters, the GRP became the 'pedagogy of the oppressed', meaning, they took on the consciousness and culture of violence of their previous oppressors, and applied it to the Muslims. The oppressed became the new oppressors. They became disciples of oppression in stark contrast to Christian disciples of justice. The Filipino government's migration policy needs to be reinterpreted in the light of neo-colonialism. Like their masters, the Manila based neo-colonial power used the migration settlement policy to create enmity and as a tool to isolate and dehumanize the Muslim majority in Mindanao. This was a greater evil as it was an example of a civil war in which fellow citizens were intentionally killing their neighbour because of greed and prejudice.

²⁷ Jeffrey Ayala Milligan, 'Teaching between the Cross and the Crescent Moon: Islamic Identity, Postcoloniality, and Public Education in the Southern Philippines, op.cit., p.471 of pp. 468-492.

²⁸ John Liu, 'Towards an Understanding of the Internal Colonial Model' in *Postcolonialism: Critical Concepts in Literary and Cultural Studies*, (ed.) Diana Brydon, New York: Routledge, 2000, pp. 1347–1364.

The GRP used the Filipino settlers as the new front line troops in the ethnic cleansing of Mindanao. The main objective was to move or exterminate their fellow citizens who happened to be Muslims. The cycle of violence initiated by the colonialists (Spain and America) was escalated by the neo colonialists, the GRP. The main motive in most cases was revenge and retaliation.

...Col. Arnulfo Marcelo Burgos, the public affairs office chief of the Armed Forces of the Philippines (AFP) said that the military appreciates the call for an all-out offensive against the rebels, particularly those coming from the public through Facebook and Twitter. "We know that people are commiserating with the members of the AFP, their emotions are high. On our part, we feel that way also. We are also humans".²⁹

This hatred of the other and desire for retaliation adds another element which a morally significant feature of the conflict and its complexity. At least, the colonists were responsible to the mother country and had to account for their actions. However, the neo-colonists could do as they wanted as they were not accountable to anyone but themselves. Responding to the trauma experienced by the people of Mindanao particularly the BMP in 2008, *Medecins Sans Frontieres* (MSF) reported that the local health system was overwhelmed and struggling to meet the people's basic healthcare needs. MSF provided healthcare in evacuation centres. Special attention was paid to children, women and individuals suffering severe consequences of trauma and violence. MSF reported

...we held more than 27,500 consultations through mobile clinics or in existing health centres, providing care for 3,455 pregnant women and treating 267 children for severe acute malnutrition. Mental health [problems](#) were a major unaddressed issue in the evacuation centres. Many of the displaced people had had traumatic experiences, losing family members and their homes, and living in precarious circumstances for long periods of time. The public health system did not offer treatment of post-traumatic stress disorder, so our team integrated a mental health component into its medical response to trauma and violence and treated 1,155 people in 2010.³⁰

²⁹ AFP thumbs down all-out war vs. MILF, *GMA News*, October 23, 2011.

³⁰ Medecins Sans Frontieres (Doctors Without Borders) 'Independent Medical Humanitarian Action', *Médecins Sans Frontières* [Australia](#), 2012.

Such trauma has a significant impact on the moral development of war torn people. In normal moral development (i.e. the methods or circumstances that influence a person's understanding of what is right or wrong), an increasingly complex dynamic relationship develops between moral obligations felt toward authority (e.g. GRP), peers (i.e. those belonging to same beliefs), and self. However, under the influence of traumatic adversity (as in the conflict or war), the functioning of this valuational triangle (authority, peers and self) may become seriously twisted in the direction of survivalist values (e.g. people might build a [survival retreat](#) or [underground shelter](#) that will help them survive in an environment of war or conflict). Furthermore, if personal survival becomes seriously devalued or a moral sense of meaninglessness sets in, then the pursuit of goodness may be abandoned. The BMP has unfortunately succumbed to the by-product of the unjust policies of the GRP, namely hopelessness. The marginalization of the BM people as a policy has worked for the GRP because hopelessness is one step away from death. When an individual's personal future is seen as hopeless and meaningless, then behavioural controls (e.g. skills to engage in armed conflict) become seriously limited.³¹

³¹ Barbara M. Stilwell, 'Trauma, Moral Development, and Conscience Functioning', <http://shaw.iupui.edu/SSCI.pdf>, accessed 3 October 2012.

Some idea of the trauma is outlined below.

The imposition of martial law in September 1972 [by President Ferdinand Marcos] sharpened the conflict between the state and Muslim insurgents. It was Marcos' dictatorial regime that fanned the fire of Muslim rebellion...it precipitated the unification of Muslims against the state, which has been perceived as anti-Islamic....The war in Mindanao was gory, brutal and costly. The price paid included an estimated 60,000 to 80,000 people killed, more than a million people made homeless and destitute, approximately 200,000 to 300,000 Muslim refugees forced to flee their communities and resettle in other parts of the country (including Metro Manila) and nearby Malaysia (Sabah), and about 10,000 to 11,000 Philippine soldiers were killed, extinguishing almost the entire 1974 batch of graduates of the élite Philippine Military Academy (PMA) at the height of the conflict in the mid-1970s. In the same period, it was reported that about 80 per cent of the Armed Forces of the Philippines' (AFP) combat strength was concentrated in Mindanao and Sulu, indicating the seriousness of the Muslim rebellion.³² The late former senator Benigno Aquino, Jr. [father of the present (2012) president of the Philippines Benigno Aquino III] reported that during the mid-1970s at the height of the campaign against the MNLF, the government spent some US\$4 million a day.³³

While the BMP were clearly traumatized and felt hopeless, they also felt they had nothing to lose. They found strength in their religion and retaliated with guerrilla war tactics. They fought and died as martyrs for the cause of Muslim Mindanao, a nation within a nation.

In the midst of the war, there have been many ceasefires and peace talks between the BMP and GRP. The purpose of the peace talks and peace agreements between the majority GRP and the minority BMP since 1976 was to negotiate some form of coexistence. However, it has to be said that the Muslims approach the peace talks with great suspicion. *Abhoud Syed M. Lingga*, the Executive Director of the Institute of Bangsamoro Studies (IBS), a non-government and non-profit institution based in Cotabato City which engages in research on Bangsamoro affairs has pointed out that voluminous agreements have been produced by more than three decades of negotiations between the Philippine Government and the Bangsamoro liberation fronts, as mediated by the Organization of Islamic Conference (OIC), Libya, Indonesia and

³² Rizal G. Buendia, 'The Mindanao Conflict in the Philippines: Ethno-Religious War or Economic Conflict?', in *Academia.edu.*, accessed 13 August 2012.

³³ Rizal Buendia, *op. cit.*

Malaysia. These agreements did not lead to a just resolution of the conflict. They did not end the bloody and costly war on Mindanao Island.³⁴ Surprisingly, the 1976 Tripoli Peace Agreement (see Appendix A for full text, p.172) brokered by Libya's *Khadafy* (assassinated in 2011) between the MNLF and the GRP brought large-scale fighting to an end. (*Khadafy* became friends of the Marcoses (i.e. President Ferdinand Marcos and his wife Imelda).

After Marcos was expelled from the Philippines in 1986 Cory Aquino became president (1986-1992), and attempted to respond to the MNLF's demand for autonomy by writing into the new Philippine Constitution (1986) a provision for the creation of an autonomous region for Muslim Mindanao. This was a land mark decision by the GRP and considered morally courageous. Yet, it was a limited response to the demands of the Mindanao Muslims for an autonomous state. The Muslim autonomous region was created in 1990 out of the four remaining Muslim- provinces of Lanao del Sur, Maguindanao, Job and Tawi-tawi³⁵. It was in these regions that massive GRP sponsored Christian migration had occurred in most of the towns and provinces of Mindanao. It was, however, far short of the thirteen provinces demanded by the MNLF and promised in the Tripoli Agreement. As a result, the GRP was accused of dishonesty and wanton disregard of the Tripoli agreement by *Misuari*, leader of the MNLF culminating in a move by the MNLF to refuse a peace treaty with the Philippine government. The moral responsibility that the BMP has taken upon is to see themselves first as Muslims then Filipinos because their identity is intrinsically linked with Islam.

³⁴ Paper presented during the SEACSN Conference 2004: 'Issues and Challenges for Peace and Conflict Resolution in Southeast Asia', Shangri-La Hotel, Penang, Malaysia, 12-15 January 2004, <http://library.upmin.edu.ph/philmin/bangsamoro>

³⁵ S. Tamano, *Educational Visions for Muslim Mindanao*, Cotabato City, Department of Education, Culture and Sports, Autonomous Region in Muslim Mindanao, 1996.

The ceasefire between the GRP and the BMP ended and the conflict continued through the 1980s³⁶. According to an article in the *Salsilah*³⁷

The Moros [BMP] reacted strongly to the continuing loss of their territory. Marginalized and displaced, they have vociferously asserted their rights in violent militant action. The struggle has inspired the project of Moro secession [to counter the neo-colonialist policies of the GRP]. The ensuing warfare was a costly affair for the government which had one time stationed more than half of its armed forces in Mindanao...The Muslim Filipinos have waged a war to prevent further incursion of outsiders into their territory. In one study, it is found that areas with high displacement tended to exhibit greater participation in communal violence.³⁸

What is morally significant in this story is that at the heart of the neo-colonial oppressive ethic of the GRP is the denial of the BMPs rights of self-determination. The neo-colonial ethic is a relationship of exploitation. The GRP's relationship with the NILF was a relationship of power over and control because the Muslims were considered as others who were a threat. Fundamentally, the conflict between the BMP and GRP in its neo-colonial context is primarily concerned with economic exploitation. The Manila government wants to now unjustly grab the land of the BM people to mine and exploit. The region is rich in mineral resources. This is the new context of the conflict which adds further to the complexity of the conflict. Like, the Spanish and Americans, the Manila government wants the resources in Mindanao for the development of the rest of the country, and to bolster its influences internationally.

³⁶ C, Vitug, & C. Gloria, *Under the Crescent Moon: rebellion in Mindanao*, Quezon City, Ateneo Center for Social Policy & Public Affairs/Institute for Popular Democracy, 2000.

³⁷ published by the Silsilah Dialogue Movement in Mindanao.

³⁸ Federico Magdalena, 'Toward a Social Science Theory on the Social Conflict in Mindanao', *Salsilah IV*, (1985) pp.58-69.

It is willing to oppress its own people to develop as a nation and to become an economic powerhouse.

'It is the national policy of the state [GRP] that whenever there is a mining corporation entering, there is a military operation to clear the area', said Eliezer 'Boy' Billanes, an outspoken opponent of a planned Sagittarius Mines, Inc. (SMI)/Xstrata copper and gold mine [Australian owned and operated mining company in Muslim Mindanao], in a January 2008 interview. 'The state uses the AFP to harass and intimidate those against mining.' Billanes may have been more accurate than he would have liked. He was gunned down in the Marbel public market this March 9. Two men riding a motorcycle approached him, and the passenger shot him in the head with a .45 calibre pistol. While both SMI/Xstrata and the AFP have denied any involvement in the killing, local activists suspect the trigger finger of military intelligence units, since Billanes was reportedly on a list of AFP targets and strongly opposed the presence of the military in the area.³⁹

The reality is that the BMP are denied any significant share in the distribution of the riches which come from the mining boom taking place there. What is morally abhorrent is that the BMP are considered a 'blight' on the Philippine landscape, and the GRP deny they have any natural right to ownership of the land. The moral significance of this refusal to share the benefits of the economic boom which the BMP have a right is that it is a moral evil and anti-Gospel. The BMP have an integral relationship with the land and consider themselves God's stewards of creation. They want to live in harmony with nature and wish to see mining which is respectful of nature rather than exploitative of nature. It's not just about the BMP desire and ability to produce crops or fish for instance, or possess land. It is also about the BMP relationship with the land in terms of their oral, spiritual and cultural traditions.

Culture accordingly is denied to the BMP. Culture appears to be limited to the oppressor and the privileged or the ruling classes in this case the Christian dominated GRP. This injustice, which is employed by the GRP on the minority BMP, is a continuation of centuries of injustice which denies the BMP its identity, political

³⁹ Brad Miller, 'A Population Bomb: Too Many People and Too Few Resources Lead to Bloodshed in the Philippines', [Earth Island Journal](#), Issues: [Summer 2009](#).

sovereignty, ancestral territory and integral development as a people. This oppression is evident in the severe disparity in the balance of power between the GRP and the BMP.

It can be argued here that the neo-colonialist GRP is actively engaged in the exploitation of the BMP by implementing another new policy as a strategy of oppression: the 'Peace and Development' policy or the policy of 'development aggression'. Basically, this is a policy about the eradication of Muslim rebels from Mindanao. The GRP understand this new policy as a way of making forceful inroads into the BMP areas on the pretext of developing and reconstructing the Muslim dominated areas. Ultimately, the policy is untruthful, deceptive and undermining of the dignity and rights of the BMP by a government which ought to be held accountable at the United Nations. The moral significance of this Peace and Development policy is that 'development' can mean many things to many different people. Westernization, modernization, increased standard of living, freedom or money are just a number of meanings. Most definitions of development contain the themes of improvement or progress. However, despite the broadcasting of the policy by the GRP, develop in Muslim Mindanao at this time (2012) at a halt.

The Macapagal-Arroyo government [2009] has also adopted a 'Peace and Development' policy to cleanse the ancestral domain of Muslim in Mindanao of so-called rebels and bring economic prosperity. Critics call the scheme 'development aggression,' intended only to benefit large corporations seeking timber, minerals, and territory. With its 'hearts and minds' strategy, the AFP has co-opted a number of tribal leaders into its camp. It is standard policy for the military to recruit the tribal people into CAFGU [Citizens Auxiliary Force-a paramilitary group] militia to aid in their counterinsurgency and clear areas for corporate development. Alberto Sipaco, chief investigator for the Commission on Human Rights Region XI, is sceptical...[and said] that this has polarized communities [in Mindanao] causing 'human rights abuses never before seen in history from both extremes'.⁴⁰

⁴⁰ Brad Miller, 'A Population Bomb: Too Many People and Too Few Resources Lead to Bloodshed in the Philippines', op. cit.

It would seem that development activity itself is predicated on a seemingly unproven and un-measurable assumption; that is, development is good.⁴¹ However, development aggression against the BMP has made them victims. The BMP are not partners in development. They are not the centre of development and are not even at the margins of development policy. The GRP's development aggression is an example of neo-colonial ethics which violates the human rights of anyone that gets in its way of wealth accumulation and power.⁴²

Mindanao has historically been the archipelago's most naturally abundant island. The island has plentiful crops of bananas, pineapple, cacao, coffee, corn coconut, pomelo and mango. It is situated outside the typhoon belt and has a fair tropical climate evenly distributed throughout the year. The Philippine government has embraced the development of banana and pineapple plantations by multinational corporations, but with minimal benefits for the poor sectors of Muslim Mindanao society. Another expansion in agribusiness has been palm-oil production, where again, the creation of plantations covering several thousand hectares has displaced countless Muslim farming households. While the government has harvested and created economic hubs for the development of these natural resources, it has overlooked the most important resource of the archipelago, namely the people of Mindanao. The one way street development aggression is undertaken unjustly by the GRP by permitting the big mining, logging and agricultural companies, many of them transnational corporations, to operate in the region, usually, without the consent of the BMP.

⁴¹ Matthew Hayden, 'Developing Ethics in Development: Neo-Colonialism and Human Rights', Teachers College, Columbia University.

⁴² Ramon C. Casiple, "Human Rights vs. Development Aggression: Can Development Violate Human Rights?" *Human Rights Forum: Focus on Development Aggression*, Quezon City: Philippine Human Rights Information Center, 1996.

This particular policy has displaced the Moro and indigenous peoples (Lumads)⁴³ from their ancestral lands. Profit is the god of the GRP. The fact that the BMP are Muslims is not of any significance to the GRP. The GRP now has different reasons for refusing to confer greater power to native Muslim Mindanaoans. The ecological rape of the land by the transnational companies and the murder of anyone who gets in the way, especially Muslims, demonstrate the new depths of the neo colonial context of the BMP struggle. The Government is powerful and Muslim farmers are poor and disempowered. The multi nationals and others are aware of this, and they thrive on this knowledge. Corruption, greed, power are the new utilitarian ethic of the GRP.

Environmental ethical concerns arise in the context of mining in Mindanao. Like the mining industry, the timber industry causes severe environmental degradation. Denudation decreases the productive quality of other resources that fishing and farming communities rely on. Legal and illegal logging operations in Mindanao have been blamed for causing surrounding farmland to become infertile. The GRP argues that the timber industry in Muslim Mindanao not only gives opportunity for employment of local people including Muslim Mindanaoans, but also increases the income of the local government unit which urgently need funds for community infrastructures.

⁴³ Lumad is a term being used to denote a group of indigenous peoples of the southern [Philippines](#). The term is short for *Katawhang Lumad* (literally ‘indigenous peoples’), the autonym officially adopted by the delegates of the Lumad Mindanaw Peoples Federation (LMPF) founding assembly on 26 June 1986 at the Guadalupe Formation Center, Balindog, [Kidapawan](#), [Cotabato](#), Philippines. It is the self-ascription and collective identity of the indigenous peoples of Mindanao, contributed by: Pependayan, LMPF Secretary General from 1988–1999.

Also see: K. Omoto, ‘Genetic studies of human populations in Asian-Pacific area with special reference to the origins of the Negritos’, in H. Hhba, I. Hayami, K. Michizuki, *Current Aspects of Biogeography in West Pacific and East Asian Regions*, The University Museum, The University of Tokyo, Nature and Culture, 1989; and, *The HUGO Pan-Asian Consortium*, Mapping Genetic Diversity in Asia. 2009.

However, if the GRP employs the ethical argument of utilitarianism which aims for the maximization of value, then nothing will stand in the way since profit is the primary value. People and the environment are marginalized. Social justice and care for the environment is overlooked in its many dimensions. The local BM people only share the burdens, and ‘mother nature’ is dying at the hands of the powerful. The principle of retributive justice implies an obligation to compensate other people for harm caused. In other words, the GRP has a moral obligation to compensate the local BMP land owners (adequately and according to present market value) not only for the expropriation of their lands, but also the effects of the timber industry on the quality of the surrounding lands. Justice for the land and people are demands God makes of us. God calls us to be God like in our dealings with others and in our care of the earth. One of the virtues which reflect what it means to be God like is the virtue of justice. If justice is missing from our relationships with each other and the earth, it is a sign that our relationship with God is broken and in peril.⁴⁴.

The ethical and moral dimension in this new socio-economic context of the Mindanao conflict revolves around exploitation of nature, and the oppression, and killing of innocent people under the auspices of the GRP to grow the Philippine economy. The GRP and its supporters work out of a utilitarian ethic which ignores people and God’s creation. Truth, honesty, justice and the love of God have disappeared from the horizon of the conflict. The Christian dominated GRP has forgotten the covenant of God, and in the process has imitated the kingdoms of Judah and Israel in the Old Testament. Prophets such as Amos, Hosea, and Jeremiah called the leaders of the kingdoms to keep the covenant.

⁴⁴ ‘Ethical considerations in protecting the environment from the effects of ionizing radiation: A report for discussion’ in IAEA, February 2002.

But they forgot who God was and the details of the covenant. Amos, for example reminded the leaders that the widow, the orphan and the fatherless were oppressed and denied justice. Yet the leaders ignored the prophets and greed and self-interest dominated negotiations in the market place and in trading. Society was at each other's throats, but eventually both Samaria and Judah fell to outside dynasties and the people went into exile. The GRP, like the Kingdoms of Judah and Israel, has forgotten God and in the process has ignored its moral obligation for the welfare of minorities and the poor. The GRP's unjust appropriation of the natural resources (as per above examples) are not for the good of those living off the land, but rather for the interests of foreign business.

Wikileaks obtained documents dated February 2006 showing extensive references to the untapped rich mineral [resources](#) of Mindanao and tensions in the region which hinder the exploitation of these resources. The leaked cable from the US embassy in Manila made particular reference to the so-called Liguasan Marsh in the Cotabato Basin spanning 288,000 hectares and is among areas controlled by the MILF. The Department of Environment and Natural Resources (DENR) identified [natural gas](#) and oil deposits in three areas of Mindanao and the Sulu Archipelago: the Cotabato Basin, the Davao-Agusan Basin; and an area straddling Tawi-Tawi and Sulu. It stated that this 'Liguasan Marsh — which is an officially declared bird sanctuary and game refuge — remains an important MILF stronghold, home to an estimated 270,000 Muslims, and an area where members of the terrorist Jemaah Islamiya (JI) have historically conducted [training](#) and sought refuge'.⁴⁵

⁴⁵ [WIKileaks – 'US says Island Mindanao has \\$1-Trillion Dollar untapped mineral resources'](#) at [8/24/2011 09:02:00 PM](#).

The obtained documents detailed the several roadblocks the government faces in exploiting Liguasan Marsh. The cable indicates the Philippines National Oil Company (PNOC) began exploring for oil and natural gas in the Liguasan Marsh area in 1994 under Geophysical Survey and Exploration Contract (GSEC) 73, which covered all of Maguindanao, North Cotabato, South Cotabato, Sultan Kudurat, Sarangani, Davao, and Bukidnon provinces of Mindanao (see Figure 8, p.162). According to the PNOC, the estimated natural gas deposits in *Sultan Sa Barongis* alone would be enough to fuel a 60-megawatt (MW) combined cycle power plant for 20 years. PNOC had hoped to use this gas to support the power requirements of Mindanao. However, PNOC and Petronas (Malaysia) suspended operations in the Liguasan Marsh area due to threats from the MILF, and extortion by local mayors and political warlords.⁴⁶ The MILF, which lays claim to these areas, has accused the latest intensification of attacks by the AFP of being primarily motivated by the government's desire to access deposits in the Liguasan Marsh.

Perhaps, this reality will spur the GRP to negotiate a just and peaceful settlement. It seems the BMP have an Ace card. The GRP can try for another hundred years to "smoke out" the MILF from the resource rich Marsh and similar areas at enormous economic and human cost or negotiate. Nevertheless, it appears the GRP believe that a military victory over the BMP will occur quickly. Their new ethic of utilitarianism and the depersonalization of the BMP make it much easier to exploit the land and the BMP in good conscience, rather than hypocritically implement the so called JWD. The Filipino state is Christian in name but it has a secular god; a new god, namely the dollar.

⁴⁶ [WIKILeaks op. cit.](#)

1b. Catholic liberation theology in the context of neo-colonialism

The GRP government has not had its way completely in Mindanao. In spite of the official Catholic church's position on the right of the state to use limited military intervention, the Catholic Church has entered the fray in Mindanao. It has been influential in bringing atrocities to light and the curbing of human rights and the rights of the earth to the attention of the wider Filipino people and world media. Many foreign priests and religious have been murdered because of their critical opposition of mining companies and multinationals. One particular strand of the Catholic Church is manifested in standing up to injustice and exploitation. The courage to do this arises from the Gospel message with the emphasis on the Gospel as liberation. However, it needs to be stated here that the Catholics have no monopoly on liberation theology; or that it is the only Church advocating for the Muslim people in Mindanao. In fact, Muslim religious communities also protest peacefully about injustice and the exploitation of God's creation.

The Catholic communities in Mindanao who advocate the Gospel based on the message of liberation find inspiration from Liberation theology which first arose in Latin America in the 1960's when the Latin American Episcopal Conference began to engage with questions of poverty and political activism. Gustavo Gutierrez's *A theology of liberation*⁴⁷ published in 1971 became the signpost for the new movement. Gutierrez encouraged Catholics to undertake social and political action to relieve poverty and oppression, declaring that the poor and oppressed were especially graced in God's sight, or that God has a 'preferential option for the poor'.⁴⁸

⁴⁷ Gustavo Gutierrez, *A Theology of Liberation*, Maryknoll: Orbis Books, 1973.

⁴⁸ Laura C. Robson, Palestinian liberation theology, Muslim-Christian relations and the Arab-Israeli conflict, *Islam and Christian-Muslim Relations*, Vol. 21, No. 1, January 2010, 40 (39-50).

Liberation theology has developed with the Philippine context as the theology of struggle. As such, it starts with a consideration of the context of the BMP and responds to the cries of the poor and the outcast, i.e. God's struggling and suffering people. In 1986, the Catholic Church's leadership mobilized the people to overthrow the Marcos regime in a non-violent protest. This non-violent protest took the wind out of the sails of the Maoist oriented left which consequently lost much of its influence in the country. The advocates of liberation theology in Mindanao are not one eyed Catholics, but are inclusive advocates for the democratic rights of the Muslims too. The suffering of the Muslims at the hands of the neo-colonialists is recognized, and the role of the Church and its collusion in the oppression of the Muslims is acknowledged by advocates of liberation theology.

Poverty, disease, threats to democratic rights, mining, discrimination, and repression are the concerns of Filipino liberation theology. The sins of the Pharaoh, like the dictatorship of the GRP, are seen as an offence before God. God suffers because God's people are suffering. The Cross of Christ is presented as a symbol of challenge and struggle for justice, rights and ecological concerns. The Church stands up for the rights of the repressed Muslims in Mindanao too because they are God's suffering people. It is these themes which frame the opposition of the Roman Catholic Church in the Philippines to neo-colonialist policies of the Philippine government which exploits the Muslims and encourages mining by multinational corporations in Mindanao. Mining is an activity with substantial potential for environmental degradation that can deprive the poor of their livelihood.

The Church, demonstrating the influence of liberation theology and its preferential option for the poor, has taken a stance opposing mining as an activity that harms the poor by degrading the environment upon which the poor and marginalised BMP depend for their livelihood and further impoverishing them. The Mindanao Catholic Church began to critically engage the government's mining based development programs in 1997. Detailed below are some of the actions by the Catholic Church in Mindanao addressing the problem of mining in the area:⁴⁹

- 1998, the Catholic Bishops' Conference of the Philippines (CBCP) issued a statement of concern on the Mining Act of 1995 wherein they called for the repeal of the Mining Act. What is morally significant here is that mining is identified as a social and ecological justice issue, and there is a need to discuss it in the context of the country's dismal performance in addressing mass poverty and the gross inequalities of income, wealth and political power particularly in the BMP area/region.
- June 2002, Bishop Nereo Odchimar, the Bishop of the Diocese of Tandag (see Figure 5 end of chapter), issued a pastoral letter opposing mining in the Diocese of Tandag. The argument here is that we cannot find the answers to the plight of the poor unless we listen to the poor.
- 2004 Bishop Jose Manguiran, the Bishop of the Diocese of Dipolog (see Figure 5 end of chapter), called for the cancellation of the Mineral Production Sharing Agreement held by the Canadian mining company Toronto Ventures Incorporated in the Municipality of Siocon, in the Province of Zamboanga del Norte. After exploiting the area, mining companies would leave the area abandoned and permanently destroyed. The people who had high hopes of being lifted and liberated from their sorry state of poverty were left to fend for themselves and grapple with the realities that there are no more fertile grounds to grow food or natural river systems to catch the fish for their day's meal.
- April 2006, the Bishops of the Dioceses of Digos, Kidapawan, and Marbel (see Figure 5 end of chapter), led 7000 people to an anti-mining mobilization in General Santos City (see Figure 2 map of Mindanao, end of chapter) and announce the implementation of a bigger and wider campaign for the stoppage of the ongoing exploration activities of Sagittarius Mines Inc, an Australian-backed mining company.

The government's socio-economic role in Mindanao is symbolic of its lack of vision and leadership and total lack of morality. The continued struggle of the BMP in places like Digos or Marbel in Cotabato (see Figure 4, p.159) is a clear testament that mining never lived up to its promise of improving the quality of life of the people.

⁴⁹ William N. Holden and R. Daniel Jacobson, 'Ecclesial Opposition to Mining on Mindanao: Neoliberalism Encounters the Church of the Poor in the Land of Promise' *Worldviews* 11 (2007) 155-202.

Instead, the BMP's source of livelihood had been systematically destroyed – the forest, the farmlands, mangroves, river systems, coral reefs among others. This is a justice/ecojustice issue. Responsible partnership in caring for creation and sharing the earth's resources is expected of Christians and Muslims working and living in Mindanao and also of the mining companies.

'For I reckon the sufferings of the present time are a small price to pay for the glory that is going to be revealed in us. For creation awaits with eager longing the revelation of the sons (and daughters) of God. For creation was subjected to futility, not of its own volition but on account of the subduer, in hope that the creation itself will be set free from its bondage to decay and will obtain the freedom of the glory of the children of God. For we know the entire creation has been groaning together in the pangs of childbirth right up till now'. (Romans 8:18-22).

St Paul personifies non-human creation in Romans 8 and locates this discussion of creation within the Jewish apocalyptic tradition which considered the fate of the human interconnected with the fate of the non-human creation. The "common fate" theme refers to the "Fall" of Gen3:17-19 where Adam's sin has consequences for non-human creation. The exploitation and pollution of the environment raises the possibility of the human person falling into a second "Fall" in Mindanao. The consequences of this "Fall" will not only undermine the environment but also the human community. Evidence of this is already seen in flooding, deforestation and typhoons. A community that is affected by such wanton destruction cries out to God in lament because the earth is oppressed, and the poor suffer. The Catholic Church's opposition to mining is out of concern for the rights of the inhabitants in Mindanao and from its understanding of mining's environmental effects. The objection to mining's environmental effects is articulated in terms of two important Christian principles: stewardship and the integrity of creation.

The Marcopper incident narrated below demonstrates an undermining of both these principles:

The Marcopper mine, located on the island of Marinduque (see Figure 1 for map) owned by the Marcopper Mining Corporation...[which is turn owned by] by the Canadian mining company Placer Dome and (60 per cent) by the Philippine government⁵⁰. Copper was extracted from the [mine]...On 24 March 1996, the plug at the bottom of the Tapani pit failed and there was a release of acidic tailings into the Boac River⁵¹...While the actual amount of tailings that was released may be a matter of contention its effects were dramatic. A month later, a UN team declared the river ‘biologically dead. (Mining, Minerals, and Sustainable Development, 2002, p. 208)...Chris Hinde, the Editorial Director of the London-based Mining Journal (a mining industry publication) went so far as to call the Marcopper tailings spill an ‘environmental disaster’⁵².

This incident demonstrates the neo-colonial ethic of utility and self-interest at the expense of people and the environment. The river and the life within it and the people who depend on it are of no concern when profit is the primary driver of mining. According to Bishop Dinualdo Gutierrez, the Bishop of the Diocese of Marbel and Chair of the CBCP’s Episcopal Commission on Social Action, Justice, and Peace, this kind of activity is morally wrong in itself and he advises ‘we must think of generations yet to come’ when irresponsible mining ‘kills’ river systems and their life.⁵³ While Catholic liberation theology has had a critical role to play in Mindanao, it is called to give an account of where the Church stands in its support for Muslim autonomy. *Mohagher Iqbal*, the chairman of the Moro Islamic Liberation Front (MILF) peace panel (2011-2012), challenged the leadership of the Catholic Church in Mindanao to declare its stand on the Muslims’ struggle for authentic autonomy.

⁵⁰ G. S. Plumlee, et. al. ‘An overview of mining-related environmental and human health issues, Marinduque Island, Philippine: Armed Forces Institute of Pathology reconnaissance field evaluation, *United States Geological Survey*, Reston Virginia, May 12–19, 2000.

⁵¹ (Philippines) *Mines and Geosciences Bureau, Department of Environment and Natural Resources*, 2004.

⁵² C. Hinde, C. ‘State of the industry’, *Mining Journal*, 13 February, 2004.

⁵³ Bishop Gutierrez, Diocese of Marbel. Chair, *Episcopal Commission on Social Action, Justice, and Peace*, interview, General Santos City, Philippines, 11 May 2005.

Iqbal made the challenge before an audience that consisted of various groups (Christians and Muslims) during the consultative forum aimed at consolidating the inputs of the people of Mindanao. The MILF chairman likened the struggle of his Muslim brothers and sisters to one liberation theology paradigm which advocated armed struggle to fight for better life (though condemned by the Catholic Church) and to be freed from unjust, and inhuman regimes. *Mohagher Iqbal* puts it this way:

Such political theology [liberation theology] which interprets the teachings of Jesus Christ in terms of liberation from unjust economic, political or social conditions has found adherents in a poor country like the Philippines. And it is no wonder that some priests are already involved even in the movement.⁵⁴

What he describes here is that the Christian church communities in Mindanao provide fair and principled avenues for a more equitable distribution of resources. However, the Gospel of liberation theology is anchored in the love command and in non violent justice. Violence begets violence and the spiral continues and only escalates. At the heart of the Christian message is loving forgiveness. The struggle for justice is one of negotiation, conscientization and prayer.

Christian discipleship and salvation/liberation from sin are inextricably linked. Christian faith is a faith that does justice. It is concerned with tackling inhumane structures and caring for God's creation and working with and loving people of other religious faiths such as the Muslims in Mindanao. Liberation theology in the Mindanao context is focused on the poor and the poor are close to God. The proclamation of God's reign does not exclude socio-economic and political dimensions of life and society. For, it follows that the development of a critical consciousness arises out of our conversion to the vision, values and virtues of the reign of God.

⁵⁴ Jaime Pilapil, 'State stand on Muslim struggle, Church dared', *The Manila Times*, June 22, 201.

This new consciousness in communion with others enables us to observe, reflect and act on social, political, and economic oppression in the light of the Gospel. The challenge for Christians of all denominations (Catholics and Protestants) who share this non-violent liberation commitment is to act. However, in the context of Mindanao, this takes courage because action on behalf of the poor is risky and stressful. Individuals and even churches are up against well-armed militia and well-funded and powerful groups. This is a morally significant element in this context. The call to non-violence is a struggle when we take the cross of Christ as the challenge. Jesus suffered and struggled. He proclaimed his message of liberation for the poor. Liberation theology is not a cozy theology. It entails much suffering and hurt and requires much forgiveness. However, it is through God's grace that communities and individual leaders can raise the consciousness of local officials and state officials to an awareness of the rights of people at stake in resource rich Mindanao.

As part of their mission in Mindanao, the Catholic religious sisters often challenged the traditional roles of women wherein the women are typecast as the protected, passive and non-political members of an oppressed and disadvantaged community. Through their non-violent reinterpretation of liberation theology, the Catholic sisters' advocacy in human rights and their liberating presence in the community and women's organizations, they have built meaningful bridges between Christians and Muslims.⁵⁵

⁵⁵ Ibid.

This is ethically significant as this proclaims that non-violent liberation theology concretizes Christian love (charity) and Christian justice⁵⁶ towards people of other religious traditions and faiths. While the religious sisters have demonstrated to the local Muslims in Mindanao that the Christian Gospel is inclusive of others by standing up for the rights of Muslims, there are still serious tensions and suspicions. These concerns put a strain on relationships and the primary relationship is between the Christian dominated GRP and the Muslim Bangsamoros. The next section will discuss a serious strain in the relationship, namely the branding of all Muslims as terrorists.

Section 2. The Bangsamoro conflict within the context of the global terror,

The neo-colonial context of the Mindanao Muslims was complicated by the rise of Bin Laden (1957-2011), the fundamentalist Muslim leader of the dreaded terrorist group al Qaeda. Al Qaeda's most violent narrative took place on American soil on September 11, 2001 (often referred to as 9/11) a series of four coordinated [suicide attacks](#) by [al-Qaeda](#) took place upon the [United States](#). Osama bin Laden and al-Qaeda were suspected as the perpetrators. Bin Laden (*Usāmah bin Mumammad bin Awa bin Lādin*;⁵⁷) was a Sunni Muslim and former head of the [Islamist](#) militant group [al-Qaeda](#). He was killed in Abbottabad, [Pakistan](#) on May 2, 2011 by members of the United States Naval Special Warfare Group. According to former [CIA](#) analyst [Michael Scheuer](#), who led the CIA's hunt for bin Laden, the al-Qaeda leader was motivated by a belief that [U.S. foreign policy](#) has oppressed, killed, or otherwise harmed Muslims in the Middle East.⁵⁸

⁵⁶ Francisco Moreno Rejón, *Teología Moral desde los pobres. La Moral en la reflexión teológica desde América Latina* ('Moral Theology of the Poor: The Ethics of Theological Reflection from Latin America', note: my translation), Madrid: PS Editorial, 1986, p.100.

⁵⁷ Dan Ackman, [The Cost Of Being Osama Bin Laden](#), 2001-09-14.

⁵⁸ Michael Scheuer, *Imperial Hubris*, Dulles, Virginia: Brassey's, Inc. 2004, p. 9.

To counter this hatred and oppression, Bin Laden was of the belief that only the restoration of [Sharia](#) law (Islamic law based on the [Qur'an](#) and [Muhammad's example](#) often called the *Sunnah*)⁵⁹ would 'set things right' in the Muslim world. This has to be done in conjunction with violent *jihad* sometimes called *Qutbism* (i.e. the ideology of [jihadism](#) propagating 'offensive *jihad*' or 'armed *jihad*' in the advance of Islam)⁶⁰ After being promoted by [Sayyid Qutb](#) (1906–1966) an [Egyptian](#) author, and educator.⁶¹ Bin Laden consistently dwelt on the need for violent *jihad* to right what he believed were injustices against Muslims perpetrated by the United States and sometimes by other non-Muslim states. Bin Laden's ideology included the idea that civilians, including women and children, are legitimate targets of jihad (discussed in chapter 2).⁶²

Bush's (President: 2001-2009) doctrine of War on Terror (WoT) was a response to 9/11 which focused on radical Islamists committed to 'a murderous ideology'. He asserted that the agenda of radical Islam was to develop weapons of mass destruction and to build a radical Islamic empire. Bush described the event of 9/11 as the 'Pearl Harbour of the 21st century'⁶³. By using a dark part of American history, Bush argued that the WoT gave the US government morally and ethically compelling interests on enacting a policy that justified the curtailment of civil rights including free speech, press freedom and privacy, and search and seizure protections,

⁵⁹ Hunt Janin and Andre Kahlmeyer, *Islamic Law: the Sharia from Muhammad's Time to the Present*, McFarland and Co. Publishers, 2007, p. 3. See also: John Esposito, *The Oxford dictionary of Islam*. [Oxford University Press](#). 2004.

⁶⁰ [Douglas Farah](#), *Qutbism and the Muslim Brotherhood*, 2007. Also: Dale C. Eikmeier, '[Qutbism: An Ideology of Islamic-Fascism](#)' [Parameters](#), Spring 2007, pp. 85-98.

⁶¹ *Ibid.*, Dale C. Eikmeier 2007, pp. 85–98.

⁶² In interview with *Al Jazeera* in December 1998 following Kenya and Tanzania embassy attacks.

⁶³ Bob Woodward, *Bush at War*, New York and London: Simon and Schuster, 2002, p.37.

within in the US, as well as, overseas.⁶⁴ In 2001 U.S. Foreign Military Financing (FMF) for the Philippines amounted to \$2 million. When former President Arroyo (Presidency: 2001-2010) pledged her support in the war on terrorism, aid jumped 10 times, increasing to \$19 million for 2002.⁶⁵ In January 2002, the Bush administration sent 660 elite U.S. troops to the Southern Philippines deployed mostly in the Bangsamoro region to assist in hostage rescue and counterinsurgency operations. President Barrack Obama, has continued to maintain the elite US troops in Zamboanga on the west coast of Mindanao at a cost of \$50m a year. The Asia Times noted:

reports persist that US troops are ‘embedded’ in Philippine military units in far-flung combat zones and that they had joined the fight against Muslim insurgents in Sulu and Basilan provinces. Some 600 US soldiers are currently stationed in the Philippines, the bulk of them on the southern Philippine island of Mindanao.⁶⁶

These troops are working with the AFP to bring about a military solution to the conflict in Mindanao. Given that there are so many groups in the conflict, it may be possible that particular groups are targeted or there may be “open season” on all rebel groups. This has added to the trauma of the BMP. During Philippine President Gloria Macapagal-Arroyo’s May 2003 visit to America, Washington pledged to provide new funds to the Philippines for training and equipping the AFP to deal with terrorist groups, and funds to spur development in the Muslim Mindanao region.⁶⁷

⁶⁴ C. John Yoo and Robert J. Delahunty, *Re: Authority for Use Military Force to Combat Terrorist Activities Within the United States*, in Office of Legal Counsel Memorandum 23 October 2001 United States of America.

⁶⁵ [Frida Berrigan](#), ‘Terror and Torture in the Philippines’, in *Foreign Policy In Focus*, Washington, DC., February 21, 2003.

⁶⁶ Al Labita, ‘US storms troops into the Philippines’ *Asia Times*, October 3, 2009.

⁶⁷ Larry Niksch, Specialist in Asian Affairs Foreign Affairs, Defense, and Trade Division (US), ‘Abu Sayyaf: Target of Philippine-U.S. Anti-Terrorism Cooperation’ *Congressional Research Service, The Library of Congress*, US Congress.

Macapagal-Arroyo cited morality and Philippine national interests as reasons for her decision to cooperate with the U.S. She defined the national interest as linking a struggle against international terrorism with the struggle against terrorism within the Philippines.⁶⁸ The linking of international terrorism with internal terrorism represents a ramping up of the military solution to the Bangsamoro conflict. In other words, once the rebel Muslims are worn down, they will negotiate a peace settlement and there will be total access to the Mindanao land and its resources. However, while the conflict is not a religious conflict, religion is nevertheless intertwined within the conflict in Mindanao.

What is morally significant is that the al Qaeda terrorist campaign has pushed the religious dimension of the conflict to the forefront, or made religion a feature of the conflict. Bin Laden used his interpretation of Islam to motivate his soldiers to take up the *jihad*. [Abu Sayyaf](#) and *Jemaah Islamiyah*, both linked to al-Qaeda, operate in Mindanao and its neighbouring islands, which are located near to oil and gas fields in the [South China Sea](#) contested by China. The presence of US troops and Al Qaeda insurgents has further complicated the conflict. It is quite possible that al Qaeda's ideology acted as a game change and encouraged some groups of rebel Muslims in Mindanao to refocus the conflict as primarily religious.

The WoT campaign has installed in the psyche of the nations of the world that people from different faiths cannot get along, and that Islam cannot tolerate people of other faiths, and that Muslims always want to harm people of other faith traditions, particularly Christians. Bin Laden and al Qaeda must take the blame for creating this perception among non-Muslims.

⁶⁸ Mark Landler, 'Philippines Offers U.S. Its Troops and Bases' *New York Times*, October 2, 2001.

The bombings in Barcelona, Bali and London seem to reinforce this perception, and the wars in Afghanistan and Iraq have raised the religious profile of Muslims too. With the WoT campaign still on-going in Mindanao, the Bangsamoros live in fear of another military campaign similar in scope to what occurred in the American colonial period in the early 1900s. In that period, the American government launched a bloody pacification campaign (1899-1913) to subjugate the Bangsamoro people. The Americans killed thousands of Moros - men, women and children - who resisted American colonialism.

Conclusion:

This chapter concludes that the colonial policies of the Spanish and Americans (1521-1898 and 1898-1946) have dispossessed Muslims and other indigenous peoples of 80% of Mindanao's land. These policies of dispossession have sown the seeds of legal and social injustice. This has triggered bloody and deadly conflicts over agricultural land between Muslims and Christians in Mindanao, thereby reinforcing the historical truth that colonialism was one of the root causes of this conflict. After the Americans granted independence to the Philippines (4 July 1946), Muslim Mindanao came under the control of the majority Christian neo-colonial GRP. This resulted in the BMP becoming socially, economically, and politically a marginalized religious minority. A feeling of fear among the BMP fuelled a political and military struggle for decolonization and independence from the Philippines. This is continuing at the present time. The global war on terrorism (WoT) declared by the US on the Muslim world appears to have indirectly ended the dream of a Muslim autonomous region in Mindanao. The GRP jumped on the bandwagon of Bush's doctrine of global war on

terrorism and used this along with military aid from the US to push forward with a military solution to the conflict in Mindanao.

Furthermore, the Government of the Philippines (GRP) inherited and continued the immoral colonial policies of the Spaniards and the Americans. This resulted in the Muslim Bangsamoro's narrative of oppression continuing and their ancestral lands in Mindanao being unjustly occupied by settlers with the support of the powerful military. In effect, the GRP became the new colonialists, who benefited both economically and militarily from Bush's doctrine of global war on terrorism.

Chapter Four: Banishment by The Just War Doctrine

Chapter three concluded that the GRP modelled itself on colonial Spain and America in its treatment of the Bangsamoro. The liberation theology practitioners of the Catholic tradition have protested about environmental destruction and stood up for the rights of the Bangsamoro people. Chapter four continues the narrative and ethical evaluation of the BM conflict. This narrative discusses the role of the Just War Doctrine in the conflict and the meaning of *Jihad*. This is undertaken in three sections:

Section 1 explores the Just War Doctrine (JWD) in the context of Mindanao.

Section 2 examines *Jihad* and its effects on the BMP.

Section 3 evaluates the principles JWD.

Section 1. The Just War Doctrine: The Context of Mindanao.

It emerged that the Christian Spanish and American colonialists did not bring the Good News of the Gospel to the Philippines. Both Christian nations were ‘bad news.’ Both defended the right to use arms in the subjugation of the Bangsamoros, because of pragmatism, a false anthropology and a triumphalist theology which viewed the Bangsamoros as uncivilized and their religion as inferior. The triumphalist theology/anthropology and right to use arms tradition is continued today in the theology and ethic of the GRP.

The JWD which nominally frames the GRP war in contemporary Mindanao can be meaningfully articulated in three parts, i) *Jus Ad Bellum* (JaB), the justice of going to war, (ii) *Jus In Bello* (henceforth, JiB), justice in war time; and, (iii) *Jus post bellum* (JpB), which concerns the justice of peace agreements and the termination phase of war.⁶⁹

In the JWD, lethal force may be used in a “just cause”, that is, lethal force may be used proportionately with no more force than necessary. It must have a probability of succeeding and may be used as a last resort after all peaceful alternatives have been exhausted. The Christian concept of just wars (the limited use of force to obtain the end of justice) can be traced back to *St. Augustine* (354–430). Justified warfare was one of the first moral issues that Christian pacifists faced when Emperor *Constantine* (272–312) became a Christian. In 312, *Constantine* was about to lead his army into battle against his enemy *Maxentius* at the Milvian Bridge outside Rome. The victor would become the Roman Emperor. *Constantine* was a pagan who worshipped the sun, and he was worried about the coming battle. He started to pray to the Supreme God for help. That night in a dream he claimed he saw Jesus telling him to use the *chi-rho* sign (the first two letters of Christ in Greek - *chi X* and *rho P*) as a safeguard in all battles. *Constantine* ordered it to be put on his soldier’s shields - and won the battle. Subsequently, he converted to Christianity.⁷⁰

⁶⁹ G.M. Reichberg, ‘Jus ad Bellum’ in *War: Essays in Political Philosophy*, L. May (ed), Cambridge, New York, Melbourne: Cambridge University Press, 2008, pp.11-12.

⁷⁰ See: A. Cameron, *The later Roman empire: AD 284–430*, London: Fontana Press, 1993; Jaroslav Pelikán, *The excellent empire: the fall of Rome and the triumph of the church*, . San Francisco: Harper & Row, 1987.

The link with *Constantine* was *Augustine* who reasoned that fighting on the behalf of the Roman Empire was a Christian obligation since it was an empire with a Christian leader. *Augustine*, articulates clearly his moral attitude towards war in the following quote

What is the evil in War? Is it the death of some who will soon die in any case, that others may live in peaceful subjection? This is mere cowardly dislike, not any religious feeling. The real evils in war are love of violence (*nocendi cupiditas*), revengeful cruelty (*ulciscendi crudelitas*), fierce and implacable enmity, wild resistance, and the lust of power (*libido dominandi*) and such like. (Augustine, 887: 301)⁷¹

Augustine, though, wrestled with the reality of war. He indicates that it is morally unacceptable to equate the killing of those who ‘will soon die’ that others may live peacefully. However, *Augustine* also feels repulsion when war is conducted as a vehicle of human selfishness and the disordered desires of human beings. As *Augustine* observes (887:303):

Thus, in all the things which appear shocking and terrible to human feebleness, the real evil is the injustice: the rest is only the result of natural properties or of moral demerit. This injustice is seen in every case where a man loves for his own sake things which are desirable only as means to an end, and seeks for the sake of something else things which ought to be loved for themselves.⁷²

The *Augustinian* moral stance on war was supported by further development in the Christian moral tradition. The Catholic tradition upholds the belief that there is a particular category of actions which are described as intrinsically evil, that is, the action in itself is independent of its consequences is morally evil. For example, murder, abortion and adultery. Murder is described as the unjust killing of the innocent. The fifth commandment “Thou Shalt not kill” is considered a moral absolute, and yet it does recognize that there may be some exceptions in particular tragic circumstances.

⁷¹ John Langan, S.J., *The Elements of St. Augustine’s Just War Theory*, op. cit. p. 21.

⁷² *Ibid.*

Underpinning the JWD is a belief that the commandment against killing is qualified ethically by stating that the killing is concerned with killing the unjust aggressors (the enemy) and the avoidance of killing the innocent (e.g. killing innocent civilians). The theology underpinning this exception arises out of the Christian belief that we live in a world of grace but it also a world co-conditioned by sin and brokenness. Hence, Christians may find themselves in situations of moral ambiguity, especially in situations of war/conflict.

In these situations, such as the BM conflict, the qualified exception to killing is permitted but within the context of the JWD. This is the locus from where the GRP makes its moral assertion that the war against the BMP is justifiable. Do we take a pacifist stance and do nothing to protect the nation in the face of violence from an unjust aggressor or do we protect the nation by using military force? And how much force do we use? And how do we morally evaluate actions which protect the nation but also hurt or kill another in the process? And is an action which brings about both good and bad consequences (protecting the nation and killing the enemy) at the same time to be categorised as unjust and morally evil? Or is there a more nuanced ethical understanding of the action? These questions are answered in the principle double effect (PDE) which is an important dialogue partner to the JWD.

The PDE emerged with the JWD to ethically analyse such difficult questions. It offers specific guidelines for determining when it is morally permissible to perform an action in pursuit of a good end in full knowledge that the action will also bring about bad results. This PDE enabled the Catholic tradition to uphold its belief in the moral absolute “thou shalt not kill”, and at the same time permit exceptions, that is, actions which bring about both good and bad outcomes in defined circumstances.

The Catholic tradition developed its JWD with *Augustine's* moral concern about the nature of war ringing in our ears. The use of force to bring about justice is expected to comply with three conditions for the intervention to be considered morally permissible.

- The use of military force to obtain justice must be good in itself, and the intention (aim) must not be to inflict evil for the sake of it. It must be to restore justice or restrain evil, and the intervention must be prudent and appropriate to the situation.
- The damage inflicted by the aggressor is lasting and grave and certain and that all other means have been shown to be ineffective.
- There must be serious prospect of success and the use of military power must not bring about a greater evil and disorder, given the use of modern technology. The moral choice to go to war lies heavily on leaders who are required to conscientiously make a prudent judgment with these conditions in mind and with a view to the common good.⁷³

The GRP has traditionally justified its military actions against the BMP in the light of this ethical framework, and the Catholic Bishops of the Philippines recognize the GRP's right to respond militarily. The ethical framework of the JWD was tested by the response of the Philippine military (AFP) to an attack by some rogue members of the MILF (Moro Islamic Liberation Front), a military wing of the BMP, on the 18th October 2011 in Mindanao. Nineteen Special Forces soldiers of the Philippine military were killed in *Al-Barka*, Basilan (an island in Southern Mindanao, Philippines; see Figure 8, p.162).

⁷³ Catholic Catechism CCC 2309.

Forced by the Basilan deaths to clarify his administration's vague policy of neither war nor peace, President Benigno Aquino III on Oct. 24, 2011 announced: 'We will not pursue all-out war; we will instead pursue all-out justice'⁷⁴. This "vague" policy appears to have been focused on identifying the so called "real enemies". Consequently, 'more surgical response rather than all-out chemotherapy, [was] needed which is sometimes just as destructive as the disease'⁷⁵. Yet this was undertaken in the name of the JWD.

By defending the just war doctrine, Augustine provided leaders with a prefabricated rhetorical framework in which to describe and rationalize their campaigns of military aggression. So long as they succeed in producing an interpretation that can be said to reflect the template of just war theory, leaders are free to wage their wars with impunity, facing the populace and the press corps alike with a confident smile and clear conscience. However, the reality is that soldiers return home in body bags, and the hapless inhabitants of the enemy land are terrorized, maimed, and slain'.⁷⁶

The GRP's military action against the Muslims in Mindanao after the *Al Barka* incident is based on the reports that the nineteen soldiers were ambushed and killed while responding to reports intelligence about the presence of outlaws/vigilantes in the area, including a fugitive, *Abu Sayyaf* (Bearer of the Sword) leader. This bandit leader opposed the peace process between the Moro Islamic Liberation Front (MILF)⁷⁷ and the GRP.⁷⁸ The GRP argued that the death of the soldiers was a case of unjustified killing by Muslim elements in Mindanao particularly so because the soldiers had been on a mission to arrest 'outlaws' in the area. They alleged there was no risk of 'collateral damage' to the general population as the soldiers were on foot patrol and armed only with the prescribed military long arms and no sophisticated military hardware.

⁷⁴ [Amando Doronila](#), 'All-out war, all-out justice'—what's that?, *Philippine Daily Inquirer*, October 31st, 2011.

⁷⁵ Amando Doronila, 'All-out war, all-out justice'—what's that?' op. cit.

⁷⁶ Laurie Calhoun, 'Michael Walzer on Just War Theory Critical Edge', op. cit., p.421.

⁷⁷ The Moro Islamic Liberation Front is a separatist group that has been fighting for an Islamic state in the southern Philippines region of Mindanao.

⁷⁸ [Amando Doronila](#), 'All-out war, all-out justice'—what's that?, op. cit.

What is morally significant here is that there is no question that the killing of the nineteen AFP soldiers by the rogue elements of the MILF was immoral and condemnable. But, the ambiguity of the President Benigno Aquino III's response to this killing of the soldiers in an action he called 'all out justice' is a euphemistic term for a more sinister action against the BMP. In his defence of the killers of the soldiers, *Mohagher Iqbal*, MILF chief negotiator to the peace process between the GRP and the MILF, said that it was the military soldiers who attacked the MILF position. He also said that the *Al-Barka* encounter was prompted by uncoordinated military actions of the GRP with the MILF, and that the MILF should not be faulted for the outcome. *Iqbal* was also of the opinion that the *Al-Barka* encounter showed that the military had no regard for the peace process and the agreement on the cessation of hostilities which the Philippine government and the MILF signed in July 1997. However, the GRP argued that the action undertaken by the AFP soldiers in chasing down those suspected rogue MILF armed men in their own territory is morally acceptable under the Just War Doctrine. This follows the contention of Elshtain in a speech at the *National Press Club*, Washington, D.C., on October 5, 2001 wherein Elshtain supports a conscientious application of the JWD.

Public officials [i.e. including military] are charged with protecting a people. As those extraordinary firemen in New York City said simply, "It's my job. It's my job." The same holds for our military, operating within the limits I have just very briefly sketched. It's their job. These are our sons and daughters. This is their right authority, or what they do. The job they do flows from right authority; another vital dimension of the just war tradition, right authority, and one aimed at limiting freelance opportunistic and individualistic violence. So even as just war permits limited resort to arms, it challenges, as I've already indicated, the "anything goes" approach to violence. Now, responding justly to injustice is a tall order, for it means that it is better to risk the lives of one's own combatants in certain situations than to intentionally kill non-combatants of the society with whom one is in conflict. It is often difficult to separate combatants from non-combatants, but one is obliged to try.⁷⁹

⁷⁹ Elshtain, *National Press Club*, Washington, D.C., October 5, 2001, op. cit.

What is missing from the discussion of *Al-Barka* encounter, however, is a discussion of the culpability and blameworthiness of the military commanders on the ground that day in terms of duty of care for their soldiers. If the commanders approved the mission without prior consultation with the MILF hierarchy in the area, they increased the risks of violent armed encounter with the MILF forces. Consequently, the Philippine military commanders are morally negligent in their duty of care. However, this does not remove the moral responsibility of the MILF forces as well.

Muslims are prohibited from aggressive violence and are compelled, should war proved unavoidable, to always act within a code of ethical behaviour which reflects the teaching of the Qur'an. War should be conducted: in a disciplined way so as to avoid injuring non-combatants, with the minimum necessary force, without anger, and with humane treatment towards prisoners of war. For example, the Qur'an teaches the following:

- “If you punish (your enemy) then punish them with the like of that which you were afflicted. But if you endure patiently, it is better for you. (Qur'an 16:126; 22:60)
- “Whoever transgresses the prohibition against you, transgress you likewise against them” (Qur'an 2:194)

But, is the Islamic *Jihad* the same as the Western Just War? The answer depends on who is defining the concepts. However, it is safe to conclude that even though *jihad* may not be identical to the just war as it has evolved in the West, the similarities are more numerous than the differences, according to Sohail H. Hashmi.⁸⁰

⁸⁰ editor of *Just Wars, Holy Wars, and Jihads: Christian, Jewish, and Muslim Encounters and Exchanges*, published August 1st 2012 by Oxford University Press, USA.

This is because in contextual ethics, Islamic ethics of war and peace is not forged in a socio-historical vacuum, but within concrete human settings in which power dynamics are paramount.

Section 2. Jihad and its effects on the BMP

At this point in the chapter, it is important to examine the JWD in the context of Mindanao and the Muslim ethics of war, the *jihad*. *Jihad* is an important context to understand the armed response of the militant Muslims to the AFP and their JWD. The armed response of the BMP against the military power of the AFP echoes the Muslim principle that ‘war is to be fought only in the name of justice, to deter an aggressor, for self-defence, and/or to establish justice and freedom to practice religion’.⁸¹

In the West, this principle is inadvertently referred to as *Jihad*. The precise meaning of the word is difficult to determine according to Charles W. Amjad-Ali, and it is difficult to clarify without nuance. Hence, it is typically explained as ‘holy war’.⁸²

According to Reuven Firestone,

the semantic meaning of the Arabic term *jihad* has no relation to holy war or even war in general. It derives, rather from the root *j.h.d.*, the meaning of which is to strive, exert oneself, or to take extraordinary pains. *Jihad* is a verbal noun of the third form of the root verb *jahada*, which is defined classically as ‘exerting one’s utmost power, efforts, endeavours, or ability in contending with an object of disapprobation’.⁸³

In this regard, Muslim BMPs often differentiate between the ‘greater *jihad*’ (*al-jihad al-akbar*) and the ‘lesser *jihad*’ (*al-jihad al-asghar*), with the former representing the struggle against the self and only the ‘lesser *jihad*’ referring to warring in the path of

⁸¹ Charles W. Amjad-Ali, ‘Jihad and Just War Theory: Dissonance and Truth’, *Dialog: A Journal of Theology*, September 2009, Vol. 48 Issue 3, p239-247.

⁸² Ibid.

⁸³ Reuven Firestone, *Jihad: The Origin of Holy War in Islam*, New York: Oxford University Press, 1999, p.16. see also Richard Bonney, *Jihad: From Qur'an to bin Laden*, New York: Palgrave, 2005; and Gilles Kepel, *Jihad: The Trail of Political Islam*, translated by Anthony F. Roberts, Cambridge, Mass: Harvard University Press, 2002.

God. Even within its range of meaning ‘as war on behalf of Islam, the term is often used in relation to conflicts between Muslims’.⁸⁴

Kelsay⁸⁵ (author and professor of religion) argues that *jihad* in Islam is not equivalent to terrorism, but rather a type of honourable combat based on established precedents and subjected to strict rules of fighting, including the limiting of military targets. However, Kelsay not only engages in making such subtle differentiations, but also insists on more closely examining the Islamist *jihadists* of *al-Qaida*. He does not deny their status as Muslims just because they engage in indiscriminate fighting and override the rules of classic *jihad*. Even though they overturn well established precedents of fighting *jihad*,⁸⁶ the jihadists remain Muslim believers. Kelsay acknowledges that the Islamic sources in one way or another legitimate this stance and it is basic to all *Sharia* reasoning⁸⁷. *Jihad* is not only about individual self-exertion, it is also, and primarily, about the legitimization of the use of force for the spread of Islam.⁸⁸

Kelsay also argues that for Muslims war takes place in the pursuit of the spread of Islam, meaning that violence is legitimate in its association with a God-ordained cause. In other words, violence serves for Muslims as a means, not as an end in itself. In addition, the use of force is circumscribed by strict rules of ‘honourable fighting’.

⁸⁴ Reuven Firestone, op. cit., p.17.

⁸⁵ John Kelsay is an [author](#) and a Research Professor and Richard L. Rubenstein Professor of Religion at [Florida State University](#). He received his Ph.D. in 1985 in Ethics from [University of Virginia](#). He mainly focuses on religious ethics, particularly in relation to the [Islamic](#) and [Christian](#) traditions. Kelsay’s 1993 book, *Islam and War: A Study in Comparative Ethics*, discussed the Islamic concept of [jihad](#) as compared with the Christian concept of [just war](#). His 2007 book, *Arguing the Just War in Islam*, was praised by the [New York Times](#) for helping to bring greater understanding of Islamic views of war and peace to the non-Islamic world.

⁸⁶ John Kelsay, *Arguing the Just War in Islam*, Cambridge: Harvard University Press, 2007, p.150.

⁸⁷ Ibid., p.101.

⁸⁸ Bassam Tibi, ‘John Kelsay and “Sharia Reasoning” in Just War in Islam: An Appreciation and a Few Propositions’, in *Journal of Church and State* vol. 53 no. 1, p. 6 of pp. 4–26, publication March 22, 2011.

Islamic expansion in the past was bound to *Sharia* reasoning that viewed this expansion as ‘act of divine providence’. Therefore, *Jihad* (based on the classical *Sharia* reasoning) and its military action may be justified in particular circumstances and the action of Muslim troops engaged in war is considered legitimate.⁸⁹ The principles of *Jihad* require the enemy to have commenced the fighting, (Qur’an 2:190) that it must be begun by a religious leader, a last resort, that innocents should not be killed and that the enemy is treated with justice.

The state of *Jihad* emerged as the moral weapon of the Bangsamoro. This occurred in a context in which the Bangsamoro struggled against atrocities committed by the GRP. The Bangsamoro people however, view the current war with the GRP as the third wave of *Jihad*. The first wave of *Jihad* was the war against the Spanish, and the second wave was the war against the Americans. Under Philippine rule, the Bangsamoro people were treated like a subjugated people. They were forced to attend Philippine government and Catholic-run schools, in which Muslim youths were taught that their forefathers were lawless people who loved war and resisted modern civilization and development. In 1969-71, before the declaration of martial law by the regime of President Ferdinand Marcos, the wholesale burning of Muslim homes, mosques and *madaris* (schools) was almost a daily occurrence. Muslim farms and plantations were targeted for looting and destruction. In February 1973, just months after martial law had been declared by Marcos on November 21, 1972, Bangsamoro Muslims were finally able to fight back as an organized armed revolutionary movement - the Moro National Liberation Front (MNLF) to proclaim *jihad* against the GRP. The emergence of the Moro Islamic Liberation Front (MILF) from the defunct MNLF continued the Bangsamoros struggle or *jihad* against the majority Christian GRP.

⁸⁹ Tibi, ‘John Kelsay and “Sharia Reasoning” in Just War in Islam: op. cit., p. 8 of pp.4-26.

In December 3-5, 1996, the Bangsamoro people convened the Bangsamoro People's Consultative Assembly in Sultan Kudarat, Maguindanao Province to take a position on the 'Mindanao Problem'. The resolutions presented by the provincial and sectoral delegations were unanimous in declaring that the only just, viable and lasting ethical solution to the 'Mindanao Problem' is the establishment of an independent Islamic State.⁹⁰ It is the belief in *jihad* and its truth which motivated the BMP in the struggle, and continues to do so among many faithful Muslims. However, this belief has been manipulated and reinterpreted by those less religious Muslims and fundamentalists to maintain the war against the GRP. However, atrocities have been perpetrated by the BMP, and this indicates that they too are guilty of deviating from their tradition.

On April 4, 1995, suspected Muslim guerrillas raided seven banks in Ipil, Zamboanga del Sur, in Southern Philippines. The bandits set the town center on fire and killed many people...200 heavily-armed men wearing green fatigue uniforms attacked the small town in a bloody rampage that left more than 40 people dead, mostly civilians, including the town's chief of police. More than half a billion pesos were looted from the town's banks.⁹¹

The journey of the peace process requires some new thinking and change of consciousness. Two such signposts such as the doctrines of the *Jihad* and the JWD may not necessarily have been the cause of the conflict in Mindanao, but it is evident they are part of the problem. They need to be laid down with the arms of both sides of the conflict as they reflect a consciousness laden with oppressive thinking. Neither, doctrine has served peace and justice. Both have been used to serve other interests such as power, hatred and oppression.

⁹⁰ Robert Maulana Alonto, *Four centuries of jihad underpinning the Bangsamoro Muslims' struggle for freedom*, November 16, 2006.

⁹¹ Joey Silva, 'Fr. Eliseo "Jun" Mercado, Jr., OMI: A study of bridging leadership in the Philippines', produced in cooperation with the *Asian Institute of Management and Synergos Institute*, 2002.

Section three: Principles of JWD.

This section evaluates the effect of the JWD on the Mindanao conflict by examining the meaning of *Jus ad Bellum* (JaD), that is, the justice of going to war. What amounts to a just or unjust resort to armed force is revealed by the following six rules of the *jus ad bellum*.⁹²

1. Just cause: The aggravation of war must be legitimate

In the context of the conflict in Mindanao, the onus of ethical justification lies with the GRP to establish *just cause* in launching military action against the BMP. The GRP cannot simply use the argument of the re-establishment of justice in Mindanao as the moral justification for its war against the BMP as they are the majority power politically, economically and militarily.

The discussion of the declaration of war is required to be undertaken within a nuanced discussion of the following three distinctive features of the BM landscape⁹³:

1. The transformation of the just war doctrine into the law of armed conflict where the groups in conflict can take collective action for peace and justice.

The moral significance of this is that part of the moral responsibility of the GRP is to ensure that collective voice of the BMP be acknowledged and considered. The negotiation for the settlement of the conflict in Muslim Mindanao with the GRP could be realized by a representative organization, like the MILF.

⁹² B. Orend, *Michael Walzer on War and Justice*, Montreal & Kingston & London & Ithaca: McGill-Queen University Press, 2000, p.87. Also, B. Orend, *War*, in *Stanford Encyclopedia of Philosophy*, first published Feb 4, 2000; substantive revision Jul 28, 2005.

⁹³ James Turner Johnson, 'The Idea of Defense in Historical and Contemporary Thinking about Just War', in *JRE* 36.4 p.551 of pp. 543–556 © 2008 Journal of Religious Ethics, Inc.

However, the fundamental issue, like the political relationship with the national government, would have to be decided by the Bangsamoro people themselves. They should be the ones who should decide, through a referendum, the choice of political status, such as an expanded autonomy, and a free association with the rest of the Philippine nation. The moral issue revolves around whether the GRP has shown the willingness and established the structures to enable the full participation of the BM people in decision making.

2. Secondly, the shift in the conception of sovereignty is shifted away from the idea of responsibility to maintain justice toward a narrower conception in terms of the rights of the territorially defined state.

Unfortunately, the GRP uses this strategy to make an argument for the principle of sovereign right in its war against the BMP on the pretext of preserving the territorial integrity of the country. This is their justification, and it is written by people who have the power to go to war. However, what is morally problematic with this story is that the GRP continue to adopt the strategy to prolong the recognition of the ancestral rights of the Bangsamoro people over what is left and remain of their ancestral territory. This ancestral territory had been deprived from the BMP through colonial and neo colonial aggression (Spanish, American and the GRP).

3. Thirdly, the focus on defence as the only form of just cause for use of military force is clearly permitted for states on their own authority.

Since 1968 when the BMP became more expressive in its right to their homeland, they were labelled rebellious. As a consequence, the GRP justified the use of its armed forces to quell this rebellion perpetrated by the Muslims against the government.

Traditionally, the use of military force was justified on the basis of thwarting security threats. The GRP through its own armed forces (AFP and PNP) launched successive military operations against the BMP. Increasingly, attempts are made to justify intervention or invasion on multiple grounds, most notably, the defence of universal and communitarian values such as human rights or democracy.⁹⁴ This justification (i.e. human rights) can equally be used by the recipient (e.g. BMP) of such violent intervention. In addition, the BMP can justify their retaliatory armed actions against the armed forces of the Philippines (AFP) as their just fight for self-determination within the territorial boundaries of the Philippines.

The moral confusion in the discussion of the just war doctrine in the Mindanao context, occurs when supporters of war confuse a 'just cause' with a 'just war'. For example:

There are unjust causes, such as the attempt of the United States to establish its power in Vietnam, or to dominate Panama or Grenada, or to subvert the government of Nicaragua. And a cause may be just, for example: getting Saddam Hussein to withdraw from Kuwait, or ending terrorism, but it does not follow that going to war on behalf of that cause, with the inevitable mayhem that follows, is [a] just [war].⁹⁵

The moral question in this narrative which impacts on the BM is how can a war be truly just when it involves the killing of civilians, and when it causes hundreds of thousands of men, women, and children to leave their homes to escape death? One answer to this question is found in the catechism of the Roman Catholic Church.⁹⁶ The catechism argues that launching an armed action can be justified against a perceived 'enemy' as long as there is an aggressor who is harming the inhabitants of the state.

⁹⁴ [Carsten Stahn](#), (Associate Legal Officer, International Criminal Court, Visiting Fellow Leiden University), 'Jus ad bellum', 'jus in bello' . . . 'jus post bellum'? – Rethinking the Conception of the Law of Armed Force [European Journal of International Law](#), [Volume 17, Issue 5](#).

⁹⁵ Howard Zinn, 'A Just Cause, Not a Just War' in *The Progressive*, December 2001 Issue

⁹⁶ Just War Doctrine, 'Catholic Answers' in <http://www.catholic.com/documents/just-war-doctrine>, accessed 22 May 2012.

In other words, one cannot go to war simply to expand one's sphere of influence, conquer new territory, subjugate peoples, or obtain wealth. One only can go to war to counter aggression. The moral contention is that the GRP cannot justify its armed incursion into the Muslim territories without being branded as a blatant aggressor who can be guilty of human rights violations. Yet, the GRP can still claim to have a moral and just ground of attacking strongholds of Muslim fighters for they (Muslim fighters) are considered aggressors in harming Philippine citizens. This is the case when they (Muslims fighters) become involved in kidnapping for ransom (e.g. the Muslim terrorist group *Abu Sayyaf*). Obviously, even JWD (or *Jihad* for that matter) cannot defend kidnapping, and it is the wrong strategy for any combatant to adapt as the following news report attest in the *Philippine Daily Inquirer*⁹⁷ (national daily newspaper)

The escalation of kidnap-for-ransom [KFR] cases in many parts of what are traditionally known as conflict areas in Mindanao does not augur well for the development of the region...these incidents do not speak well of the MILF's capability to deal with criminal elements operating in its territories. While many of the KFR operatives and terrorists gangs have been neutralized...a lot of them are still lurking in MILF territories waiting for the next opportunity to snatch their next kidnap victim or explode a bomb to kill innocent civilians.

Kidnap for ransom is a crime and a serious immoral act usually perpetrated against vulnerable innocent people who suffer unimaginable physical and psychological trauma during and after the event. This act does fall outside the 'just cause' requirement of the JWD. As such, groups who perform KFR have no moral standing in any community whatsoever.

⁹⁷ 'A mockery of PH (Philippine) sovereignty in MILF-held areas', *Philippine Daily Inquirer*, April 24th, 2012.

In this regard, the GRP has a just cause to wage military and police actions when KFR happens particularly when it is undertaken by disgruntled Muslim fighters like the *Abu Sayyaf* group who have been disowned by the leadership of the MILF. These three features of the BM landscape which have been explored and evaluated are important features to bear in mind when determining whether there is a just cause to go to war against the BM rebels.

2. Right intention: to go to war must be made with morally appropriate aim which is to restore a just peace or to defend lives.

According to *Aquinas*, war is justified provided the war is fought only for the sake of the just cause. The intention/aim/purpose of resorting to arms must be to achieve and consolidate the just cause.⁹⁸ While the right reason is morally relevant, the motivation underpinning the war must also be morally appropriate. The following narrative presents an insight into the morally appropriateness of war:

Basilan, August 2007: The province had lapsed into yet another of its seemingly interminable wars after suspected Moro Islamic Liberation Front (MILF) and Abu Sayyaf fighters killed and beheaded Marine troopers who were searching for kidnapped Italian priest Giancarlo Bossi. But Tipo-Tipo Mayor Ingatun Estarul had much more on his mind as government troops geared up for an offensive...and refugees began [streaming](#) into his town. The children, Estarul said, are missing school again. "If we do not head this off," Estarul said, "the real effect will be felt 10 to 15 years from now...If the children are allowed not to get an education, they are prone to be criminals in the future...Our observation way back from 1972 up to the late 1980s is that the active lawless elements of today are the product of those babies born at that time." It was remarkable foresight from an official whose constituents are forced to survive only from day to day. 'Children born in conflict are in danger of becoming children of conflict, perpetuating a cycle that gets worse with every generation', the mayor added.⁹⁹

In this context, it can be argued that the intention and armed action of the AFP (military) against the MILF and Abu Sayyaf fighters who terrorize communities are justifiable.

⁹⁸ Just War Doctrine, op. cit.

⁹⁹ Ed Lingao, 'Mindanao: The hidden costs of war', *Philippine Center for Investigative Journalism*, July 9, 2012

However, the following stories gathered by Amnesty International in 2008 illustrate that both sides (AFP and the BMP through the actions of the Moro Islamic Liberation Front-MILF) have not acted with integrity in their military encounters against each other. Amnesty International interviewed a man named Crispin, 37, in Pikit town, in Cotabato in Muslim Mindanao. He and his family were preparing for novena prayers offered for the 9th day after a family member dies, which is the custom of Filipino Catholics. They were planning to pray for their patriarch Lucio, 76, his wife Isidra, 62, and their son Dulcisimo, 32, who were all killed by the MILF. Crispin gave Amnesty International his account of how he escaped shooting by MILF forces in a village in North Cotabato province on 11 August 2008:

It was early morning; I was harvesting corn with my father-in-law, while my mother in-law and my brother-in-law were in their house, which was close to the corn fields where we were at. I did not notice (the) MILF (fighters) arrive. Suddenly, I heard someone calling me. I looked up and I saw a group of armed men—more than 20—not too far from where we were. One of them asked me to come to them, quick. I did not come. I was afraid. Their guns were aimed at me. When the man repeated his call, I panicked and ran. Then, they started shooting at us. I ran and ran, and saw my father in-law got shot. I saw him buckle and fall. I ran and got into my motorcycle. I went straight home to find my wife. I was afraid the armed men would follow me and if they find me and my family, they might kill us.¹⁰⁰

Volunteers who recovered their bodies told Crispin that the MILF fighters appeared to have gone straight into Crispin's in-law's house, gunned down Isidra, his mother-in-law, taking Dulcisimo, his brother-in-law with them. Crispin's account reflects the MILF's lack of respect for human life; their actions being motivated by revenge:

The volunteers who recovered the bodies did not find Dulcisimo. We hoped that he was still alive. I helped look for him, but we were not successful. The volunteers found his body after three days. They said that he looked as though he was dragged through the ground by an animal. I didn't see his face, but they said one of his eyes was gone. His body had begun decomposing by the time they found him.¹⁰¹

¹⁰⁰ Just War Doctrine, op. cit.

¹⁰¹ 'Shattered Peace in Mindanao: The Human Cost of Conflict in the Philippines', op. cit., p.25.

As followers of the Prophet Muhammad, and therefore Islam, the question here revolves around the issue of how the perpetrators of this incident (MILF fighters) justify their actions. Do their actions align with the concept of *jihad*? *Jihad* literally means the using or exerting of one's utmost power, efforts, endeavours or ability to contend with an object of disapprobation which may be a visible enemy, the devil or one's self (*nafs*).¹⁰² Even when it is used in an Islamic context, it does not always denote armed struggle. It may mean spiritual struggle for the good of Islamic society or inner struggle against one's evil inclinations.¹⁰³ Unless the armed Muslim perpetrators consider the poor and hapless Crispin and his family as enemies, (unfortunate if they do) or even worse, as the devil, then there is no justification for their acts; and this time it is the Muslims (MILF) who are guilty of the banishment of the just cause. What those perpetrators (MILF) have failed to do is to practice *jihad* as it is meant to be. After their unjustified acts they are required to perform real *jihad* and make a disapprobation of themselves and atone for their inhumane and immoral acts.

The Armed Forces of the Philippines (AFP), however, is not immune from immoral acts as Amnesty International has reported. In a village in Lanao del Norte in Muslim Mindanao where military operations were being conducted, soldiers reportedly abducted a group of around ten Muslim civilians, including at least one child.

¹⁰² Riaz Hassan, 'Conceptions of Jihad and Conflict Resolution in Muslim Societies', in *Islam and Political Violence: Muslim Diaspora and Radicalism in the West*, Shahram Akbarzadeh and Fethi Mansouri (eds), London and New York: I. B. Tauris, 2010, p.125.

¹⁰³ Khaled Abou El Fadl, 'Islam and the Theology of Power' in *Middle East Report*, vol. 221, Winter 2001.

In an interview with one of Amnesty's local contacts, Rais (a villager) told his story:

Early morning one day...a helicopter came down and took us all. We were brought to a military camp where we were handcuffed and interrogated. 'What were you doing in that village? Where is Commander Bravo?' They asked us (in Tagalog). We said we were all civilians and that we just wanted to get some of our crops...They beat some of us during interrogation. Again and again they asked us: 'Are you MILF? Do you know Commander Bravo [a MILF commander]? Why are you in the village where we found you? What were you doing there? Are you not afraid of soldiers?' They accused us of being MILF fighters. We repeatedly denied this. The soldiers said we needed to undergo a test to determine whether or not we fired a gun. They poured some wax into our hands. It hurt so bad, I screamed. My other friends screamed in pain as well. My left hand got burned...They inspected our bodies and took photographs of us. I still have scars from those days.¹⁰⁴

Torture, even as a means to a good end is never ethically justified as it undermines the dignity of the human person and also the perpetrator. In the context, of exploring the right intention for war along with the motive of restoring peace, torture is reprehensible. It is an act of injustice wherein the values, beliefs and principles of our common humanity are pushed aside. Evil may not be done to achieve good. Although there have been recent attempts to argue for the legalization of a limited form of torture,¹⁰⁵ 'post-Enlightenment thinking on the matter has been marked by sustained efforts to portray torture as an absolute evil that could never be a justifiable part of statecraft. These efforts have been successful in so far as international law has made all forms of torture illegal, but legality does not exhaust morality'¹⁰⁶. In this regard, torture is a moral insult against human dignity and from a Christian theology, a violation of the *imago Dei* in human beings, although Muslims do not believe they have been made in the image and likeness of God.

¹⁰⁴ 'Shattered Peace in Mindanao: The Human Cost of Conflict in the Philippines', op. cit., pp.31-32.

¹⁰⁵ See: Alan Dershowitz, 'Tortured Reasoning' in *Torture: A Collection*, S. Levinson, (ed.) New York: Oxford University Press. 2004.

¹⁰⁶ Darrell Cole, 'Torture and Just War', in *Journal of Religious Ethics*, 40.1 p. 26 of pp.26-51.

A good example of this kind of argument can be found in official Roman Catholic teaching. In *Gaudium et Spes*¹⁰⁷, under the title of ‘Reverence For Human Life,’ the document states that

Whatever is opposed to life itself, such as any type of murder . . . wilful self-destruction, whatever violates the integrity of the human person, such as mutilation, torments inflicted on body or mind, attempts to coerce the will itself . . . are infamies indeed. They poison human society, but they do more harm to those who practice them than those who suffer from the injury. Moreover, they are a supreme dishonor to the Creator [par. 27].¹⁰⁸

This in line with the argument of Bonhoeffer that torture, like rape, is a serious violation ‘of the natural right which is given with the creation of man, and what is more, like all violations of natural life, they must sooner or later entail their own punishment’.¹⁰⁹

3. Proper authority and public declaration.

According to this moral criterion, a state may go to war only if the decision has been made by the appropriate authorities, and if the proper process is followed, and provided war is declared publicly to its own citizens and to the enemy state. This is vital because from the moral point of view only legitimate governments have the right to go to war. This is an ethical rule that the GRP can easily claim to have respected in its conflict with BMP because the GRP is considered as the sovereign state and therefore fulfils the JWD requirement as a proper authority to declare war on the BMP (particularly against its armed force the MILF).

¹⁰⁷ *Gaudium et Spes*, the Pastoral Constitution on the Church in the Modern World, was one of the four [Apostolic Constitutions](#) resulting from the [Second Vatican Council](#). The document is an overview of the Catholic Church’s teachings about humanity’s relationship to society, especially in reference to economics, poverty, social justice, culture, science, technology and ecumenism. It was promulgated by [Pope Paul VI](#) on 7 December 1965.

¹⁰⁸ Darrell Cole, ‘Torture and Just War’ in *Journal of Religious Ethics*, op. cit. pp. 29-30 of pp.26–51.

¹⁰⁹ Dietrich Bonhoeffer, , *Ethics Volume 6*, in English by SCM Press, 1955, Clifford Green, editor and translated by Reinhard Krauss, Douglas W. Stott, and Charles C. West.

Yet, the moral dilemma here is that the BM people do not recognize the Philippine republic as a legitimate and moral authority. Consequently, the BMP do not believe the GRP have the right and proper authority to launch war against them. And the BMP consider the GRP as an unjust aggressor because the GRP illegally grabbed their homeland and distributed land to illegal Christian migrants coming from other parts of the Philippines.

Historically, the Philippines, (circa 1521) prior to the arrival of the Spanish invaders was made up of independent Muslim enclaves.

In Sulu, an Arab known locally as Tuan Mashaika was credited with having founded the first Muslim community...in 1390, Rajah Baguinda arrived and...by this time, a flourishing Muslim community in Sulu evolved and by the middle of the following century the Sulu sultanate was established. The first crowned sultan was Syed Abubakar, an Arab from South Arabia...In Mindanao, Sharif Muhammad Kabungsuan...landed first at Malabang (now in Lanao del Sur) in the year 1515 and subsequently proceeded to Cotabato, where he firmly planted the seed of the new creed...but before the coming of Sharif Kabungsuan...a certain Sharif Awliya is said to have introduced Islam to the people of Mindanao around 1460...another Arab, Sharif Maraja, landed and stayed at a settlement called Slangan or what is now in the vicinity of the Post Office in Cotabato City...

By the time the Spanish arrived in the sixteenth century, Islam had been established in western Mindanao for at least several generations, giving the Islamicized ethnic groups a level of political sophistication and cohesion unknown in the rest of the Philippines.¹¹⁰ However, the Spanish invaders annexed these Muslim enclaves into the country that they subsequently named Philippines without the consent of the native people (BMP). And when the Americans invaded the Philippines from 1898, the Americans also included the Muslim areas in Mindanao as part of its colony.

¹¹⁰ See: L. Noble, 1983 'Roots of the Bangsamoro revolution', 1983, *Solidarity*, 4, pp. 41–50; also, R. Tolibas-Nunez, *Roots of Conflict: Muslims, Christians, and the Mindanao struggle*, Manila, Asian Institute of Management, 1997.

In other words, the experience and history of the BM people is one of oppression, dispossession and injustice initiated by the old colonialists (Spain and America) and continued under the new colonialist, the GRP. Both the old colonialists and GRP are not considered legitimate authorities by the BMP. The BMP as a people believe they have a moral and ethical right to launch military action against the GRP in order to fight for the ownership of a territory which rightfully belongs to them. This is described as *jihad*. This moral stance of the BMP seems to be in line with the writing of Francisco Vittoria (c. 1492, Catholic priest and philosopher noted especially for his contributions to the theory of [just war](#) and [international law](#))¹¹¹, who discussed the category or idea of a ‘perfect community.’ According to Vittoria, ‘a perfect community is one which is not part of another commonwealth, but has its own laws, its own independent polity, and its own magistrates. Vittoria emphasised that those who had feudal superiors did not possess the requisite authority for justified war as they could appeal to their feudal superior for justice. However, those who had no superiors had to see to justice on their own, but not only for themselves but for the members of the community over which they had the responsibility of care.’¹¹²

¹¹¹ Thomas [Woods Jr.](#), *How the Catholic Church Built Western Civilization*, Washington, DC: Regnery Publishing, (2005).

¹¹², Gregory M. Reichberg, Henrik Syse, and Endre Begby, (eds.), *The Ethics of War: Classic and Contemporary Readings*, Oxford and Victoria: Blackwell Publishing, 2006.

The experience of the BMP provides them with the moral authority as an independent people, to seek justice by armed conflict as they appear to reflect Vittoria's idea of a perfect community. Muhammad al-Hasan articulates this view.

We [Bangsamoros and non-Muslim Filipinos] are two different peoples adhering to different ideologies, having different cultures, and nurtured by different historical experiences. We have contradistinct conceptions of sovereignty. The Filipinos believe that sovereignty resides in them, but we believe that sovereignty belongs to God alone. The political, social, economic and judicial institutions they inherited from the colonizers, organized on the basis of the separation of spiritual and mundane aspects of life, are incongruous with ours which are established on the postulates that life is a unity, God is the Sovereign and man is His vicegerent. Our culture, imbued with Islamic beliefs, tenets and principles, is diametrically in contrast with what is known today as Filipino culture which is the amalgamation of the residues of the colonizers' cultures. Our art, architecture, literature and music have retained their Asian character [which] is not true [of] theirs.¹¹³

The moral argument here is that even if the BMP is not legally a sovereign state, (for it has never been recognised by the GRP nor any global authority like United Nations) it, nevertheless has moral and ethical justification to act as a proper authority to defend its own people from injustice, discrimination, and land grabbing by Christian migrants, and violence perpetrated by the AFP.

4. Last resort: The decision to wage war must be made as a last resort.

A state may resort to war only if it has exhausted all plausible, peaceful alternatives to resolving the conflict in question, including using diplomatic negotiations. During the early stages (August 1998) of Joseph Estrada's Presidency (1998-2001), he issued a Presidential Memorandum of Instruction (MOI) which instructed the GRP Panel to negotiate peace with the MILF. According to Estrada, his administration went through several negotiations and numerous talks with MILF but to no avail and, therefore, as a last result he had to declare an all-out war.

¹¹³ Peter Gowing, 'Of Different Minds: Christian and Muslim Ways of Looking at Their Relations in the Philippines', *International Review of Missions* 1978, 265: 74-85.

He justified the declaration of war by saying:

...One would think that with all these peace talks and ceasefires, a lasting peace would have been achieved already. But the MILF, with all due respect, has proven to be an organization that does not remain true to its word; a group that only uses ceasefires to regroup and strengthen their forces. I have had enough. I knew this violence was never going to end unless I declared an all out war. So bearing in mind our national security and with the conviction that it is the duty of the Commander in Chief to protect the territorial integrity of the country at all costs, I declared *an all out war* against the MILF.¹¹⁴

Estrada's declaration of *an all-out war* against the MILF did not adhere to the Just war principles that war must be a last resort. When Estrada said he had 'had enough' and 'violence [perpetuated by the MILF] was never going to end', it is presumed that all avenues and conventions to a peaceful solution had been exhausted. Estrada's declaration of war due to the breakdown of negotiations assumes he adhered to the conventions of the JWD. This was not the case. The human and social costs of Estrada's all out war are as follows:¹¹⁵

- Displacement of more than two million people;
- The emergence of 'Muslim ghettos' in various cities in Mindanao and elsewhere in the country made up of displaced persons and individuals forced out of their areas of residence by fear and the lack of employment opportunities;
- The exodus of illegal Muslim migrants from Muslim Mindanao to the neighbouring state of Sabah, Malaysia.

¹¹⁴ Copyright © 2008 - *Philippine Human Development Network*, The Secretariat, UP School of Economics, UP Diliman, Quezon City, 1101 Philippines.

¹¹⁵ Salvatore Schiavo-Campo and Mary Judd, 'The Mindanao Conflict in the Philippines: Roots, Costs, and Potential Peace Dividend', *The World Bank, Social Development Papers: Conflict Prevention & Reconstruction*, Paper no. 24, February 2005.

Innocent civilians including women and children and non-combatants were displaced, injured and killed. This was permitted under the concept of moral agency which is intrinsic to the JWD. The concept of moral agency centres on intending and permitting. This concept is part of the doctrine of double effect (henceforth, DDE), another Catholic principle which is used to resolve some moral dilemmas. The DDE specifies that bad consequences such as civilian deaths (referred to by modern military personnel as ‘collateral damage’) are permissible during wartime, even if foreseen, so long as they are unintended, and not disproportionate¹¹⁶. The consequences may be regretted, but there is no moral guilt involved provided the military actions are not disproportionate, and the intention was not to kill non combatants.

However, this concept of moral agency is easily corrupted and used to justify attacks against the BM people. The declaration of war as the ‘last resort’ implies that it is always righteous (virtue) and reasonable to keep trying other options’ - but whose reason and what rationality is a pivotal question required to be addressed. This is the challenge of the peace process in Muslim Mindanao which is to move towards truthfulness and a shared understanding of what is reasonable. It is argued here that the concept of moral agency which is intrinsic to the JWD and DDE is a serious roadblock to peace, as it provides cover for morally dubious arguments and outcomes. It is psychologically questionable that an individual may put moral blinkers on to ethically analyse an action in terms of permitting and intending. (“I intended to blow up the BM munitions factory. However, I permitted the deaths of the innocent civilians living near the munitions factory which occurred in the explosion.”).

¹¹⁶ Laurie Calhoun, ‘The Metaethical Paradox of Just War Theory’, in *Ethical Theory and Moral Practice*, Vol. 4, No. 1 (Mar., 2001), p. 46 of pp. 41-58.

The GRP's military work under this ethic, and it is blessed by the Roman Catholic Bishops of the Philippines. Both the GRP and the Catholic Church are working in collusion and in moral terms cooperating in evil to destroy the BMP. The ethics of the JDW used by the GRP and the Catholic Church is another way of using religion to do ungodly acts and oppress the BMP. In his *Theology of Human Hope*, Ruban Alves argues that the task of Christian ethics is the liberation of the human person's imagination so that it can build new utopias (i.e. worlds free of conflict, hunger and unhappiness) different from all current models of society¹¹⁷. However, it would appear from the use and misuse of the JWD and the concept of moral agency underpinning the DDE, that Christian ethics needs liberating from itself. The chance of peace for the BMP requires that the JWD and its principles are reformed or set aside in the name of a Christian discipleship that puts people first in the name of God.

The Catholic Church in the Philippines needs to stop defending the JWD and to critically take aim at the JWD and its misuse in defending the GRP military actions against the BMP and even cowardly kidnappers. Otherwise, the Church is simply colluding with the GRP in doing evil to achieve good while its representatives engage in peace talks and interfaith forums in Mindanao. Perhaps, the 'last resort' does not have to be war. Another idea for the "last resort" is humanitarian intervention of the United Nations, a recognized international authority. Ethical humanitarian intervention intentionally involves action with a view to remedy an unbearable situation, and is carried out with respect for honoured rules (e.g. impartiality, proportionality, truthfulness, and human rights).¹¹⁸

¹¹⁷ Ruban Alves, *Theology of Human Hope*, Washington and Cleveland: Corpus Books, 1969.

¹¹⁸ Some scholars distinguish the humanitarian intervention from the humanitarian intercession. The former involves use of armed force, the latter other forms of pressure. See: e.g. W. Verwey,

However, it is important to be cautious because humanitarian intervention can also be used as a camouflage to hide other intentions, plans and military strategies. It is possible for another country to masquerade as a saviour only to appear as a dictator. Recently, (as of 2007), the GRP with the complicity of the Americans has engaged in massive military exercises called '*Balikatan*' (literally 'shoulder to shoulder') in Mindanao. The justification of these joint exercises is that they are part of a joint humanitarian program of both countries to train its personnel toward readiness for future security problems in the area. The GRP also justifies the presence of foreign troops in Mindanao by conducting free dental and medical services for the people of Mindanao with American military medical personnel offering their services. However, this is widely known to be undertaken with military covert intentions.

In 2008, seventeen representatives from Mindanao filed a resolution urging the United States and Philippine governments to suspend the *Balikatan* (shoulder-to-shoulder) joint military exercises in Marawi City and other areas in Lanao del Sur (areas in Muslim Mindanao, see Figure 14, p.167). They argued that the military exercises should be suspended pending conclusions of the government-MILF peace negotiations. The resolution also cited the strong moral opposition and ethical condemnation from Mindanao residents, who feared the military exercises might lead to abuses, especially against Muslim women, as well as, threats to life and destruction of property.¹¹⁹ The BMP and local representatives are suspicious of the intentions and actions of the GRP-US humanitarian manoeuvres. This kind of action is duplicitous and sends the wrong signals to the BMP. That is, the solution to the BM conflict is a military solution.

'Humanitarian Intervention in the 1990s and Beyond: An International Law Perspective', in: J. N. Pieterse (ed.), *World Orders in the Making. Humanitarian Intervention and Beyond*, London 1998, p. 184.

¹¹⁹ 17 Mindanao solons urge suspension of Lanao Balikatan, <http://www.pinoyweb.info/17-mindanao-solons-urge-suspension-of-lanao-balikatan/> accessed 22 May 2012.

5 Proportionality: The violence used in the war must be proportionate to the injury suffered.

The principle of proportionality means that the injury inflicted and costs incurred by the war must be proportionate to the good expected by resorting to war. Not only is proportionality morally grounded as the attempt to mitigate the use of force; the principle of proportionality is also an ethical indicator of the justice of the attack. A disproportionate military response is morally wrong in its self and it also reflects an ethically compromised intention. The island of Jolo (See Figure 13, p.166) is a symbol of Muslim resistance. Since Spanish times, the island has been a bastion of Muslim's rebellion against foreign colonisers and today it is at the centre of America's war on terror in the Philippines. In one significant encounter in August 2006, Operation Ultimatum was launched and 5,000 Philippine marines and soldiers, supported by the US Special Forces began clearing the island of Jolo, fighting against a force of 400 *Abu Sayyaf* guerrillas. A communication from the GRP commenting on the engagement was reported as follows:

The AFP intends to shift the majority of its combat forces, including Task Force Marine and the US-trained and equipped 2nd and 3rd Light Reaction Companies, from western to eastern Jolo to pursue the ASG and JI leaders. The remaining AFP forces in western Jolo will hunt down any ASG fugitives still hiding in the Mt. Tumatangis area...The Philippine Navy is moving its assets from off-shore western Jolo to cover the eastern and southern areas and prevent any escape attempt in those directions, and, with U.S. support, is maintaining an active security presence and tight maritime cordon around the island...Charge [American] continues to maintain regular, close contact with senior Philippine Government officials as the operation proceeds, including [now former] President Arroyo, [now former] Defense Secretary Cruz, [now former] National Security Advisor Gonzales, and Chief and [now former] Chief Negotiator with the Moro Islamic Liberation Front Afable. Afable indicated the GRP is engaged in ongoing contacts with imprisoned MNLF Chairman Nur Misuari about MNLF cooperation to capture the JI and ASG leaders.¹²⁰

¹²⁰ *Philippine Daily Enquirer*, April 2006.

As recent as February 2012, a United States-supported airstrike destroyed an *Abu Sayyaf* hideout on the remote island of Jolo in the southern Philippines. It represented the first known use of the unmanned aerial assault craft (drone) in the Armed Forces of the Philippines (AFP) counter-insurgency operations against terrorism-linked rebel groups. The drone attack reportedly killed 15 *Abu Sayyaf* and *Jemaah Islamiyah* operatives, including three most-wanted terrorist leaders - *Zulkifli bin Hir* (alias *Marwan*), *Gumbahali Jumdal* (alias *Doc Abu*), and *Mumanda Ali* (alias *Muawayah*) - and raised the level of US-Philippine military cooperation.

These actions of the GRP through its armed force the AFP, with heavy reliance on the support of the United States military forces abrogates the proportionality clause of the JWD as far as the GRP-BMP war in Mindanao is concerned. It is morally distasteful for the GRP to argue that it is using proportionate force in dealing with the Muslim rebellion in Mindanao. The surveillance use of foreign drones and foreign military force is a morally and ethically disproportionate pressure on the BMP community, as well as, the Christian community in Mindanao. It escalates the tension between communities and foments hatred. Often, in the aftermath of an attack, 'one side or the other will make a persuasive proportionality argument to justify the attack; sometimes both sides will make equally unpersuasive arguments'¹²¹. This means that the ends do not always justify the means; the means used to achieve the end should be reasonable.

¹²¹ Michael Waltzer, 'Responsibility and Proportionality in State and Nonstate Wars', *Parameters* Spring 2009.

6. Reasonable chance of success.

This sixth moral criterion of JWD is a counsel for prudence, for war is not a frivolous activity where human life can be expended for goals that cannot be achieved. It must be foreseen that the military engagement has a reasonable chance of success. It is not possible to have a guarantee of success. Even nations with overwhelming military force can lose wars to less well-armed nations, as happened to the U.S. in the Vietnam War. If there is no chance of success, then many people will die for no good reason and such a waste of life cannot be ethical. Hence, it would be unethical for a state to sacrifice the lives of its people (and the lives of its enemy's people) in a futile gesture that would not change anything. According Michael Waltzer,

People get killed in wars; soldiers get killed, civilians too, and we need to understand who is responsible for those deaths. If we are able to accomplish that, and if we assign responsibility clearly and firmly, so our judgments have political consequences (in public opinion, United Nations resolutions, intellectual debates, and ultimately in diplomatic initiatives and policy decisions), we will have done as much as we can to minimize the number of civilian deaths. We will also have confronted and acknowledged the painful truth that many of those deaths, terrible as each one may be, have been brought about by soldiers fighting justly.¹²²

A reinterpretation of the principle of 'reasonable chance of success' would apply to the prudential judgement to enter into negotiations with various groups in the conflict. Perhaps, it would be unreasonable to enter into discussion with the BMP or GRP if not enough research was undertaken about the causes of the injustices. The chance of succeeding in negotiations is worth taking, but it must also be guided by prudence. Prudence involves both caution and risk and it is also a skill which is born of seasoned experience.

¹²² Ibid.

Conclusion:

This chapter concludes that the Just War Doctrine is a tool of oppression. It reflects a way of thinking and consciousness which is open to abuse and misuse in Mindanao. It is a doctrine for the powerful, and it has contributed to the escalation of violence. The doctrine of *jihad* used by Muslims to defend themselves against the powerful Christians reflects a mind-set which is not appropriate to resolve the conflict. *Jihad* brings grief to the enemy, but it also brings disproportionate death and destruction to the innocent BMP. The way forward is to acknowledge that no war in Mindanao can ever be a just war given the complexity of the history, situation and weaponry. The way forward is to take up the call to dialogue, peace and power sharing in the name of God.

Chapter Five: Tracking the Peace Process

Chapter four concluded that the telling of the story of the Just War Doctrine revealed that it was used as a weapon in the oppression of the BMP. It camouflaged the oppressive intentions and prejudicial assumptions of the GRP. Similarly, the *Jihad* principle brings is open to too many interpretations to act as an appropriate principle in war.

Chapter five continues the story of the BM conflict by focusing on the peace process which is part of the narrative of the Bangsamoro struggle for self-determination and ancestral land. The telling of the peace building and peace process story is an ethical act in itself. This ethical narrative is taken up and explored in three sections.

Section 1. Peace Process and the Narrative of Initiatives

Section 2. Intervention as a tool of the peace process.

Section 3. Issues of culture, power, and gender in a sustainable reconciliation.

Section 1. Peace Process and the Narrative of Initiatives

The complexity of the conflict in Mindanao is made more intricate by the peace process. This process which involves negotiating a solution to violent conflict takes place side by side with the armed conflict, and the presence of the US forces in Mindanao. A key feature of the peace process which is intrinsic to it is peace building. Peace building addresses the root causes of conflict to resolve enmity, violence and discrimination. As peace is built, it is important to look at the various social scripts behind, within and in front of the peace process. The previous chapters have explored the historical, socio-economic, political, ethical and religious dimensions of the conflict which impact on the peace process.

The previous three chapters are an important context to the discussion of the peace process explored in this chapter. In the context of peace building, Christian ethics asks to what degree has the Christian gospel and church been complicit in the use of the gospel message to oppress people and the land of Mindanao. To answer this question requires conscientization. Conscientization is the process of developing a critical awareness of the social reality in Mindanao through reflection and action. The GRP may become aware that their assumptions are false and these false assumptions have made them privileged, powerful and untruthful. Action “on the ground” is fundamental because it is the process of changing the socio-economic and political reality. And this is where the struggle begins. It requires a conversion, a change of heart and a change of thinking which is backed up by action.

When the various parties meet at the peace process table, they bring fear and hope, and are suspicious of the intentions of each party. The BM people not surprisingly concerned that the negotiations are just strategies of the GRP to distract everyone from the main business of war. The BMP are concerned that while the GRP talk, they are not taking action to change the reality on the ground, which demonstrates the GRP are sincere. All parties involved in the struggle of the peace process are challenged to move from falsehood to truth in the search for meaningful relationships. Peacebuilding is part of the process of working for the transformation of conflict. It is focused on constructive conflict management. This entails the development of initiatives designed to prevent the eruption or return of armed conflict. It is a process characterized by inclusiveness, tolerance, respect, justice, cooperation and kindness.

In the context of Mindanao, it consists of initiatives and actions undertaken by those parties in conflict (e.g. GRP and the BMP) ‘to institutionalize peace, understood as the absence of armed conflict and a modicum of participatory politics.’¹²³ The peace process in Mindanao has a wider audience. Apart from the U.S., the Asia Foundation, a non-profit, non-governmental organization is committed to the development of a peaceful, prosperous, just, and open Asia-Pacific region that includes Muslim Mindanao. It supports Asian initiatives to improve development, women’s empowerment, the environment and regional cooperation. The foundation has advocated for women particularly in the Muslim areas of Mindanao as attested by the following narrative

Women unite to protect their communities from violence and to end conflict. Women have been particularly affected by the fighting in [Muslim] Mindanao, now one of the world’s longest-running violent conflicts. Widows and survivors have provided for their families in a region mired in poverty and have faced acts of gender-based violence. But conflict can also bring out the resiliency of women. Some here have set up nongovernmental organizations to promote women’s participation in conflict resolution and peacebuilding. Formal associations of women advocates have also been established to address political subordination, gender-stereotyping, and violence against women. The Mindanao Commission on Women, an Asia Foundation partner, advocates for a Mindanao peace and development agenda from a woman’s perspective...supported by AusAID, the group provided gender training to members of the International Monitoring Team tasked by both negotiating panels to monitor the ceasefire compliance and agreements between the government [GRP] and [the BMP through its armed group] the Moro Islamic Liberation Front (MILF).¹²⁴

What is morally significant with the women’s initiative is that at the heart of peace building is the transformation of peoples’ thinking which is followed through with action. Thinking and acting are mutually reinforcing. In an environment where the vicious cycle of violence is normal, the challenge is to replace viciousness with virtues such as loving kindness. Christian discipleship begins with the grace of conversion, or transformation resulting in a change of thinking and behaviour.

¹²³ Charles T. Call and Elizabeth M. Cousens, ‘Ending Wars and Building Peace’, *Coping with Crisis*, Working Paper Series, International Peace Academy, March 2007.

¹²⁴ Maribel Buenaobra (Director of Programs, Manila), ‘Women uniting to protect their communities from violence and to end conflict’, *The Asia Foundation*.

It is this transformative thinking that prepares Christians to enter into meaningful negotiations with the other. As the majority of Filipinos are Catholic, the Catholic Church is a key actor in the dialogue with both Muslims and the GRP. Religious sensitivity is crucial to building peace as is respect for the religious beliefs of the various groups. This is essential to these peace negotiations as Islam is a distinctive characteristic of the BM identity. Blood has been spilt in the name of both religions. Moral insensitivity to the religious aspect of the conflict is expressed when the ‘others’ are reduced to being different, and considered opponents or competitors in the economic, social, political or religious spheres. Religious insensitivity can be used as a tool to destabilize the peace process.¹²⁵

In Mindanao, religious sensitivity in the peace process can be demonstrated when it is evident that all concerned move forward to a shared understanding of each other’s religious beliefs, and acknowledge the truth and spirituality of each religious tradition. If the religious dimension of the conflict is boxed out, then the process will continuously break down. What is morally significant in the peace process in Mindanao is that communities devastated and affected by armed conflict have found ways to move from being victims to active participants in the processes of rebuilding, healing, and reconciliation. Peace building efforts such as peace education, interreligious dialogue, peace advocacy, local community peace processes can engage Muslims, Christians, and indigenous peoples in meaningful and constructive ways. These efforts “on the ground” by both Muslims and Christians have led divided communities to healing, reconciliation and eventually to become active participants in finding solutions to the long-running armed conflict in Mindanao.

¹²⁵ Michael [Amaladoss](#), *America*, 12/10/2001, Vol. 185 Issue 19, p6.

Peace building is undertaken by various organizations¹²⁶ in Mindanao. These organizations below are symbols of hope and are resources of hope for Mindanao both today and into the future. These groups symbolise the kind of region Mindanao can become.

- [Center for Peace Education](#) [organized by the Women Engaged in Action which is a national network of women in peace, human rights and women's organizations in the Philippines. The major objective of the national network is to help the government implement the peace initiatives for to the women most affected by conflict situations in the country. Its mission is to help advance a culture of peace through education. A culture of peace is a set of values, modes of behaviour and ways of life that reflects respect for life and for human dignity, rejects violence in all its forms, prevents violent conflicts by tackling their root causes, and recognizes the importance of cooperation, tolerance and dialogue.
- [Silsilah](#): [formed by Fr. Sebastiano D'Ambra PIME, with a group of Muslim and Christian friends in Zamboanga City on May 9, 1984] a dialogue movement promoting deeper understanding and better relations between Muslims and Christians, and together, with people of other living faiths.

¹²⁶ [Copyright](#) © 2012 [Catholic Peacebuilding Network](#), 100 Hesburgh Center Notre Dame, IN 46556 USA

- [Peace Advocates Zamboanga Foundation, Inc.](#): a Catholic organization whose objective is the promotion of peace by strengthening good relations among Muslims and Christians, and all other peoples. It is [open](#) to work in solidarity with Muslims and other non-Catholic groups in the pursuit of peace in Zamboanga and the region.
- [Mindanao Peaceweavers](#) [a network of peace advocates, which includes non-government organisations, [academics](#), religious groups, human rights groups, people's organisations and grassroots communities in Mindanao with offices in Davao city, Mindanao]. These networks work towards a peaceful resolution of the conflict in Mindanao. They seek to engage government and revolutionary armed groups [e.g. MILF] in the formal peace talks, implement civilian-led ceasefire monitoring and broaden the peace constituency.
- [Catholic Relief Services](#): combats both problems of conflict by [working with](#) a network of church partners, non-governmental organisations and government agencies to implement programs in peacebuilding, health and microfinance.
- [Community and Family Services International](#): is assisting thousands of Filipinos displaced by armed conflict in Mindanao rebuilding their lives through two grants from the Post Conflict Fund (PCF) of the World Bank.
- [The United States Institute of Peace](#): is an independent, nonpartisan federal institution created by Congress to promote the prevention, management, and peaceful resolution of international conflicts. In February 2005 USIP issued a Special Report on The Mindanao Peace

Talks: Another Opportunity to Resolve the Moro Conflict in the Philippines.

- [Initiatives for International Dialogue](#): a non-government organisation established in 1988 which conducts policy advocacy and campaign [programs](#) on Burma, Mindanao, Southern Thailand, West Papua, and East Timor. In 2000, it established the Mindanao Peoples Caucus (MPC) – a platform and network of grassroots organizations, communities and NGOs affected and engaged in the conflict in Mindanao. MPC meanwhile established the “Bantay Ceasefire” (Ceasefire Watch) a network of civilians in the conflict areas monitoring the implementation of the official ceasefire agreement between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF). And together with other peace networks, IID led the establishment of the Mindanao Peaceweavers (MPW), the broadest peace network for Mindanao in the country and currently serves as its secretariat.

What is morally significant about these courageous organisations is that they are breaking down barriers and tearing away at the false assumptions of the GRP and the BMP. While the armed conflict continues side by side with these talks, it is argued that the ‘talking’ (dialoguing) may eventually silence the sound of gunfire. In the recent all-out wars in Mindanao during 1997, 2000, 2003, Catholic Church compounds and schools became temporary sanctuaries and safe shelters for Muslim families fleeing from armed conflict in their villages.

At the height of the war in 2003 in Pikit, the Catholic parishioners demonstrated their commitment to peace on the ground.

A worker tells of a moving story of Pikit parishioners who lined themselves at the base of a big truck transporting displaced Muslim families. The parishioners offered their arms to catch Muslim children who had difficulty coming down from the truck. The offering of the arms is a symbolic offering of the parishioners to share their place of worship with Muslims. The story of the people of Pikit did not end with Christians offering support to Muslim families displaced by war. Peace champions from both faith communities with support of the indigenous population in the area then forged bonds to work together in the process of rebuilding their communities and eventually the declaration of their areas as spaces for peace.¹²⁷

What is evident in this narrative is that in Mindanao at the local level, the dynamics of the conflict have resulted in Christians and Muslims willingly sharing social space. This is a paradox of the conflict. Tensions in the relationships which have lead to dislocation often became effective entry points to address issues of the conflict. For the first time, many Christians and Muslims met face to face, and discovered their common humanity. In late 1997, religious leaders of both faith religions (Christians and Muslims), bishops and ulama, came together to form the *Bishop-Ulama Forum for Dialogue* in order to try and gain a deeper understanding of each other's culture, and thereby prepare a way to build bridges between the Christians and Muslims communities. While there are moral criticisms that this dialogue movement did not filter down to the grassroots level, it did provide an ethical example to the communities that dialogue is possible. This dialogue promotes the principle that if there is a will to sit down and talk with the other community, there will be a way to come together for a meaningful and truthful dialogue.¹²⁸

¹²⁷ Myla Leguro, *Catholic Relief Services*, Mindanao, the Philippines, April 14, 2008

¹²⁸ Brenda Fitzpatrick, [The Mindanao Bishops-Ulama Conference](#), in Mark M. Rogers, Tom Bamat and Julie Ideh, eds. *Pursuing Just Peace: An Overview and Case Studies for Faith-Based Peacebuilders*, Baltimore: Catholic Relief Services, 2008: 117-131.

According to Sarah McCan of the International Journal of Humanities and Peace¹²⁹ another scheme undertaken in Mindanao as source for peace building is the Culture of Peace workshops. These workshops provided an integrated and ethical approach to the violent conflict by addressing its root causes: structural, economic and historical cornerstones. Preventative measures such as conflict transformation skills and other approaches to peacemaking were given serious consideration. In this way local communities (called *barangays*) are empowered to tackle issues rationally and peacefully on a practical level whilst acknowledging the wrongs of the past, but at the same time leaning forward in hope for the future. The culture of peace workshops begin with an historical analysis whereby the participants usually comprising the tri-people of the island of Mindanao (Muslims, Christians and Indigenous people or Lumad) work through their historical journey together. For example:

Cagayan de Oro Archbishop Antonio Ledesma has pushed for media to have culture of peace [seeking](#) more media participation as stakeholder in the peace process in Mindanao. Ledesma, chair of the Catholic Bishop Conference of the Philippines Episcopal Commission for Inter-religious Dialogue, has convened the media from the dioceses of Cagayan de Oro, Butuan, Surigao, Tandag, Malaybalay, Iligan, Marawi, Pagadian for a culture of peace workshop on September 3, 2011 in Cagayan de Oro City. ECID is holding the workshop under its Peace Governance Mindanao [Program](#). In his invitation to the Bukidnon Press Club, Ledesma cited that they intend to identify and share past, present, or proposed inter-religious dialogue (IRD) or peace building activities and initiatives highlighting media participation and active involvement. They intend to highlight the gains and best practices of those who have experience in peace-building, the problems encountered, and the lessons learned. Ledesma also cited that they also intend to increase understanding and appreciation of the media's important bridging role in inter-religious dialogue and peace building. Ledesma said they also intend to map capacity building needs and [opportunities](#) to strengthen media participation as peace builders.¹³⁰

¹²⁹ Sarah McCan 'Muslims and Christians in Mindanao, Southern Philippines-The Merging of Theory and Praxis, *International Journal of Humanities and Peace*.

¹³⁰ Walter I. Balane, *Bukidnon News*, September 3, 2011.

One of the direct benefits of such a journeying process for peace building is that each side (Muslims and Christians) learns more about the culture, challenges and religion of the other group which in turn leads to growth in trust and understanding.¹³¹ What makes this workshop of moral significance is that it assists communities to be better prepared to handle conflict situations peacefully by coming together in a spirit of dialogue. Community solidarity initiatives have reduced prejudices and rebuild trust and right relationships. For example, the village of Bual in Sultan Kudarat, Mindanao (see map Figure 10, p.164, and Figure14, p.167) is a community of Muslims and Christians who today live peacefully together in a province racked by violence and conflict. Their hope for peace was raised by the direct face to face dialogues organised by the Catholic Church and non government organisations such as Weavers of Peace-building. This community emerged from a violent incident in 1996 when some 100 Muslim homes were burned to the ground by the military and local Christian militias.

A Muslim non-government organisation (NGO) along with a Christian NGO called Catholic Relief Services (CRS) came to the assistance of the victims, and together began the process of not only rebuilding the houses that were lost, but also of rebuilding community relations and trust. Trauma healing and culture of peace dialogues were conducted amongst the Muslims and Christians, and slowly wounds began to heal and the process of reintegration began. By 1998 Bual was identified as a Zone of Peace.

¹³¹ Sarah McCan 'Muslims and Christians in Mindanao, Southern Philippines-The Merging of Theory and Praxis', op. cit.

Based on this declaration, and the beliefs and practices underpinning it, community members through moral persuasion have barred warring factions from entering or fighting in the area.¹³²

However, the role of the media in covering incidents such as the *Bual* episode is crucial in maintaining the peace process.

The media had their own prejudices, which were quite evident, especially in the reporting of basis for peace. Informal surveys and content analysis of print and broadcast media reporting indicated that the media tended to deal with contentious issues – stories that pitted protagonists against each other rather than on areas of mutual agreement. This demonstrated the media's orientation to sensationalism, conflict, personalities, and one-sided presentations. Content analysis of news...showed that [government] military briefings in the region or in Manila remained a significant source of news about terrorist attacks or bombings in Mindanao. But these briefings, according to the study done by the Center for Media Freedom and Responsibility did not include a civilian perspective, carrying little news about the rest of the area...with little mention of efforts to bring relief to victims of attacks [e.g. the *Bual* incident] or to those displaced by war...It is typical of media's blind spot that citizen and NGO peace efforts receive so little attention as news...¹³³

Bias media reporting has been a thorny issue in Mindanao. However, local and national media has recognised this and has made sure that an ethics of conduct is promulgated among media reporters.

For two years now, the PCIJ [Philippine Center for Investigative Journalism] has conducted the seminar series 'Maguindanao and Beyond: Media Murders and the Quest for Justice' with the support from the US foundation National Endowment for Democracy (NED). This year [2012], the seminars sought to scale up and consolidate community consensus and joint [action](#) by media front-liners and gatekeepers on common concerns that confront journalists who cover the killings, as well as on measures and best practices that media gatekeepers could implement...As the journalists from Luzon and the Visayas did, the journalists from Mindanao crafted a resolution on possible guidelines and areas for reform that media agencies might consider to address these issues.¹³⁴

¹³² Sarah McCan, 'Building a culture of peace amongst Muslims and Christians in Mindanao, Southern Philippines-the merging of theory and praxis', op. cit., p.62.

¹³³ Florangel Rosario-Braid, 'The Lessons of the Philippine Peace Process', http://www.muslimmindanao.ph/peace_process.pdf, accessed 4 October 2012.

¹³⁴ Ed de la Cruz, '[Mindanao journos urge action on safety, welfare, ethics woes](#)', *Philippine Center for Investigative Journalism (PCIJ)*, June 13, 2012.

Another initiative, in building the peace in Mindanao is the Global Peace Festival (GPF) which arrived in the Philippines in 2008. This initiative arose through the efforts of Dr. Hyun Jin Moon. Dr. Moon is a Korean-born humanitarian and peace entrepreneur. The festival arrived in Mindanao in September 2008. By building partnerships with Muslim, Christian, and indigenous communities (Lumads), the festival won the endorsement of some of the prominent people in the area.

On 21 September while addressing the Global Peace Festival in Cayan De Oro City, Mindanao, former Speaker of the House of Representatives (Philippine Congress) Jose de Venecia, urged Muslims and Christians to lay aside their grievances and embrace the promise of peace. De Venecia declared that

this fratricidal war in Mindanao—brother Filipinos killing each other—has already exacted heavy costs,’ de Venecia declared. ‘And our nation cannot afford to lose any more in blood and treasure. But this peace cannot be won through the force of arms; nor can it be imposed through violence or the subjugation of our ethnic and religious minority. . . . It is this peace that in my public life I have laboured to help create. I join you today to help change the face of Mindanao, to help transform its heart, to banish hate and discrimination, and to bring about an era of peace and solidarity between Christians and Muslims and Lumads.’¹³⁵

Judging from this speech of a high ranking member of the GRP, it makes good moral sense to foster peace initiatives that attract the support of individuals from various religious and political persuasions. This has been repeated in succeeding projects of the GPF. A coalition of partners, (Christian churches, government and non-government organisation) launched the Mindanao Peace Initiative at a gathering in the Philippine House of Representatives during a rally at the Araneta Coliseum (Quezon city, Metro Manila). This was duplicated in various cities across Mindanao in February and March 2009. The initiative was chaired by Dr. Estrella Abid Babano of the GRP’s Department of Education, and co-chaired by Father Benjamin Beltran, a Catholic priest and Director

¹³⁵ [The Mindanao Model: A Response to Religious and Ethnic Conflict in the Philippines](#), a report filed by the [Youth Federation for World Peace](#), *Global Peace Festival*, June 22, 2009.

of the Sandiwaan Foundation (a coalition that includes representatives of Muslim, Christian, and indigenous communities, the Armed Forces, and business, academic, and youth leaders) in Lanao Del Norte in Mindanao.¹³⁶

These peace building initiatives are practical ethics for Mindanao, and are slowly transforming the conflict in Mindanao into a peaceful and harmonious co-existence. But, Nabil Tan (undersecretary in the Office of the Presidential Adviser on the Peace Process in the Philippines and GPF supporter), counsels that

‘in becoming peace builders, there is a need to shift perspective, traversing the terrain of consensus-building, and priming the ground for tolerance and understanding. All of us must participate in this noble effort. From whatever origin, calling, or social station, we are all peacemakers. We bear the responsibility to practice and promote the values of peace — respect for human dignity, justice, equity, freedom, social responsibility, tolerance, and solidarity’.¹³⁷

While Tan’s advice is commendable it is also important to remember from a religious perspective that we live both under God’s grace and are also co-conditioned by sin. The Christian challenge is to repent, turn the other cheek, pray for those who hurt us and ask forgiveness, and do penance all in the name of the Christian love command. Love of enemies is at the heart of Christian discipleship and the moral imperative of reconciling enemies, embittered by violence is not easy, but with God’s grace it can be realised. The Christian is also keenly aware that because of the human condition, there is a propensity within us to do the wrong thing. When things go wrong, or when initiatives do not go the way they were planned, Christians realise that there is still hope and with hopeful anticipation that all will turn out well in the end.

¹³⁶ Primitivo D. Chua (President, UPF-Philippines), ‘Tour Launches Mindanao Peace Initiative’, *Universal Peace Federation*, March 6, 2009.

¹³⁷ *Global Peace Festival*, op. cit.

Paul's letter to the Christian church in Corinth, particularly his first letter chapter 13 (1 Corinthians 13) states that love, requires patience and kindness. Love bears all things and endures all things, and this requirement is fundamental to the Christian ethic involved in the negotiations. However, untiring dedication and commitment to love of enemy requires the support of both communities (Christians and Muslims alike), but the risk, of course, is that it can end in moral fatigue. And this is a risk worth taking.

One of the controversial peace initiatives implemented in Muslim Mindanao is termed 'disarmament, demobilization and reintegration (DDR)'. DDR is normally applied to a post conflict environment, and this might be construed to be inapplicable to the conflict in Mindanao given that this conflict is continuing and more of protracted in nature. However, this has not stopped the government in using these requirements as preconditions in trying to resolve the conflict in Mindanao. A working definition of DDR developed by United Nations Department of Peacekeeping Operations¹³⁸ appears below:

- Disarmament is the (voluntary or coerced) turning-in of weapons. Not only combatants but also civilians can be in the focus of disarmament.
- Demobilisation is the actual elimination of military structures and units and, on an individual basis, the discharge of the combatants from these units and the beginning of their transition into civilian life.¹³⁹

¹³⁸ Reto Rufer, 'Disarmament, Demobilisation and Reintegration (DDR): Conceptual approaches, specific settings, practical experiences', *Geneva Centre for the Democratic Control of Armed Forces (DCAF)* Working Paper, 2005.

¹³⁹ see also: Joel W. Adechi, 'Disarmament, Demobilisation, Reintegration' Discussion Paper prepared for the *Stockholm Initiative on Disarmament, Demobilisation, Reintegration*, 2004, p.5.

- Reintegration is the process which should allow the demobilised ex-combatants to (re-)integrate themselves into family and society and to earn their living by productive work. Reintegration is therefore a medium to long-term measure both geared towards ex-combatants and civil society into which they are supposed to return.¹⁴⁰

In 2008 the government of Gloria Macapagal-Arroyo (President: 2001-2010), after consultations with the international community, used the DDR mantra to direct the peace process¹⁴¹ in Mindanao. This is because the government introduced a policy aimed to re-initiate peace talks by focussing on security, development, and DDR. The MILF was opposed to this new emphasis and opted to use the Memorandum of Agreement on Ancestral Domain¹⁴² (MOA-AD) in 2008 as its main tool of negotiation (For the full statement of Memorandum of Agreement-Ancestral Domain see Appendix A). The MOA-AD profiles the agreements and principles, territory and resources that the BMP is entitled.

Unfortunately, in August 2008, peace negotiations between the government and the MILF became bogged down following the derailment of the signing of the Memorandum of Agreement on Ancestral Domain (MOA-AD). The agreement was supposed to have been the final substantive stage of the peace process on arrangements for recognition of the Bangsamoro homeland through an expanded form of autonomy. However, the agreement was opposed by local and national Christian politicians (e.g. Emmanuel Piñol, three times governor of North Cotabato from 1998-2010; Celso Lobregat and Lawrence Cruz, mayors of Zamboanga City and Iligan City respectively;

¹⁴⁰ Ibid.

¹⁴¹ From the speech of the Philippine Presidential Adviser on the Peace Process (*OPAPP*) 2009.

¹⁴² For the full statement of Memorandum of Agreement- Ancestral Domain see Appendix C.

former Senate President, Franklin M. Drilon (2010); and prominent Senator Manuel Roxas: all of them Christians).

A Supreme Court ruling on the draft MOA-AD agreement judged it ‘unconstitutional’ and subsequently rendered the continuation of future negotiations uncertain. This resulted in

the fiercest fighting in Mindanao since 2003, which began when a major MILF unit launched attacks on several Christian towns in the Lanao del Norte province. Fighting affected nine provinces, resulting in some 610,000 persons displaced from their homes and 104 dead in August 2008.¹⁴³

The GRP, subsequently, (through then President Gloria Macapagal-Arroyo) placed the demobilisation and disarmament responsibilities within the sole responsibility of the military (i.e. the Armed forces of the Philippines-AFP). This sent a message to everyone, especially the BMP. The concern was that the GRP were preparing for an all-out military solution to the conflict. What is morally significant is the acknowledgement of the importance of collective responsibility between the GRP and the BMP in the implementation of the DDR principle to ensure the peace building measures (mentioned before with the different peace groups) are to be meaningful. Mutual understanding, open communication, listening respectfully, and the willingness to admit mistakes are key moral qualities necessary for the agreement to be implemented with justice.

The peace process is not without its many challenges. One significant challenge is the request for the Muslim fighters to lay down their arms. This is a moral act of courage on their part as many of them have little experience of normality. These fighters (particularly MILF) moral courage must be acknowledged.

¹⁴³ Williams, Timothy, ‘The MoA-AD Debacle – An Analysis of Individuals’ Voices, Provincial Propaganda and National Disinterest’, in *Journal of Current Southeast Asian Affairs*, 29, 1, 121-144, 2010.

At the same time, they need to see evidence that their moral choice to disarm is for the common good of all. The next section moves from the narrative of initiatives to intervention.

Section 2. Intervention as a tool of the peace process.

This section continues the narrative of the peace process by exploring the moral significance of third party intervention and its ethical consequences in the BM conflict. Third party intervention is traditionally used to respond to violent and persistent conflicts when the parties involved are unable to manage their differences or are suffering moral fatigue. For example, attempts to resolve the crisis in Syria were made by the UN, under the auspices of Kofi Anan. More often in the past, this intervention was used in inter-state conflicts.

Third party intervention in intra-state conflicts in the Philippines was not welcomed because it was perceived by the Philippine state as interference in their domestic affairs. This attitude is changing as major violent conflicts often originated at the domestic level within the state (e.g. Northern Ireland), rather than between states.¹⁴⁴ These are conflicts ‘in the form of civil wars, armed insurrections, violent secessionist movements, and other domestic warfare.’¹⁴⁵ Every time the GRP and the BMP talk peace, a third party is always involved as mediator.

¹⁴⁴ Abhoud Syed M. Lingga, Role of Third Parties in Mindanao Peace Process, Paper for presentation during the International Conference on Peace Building in Asia Pacific: The Role of Third Parties, on July 1-3, 2006 in Khon Kaen, Thailand, organized by the *Institute for Dispute Resolution, Khon Kaen University, and Southeast Asia Conflict Studies Network*, with the support of The Japan [Foundation](#).

¹⁴⁵ Peter Harris and Ben Reilly (eds.), *Democracy and Deep-Rooted Conflict: Options for Negotiators*, Stockholm, Sweden: *International Institute for Democracy and Electoral Assistance*, 2003.

For example:

In the negotiations between the GRP and the Moro National Liberation Front (MNLF), the Organization of Islamic Conference (OIC) had been actively involved. In the on-going talks [2011] between the GRP and the Moro Islamic Liberation Front (MILF) Malaysia is the facilitator.¹⁴⁶

The Islamic Conference of Foreign Ministers (ICFM) in Jeddah, Saudi Arabia took cognizant of the problem [the GRP and BMP conflict] in 1972, and decided to seek the good offices of the Government of the Philippines under Marcos to guarantee the safety and property of the Muslims in the country. It authorized the OIC (Organisation of Islamic Countries) Secretary General to contact the Philippine government. From then on until the final peace agreement was signed on September 2, 1996 in Manila (see Figure 7, p.161), the OIC had been actively involved in the negotiations between the GRP and the MNLF.

Conciliation Resources (a peacebuilding non-government organisation supporting people at the heart of conflicts and bringing together divided communities creating [opportunities](#) for them to resolve their differences peacefully) in its report said that

The 1996 Peace Agreement between the Republic of the Philippines government and Moro National Liberation Front (MNLF) was a milestone in many ways: all previous attempts to negotiate an end to 24 years of civil war had failed. Implementation of the peace deal did not end the violence, but the efforts and innovations in peacemaking in Mindanao offer invaluable examples for people working to resolve conflicts around the world.¹⁴⁷

There is a moral question of efficiency when it comes to third party intervention in a conflict. One side of the moral argument raises the point that if the third-party wants to minimize the aggregate cost of the conflict, then it should support the stronger of the two factions because that would make the relative strengths of the factions more

¹⁴⁶ Abhoud Syed M. Lingga, *Role of Third Parties in Mindanao Peace Process*, op. cit.

¹⁴⁷ [Mara Stankovitch](#), 'Compromising on autonomy: Mindanao in transition', published by *Accord* issue 6, 1999.

unequal. However, the other side of this moral argument raises the point that on equity grounds, there is a strong case for helping a weak faction (e.g. BMP) that is persuading in an unwavering manner an *oppressive* and stronger faction (e.g. GRP).

From the context of the BM conflict in Mindanao, it can be argued, however, that a strong but impartial intervention can be morally useful in equalizing forces and in creating a stalemate in which neither side can be victorious. This would encourage a negotiated settlement. It can also be argued that helping a weaker faction (e.g. BMP) can embolden it and encourage it to increase its demands and prolong the conflict. In other words, pressure must be exerted on both sides (GRP and BMP) to moderate their demands.¹⁴⁸ However, the moral question in this context is whether third party interventions actually exacerbate conflicts.¹⁴⁹ For example, the MILF who despite a number of peace treaties and external third party representatives at their negotiations (see Appendix C, p.) choose to keep fighting so long as the GRP did not guarantee MILF's conditions. The MILF appeared to be less concerned about the damaging and destructive outcomes of its war against the GRP believing that a third party like the OIC (Organisation of Islamic Countries) would be more accommodating towards a fellow Muslim organisation. In this context, moral hazard arises when an individual or organisation (e.g. MILF) does not accept the full consequences and responsibilities of its actions. There is therefore a tendency to act imprudently leaving another party (e.g. GRP) to shoulder responsibility for the consequences of those actions.

¹⁴⁸ D. Rothchild, D. A. Lake, 'Containing Fear: The Management of Transnational Ethnic Conflict', in *The International Spread of Ethnic Conflict: Fear Diffusion, and Escalation*, D. A. Lake and D. Rothchild (eds), Princeton University Press, Princeton, New Jersey, 1998, pp. 203-226.

¹⁴⁹ *Peace Economics, Peace Science and Public Policy*, Vol. 16 [2010], Iss. 2, Art. 11.

However, the BMP (through the MILF) is not the only party guilty of creating a morally hazardous situation in the peace talks. For example, the GRP government forces launched an all-out war against the secessionist movement in the year 2000 (during Estrada's presidency-1998-2001) resulting in the MILF withdrawing from the peace talks with the government. This GRP military intervention was the trigger that halted all negotiations, and created a serious moral hazard. There was a total lack of trust on both sides (GRP and BMP) and no one believed anyone anymore. Truth became the victim.

Estrada had an absolute belief that waging war was the only way to decimate the Bangsamoro armed forces and install peace in the Mindanao. His war-like mindset defined right and wrong in terms of the greatest good for the greatest number. If he had successfully eliminated the armed militants it would have been considered morally right and good. The outcome alone determined the morality of his war policy. Injustice was a term that simply expressed Estrada's emotional outrage. The history of peace processes in Mindanao, despite the moral hazards it has encountered from both protagonists (GRP and BMP), is replete with signed pacts that are good on paper, but miserably short on implementation. The next section continues the narrative of the peace process by examining the assumptions brought to the peace negotiations.

Section 3. Issues of culture, power, and gender in a sustainable reconciliation

Some assumptions of culture, power, and gender may pose challenges to the peace process. The participants representing the various groups in the negotiations work out of a set of assumptions. These assumptions, which take shape in beliefs, principles and values, are gradually shared over time in the negotiations. However, other assumptions which are not often shared and discussed critically are smuggled into the discussions. Assumptions concerning culture, power and gender require investigation and articulation just as much as assumptions about land ownership because they are intimately related to the peaceful resolution of the BM conflict.

3A. Culture

The cultural and economic differences that have created so much enmity and misunderstanding as to cause Christians and Muslims to regard themselves as separate peoples have their roots in our colonial history (discussed in previous chapters). However, culture in the context of the whole of Mindanao can be defined as a particular form of intellectual development. Culture is the patterning of assumptions about life, its realities and requirements, and its accompanying values and norms.¹⁵⁰ In Muslim Mindanao, culture provides a framework for discussing the foundations of human thought, religion, conflict, ethics and relationships. It is inextricably linked to the concept of identity of the BMP in Mindanao.

¹⁵⁰ Diana Francis, 'Culture, Power Asymmetries and Gender in Conflict Transformation' in *Berghof Research Center for Constructive Conflict Management*, Aug 2004.

Professor Thomas McKenna, author of *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines*,¹⁵¹ traced the causes of the Mindanao problem and concluded that a cultural and religious gulf divides Muslims and Christians since the Spanish occupation. He argues that cultural differences do not by themselves create ethnic conflict. However, the Christian Filipinos, including representatives of the Philippine state, have often tended to view Philippine Muslims as socially backward and untrustworthy because of their history of resistance to Hispanicization (i.e. influenced by the Spanish Catholicism).¹⁵² For Christian Filipinos hispanization means modernity. On the other hand, Muslim Bangsamoros have tended to be highly suspicious of the intentions of the Philippine government, and generally wary of Christians and modernity. The following narrative decries the sentiment that Bangsamoros are culturally backward and untrustworthy:

The [sharp](#) and sometimes violent reactions of Non-Moros [i.e. Christian Filipinos] against the struggle of the Bangsamoro is borne out of their ignorance of the latter's history as a people, their way of life, their present problems, and their present struggles and aspirations. It is also caused by their fear of how the Bangsamoro will treat them and their properties if the Bangsamoro will be restored of their RSD [right to self-determination]. These imaginary fears (sometimes real) are partly due to not only by how the Moro were portrayed by the colonizers [Spain and America] – which was carried over to the neo-colonial times, as traitors, villains and untrustworthy people – but also because of past bad experiences against the Moro, thus the stereotyping.¹⁵³

This narrative portrays a culture where Muslims are considered the cause of what is wrong in Muslim Mindanao. The moral significance of this portrayal rests on the fact that most Filipino Christians often acknowledge that the conflict in Mindanao is not necessarily a product of economic woes (Muslim areas Mindanao are the poorest in

¹⁵¹ Thomas M. McKenna, *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines*, Berkeley: University of California Press, 1998.

¹⁵² Cecille Aycocho, 'Understanding the Mindanao Insurgency', from OG5 (*Office of the Assistant Chief of Staff for Plans and Policy, Philippine Army Headquarters*) Digest October-December 2004.

¹⁵³ Tommy Pangcoga, 'The Big Extra Challenge', *Moro Herald*, (dedicated to Bangsamoro and Peace Advocates of Mindanao) [April 4, 2010](#).

the country), but rather an issue of inferior cultural values (referring to the Muslim Bangsamoros). Maria Hussain, editor of *World View News Service* in Highland Park, New Jersey, USA argued against such downright mediocre treatment of Muslims when she reviewed and critiqued John K. Cooley's book 'Unholy Wars: Afghanistan, America, and International Terrorism'.¹⁵⁴

...a closer look [at the book] reveals the use of manipulative language that strings together half-truths and repeated insinuations with conclusions that do not directly relate to the given evidence...for he makes no genuine distinction between Muslims' desire for self-rule based upon their belief system (often called "Islamism") and terrorism...Muslims are portrayed as untrustworthy imbeciles or ungrateful servants. The introduction asserts that the West must not make Islam into a Satanic foe, which the rest of the book immediately contradicts by referring to Islam's resurgence in Muslim countries as a contagious disease that must be quarantined and nipped in the bud before it contaminates the entire world...and Islam must be limited to a cultural ritual...¹⁵⁵

Furthermore, what is morally worrying in Cooley's book (chapter 11 'More Contagion: The Philippines') are the details of Islamic terrorism led by *Abu Sayyaf*. Cooley described this violence as the result of cultural and domestic grievances caused by Christian missionary pressures over the Muslim minority population who continue to be agitated by CIA-trained returnees from Afghanistan. However, the Christian role in the sectarian violence is downplayed while Muslims are blamed. A good example of this is the description of the Muslim terrorist group *Abu Sayyaf* and its nefarious and despicable kidnap for ransom activities (discussed in chapter three). The point to be emphasized, however, is that the conflict in Mindanao can be considered a microcosm of the national and international conflict between the marginalized and exploited cultures and the State and/or dominant culture.

¹⁵⁴ John K. Cooley, 'Unholy Wars: Afghanistan, America, and International Terrorism', Sterling, VA: Pluto Press, 2000.

¹⁵⁵ From the article of Maria Hussain, editor of *World View News Service* in Highland Park, New Jersey, USA published by *The American Journal of Islamic Social Sciences* 20:1, 2003, pp. 46-62.

Culture as a term used in the BM conflict is a symbol of moral alienation, misunderstanding and misinterpretation. It is associated with feelings of resentment, victimhood, approval/disapprovals and disrespect. The following narrative is an example:

Moros should be allowed to emulate a “superior” culture analogous to that devised by the Americans for Christian Filipinos. Moved by a natural tendency to imitate superior civilization, he [Bangsamoro] would unconsciously reform his customs and home life and gradually acquire American ideas and new ambitions. An enlightened Moro community, wisely guided by efficient American officials, would undoubtedly work out its own destiny, and following the natural law of growth and development would gradually rise in wealth and culture to the level of a democratic municipality.¹⁵⁶

It is morally reprehensible to suggest that the BMP do not have the capacity to chart its own culture, traditions, customs and way of life without emulating a foreign culture, namely the US. The denigration of Muslim culture resulted in frustration, and resentment among the BMP. The forfeiture of Muslim cultural rights resulted in the loss of equitable social and political benefits. The cultural neglect of the Muslims in Mindanao is part of their narrative and memory. It is unjust and undermining of their dignity. Therefore, evidence of respect for the culture of Muslims is an important element of their negotiations in the Mindanao’s peace process. By focusing on culture, the BMP’s identity is understood and it tells the story of a people who have suffered discrimination and dislocation. There is a good moral argument to suggest that Philippine history be re-written to justly restore the cultural and heroic role of the Muslims in the anti-colonial struggle against Spain and America.¹⁵⁷

¹⁵⁶ N. Saleeby, ‘The Moro Problem’ cited in McKenna, *Muslim Rulers and Rebels*, p. 105, op. cit.

¹⁵⁷ Edgardo Angara (member: Senate of the Philippines) *Manila Bulletin*, May 14, 2003.

3B. Power

Power is a complex concept with both positive and negative aspects. It is a word used frequently in conflict management and in the peace building process in Mindanao. There are a number of conceptualizations of power. Power is understood as the capacity to decide (e.g. to lay down arms) and implement a goal (e.g. military action), as an object/office which can be transferred and as a location or houses of power (e.g. the capital city Manila). All three concepts of power surface in the GRP-BMP conflict-peace negotiations. When many of us first talk about power we think in terms of ‘power over others’¹⁵⁸. This power is hierarchical in nature, and is associated with dominating, patriarchal and other oppressive systems of advantage where language, gender, race and/or religion are used by one group to manipulate or otherwise exert unjust control over others.

This is the kind of understanding of power which the BMP bring to the negotiating table because this is what they have experienced at the hands of the GRP. But power can also be viewed positively as ‘power with and for others.’ This power may also be hierarchical in nature, as well, but it is associated with empowering rather than dominating others. It is a power which is associated with sharing, serving and even sacrificing on behalf of others, which is also expressed in the peace process.¹⁵⁹

¹⁵⁸ Joseph S. Nye, ‘The Future of Power’, *Belfer Center for Science and International Affairs*, , Harvard Kennedy School, January 31, 2011.

¹⁵⁹ Shanta Premawardhana, ‘Sharing Values across Cultures and Religions’, Globethics.net Third International Conference, 25-29 January 2009, Kenya, <http://www.globethics.net>, accessed 6 June 2012.

The following narrative suggests that there is now a reasonable chance for peace in Mindanao:

There is an increasing chance now, more than ever, that the Moros in Mindanao will get a better deal with the Manila government. Signs are great that the Aquino [administration](#) --- and even those not in the party in power --- are more open to finally settle this conflict in Mindanao...What is this deal that is deemed better than any deal the Bangsamoros got in the past? In essence, this deal is about redefining the relationship between the Philippine state and the Bangsamoro in Mindanao through power-sharing and wealth-sharing. If in the past, the central government [GRP] monopolizes decision-making including over disposition of resources, this time this one-sided affair will be remedied. There will be competences to be allocated or devolved to the new political entity, which it will exercise within its domain, but still part of the larger Philippine state.¹⁶⁰

In the realm of morality, any act (positive and negative, and omissions) has the power to have impacts on others, whatever the moral background and context. The moral logic is that a certain group or groups (e.g. GRP) can be ‘responsible through positive actions for the deprived fate of others’.

Another important issue in peace building is the power sharing; and this is a particular issue facing the Philippine military (AFP). The military is trained to soldier and to keep the peace through hard power (bombs, artillery, and large troop movements). However, in a time of peace building, the AFP faces the challenge of considering alternative options to firepower in resolving conflict; and, in episodes of truce breaking. This requires education, discipline and a shift in the consciousness of the military leaders to operate its mandate in a new way to preserve the peace.

¹⁶⁰ ‘Time to show selflessness’, editorial article in *Luwaran*, October 1-7, 2012.

In this context, one AFP General summarized his experience this way:

Peacebuilding training...done me good professionally. I am able to gain a better understanding of the conflict we were in. Our mindset is programmed to see the other side as enemy and we are trained to fight. I gained better understanding of the conflict and am now accorded a wider range of options in dealing with conflict other than armed option. I was able to educate other officers and soldiers on peacebuilding . . . but I can't avoid some sectors of the military that emphasize our core competency is fighting. That is old school. We can solve conflict without resorting to arms. That is the best way for everybody.¹⁶¹

However, the moral reality is that many of the dominant powers in the AFP are recalcitrant and believe the best solution to the conflict is to wipe out the BMP and its armed force the MILF. This is a lingering offshoot of the military's experience of the Martial law years (1972-1986) of Marcos dictatorship where the division between the civilian and military became blurred. During those years the military took on a revised role as partner in national development. At that time, the members of the military had no experience of the system where the principle of multi-institutional checks against military institutional power prevailed. It was a conflict of interests. This resulted in the members of the AFP refusing to accept subordinate roles in the Philippine system of democracy. This attitude was carried over into the campaign against the BMP. The following account reflects the mindset of the Philippine military.

While ARMM [Autonomous Region of Muslim Mindanao] officials have announced that there is no Martial Law in Marawi, the military seems to be pretty much the law there. They, instead of the police, patrol the city. More troops are now "securing" MSU [Mindanao State University]. They arrest people without warrants, just like what they did to Engr. Biston, whom they picked up and eventually allegedly killed. And they even raid the Mayor's house without any search warrant and confiscate his gun and ammunition. There are several reports of military abuses toward civilians in Marawi City that still need to be verified and documented.¹⁶²

¹⁶¹ Jon Rudy and Myla Leguro, 'The Diverse Terrain of Peacebuilding in Mindanao: Gains and Challenges in the Peace Process between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front', *CDA: Collaborative Learning Projects*, Cambridge, Massachusetts, USA: June 2010.

¹⁶² 'Vengeance Killings in Marawi City', [The Bangsamoro blog, http://bangsamoro.wordpress.com/2012/08/10/vengeance-killings-in-marawi-city/](http://bangsamoro.wordpress.com/2012/08/10/vengeance-killings-in-marawi-city/), accessed 7 October 2012

Having played a prominent role, the AFP tends to be resistive of any move to alter that role towards the direction of its diminution or contraction.¹⁶³ The desire to adopt a military solution is strong within the military given the recent history of the BMP's collaboration with international terrorists like al Qa'eda or Jemaah Islamiya. The peace process negotiators are consciously aware of this, and this knowledge will help as they move towards building the peace especially when things start to break down. What is morally significant in this discussion so far is that, if reconciliation is going to lead to an effective and long lasting peace, it requires the development of four ethical virtues: truth, mercy, justice, and peace. John Paul Lederach (distinguished scholar on conflict transformation) defines these concepts in the following manner:

Truth represents 'the longing for acknowledgement of wrong and the validation of painful loss and experiences' Mercy 'articulates the need for acceptance, letting go, and a new beginning'. Justice seeks vindication of individual and group rights while advocating for restitution and social restructuring. Peace 'underscores the need for interdependence, well-being, and security'.¹⁶⁴

Lederach recommends that peacemaking efforts ought to be coordinated among the following levels of community/society: top-level, middle range, and grassroots leaders. The reasons for this according to Lederach are¹⁶⁵:

- a) that top-level political and military leaders generally negotiate cease-fires and peace accords. (e.g., the Memorandum of Agreement on the Ancestral Domain aspect of the GRP-MILF Tripoli Agreement on Peace of 2001).

¹⁶³ Carolina G. Hernandez, 'Towards Understanding Coups and Civilian-Military Relations', *Kasarinlan: Philippine Journal of Third World Studies*, Vol 3, No 2, 1987.

¹⁶⁴ John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, Washington, DC: United States Institute of Peace, 1997, p.29.

¹⁶⁵ Ibid., pp. 35-37.

b) that middle-range leaders (e.g., leaders of academic, religious, business, professional, agricultural, and nongovernmental organizations [NGOs] who have ties to upper-level and grassroots leaders) conduct problem solving workshops, train people in conflict-resolution skills, and lead peace commissions. (e.g. religious leaders of religions (Christians and Muslims) forming the Bishop-Ulama Forum for Dialogue in 1997 to build bridges between the two communities, discussed in chapter 3).

c) that grassroots leaders achieve agreements to end fighting, implement policies made at higher levels, and set the stage for a movement toward peace. Example: the week-long lobby mission (2010) dubbed “Conversations with Mindanao Grassroots” organized by the Mindanao Peoples Caucus (MPC).¹⁶⁶

Lederach argues that reconciliation is both the process of balancing the four concepts and the social space where parties encounter each other and engage in the process. In addition to the social space, a new participation formula is needed to resolve the conflict in Muslim Mindanao. The following narrative describes this:

a new formula [that] should ensure participation of the Bangsamoro people in the peace process. Their non-participation will mean that they do not own a peace agreement. As real stakeholder, their collective voice should be the basis of authority and the last word in the solution to the problem. The negotiations with the government [GRP] can be done by a representative organization but fundamental issue like the political relationship with the national government has to be decided by the Bangsamoro people themselves. They should be the ones who should decide through a referendum the choice of [their] political status...¹⁶⁷

¹⁶⁶ ROMY B. ELUSFA, ‘Mindanao legislators and grassroots leaders discuss info sharing’, *MindaNews*, August 10, 2010.

¹⁶⁷ Abhoud Syed M. Lingga, ‘Mindanao Peace Process: The Need For New Formula’, <http://www.yonip.com/>, accessed 6 October 2012. Yonip stands for ‘Yes, Observe National Independence & Peace’ a Manila based forum.

The GRP has framed the peace process with its own agenda and working principles, and this has limited the choices of the BMP. As a result the BMP does not feel that they are active participants in the process. If the present *status quo* continues (meaning no clear indication from the GRP or from the BMP) of coming to the table to talk peace, then it is clear that there is little hope for a long lasting peace in Mindanao, or any serious reconciliation.

3C. Gender

Gender stereotyping is an abuse of power, and it is inherent in the BMP and Filipino cultures, but it is often hidden in the midst of interpersonal relationships. In a culture where violence is used to resolve political conflict, gender conflict is regularly expressed as violence by men against women. Many men abuse their power in their interpersonal relationship. They feel they can dominate their wives and girlfriends, and use violence against them. The expectations that men have of women (eg to be passive, caring and mothers) are gender issues, and are interrelated to the negotiations of peace building. While gender issues are interrelated with culture and religion, they also have significant bearing on the discussion of human rights and the roles of both women and men in the Mindanao conflict.

Sexual violence against women is an example of gender oppression. Rape is a frequently employed method of waging war in Mindanao, with the aim of destroying communities and families. Apart from the physical and psychological consequences, women are often victims of stigmatization as a result of rape.¹⁶⁸ Rape of women is considered one of the spoils of the war in Mindanao because women are seen as property.

¹⁶⁸ ‘Women in War: A particularly Vulnerable Group?’, *International Committee of the Red Cross (ICRC)*.

Rape is an example of the abuse of male power in the hands of the military. It is a weapon of oppression. It is not difficult to ascertain that rape in the Mindanao conflict is an immoral attack on a culture of a community, and it reflects the hidden assumptions about the role of women. Women are considered symbols of the motherland, or the nation. In other words, an assault on the BM women is an assault on the entire people. For example:

AT LEAST 12 Muslim women have been raped by military men since the government intensified its armed offensives against the Moro Islamic Liberation Front, according to Kalinaw Mindanao, a peace advocacy group. The group said at a press conference that its fact-finding team had recorded the alleged rapes to have occurred mostly in North Cotabato. Ruth Cervantes, a member of the group's Fact-Finding and Relief Medical Mission, said its findings jibed with the information provided by the Bangsamoro Women's Auxillary Brigade, a noncombatant support group of the MILF. Lawyer Marichu Lambino, another team member, admitted having difficulties identifying the individual victims. She said the women and their communities were reluctant to report the rapes to the authorities 'because of their culture.' Kalinaw Mindanao said it compiled these reports because civilian populations had 'appeared to be the main target of some military offensives' against the MILF.¹⁶⁹

Although rape in the Mindanao war is an immoral act of public violence committed by soldiers representing the state, it can be viewed as a private crime, committed by individual men. In the context of Mindanao, the Bangsamoro women have never lived up to the stereotypical image of a passive female. BM women

are traditionally pro-active participants in the community's defense...the Tausug [Muslim] women of Sulu, for instance, fought side-by-side with men in the colonial wars...[there is a] history of women actually leading in resistance not only in the stereotypical roles of nursing and feeding the freedom fighters (mujahedeens) or burying the dead, but as active combatants as well as peace keepers...¹⁷⁰

Many Bangsamoro females throughout the history of the conflict have fought side by side with their male combatants. They were tough fighters and motivated by the *Qur'anic* principle of 'prescribed fighting against injustice and wrong-doing' (Al-Hajj

¹⁶⁹ Volt Contreras, 12 Muslim women have been raped, *Philippine Daily Inquirer Interactive-Internet edition*, date published: 06/25/00, accessed 12 April 2012.

¹⁷⁰ Mucha-Shim Q. Arquiza, Secretary General, Asian Muslim Action Network in the Philippines (AMAN-Philippines), 'The Bangsamoro Women in War and in Peace', read at the *Asian Peace Alliance "Kalinaw: Asian People Speak Up for Peace"*, August 29 to September, 2002, University of the Philippines, Diliman, Quezon City, Philippines.

22: 39-40). This is the moral significance of their effort in joining the men in the battlefield. In terms of the peace building process, the challenge is to break through the stereotyping on both sides to ensure females are encouraged to be active participants in the peace process.

The *Qur'anic* principle which motivated the women to fight on the front line enables them now to be at the front line of the peace negotiations. Bangsamoro women are active as peace emissaries at the forefront of conflict resolution making sure that the rights of women as keepers of the peace are strictly observed. Bangsamoro women often participate in dealing with the other ethnic groups (e.g. Lumads) because they are considered '*ahaggut*, meaning more level-headed than men. For example in Davao city in Mindanao

The Mindanao Peoples' Caucus (MPC), a Davao City-based peace advocacy group, considered...launching of the women contingent in the Civilian Protection Component (CPC) of Malaysia-led International Monitoring Team (IMT) a breakthrough. This is also a first time that Bangsamoro women, lumad women [indigenous] and Christian settlers joined their efforts, regardless of race and religion, to protect peace in Mindanao. For Secretary Teresita Deles of the Office of the Presidential Adviser on the Peace Process (OPAPP), it is historic to see women "move to the front and center of the peace process." "From rape and displacement, to the denial of the right to food and health care, women bear more than their fair share of the suffering caused by war. But women who know the price of conflict so well are also often better equipped than men to prevent or resolve it," said Deles.¹⁷¹

Bangsamoro women acting as activists certainly have the capacity to participate actively in the GRP-MILF peace process.¹⁷² The struggle to combat violence against women in war situations is not a simple or an easy one in Mindanao. The structures of the BM peace process must encourage women to 'continue to work together, refusing to

¹⁷¹ 'Launch of Women Corps in Mindanao's Peace Process a Breakthrough' a project of the *Women's International League for Peace and Freedom*, United Nations Office, 777 UN Plaza, 6th Floor, New York, NY 10017, USA.

¹⁷² Ibid.

be silenced, and be secure in the belief that all global issues of peace and justice are integral to women's lives and women's freedom'¹⁷³.

Conclusion:

This chapter concludes that there is a growing moral awareness in the Philippines that fighting it out on the battlefield is counter-productive to the aims of the BM people in Mindanao and the country. The major wars of 2000 and 2003 did not bring any tactical advantage on the battlefield. There is a significant moral awareness of the need to have an independent external third party presence to monitor the peace process. Assumptions concerning culture, power and gender are intimately related in the conflict in Mindanao, and are often smuggled into the negotiations. It is, therefore, essential, for all parties to be sensitive to this social conditioning.

¹⁷³ Ibid.

Chapter Six: Bridges of Hope

Chapter five concluded that the peace process is underway in earnest with the assistance of third party observers. The negotiations are building trust and breaking down barriers in Mindanao. Chapter six continues the ethical evaluation of the conflict by exploring the prospect of a holistic and just peace in the Bangsamoro region. This is undertaken in the two sections.

Section 1 ‘Holistic Peace’ explores the foundation of the bridges of hope in Muslim Mindanao.

Section 2 The New Bangsamoro examines the moral implications of the preliminary peace agreement (October 15, 2012) between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front (MILF).

Section 1. Holistic Peace.

Johann Galtung, a Norwegian sociologist, mathematician and the principal founder of the discipline of peace and conflict studies, suggested that peace is the absence of violence, not only personal or direct, but also structural or indirect. By structural violence, he means the highly uneven distribution of wealth and resources.¹⁷⁴ However, Galtung’s explanation while in part true overlooks a holistic understanding of peace. For peace to be understood as holistic, particularly for the people of Mindanao, it requires a discussion of particular characteristics that are interconnected with Mindanao’s social and religious culture. Moral values such as autonomy and freedom of religion are fundamental to appreciate what structural violence in the Mindanao context actually means.

¹⁷⁴ J. Galtung, ‘Violence, peace and peace research’, in M. Salla (ed.) *Essays on peace*, Brisbane, Australia: University of Queensland Press, 1995.

The government structural violence (e.g. migration policy and dislocation) has prevented the BMP from trusting the other members within the Mindanaoan community and those outside of it. The BMP aspire to seek autonomy and to be respected. They want evidence of accountability and transparency at all levels of community and government, and they desire equality and justice in the community. These are basic human rights which government structural violence in Mindanao has undermined and failed to protect. The Bangsamoro people want a holistic peace which is:

- Autonomous and tangible.
- Based on dialogue and focused on the common good.
- Framed within Mindanao history, culture and social development.
- Economically sustainable and secure.
- Supportive of human development, the natural environment, social cohesion and law and order.¹⁷⁵

If these desires of the BMP are to come into fruition, what is required is an ‘outburst of tranquillity’¹⁷⁶ to settle within the conflict areas in Muslim Mindanao. The hope is that when the ‘outbursts’ occur, they are not merely the lull before the storm of further conflict and sorrow. These ‘outbursts of tranquillity’ will arise out of the process of developing a critical awareness of the root problem of the Bangsamoro conflict, namely the right to self-determination.

¹⁷⁵ Kamran Mofid (founder of the Globalisation for the Common Good Initiative, a member of the International Coordinating Committee of the World Public Forum, Dialogue of Civilisations and Founding Member of World Dignity University, and Global Advisory Board, Human Dignity and Humiliation Studies, Norway), ‘Overcoming Greed, Dishonesty and Delusion’ in *Theology, Philosophy, Ethics, Spirituality and Economics: A Call to Dialogue*, London Central Mosque & The Islamic Cultural Centre 7 December 2011

¹⁷⁶ Ken Menkhaus, ‘A “Sudden Outbreak of Tranquillity”: Assessing the New Peace in Africa’, in *The Fletcher Forum of World Affairs*, vol.28:2 summer 2004, pp. 73-75 of pp. 73-90.

The way forward is to grant this and it is the case that most conflicts around the world centre on the right to self-determination (e.g. Southern Sudan). The peaceful implementation and recognition of this right will bring peace and over time prevent further conflict. The granting of self-determination may not necessarily mean that the Bangsamoro people will secede from the Philippine state as is feared. Perhaps in time a referendum may be offered and the people would be offered the choice. If the BM people are given the opportunity to decide their own future and security, it means there is a greater chance that resource rich Mindanao will not separate from the Philippine state.

Miriam Coronel-Ferrer, a member of the 2008 government panel for talks with the Moro Islamic Liberation Front, and also a political science professor of the University of the Philippines focussed on three core issues. These issues are the government's powers, Mindanao's natural resources and ancestral domain, and the Bangsamoro desire for self-determination.

On governance, the two parties [GRP and MILF], the armed wing of the BMP] are of one mind that powers relating to foreign affairs, national defense, postal service, coinage and monetary policies, citizenship and naturalization, global trade and national taxation shall remain with the national government...What remains to be negotiated are the other powers reserved for the national government...These include the administration of justice, quarantine, customs and tariff, general auditing, national elections, maritime, land and air transportation and communications, and patents and copyrights...The pros and cons of delisting and transferring control to a new autonomous government can be resolved on the basis of self-governance principles on the one hand, and good governance standards, national security and the essential check-and-balance needed between the national and regional, on the other hand. Such control and supervisory levers retained by the national government after all are present even in federal systems and do not, unless abused, negate autonomy.¹⁷⁷

What this narrative suggests is that power-sharing schemes that can effect a 'holistic peace' in Mindanao within the context of self-determination for the BM people.

¹⁷⁷ [Miriam Coronel-Ferrer](#), 'A comprehensive package for autonomy', *Philippine Daily Inquirer*, August 29th, 2011.

One element of concern that seems to be embedded in the Philippine culture generally is that of corruption. Corruption at all level has the potential to destabilize the move towards self-determination.

The big problem is the culture that you encourage, *ang lokohan* (resorting to lies and trickery). We are making them more inured to the idea of corruption.” “We are now breeding a new generation with a twisted or mangled understanding on the process and perception of government,” de Leon adds. “*Naglolokohan lang pala tayo* (It seems we’re all just lying to each other).” He says that contrary to popular perceptions, there are already mechanisms in place that provides a check and balance within the AFP organizations. “For example,” he says, “when it comes to procurement, the logistics family should be providing the oversight function. There is also no lack of offices that aim to make sure that transactions are in order, such as the internal audit service, which looks into the use of funds, and the inspector general’s office, which checks the efficiency and economy of the functions of other offices.” “The problem, however, is the people involved,” says de Leon. “When you look at why there seems to be some collusion, you’ll see that some people have been assigned to a particular office for a long time, so there’s already familiarity. There should be rotation, as much as possible.”¹⁷⁸

Corruption is a disease, a cancer that eats into the cultural, political and economic fabric of the Philippine society, and destroys the functioning of vital structures.¹⁷⁹ In the words of Transparency International:

“It undermines good government, fundamentally distorts public policy, leads to the misallocation of resources, harms the private sector and private sector development and particularly hurts the poor”¹⁸⁰.

Who benefits most from corruption depends on the survival of the fittest. It might be the powerful ethnic or regional groups or clans.

¹⁷⁸Lingao and Malou Mangahas, ‘Corruption talks trigger worry, debates in AFP’, *Philippine Center for Investigative Journalism (PCIJ)* February 24th, 201.

¹⁷⁹ Inge Amundsen, ‘Political Corruption: An Introduction to the Issues’, *Chr. Michelsen Institute*, 1999.

¹⁸⁰ Transparency International, <http://www.transparency.de/mission.html> accessed 11 October 2012.

Take for example the Muslim Ampatuan clan in Mindanao:

The Ampatuans have been in Maguindanao for centuries, and can trace their lineage to a Muslim preacher, Shariff Aguak, who was one of the first people to bring the Islamic faith to the area...it was under President Gloria Arroyo, who came to power in 2001, when the Ampatuans really came to prominence. Andal Senior became governor of Maguindanao... in 2005 his son Zaldy became the governor of the Autonomous [Region](#) of Muslim Mindanao...Andal Junior became mayor of Datu Unsay, a town that bears his nickname....Mrs Arroyo's government was good to the Ampatuans, providing funds for the region, and in the process propelling Andal Senior to "undreamed-of heights of power", according to a report by the International Crisis Group...Andal Ampatuan Jnr is accused of ordering the killings of 58 people on the morning of November 23, 2009...[it was called] the Maguindanao massacre, also known as the Ampatuan massacre after [the town](#) where the mass graves were found¹⁸¹ ...in the town of [Ampatuan](#) in [Maguindanao](#) province, on the island of [Mindanao](#) in the [Philippines](#)...The victims were on their way to file a [certificate](#) of candidacy for [Esmael Mangudadatu](#), vice mayor of [Buluan](#) town, they were kidnapped and brutally killed. Mangudadatu was challenging [Datu Unsay](#) mayor [Andal Ampatuan, Jr.](#), son of Maguindanao governor [Andal Ampatuan, Sr.](#), in the Maguindanao gubernatorial election,¹⁸² part of the [national elections in 2010](#). The 58 people killed included Mangudadatu's wife, his two sisters, journalists, lawyers, aides, and motorists who were witnesses or were mistakenly identified as part of the convoy.¹⁸³

The Ampatuans were arrested and now awaiting trial in jail, but according to Jessica Evans from Human Rights Watch, Andal Ampatuan Senior (the patriarch of the clan) is still able to give orders to his subordinates from inside the jail.¹⁸⁴ The story of the Ampatuans of Maguindanao province in Mindanao is an example of absolute moral decay and shameless impunity. The justice system in the Philippines operating under that ancient rubric of due process has not yet brought justice to the victims of the massacre. It is so easy to blame this most heinous of crimes on the traditional clan wars of the Bangsamoros (e.g. Ampatuans and Mangudadatus as the previous narrative suggests). The truth is that there is corruption and moral decay in the judicial and communal institutions in the Philippines.

¹⁸¹ Analyn Perez, '[The Ampatuan Massacre: a map and timeline](#)', *GMA New*, November 25, 2009.

¹⁸² Rina Jimenez-David, '[Understanding the unbelievable](#)', *Philippine Daily Inquirer*, November 24, 2009.

¹⁸³ Kate McGeown, 'The rise of the Ampatuan clan in the Philippines', *BBC News*, Manila, 8 September 2010.

¹⁸⁴ '[The Ampatuans, State-Backed Militias, and Killings in the Southern Philippines](#)', *Human Rights Watch*, November 16, 2010.

This decay or moral malaise is abetted by apathy and cynicism. Therefore, violence becomes a matter of course, corruption and immorality becomes habits and people learn how to cope with these, and come to expect corruption as part of the system.¹⁸⁵ This corrupt culture is undermining of the ‘culture of peace’. It stands in the way of justice for the BMP. This is another element which adds to the complexity of the conflict in Mindanao and perhaps, stands in the way of self-determination for the Bangsamoro people.

Section 2: The New Bangsamoro

This section explores the meaning of hope in the context of this new development in the peace process in Muslim Mindanao. On Sunday, 7 October 2012, President Benigno ‘Noy’ Aquino III (President: June 2010-present) announced that the government and the MILF (the armed wing of the BMP) had reached an agreement on a plan to end a separatist insurgency in Muslim Mindanao.

MANILA, Philippines (UPDATED) - A new autonomous political entity (NAPE) called “Bangsamoro” will soon be part of the Philippine political map, as the Philippine government and the Moro Islamic Liberation Front (MILF) concluded negotiations on a Framework Agreement in Kuala Lumpur, Malaysia on Sunday, October 7 [2012]. “We have forged an agreement that seeks to correct... problems. It defines our parameters and our objectives, while upholding the integrity and sovereignty of our nation,” [President Benigno Aquino III said in a speech](#) aired live nationwide Sunday afternoon, announcing the milestone in the peace talks. “This agreement creates a new political entity, and it deserves a name that symbolizes and honors the struggles of our forebears in Mindanao, and celebrates the history and character of that part of our nation. That name will be Bangsamoro,” he said.¹⁸⁶

The signing of the framework agreement was scheduled for Monday, October 15, 2012 at Malacañang Palace (official residence of the President of the GRP). The Philippines is ‘demonstrating new ways to address old wars,’ [Mindanews quoted Kristian Herbolzheimer as saying](#).

¹⁸⁵ F Sionil Jose, ‘Revolution, evolution? No - it will be an implosion’, *The Philippine Star*, December 11, 2011.

¹⁸⁶ KD Suarez, ‘PH [Philippine] govt, MILF reach peace deal’, <http://www.rappler.com/nation>, accessed 8 October 2012,

Herbolzheimer is a member of the International Contact Group (ICG) that has supported both sides in their negotiations.¹⁸⁷ The ICG, organized in 2009, is composed of Saudi Arabia, Turkey, Japan, United Kingdom, and international non-government organizations composed of the Asia Foundation, Coalition Resources and the Center for Humanitarian Dialogue. In regards to this preliminary agreement, the MILF (the armed wing of the BMP) on behalf of the BMP made the following statement about the agreement.

“We have been waiting for this for many long years,” MILF vice chairman for political affairs Ghadzali Jaafar said of the road map for establishing a new autonomous region in Mindanao to be administered by minority Muslims in the predominantly Roman Catholic nation. “The Bangsamoros are happy...the Bangsamoro issue will be addressed and the Mindanao conflict will be resolved,” he added. In the deal, MILF fighters will give up their weapons as soon as a final deal is reached. The agreement follows marathon negotiations between the government and the MILF in Malaysia, which is brokering the talks. The agreement is set for signing on Oct. 16 in Manila, officials said. It spells out the general principles on major issues, including the extent of power, revenues and territory of the Muslim region. If all goes well, a final peace deal could be reached by 2016, when Aquino's six-year term ends, according to officials.¹⁸⁸

As a result of the preliminary peace agreement the MILF has now relinquished its bid for full independence in favour of autonomous control over large areas in Mindanao which the MILF as Muslims' ancestral domain. However, given such a high degree of expectations, (for both the GRP and the BMP) this preliminary agreement is only partly about making peace settlements. Its purpose is to create a better Philippines and better Mindanao for Muslims. What is morally significant for this preliminary agreement is that has become the focus of the hopes and expectations of a country (Philippines) trying to remake and reimage itself. Both parties have now made a serious moral commitment to break the cycle of violence, and to move forward in a spirit of hope that peace will be break out.

¹⁸⁷ [Carolyn O. Arguillas](#), ‘Int’l community lauds GPH-MILF peace pact, hails Philippines for giving hope’, *MindaNews*, October 8, 2012.

¹⁸⁸ Delon Porcalla , ‘Government, MILF forge Bangsamoro deal ‘, *The Philippine Star*, October 08, 2012

The following narrative explains how violence has affected everyone in Muslim Mindanao:

The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy. Instead of diminishing evil, it multiplies it. Through violence you may murder the liar, but you cannot murder the lie, nor establish the truth. Through violence you may murder the hater, but you do not murder hate. In fact, violence merely increases hate. So it goes. ... Returning hate for hate multiplies hate, adding deeper darkness to a night already devoid of stars. Darkness cannot drive out darkness: only light can do that. Hate cannot drive out hate: only love can do that.¹⁸⁹

The Framework Agreement was signed on October 15, 2012 at the Palace by chief negotiators Marvic Leonen for the government and Mohagher Iqbal for the MILF. President Benigno Aquino III and Malaysian Prime Minister Najib Abdul Razak witnessed the signing ceremony. Leonen said the pact heralds a new, bright dawn for all Filipinos Muslims and Christians alike, and a new era of hope is at the horizon. Leonen told the media how the representatives from the MILF got emotional after watching on television Aquino's speech announcing how the preliminary peace accord was done in Malaysia where both panels (GRP and MILF) had their meeting. Leonen has this to say upon arriving in Manila

“Malakas ang impact ng ginawang announcement ni Presidente tungkol sa Framework Agreement. Nag standing ovation sila (MILF). [The president's, i.e. President Benigno 'Noy' Aquino, announcement about the Framework Agreement had a strong impact on them i.e. MILF] They were either in tears or close to tears after hearing the (President's) announcement.” “Hopefully, the Framework Agreement on the Bangsamoro with the MILF framework will usher in an era of hope, peace and maybe recovery in the area”.¹⁹⁰

It can also be argued today that majority of the men and women in the AFP would want to see an end to hostilities in Muslim Mindanao, and are hoping to look for other ways to solve the conflict. But there is bound to be resentment in the military as they feel they had the MILF on the run already and soon to be defeated.

¹⁸⁹ Martin Luther King, 'Where Do We Go From Here?' one of his many speeches, published in *Where Do We Go from Here : Chaos or Community?* 1967,

¹⁹⁰ Dexter San Pedro and Eric B. Apolonio, 'MILF: Collective effort needed from all stakeholders for Bangsamoro state to succeed', *InterAksyon*, October 8, 2012.

However, this is not the reality on the ground. The circumstances in the battlefield are not as malleable as the GRP might like, and ordering the AFP about may not be as easy as the GRP think. However, it also morally incompetent for both the GRP and the BMP to make the assumption that the circumstances on the ground (i.e. grassroots) are going to fall into line very neatly. The good news is that leader of the Philippines largest Muslim rebel group (i.e. MILF) is optimistic about the signing of the peace deal with the government. Moro Islamic Liberation Front (MILF) chairman Murad Ebrahim acknowledged the ‘breakthrough’ and stated to the press:

This document [April 2012 document] serves as the guide in the discussion over the negotiating table on the details of a peace accord between the two parties [GRP and the MILF],” Murad was quoted by the rebel-controlled www.luwaran.com website as saying. Murad’s comments were the first since the agreement was reached in April, and showed a “commitment” from the MILF leadership to peacefully resolve the insurgency that has claimed over 150,000 lives since the early 1970s, the site said...He added that both sides now had to decide on the “transitional mechanism and authority” of the proposed autonomous region for the talks to move forward.¹⁹¹

With its commitment to accommodate Bangsamoro demands for greater self-rule, the Philippine government (GRP) is following a global trend of increased decentralization in response to the diverse and multiple identities of its people. Both parties have shown courage and determination in settling the demands for self-determination for the Muslim population in Mindanao.¹⁹² These moves by both parties demonstrate that dialogue instead of the battlefield is the better moral option. Extreme care and sensitivities should be exercised by both the GRP and the BMP (i.e. MILF), from this point forward so as not to stifle the hope for a peaceful tomorrow for both the Muslims and Christians in Mindanao. The Framework Agreement is not the final step of the peace process but a new phase by which the Government and MILF now work as partners in the implementation of its provisions.

¹⁹¹ Muslim rebel leader optimistic over Philippines deal, [*Agence France-Presse*](#).

¹⁹² [*Carolyn O. Arguillas*](#), ‘Int’l community lauds GPH-MILF peace pact, hails Philippines for giving hope’, *MindaNews*, op. cit.

This is the most fragile step in any peace process, according to Kristian Herbolzheimer, Philippines Programme Director of Conciliation Resources. Expectations for rapid change are high while structural reform inevitably takes time. Inclusive, cross-sector public participation in the process must be maintained. Civil society, religious leaders, media, the business and the security sector all have a key role to play in securing a sustainable peace.¹⁹³ At this early stage there are already voices doubting the effectiveness of the Framework Agreement. It has been reported that:

MILF's [armed wing of the BMP] renunciation of the goal of independence and repudiation of terrorism paved the way for today's breakthrough. But its followers have not renounced armed struggle, remain armed to the [teeth](#), and like broadly similar movements, for example in Northern Ireland, the Spanish Basque country and south-east Turkey, could quickly regress or fall out with each other if the peace process does not bring dividends quickly. In fact, history may be repeating itself. In 1996 the Moro National Liberation Front signed a peace deal that did not include disarmament. The pact foundered when a rejectionist faction broke away to form what is now the MILF. Aquino's plan may struggle to survive this torrid, turbulent arena. And again, there is a discouraging precedent. In 2008 a similar preliminary autonomy pact was declared unconstitutional [by the Philippine Supreme Court] after political opponents petitioned the Supreme Court. In place of peace an upsurge in violence ensued, displacing 750,000 people and leaving more than 100 dead.¹⁹⁴

The moral significance of this narrative is that no peace treaty is valid if it was made with reservations that could lead to a future war. Otherwise this would be only a truce, a suspension of hostilities, and not peace which means the end of all hostilities. There may be the existing states of affairs that may trigger of future conflict (for example reluctance of some MILF members to give up arms), or those that the parties (GRP and BMP) don't know about, and perhaps could not know except through clever forensic digging documents.

¹⁹³ [Carolyn O. Arguillas](#), 'Int'l community lauds GPH-MILF peace pact, hails Philippines for giving hope', *MindaNews*, op. cit.

¹⁹⁴ [Simon Tisdall](#), *The Guardian*, Sunday 7 October 2012.

However, when one or both parties sign a peace treaty only because they are too exhausted to continue the war, and enter into the treaty in bad faith with a ‘silent mental reservation’ concerning issues that are to be confronted later on, that should not be disheartening, but to be expected.¹⁹⁵ Allowances must also be made for the possibility of break-away groups forming, as well as, frustrations breaking out among the military. Another moral significant issue is to understand that ‘democratic legitimacy accrues to political outcomes insofar as they survive a process of reasoned debate sustained by fair procedures’.¹⁹⁶ In this case, ‘deliberation [or dialogue] is viewed as an idealized process consisting of fair procedures within which political actors engage in reasoned argument for the purpose of resolving political conflict’¹⁹⁷ and for a ‘bridge of hope’ for peace to be built. Deliberation and dialogue involve reasoned argument. In other words, proposals (such as those contained in the Preliminary Agreement, see Appendix D, p.212) must be defended or criticized with reasons.

This indeed is an exciting development in Muslim Mindanao. The hope of this dissertation is to have a final, lasting and just resolution to the conflict in Muslim Mindanao, based on the moral principles of truth, compassion, love, and forgiveness.

¹⁹⁵ Jonathan Bennett, *Immanuel Kant: Toward Perpetual Peace*, a Philosophical Sketch, Copyright ©2010–2015 All rights reserved.

¹⁹⁶ Jack Knight and James Johnson, ‘Aggregation and Deliberation: On the Possibility of Democratic Legitimacy’, *Political Theory* 22, no. 2 (1994): 289.

¹⁹⁷ Ibid.

Conclusion:

This chapter concludes that creative and collaborative thinking can result in 'holistic peace' in Mindanao when the root cause of the injustice is identified. The new Bangsamoro entity will provide autonomy and a way of life for the Bangsamoros to uphold and enrich their Muslim cultural heritage, religion, and identity.

Chapter Seven: Dissertation Conclusion

The dissertation has achieved its aim in presenting an exposition and Christian ethical evaluation of the conflict between the Bangsamoro people and the government of the Philippines. The narrative methodology used in the dissertation identified ethical issues as they emerged in the telling of the Bangsamoro story. It emerged that the causes of the conflict are complex. Among the many causes are colonialism, poverty, marginalization, inefficient and corrupt governance, historical injustice and abuse of power, exploitation of cultural communities and lack of recognition of ancestral heritage. The Christian ethical evaluation of the conflict was explored in the light of Christian discipleship, understood as faith that does justice. It finds inspiration in the Christian Gospel of liberation which exhorts Christians to live as responsible partners with Muslims and creation. In particular, the Christian ethical evaluation of the conflict pinpointed the JWD as an obstacle to peace. The dissertation concludes by recommending eight ethical principles to support the dialogue towards peace with justice. Principles indicate how we ought to behave, and these eight principles are ethical criteria for guiding the peace process.

- Principle of Protection of Human dignity

The Christian ethical evaluation of the conflict has demonstrated that the GRP and the colonial masters Spain and America failed to protect the dignity of the Bangsamoro people. The GRP as the government of the Philippines has a moral duty to protect its own population, which includes the Bangsamoro people, from serious and sustained violations of human rights. The principle of protection guards the Bangsamoro people and gives them the freedom to uphold and enrich their Muslim cultural heritage, religion, and identity.

- Principle of Respect for Human Rights.

Respect for the religious freedom and conscience of the Bangsamoro people demonstrate a respect for the culture of the Muslims and their right to self-determination. The rights of the Bangsamoro to freedom of religion, peace and prosperity, healthcare and decent housing have been undermined for five centuries. The new Bangsamoro homeland promised by the GRP must be a homeland where human rights are guaranteed and flourish. The Bangsamoro people have the right to self-determination on their ancestral homeland.¹⁹⁸

However, there is an intrinsic mutuality between rights and duties/responsibilities. This bond between rights and duties/responsibilities also has a social connection. Each of our rights corresponds to a duty. Hence, not only is it essential that rights of the Bangsamoro are defended, but the GRP has duties and responsibilities to respect those rights

- Principle of the Common Good.

The common good is concerned with the aspirations of all groups in society. The principle proclaims that the state has obligations to ensure every individual flourishes within society as an equal. No person or group has more “equality” than another. The community values of Muslims and Christians and other groups must be respected by both the GRP and the BMP.

¹⁹⁸David Hollenbach, *Claims in conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, New York: Paulist Press, 1979 p.28, 81-85, 151-155.

Respecting the common good means having a social justice sensitivity and ensuring the state does not abuse its power.¹⁹⁹ This principle has significant implications for the new Bangsamoro leadership.

- Principle of Sensitivity

Peace building in Mindanao requires the GRP to be ethically sensitive to the issues of autonomy, culture, ethnicity, religion, power and gender. It is known that the colonialists and the GRP have ignored and considered irrelevant Bangsamoro autonomy and culture. This insensitivity has had serious consequences, and the new leadership of the Bangsamoro homeland must not repeat the mistakes of the past.

An example of the insensitivity is the ethnic oppression that is strongly felt among the Bangsamoro people. They feel that they have fewer opportunities for social mobility than their Christian brothers and sisters. This is an important issue for the GRP to resolve in Muslim Mindanao. Policies such affirmative action in hiring Moro professionals and technicians in white collar and highly skilled technical positions would prevent disillusionment among the Muslim middle class regarding employment policies. This could be coupled with a good training and apprenticeship programs to upgrade professional and technical skills. The GRP, through the appropriate agencies has much to contribute in this area.

¹⁹⁹ Sylvia Concepción, Larry Digal, Rufa Guiam, Romulo de la Rosa and Mara Stankovitch, 'Breaking the links between economics and conflict in Mindanao', Discussion Paper presented at the 'Waging Peace' conference, Manila, December 2003, *International Alert • Business And Conflict Programme*.

- Principle of Stewardship.

Both Muslims and Christians share a commitment to the stewardship of creation. Creation is a gift from God which entails active cooperation on the part of human community (Psalm 104). Muslims and Christians are called to responsible partnership with God to care for creation. Together they can hold the GRP and the mining companies accountable and encourage sustainable mining.

- Principle of Consultation.

The experience of the Bangsamoro people is that they have never been consulted about policies or nationhood. In the new Bangsamoro, this colonial and neo-colonial strategy of excluding and not consulting must be avoided. It is morally imperative to consult with all participants so that the peace process is just and respectful. There is a sign that consultation is already taking place in the new preliminary agreement signed between the GRP and the MILF on 15 October 2012.

- Principle of Story

This dissertation narrated the story of the lives and identity of the Bangsamoro people. The telling of peoples' stories are ethical acts in themselves and gateways to the truth. The Bangsamoro people need to be given the opportunity to tell their stories of suffering, hardship, courage and their struggle for justice. The country as a whole needs to hear the truth about the marginalization of the Bangsamoro people. The establishment of a public truth commission would go some way towards this need. People who have suffered need justice, and justice requires restitution and conciliation.

- Principle of Action.

There must be some practical actions that occur after the story-telling and listening. Principles need to be translated into action and practical structures to serve the needs of the people at the local and regional level. In the new entity, the Bangsamoro people must ensure that their practices are not corrupt. Corruption is a cancer on the Philippine landscape. Corruption, if permitted, within the new Bangsamoro entity would undermine the integrity of the struggle.

On a practical level, the Bangsamoro people should aim to identify one person to speak on their behalf. This is a prudent approach to ensure that the Bangsamoro people speak with one voice rather than having many voices which appear to contradict each other. An area which needs action is policing. It will be an issue in terms of who will control the police: the new Bangsamoro entity or the GRP? Nevertheless, the police force must come from all sides of the community. It will require a significant allocation of the budget and greater professionalization. An amnesty should be granted to encourage rebel fighters to lay down their arms. Decommissioning of rebel fighters needs careful planning to integrate them into the armed forces and police, where appropriate, and to ensure many are not left roaming the country. Healthcare, social welfare and housing needs are major priorities in the region, and meeting these needs is an indication that human rights are the number one priority in the new Bangsamoro.

All of these objectives for the new Bangsamoro will require the professionalization of negotiating teams, integrity, education, new knowledge, solidarity and social cohesion. If the peace is to be kept and grown, it will need investment especially by Sharia sensitive businesses at the local village and regional level.

The scope of the dissertation was limited to the conflict in Mindanao between the Government forces and the MILF, the MNLF and terrorist groups such as *Abu Sayyaf* (ASG) and the Pentagong gang. Future research might explore the conflict from an interfaith ethics (i.e. Christian and Muslim) perspective. The role of other groups in the Mindanao conflict such as the Lumads, vigilantes, militias and the Communist Party are also important to research.

List of Figures and Appendices

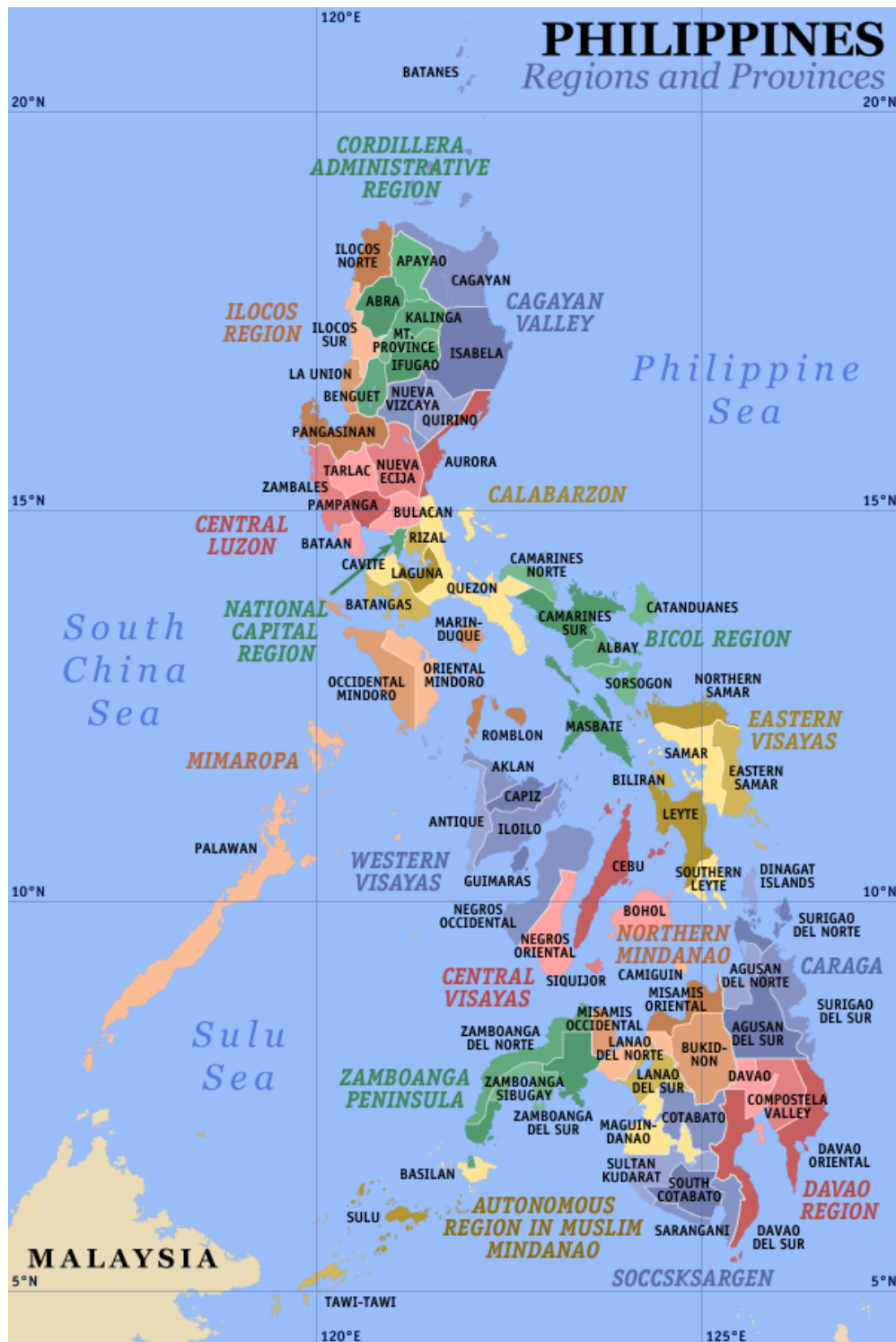


Figure 1 Map of the Philippines showing the different regions (17) and provinces (80); also the location of the Bangsamoro region identified here as the Autonomous Region of Muslim Mindanao (ARMM); and the location of Cotabato in Mindanao.

<u>17 regions in the Philippines</u>		
<u>Region</u>	<u>Designation</u>	<u>Regional center</u>
<u>Ilocos Region</u>	Region I	<u>San Fernando, La Union</u>
<u>Cagayan Valley</u>	Region II	<u>Tuguegarao, Cagayan</u>
<u>Central Luzon</u>	Region III	<u>San Fernando, Pampanga</u>
<u>CALABARZON</u>	Region IV-A	<u>Calamba, Laguna</u>
<u>MIMAROPA</u>	Region IV-B	<u>Calapan, Oriental Mindoro</u>
<u>Bicol Region</u>	Region V	<u>Legazpi, Albay</u>
<u>Western Visayas</u>	Region VI	<u>Iloilo City</u>
<u>Central Visayas</u>	Region VII	<u>Cebu City</u>
<u>Eastern Visayas</u>	Region VIII	<u>Tacloban</u>
<u>Zamboanga Peninsula</u>	Region IX	<u>Pagadian</u>
<u>Northern Mindanao</u>	Region X	<u>Cagayan de Oro</u>
<u>Davao Region</u>	Region XI	<u>Davao City</u>
<u>SOCCSKSARGEN</u>	Region XII	<u>Koronadal, South Cotabato</u>
<u>Caraga</u>	Region XIII	<u>Butuan</u>
<u>Autonomous Region in Muslim Mindanao</u>	ARMM	<u>Cotabato City</u>
<u>Cordillera Administrative Region</u>	CAR	<u>Baguio</u>
<u>National Capital Region</u>	NCR	<u>Manila</u>

Figure 2 the 17 regions in the Philippines.



Figure 3: Map of the Bangsamoro Region or the Autonomous Region of Muslim Mindanao: Cotabato City, Basilan (excluding Isabela City), Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi.



Figure 4: Map showing Cotabato City.



Figure 5: Map showing Luzon, Visayas and Mindanao.



Figure 6 map showing the Iberian Peninsula.



Figure 7 Map showing city of Manila.



Figure 8 Location of Lamitan in Islands of Basilan, Mindanao. Al Barka is just below Lamitan.



Figure 9 Map of Metro Manila showing the Pasig River.

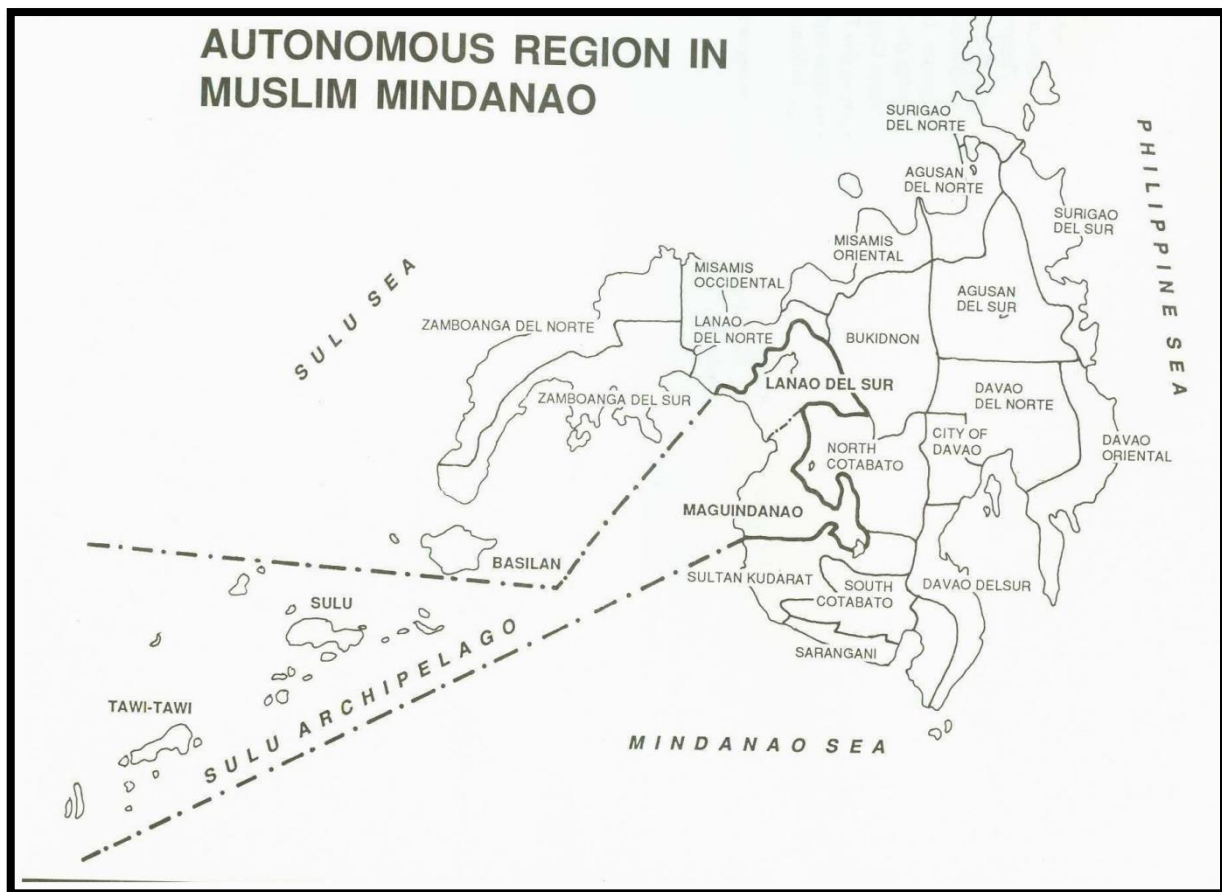


Figure 10 Autonomous Region Of Muslim Mindanao.

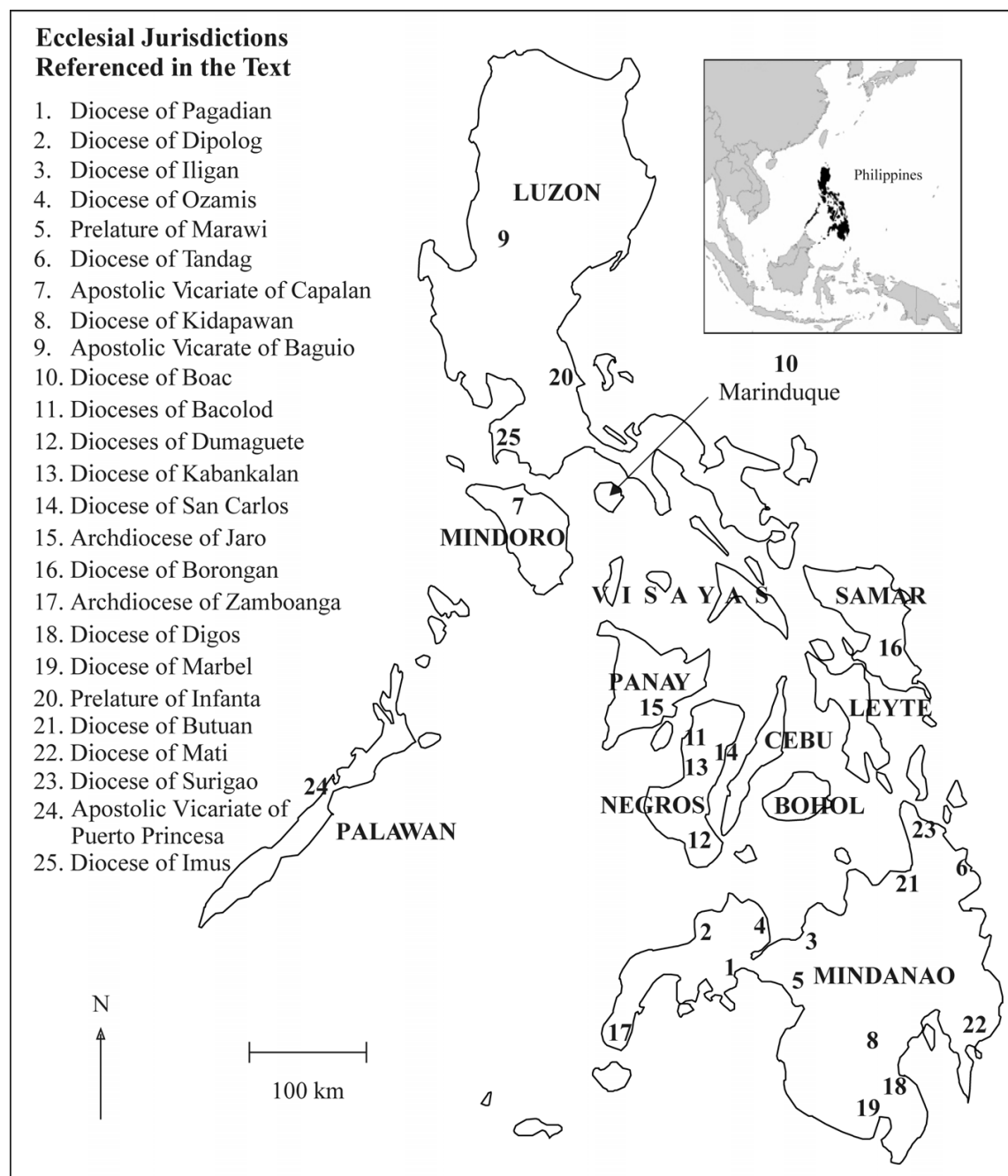


Figure 11 map of Catholic Diocese in the Philippines.



Figure 12 location of Sultan Kudarat.



Figure 13 map of Mindanao, Sulo and Palawan.

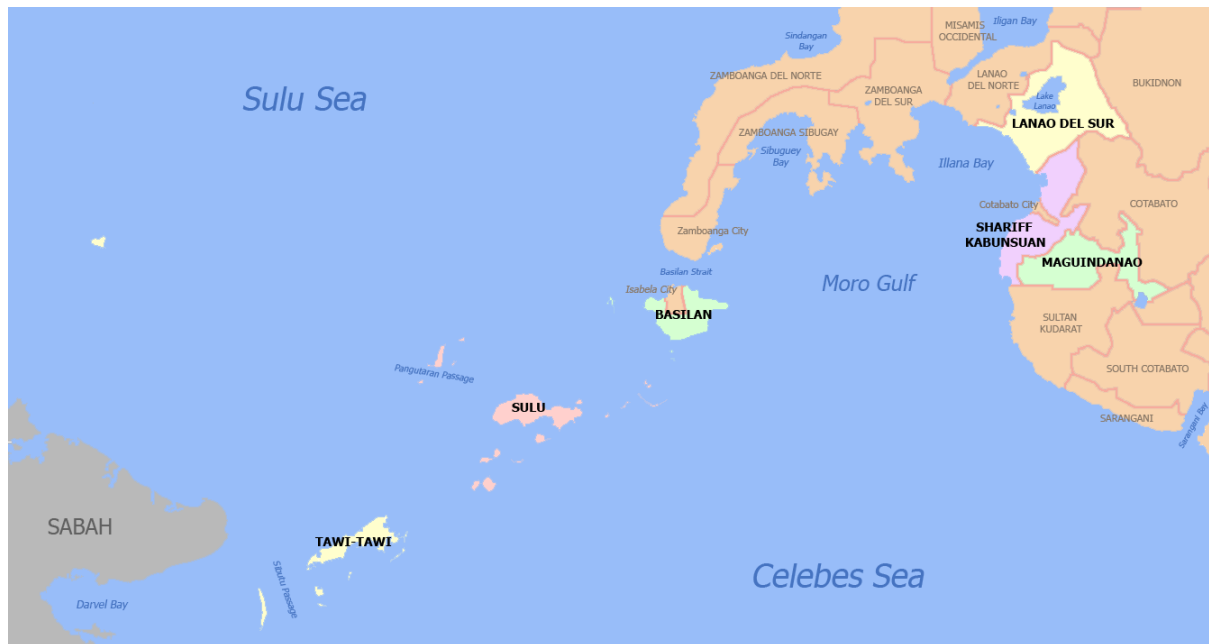


Figure 14 map of ARMM and Lanao del Sur and Lanao del Norte.

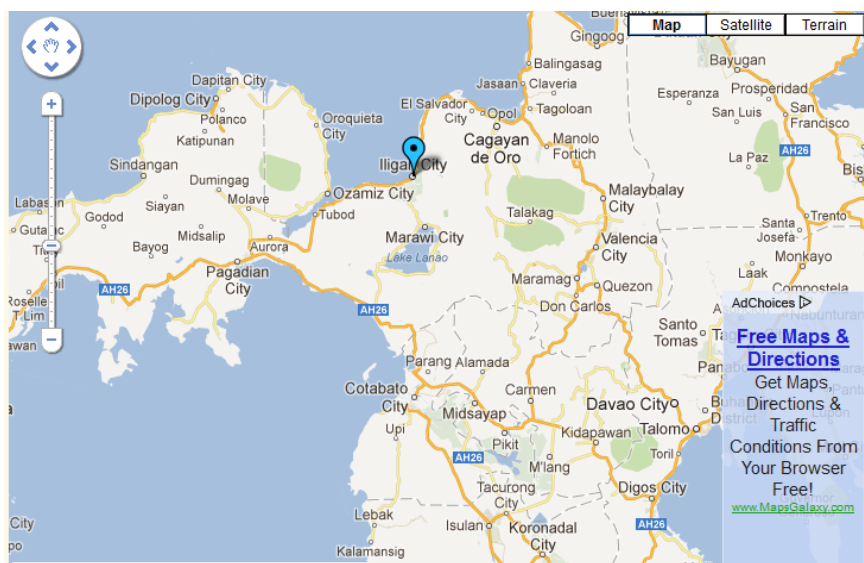


Figure 15 Map showing Iligan City in Mindanao. Source: Google maps.



Source: Map Resources. Adapted by CRS. (K.Yancey 4/15/04)

Figure 16 Philippine map showing capital city Manila and Cebu city.



Figure 17 Philippine map showing where Quezon City is located.



Figure 138 map of England

Appendices:

A: The MNLF-Philippines Tripoli Agreement of 1976

In the Name of God, the Omnipotent, the Merciful.

Agreement Between the Government of the Republic of the Philippines and Moro National Liberation Front with the Participation of the Quadripartite Ministerial Commission Members of the Islamic Conference and the Secretary General of the organization of Islamic Conference.

In accordance with the Resolution No. 4 Para. 5 adopted by the Council of Ministers of the Islamic conference in its Fourth Session held in Benghazi, Libyan Arab Republic during the month of Safar 1393 H. corresponding to March 1973, calling for the formation of Quadripartite Ministerial Commission representing the Libyan Arab Republic, the Kingdom of Saudi Arabia, the Republic of Senegal and the Republic of Somalia, to [enter](#) into discussions with the Government of the Republic of the Philippines concerning the situation of the Muslims in the South of the Philippines.

And in accordance with the Resolution No. (18) adopted by the Islamic conference held in Kuala Lumpur, Malaysia in Jumada Alakhir 1393 H. corresponding to June 1974 A.D. which recommends the searching for a just and peaceful political solution to the problem of the Muslims in the South of the Philippines through the negotiations.

And in accordance with the Resolution No. 12/7/S adopted by the Islamic conference held in Istanbul in Jumada El-Ula 1396 H. corresponding to May 1976 A.D. empowering the Quadripartite Ministerial Commission and the Secretary General of the Islamic Conference to take the necessary steps for the resumption of negotiations.

And following the [task](#) undertaken by the Quadripartite Ministerial Commission and the Secretary General of the Islamic Conference and the discussions held with H.E. President Marcos, President of the Republic of the Philippines.

And in realization of the contents of Para. 6 of the Joint Communiqué issued in Tripoli on the 25th Zulgeda 1396 H. corresponding to 17th November 1976 A.D. following the official visit paid by the delegation of the Government of the Philippines headed by the First Lady of the Philippines, Mrs. Imelda R. Marcos, to the Libyan Arab Republic and which calls for the resumption of negotiations between the two parties concerned in Tripoli on the 15th of December 1976 A.D.

Negotiations were held in the City of Tripoli during the period between 24th Zulhija 1396 H. to Second to Moharram 1397 H. corresponding to the period from 15th to 23rd December 1976 A.D. at the Ministry of Foreign Affairs presided over by Dr. Ali Abdussalam Treki, Minister of State for Foreign Affairs of the Libyan Arab Republic, and comprising of the

Delegations of:

1. Government of the Republic of the Philippines, led by Honorable Carmelo Z. Barbero, Undersecretary of National Defense for Civilian Relations.

2. Moro National Liberation Front, led by Mr. Nur Misuari Chief of the Front.
And with the participation of the representatives of the Quadripartite Ministerial Commission:

The Libyan Arab Republic - represented by Dr. Ali Abdussalam Treki, Minister of State for Foreign Affairs.

The Kingdom of Saudi Arabia - H.E. Salah Abdalla El-Fadl, Ambassador of the Kingdom of Saudi Arabia, Libyan Arab Republic.

The Republic of Senegal - Mr. Abubakar Othman Si, Representative of the Republic of Senegal and Charge d'Affairs of Senegal in Cairo.

Democratic Republic of Somalia, Libyan Arab Republic.

With the aid of H.E. Dr. Amadou Karim Gaye, Secretary General of the organization of Islamic Conference, and a delegation from the Secretariat General of the Conference composed of Mr. Qasim Zuheri, Assistant Secretary General, and Mr. Aref Ben Musa, Director of Political Department.

During these negotiations which were marked by a spirit of conciliation and understanding, it has been agreed on the following:

First: The establishment of Autonomy in the Southern Philippines within the realm of the sovereignty and territorial integrity of the Republic of the Philippines.

Second: The areas of the autonomy for the Muslims in the Southern Philippines shall comprise the following:

1. Basilan
2. Sulu
3. Tawi-tawi
4. Zamboanga del Sur
5. Zamboanga del Norte
6. North Cotabato
7. Maguindanao
8. Sultan Kudarat
9. Lanao del Norte
10. Lanao del Sur
11. Davao del Sur
12. South Cotabato

13. Palawan

Third:

1. Foreign Policy shall be of the competence of the Central Government of the Philippines.
2. The National Defense Affairs shall be the concern of the Central Authority provided that the arrangements for the joining of the forces of the Moro National Liberation Front with the Philippine Armed Forces be discussed later.
3. In the areas of the autonomy, the Muslims shall have the right to set up their own Courts which implement the Islamic Shari'ah laws. The Muslims shall be represented in all Courts including the Supreme Court. The representation of the Muslims in the Supreme Court shall be upon the recommendation from the authorities of the Autonomy and the Supreme Court. Decrees will be issued by the President of the Republic of their appointments taking into consideration all necessary qualifications of the candidates.
4. Authorities of the autonomy in the South of the Philippines shall have the right to set up schools, colleges and universities, provided that matters pertaining to the relationship between these educational and scientific organs and the general education system in the state shall be subject of discussion later on.
5. The Muslims shall have their own administrative system in compliance with the objectives of the autonomy and its institutions. The relationship between this administrative system and the Central administrative system to be discussed later.
6. The authorities of the autonomy in the South of the Philippines shall have their own economic and financial system. The relationship between this system and the Central economic and financial system of the State shall be discussed later.
7. The authorities of the autonomy in the South of the Philippines shall enjoy the right of representation and participation in the Central Government and in all other organs of the State. The number of representatives and ways of participation shall be fixed later.
8. Special Regional Security Forces are to be set up in the area of the Autonomy for the Muslims in the South of the Philippines. The relationship between these forces and the Central security forces shall be fixed later.
9. A Legislative Assembly and an Executive Council shall be formed in the areas of the Autonomy for the Muslims. The setting up of the Legislative Assembly shall be constituted through a direct election, and the formation of the Executive Council shall take place through appointments by the Legislative Assembly. A decree for their formation shall be enacted by the President of the Republic respectively. The number of members of each assembly shall be determined later on.

10. Mines and mineral resources fall within the competence of the Central Government, and a reasonable percentage deriving from the revenues of the mines and minerals be fixed for the benefit of the areas of the autonomy.

11. A Mixed Committee shall be composed of representatives of the Central Government of the Republic of the Philippines and the representatives of the Moro National Liberation Front. The Mixed Committee shall meet in Tripoli during the period from the Fifth of February to a date not later than the Third of March 1977. The task of said Committee shall be charged to study in detail the points left for discussion in order to reach a solution thereof in conformity with the provisions of this agreement.

12. ceasefire shall be declared immediately after the signature of this agreement, provided that its coming into effect should not exceed the 20th January 1977. A Joint Committee shall be composed of the two parties with the help of the organization of the Islamic Conference represented by the Quadripartite Ministerial Commission to supervise the implementation of the ceasefire. The said Joint Committee shall also be charged with supervising the following:

a. A complete amnesty in the areas of the autonomy and the renunciation of all legal claims and codes resulting from events which took place in the South of the Philippines.

b. The release of all the political prisoners who had relations with the events in the South of the Philippines.

c. The return of all refugees who have abandoned their areas in the South of the Philippines.

d. To guarantee the freedom of movements and meetings.

13. A joint meeting be held in Jeddah during the first week of the month of March 1977 to initial what has been concluded by the Committee referred to in Para. 11.

14. The final agreement concerning the setting up of the autonomy referred to in the first and second paragraphs shall be signed in the City of Manila, Republic of the Philippines, between the Government of the Philippines and Moro National Liberation Front, and the Islamic Conference represented by the Quadripartite Ministerial Commission and the Secretary General of the organization of Islamic Conference.

15. Immediately after the signature of the Agreement in Manila, a Provisional Government shall be established in the areas of the autonomy to be appointed by the President of the Philippines; and be charged with the task of preparing for the elections of the Legislative Assembly in the territories of the Autonomy; and administer the areas in accordance with the provisions of this agreement until a Government is formed by the elected Legislative Assembly.

16. The Government of the Philippines shall take all necessary constitutional processes for the implementation of the entire Agreement.

Fourth: This Agreement shall come into force with effect from the date of its signature.

Done in the City of Tripoli on 2nd Muharram 1397 H. corresponding to 23rd December 1976 A.D. in three original copies in Arabic, English, French languages, all equal in legal power.

For the Government of the Republic of the Philippines:

Hon. Carmelo Z. Barbero Undersecretary of National Defense for Civilian Relations

For the Moro National Liberation Front:

Professor Nur Misuari Chairman of the Front

Dr. Ali Abdusaalam Treki Minister of State for Foreign Affairs, Libyan Arab Republic and Chairman of the Negotiations

Dr. Amadou Karim Gaye Secretary General of the organization of the Islamic Conference

B: MNLF-Philippines Final Peace Agreement of 1996

In The Name of God, The Omnipotent, The Merciful

The final agreement on the implementation of the 1976 Tripoli Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF) with the participation of the organization of Islamic Conference Ministerial Committee of Six and the Secretary General of the organization of Islamic Conference.

Whereas, the President of the Republic of the Philippines, His Excellency Fidel V. Ramos, has pursued a peaceful settlement of the armed conflict under the principle of peace with honor and to serve the paramount ends of national unity, solidarity and progress for all Filipinos;

Whereas, the MNLF, led by Professor Nur Misuari, inspired by their quest for peace and prosperity, had in the past asserted the right of the Moro people to freely determine their political status and freely pursue their religious, social, economic and cultural development;

Whereas, the organization of Islamic Conference (OIC), upon the request of the GRP initiated the First Formal Peace Talks between the GRP and the MNLF during its Third Ministerial Conference in Jeddah, Kingdom of Saudi Arabia, which resulted in the signing of the Tripoli Agreement on December 23, 1976, the [document](#) which served as a basis for a just, lasting, honorable and comprehensive solution to the problem in Southern Philippines within the framework of the Philippine Constitution;

Whereas, by the Grace of the Almighty God and [owing](#) to the bold and innovative initiative of the Philippine Government, under H.E. President Fidel V. Ramos, and the dedication and perseverance of his duly appointed representatives, headed by the Presidential Adviser for the Peace Process Manuel T. Yan, coupled with the highly positive and laudable response of the MNLF leadership under its founding Chairman, H.E. Professor Nur Misuari, a peace process has been conducted and pursued successfully for the last four (4) years, with the most constructive and beneficial participation of the OIC Ministerial Committee of the Six, headed by its distinguished Chairman, H.E. Ali Alatas, Minister of Foreign Affairs of Indonesia, and his four (4) able assistants as facilitators of the talks, namely: H.E. Ambassador S. Wiryono, H.E. Dr. Hassan Wirajuda, H.E. Ambassador Pieter Damanik, and H.E. Ambassador Abu Hartono, and the OIC Secretary General, H.E. Hamid Algabid, and his deputy, H.E. Ambassador Mohammed Mohsin, and with special mention to Libyan Ambassador, H.E. Rajab Azzarouq;

Whereas, the parties acknowledge the valuable role of the organization of Islamic Conference (OIC) in promoting and upholding the rights, welfare and well-being of Muslims all over the world;

Whereas, the parties likewise, acknowledge the role of the OIC Ministerial Committee of the Six comprising the nations of Indonesia as Chair, Libya, Saudi Arabia, Bangladesh, Senegal

and Somalia in the search of a just, comprehensive and durable peace in Southern Philippines;

Whereas, in accordance with the Statement of Understanding signed in Tripoli, Libya on October 3, 1992 and the subsequent Statement of Understanding signed in Cipanas, West Java on April 14, 1993, the parties agreed, through the good offices of the Great Libyan Arab Jamahiriya, inspired and guided by its great leader, H.E. Colonel Muammar Gaddafi, the Government of the Republic of Indonesia under the wise and able leadership of H.E. Bapah President Suharto, and H.E. OIC Secretary General, Dr. Hamid Algabid, to hold formal peace talks to discuss the modalities for the full implementation of the 1976 Tripoli Agreement in letter and spirit; to include those portions of the Agreement left for further discussion and the transitional implementing structure and mechanism;

Whereas, the parties affirm their solemn commitment in the aforementioned Statement of Understanding as well as the Memorandum of Agreement signed in the 1st Round of Formal Peace Talks held in Jakarta, Indonesia on October 25 — November 7, 1993; the Interim Agreement signed in the 2nd Round of Formal Peace Talks held in Jakarta on September 1-5, 1994; the Interim Agreement signed in the 3rd Round of Formal Peace Talks held in Jakarta on November 27 — December 1, 1995; the Interim Agreement signed in the 4th Round of Formal Peace Talks held in Jakarta on August 29, 1996; and in the nine (9) meetings of the Mixed Committee held in various places and dates in the Philippines and Indonesia;

Whereas, all these agreements resulted from the consensus points reached by the Mixed Committee and the Support Committees (Support Committee No. 1 - National Defense and Security; Support Committee No. 2 - Education; Support Committee No. 3 - Economic and Financial System, Mines and Minerals; Support Committee No. 4 - Administrative System, Right of Representation and Participation in the National Government, and in all Organs of the State; Support Committee No. 5 - Shariah and the Judiciary; and the Ad Hoc Working Group on the Transitional Implementing Structure and Mechanism in meetings held in various places in the Philippines and Indonesia;

Whereas, the parties have rationalized and consolidated all the agreements and consensus points reached, with the assistance of the Mixed Committee and the various support committees established for the purpose, into a final peace agreement;

Whereas, the parties affirm the sovereignty, territorial integrity and the Constitution of the Republic of the Philippines; and

Whereas, this final peace agreement constitutes the full implementation of the Tripoli Agreement.

Now Therefore, the Parties do Hereby Agree on the Following:

I. Implementing Structure and Mechanism of this Agreement

Phase I shall cover a three (3) year period starting after the signing of the peace agreement with the issuance of Executive Order establishing the Special Zone of Peace and

Development (SZOPAD), the Southern Philippine Council for Peace and Development (SPCPD), and the Consultative Assembly. During this phase, the process of the joining in of MNLF elements with the Armed Forces of the Philippines will start. The joining in of MNLF elements with the PNP as part of the regular police recruitment programme will also take place in this phase.

Phase II shall involve an amendment to or repeal of the Organic Act (RA 6734) of the Autonomous Region in Muslim Mindanao (ARMM) through Congressional action, after which the amendatory law shall be submitted to the people of the concerned areas in a plebiscite to determine the establishment of a new autonomous government and the specific area of autonomy thereof.

a. While peace and development programs are being implemented in the SZOPAD, a bill to amend or repeal the RA 6734 shall be initiated within Phase I (1996-1997). The bill shall include the pertinent provisions of the final Peace Agreement and the expansion of the present ARMM area of autonomy. After a law shall have been passed by Congress and approved by the President, it shall be submitted to the people for approval in a plebiscite in the affected areas, within two (2) years from the establishment of the SPCPD (1998).

b. The new area of autonomy shall then be determined by the provinces and cities that will vote/choose to join the said autonomy (1998). It may be provided by the Congress in a law that clusters of contiguous Muslim-dominated municipalities voting in favor of autonomy be merged and constituted into a new province(s) which shall become part of the new Autonomous Region.

II. The Transitional Period (Phase I)

Phase I shall be implemented as follows:

There shall be established a Special Zone of Peace and Development in the Southern Philippines (SZOPAD) covering the provinces of Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao del Sur, South Cotabato, Sarangani and Palawan and the cities of Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Zamboanga and Puerto Princesa. Within the next three (3) years, these areas shall be the focus of intensive peace and development efforts. Public and private investments shall be channelled to these areas to spur economic activities and uplift the conditions of the people therein.

There shall be established a Southern Philippines Council for Peace and Development (SPCPD), composed of one (1) Chairman, one (1) Vice Chairman and three (3) Deputies, one each representing the Muslims, the Christians, and the Cultural Communities. They shall be appointed by the President.

The SPCPD shall be assisted by the Darul Iftah (advisory Council) which shall be created by the Chairman of the SPCPD.

The local government units in the area including the ARMM, shall continue to exist and exercise their functions in accordance with existing laws.

Appropriate agencies of the government that are engaged in peace and development activities in the area, such as but not limited to the Southern Philippines Development Authority (SPDA), shall be placed under the control and/or supervision of the Council as its implementing agencies to ensure that peace and development projects and programs are effectively accomplished. Based on the foregoing, the following agencies or entities will be placed under the control and/or supervision of the SPCPD, to wit

The Southern Philippines Development Authority (SPDA) may be attached to the SPCPD and be placed under the latter's direct supervision insofar as SPDA offices and projects in the SZOPAD are concerned. The SPCPD can exercise a further degree of control over SPDA by allowing the Council to submit recommendees to the President for appointment as officials of SPDA;

The Regional and Field Offices of the Office of Muslim Affairs (OMA) which are situated and operating within the Special Zone of Peace and Development (SZOPAD), shall be placed under the direct supervision of SPCPD, provided that the coordination, linkages and complementation between the central OMA and SPCPD shall be defined by a Presidential issuance;

The Regional and Field Offices of the Office of Southern Cultural Communities (OSCC) which are situated and operating within the Special Zone of Peace and Development (SZOPAD), shall be placed under the direct supervision of SPCPD, provided that the coordination, linkages and complementation between the central OSCC and SPCPD shall be defined by a Presidential issuance;

Task Force Basilan, which shall be reorganized into the Basilan Development Task Force, to undertake development activities in Basilan shall be placed under the control and supervision of SPCPD;

Task Force MALMAR, to be reorganized into the Central Mindanao Development Task Force, to undertake development activities in Central Mindanao shall be placed under the control and supervision of SPCPD;

Sulu Development Task Force — an interagency task force that shall be organized to undertake development projects in Sulu shall be placed under the control and supervision of SPCPD; and

Special Development Planning Group — this is an ad hoc body composed of staff officers and planning experts from the Department of Trade and Industry (DTI), the National Economic and Development Authority (NEDA), the Department of Public Works and Highways (DPWH) and other concerned agencies which could be organized to support directly the staff planning requirements, shall be placed under SPCPD.

The foregoing enumeration of agencies or entities shall not preclude the President from exercising his power or discretion to delegate, subject to existing laws, certain powers or functions to the SPCPD, or to place other agencies or entities under the control and/or supervision of the latter.

The SPCPD, in consultation with the Consultative Assembly, utilizing the funds from the National Government, shall monitor, promote and coordinate the development efforts in the area, including the attraction of foreign investment, specially from OIC member countries and the Association of South East Asian Nations (ASEAN).

The powers and functions of the SPCPD and the Consultative Assembly are derivative and extension of the powers of the President. The powers referred to here are only those powers of the President that could be delegated under the Constitution and existing laws.

There shall be established a Consultative Assembly with 81 members composed of the following:

- a. The Chairman of the SPCPD shall be the head and presiding officer of the Assembly;
- b. The Governor and the Vice Governor of the ARMM, the 14 Governors of the provinces and the 9 City Mayors in the SZOPAD;
- c. 44 members from the MNLF; and
- d. 11 members from various sectors recommended by non-governmental organizations (NGOs) and people's organizations (POs).

The Consultative Assembly shall exercise the following functions and powers:

- 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 OIC shall be requested to continue to extend its assistance and good offices in monitoring the full implementation of this agreement during the transitional period until the regular autonomous government is firmly established and for this purpose, help generate broad international support for the Zone of Peace and Development.

A Joint Monitoring Committee composed of members coming from the GRP and the MNLF, with the help of the OIC, shall continue to meet to review and identify agreements that can be immediately implemented, and monitor the implementation of this Agreement during Phase I.

The provisions of the 1994 and 1995 Interim Agreements and subsequent agreements entered into by the GRP and the MNLF that would not require legislative action shall be implemented during Phase I.

The funds for the operations of the Council and the Assembly shall be initially sourced from the funds of the Office of the President. Funding for development programs and projects shall come from the appropriations of Congress as may be drawn from the General Appropriations Act. A supplementary budget for the year 1996 will be recommended to Congress for the purpose.

The term of the SPCPD and the Consultative Assembly shall be for a period of three years and may be extended by the President upon recommendation of the Council itself.

The term of office of the SPCPD and the Assembly shall coincide with the three-year term of office of the officials of the Autonomous Region in Muslim Mindanao (ARMM) elected in 1996.

The powers and functions of the Council shall be as follows:

- a. To take charge in promoting, monitoring and coordinating the improvement of peace and order in the area;
- b. To focus on peace and development efforts more particularly in the depressed areas and cause the implementation of peace and development projects;
- c. To provide support to local government units as necessary;
- d. To exercise such other powers and functions necessary for the effective implementation of its mandate as may be delegated by the President;
- e. To assist in the preparation for the holding of elections, referenda or plebiscite and people's initiative in the area as may be duly deputized by the Commission on Elections (COMELEC);
- f. To cause the creation of such offices or instrumentalities as shall be necessary for the effective and efficient administration of the affairs of the areas. There shall be approval from the Office of the President for budgetary purposes.

The joining of the MNLF elements with the Philippine National Police (PNP) and the Provision of Security Protection for Certain Officials of the Southern Philippines Council for Peace and Development:

- a. During the transitional phase (Phase I), there shall be a program or process to allow the joining of MNLF elements into the PNP and to be part of the PNP in accordance with guidelines and procedures under existing laws. The Philippine Government shall allocate one thousand five hundred (1,500) PNP vacancies for this purpose to be filled up by MNLF elements during the transition period, and another two hundred fifty (250) items for special or auxiliary services.

b. The processing of MNLF elements will start upon the establishment of the Southern Philippines Council for Peace and Development (SPCPD). The police training programs to be undergone by the joining MNLF elements shall be as prescribed by existing laws and regulations, and shall be conducted by the PNP.

c. The concerned officials of the Council (e.g. the Chairman and his Deputies) shall be provided security and protective assistance by the national government, as the security situation warrants and as part of confidence-building measures. An AFP/PNP security detail shall be immediately and particularly assigned to the Council. This special AFP/PNP security detail shall be composed of former MNLF regulars who shall have been granted AFP or PNP appointments and duly integrated into the AFP or PNP. This security detail shall be of appropriate size in accordance with the needs of the situation, without prejudice to augmentation by regular AFP or PNP units as the need arises and in coordination with the AFP and PNP commanders concerned. This security detail which shall not be utilized for law enforcement, but solely for the security and protection of SPCPD officials concerned, shall conduct themselves in accordance with existing policies and regulations in order to prevent undue alarm to the population during movements of concerned officials.

d. To have good coordination between the AFP and PNP on the one hand and the SPCPD on the other, a liaison system will be set up composed of the AFP, PNP and SPCPD senior officials.

The joining of the MNLF forces with the Armed Forces of the Philippines (AFP):

a. Five thousand seven hundred fifty (5,750) MNLF members shall be integrated into the Armed Forces of the Philippines (AFP), 250 of whom shall be absorbed into the auxiliary services. The government shall exert utmost efforts to establish the necessary conditions that would ensure the eventual integration of the maximum number of the remaining MNLF forces into the Special Regional Security Force (SRSF) and other agencies and instrumentalities of the government. There shall be a special socioeconomic, cultural and educational program to cater to MNLF forces not absorbed into the AFP, PNP and the SRSF to prepare them and their families for productive endeavors, provide for educational, technical skills and livelihood training and give them priority for hiring in development projects.

b. In the beginning, the MNLF forces will join as units distinct from AFP units. They will be initially organized into separate units within a transition period, until such time that mutual confidence is developed as the members of these separate units will be gradually integrated into regular AFP units deployed in the area of the autonomy. Subject to existing laws, policies, rules and regulations, the appropriate authorities shall waive the requirements and qualifications for entry of MNLF forces into the AFP.

c. One from among the MNLF will assume the functions and responsibilities of a Deputy Commander of the Southern Command, AFP, for separate units that will be organized out of the MNLF forces joining the AFP. The Deputy Commander will assist the Commander of the Southern Command, AFP in the command, administration and control of such separate units

throughout the aforementioned transition period. The Deputy Commander will be given an appointment commensurate to his position and shall be addressed as such.

d. The government recognizes the skills, capabilities and achievements of the MNLF and its capacity to develop its members for the highest echelons of military and civilian leadership. The ranks and grades of MNLF forces joining AFP shall be subject to the decision of the President in his capacity as Commander-in-Chief of the AFP along the principles of universality, non-discrimination, equity and preferential treatment for the poor and underprivileged.

e. The government shall take affirmative measures to continually improve the capabilities of those MNLF forces joining the AFP to enhance their opportunities for professional advancement in the military service. It shall undertake initiatives to provide professional training and military schooling in foreign countries to former MNLF members absorbed into the AFP in consonance with the education and training programmes with the AFP.

f. All other matters regarding the joining of MNLF forces into the AFP not expressly covered by this Agreement shall be prescribed by the President in his capacity as Commander-in-Chief of the AFP.

III. The New Regional Autonomous Government (Phase II)

The following provisions shall be implemented after a law amending or repealing the Organic Act of ARMM shall have been enacted by Congress and approved by the people in the concerned areas in a plebiscite therefore. Accordingly, these provisions shall be recommended by the GRP to Congress for incorporation in the amendatory or repealing law.

A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government

Executive Council

Executive power shall be vested in the Head of the regular Autonomous Government duly elected at large by direct vote of the people of the Autonomous Region. There shall also be a Vice Head of the Regional Autonomous Government also elected in the same manner. The Head of the Regional Autonomous Government may appoint three (3) Deputies. The Head, the Vice-Head and the three (3) Deputies shall comprise the Executive Council of the area of Autonomy.

The President shall exercise general supervision over the Regional Autonomous Government and all local government units in the area of Autonomy through the Head of the Regional Autonomous Government to ensure that laws are faithfully executed. The Head of the Autonomous Government shall exercise general supervision over all local government units in the area of autonomy to ensure that national and regional laws are faithfully executed, and see to it that they act within their assigned powers and functions.

Legislative Assembly

Legislative power shall be vested in the Regional Legislative Assembly.

The Legislative Assembly shall be composed of members elected by popular vote, with three (3) members elected from each of the Congressional Districts.

There shall be sectoral representatives in the Legislative Assembly whose number shall not exceed fifteen percent (15%) of the total number of elected Members of the Legislative Assembly coming from the labor, disabled, industrial, indigenous cultural communities, youth, women, non-government organizations, agricultural, and such other sectors as may be provided by Regional Law to be appointed by the Head of the Autonomous Government from among the nominees of the different sectoral groups; provided, however, that the youth representative shall not be less than 18 years of age nor more than 21 years of age at the time of his appointment.

The people's initiative, by way of a plebiscite or referendum, is recognized.

The Regional Legislative Assembly shall exercise legislative power for application in the area of autonomy except on the following matters, to wit

- a. Foreign Affairs;
- b. National Defense and Security;
- c. Postal Service;
- d. Coinage, and Fiscal and Monetary Policies;
- e. Administration of Justice except on matters pertaining to Shari'ah;
- f. Quarantine;
- g. Customs and Tariff;
- h. Citizenship;
- i. Naturalization, Immigration and Deportation;
- j. General Auditing, Civil Service and Elections;
- k. Foreign Trade;
- l. Maritime, Land and Air Transportation and Communications that affect areas outside the autonomous region; and
- m. Patents, Trademarks, Tradenames and Copyrights.

The Legislative Assembly may create, divide, merge, abolish or substantially alter boundaries of local government units in the area of autonomy in accordance with the criteria laid down by law subject to approval by a majority of the votes cast in a plebiscite called for the purpose

in the political units affected. It may also change the names of such local government units, public places and institutions.

Any member of the Legislative Assembly who accepts an appointment and qualifies for any position in the Government, including government-owned-and/or-controlled corporations or institutions and their subsidiaries, shall automatically forfeit his seat in the Legislative Assembly.

No member of the Legislative Assembly may personally appear as counsel before courts of justice or quasi-judicial and other administrative bodies. Neither shall he directly or indirectly, be interested financially in any contract with, or in any franchise or privilege granted by, the Government or any subdivision, agency or instrumentality thereof, including any government-owned-and/or-controlled corporation or its subsidiary, during his term of office. He shall not intervene in any matter before any office of the government for his pecuniary benefit or where he may be called upon to act on account of his office.

In case of vacancy in the Legislative Assembly occurring at least one year before the expiration of the term of office, a special election shall be called to fill the vacancy in the manner prescribed by law; provided that the member elected shall serve for the unexpired term.

The Legislative Assembly shall elect from among its members a Speaker and such other officers as the rules may provide. The Speaker shall appoint the personnel of the administrative organization of the Legislative Assembly.

The powers, functions, responsibilities and structure of the different Departments, agencies, bureaus, offices and instrumentalities of the regional government including regional government-owned-and-controlled corporations in the areas of the autonomy shall be prescribed and defined by the Regional Legislative Assembly.

No person shall be elected member of the Legislative Assembly unless he/she is

- a. A natural-born citizen of the Philippines;
- b. At least 21 years of age on the day of elections;
- c. Able to read and write;
- d. A registered voter of the district in which he/she shall be elected on the day he/she files his/ her certificate of candidacy; and
- e. A resident thereof for a period of no less than five years immediately preceding the day of election.

Every member of the Legislative Assembly shall take an oath or affirmation of allegiance to the Republic of the Philippines before taking his/her seat.

The Legislative Assembly shall adopt its own rules of procedure by a majority vote of all its Members including the selection of members of its standing committees and the suspension or expulsion of its Members.

A majority of all the Members of the Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day-to-day and may compel the attendance of absent members in such manner, and under such penalties as the Assembly may provide.

The Legislative Assembly or any of its committees may conduct inquiries or public consultations in aid of legislation in accordance with its rules. The rights of persons appearing in or affected by such inquiries shall be respected.

The Legislative Assembly shall keep a Journal of its proceedings and a record of its caucuses and meetings. The records and books of account of the Assembly shall be preserved and be open to public scrutiny. The Commission on Audit shall publish an annual report of the itemized list of expenditures incurred by the Members of the Assembly within sixty (60) days from the end of every regular session.

The Speaker of the Legislative Assembly shall, within ten working days from approval thereof, submit to the President and to both Houses of Congress a certified true copy of all laws and resolutions approved by the Legislative Assembly.

No member shall be questioned or be held liable in any other place for any speech or debate in the Assembly or in any committee thereof.

The Chief Executive of the Autonomous Government shall approve the budget of the Autonomous Region. If, by the end of any fiscal year, the Legislative Assembly shall have failed to pass the regional appropriations bill for the ensuing fiscal year, the regional Appropriations Act for the preceding fiscal year shall be deemed automatically re-enacted and shall remain in force and effect until the regional appropriations bill is passed by the Legislative Assembly.

No provision or enactment shall be embraced in the regional appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.

The procedure in approving appropriations for the Legislative Assembly shall strictly follow the procedure for approving appropriations for other departments and agencies of the Regional Government.

A special appropriations bill shall specify the purpose for which it is intended, and shall be supported by funds actually available as certified by the Regional Treasurer, or to be raised by a corresponding revenue proposal therein.

Discretionary funds appropriated for particular offices shall be disturbed only for public purposes to be supported by appropriate vouchers and subject to such guidelines as may be prescribed by regional law.

All money collected on any regional tax levied for a special purpose shall be treated as a special fund and paid out for such special purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall accrue to the general funds of the regional government.

Trust funds shall only be paid out of the regional treasury upon fulfillment of the specific purpose for which said funds were created or received.

Except as provided by its rules, the Legislative Assembly shall meet in open session. Regular session shall commence on the 4th Monday of April and shall continue to be in session for such number of days as may be determined by the Assembly until thirty (30) days before the opening of its next regular session.

The Legislative Assembly shall meet in special sessions at the request of one-third ($1/3$) of all its Members or by call of the Chief Executive. Such special sessions must be convened with specific agenda.

No bill shall become a law unless it has passed three (3) readings on separate days and printed copies thereof in its final form have been distributed to its Members three (3) days before its passage, except when the Chief Executive certifies to the necessity of its immediate enactment to meet a public calamity or emergency.

Every bill passed by the Legislative Assembly shall, before it becomes a law, be presented to the Chief Executive. If he approves the same, he shall sign it, otherwise, he shall veto it and return it with his objections to the Legislative Assembly, which shall enter the objections at large in its journal and proceed to consider it. If, after such reconsideration, two-thirds ($2/3$) of all the Members of the Legislative Assembly shall agree to pass the bill, it shall become a law. In all such cases, the veto shall be determined by yeas and nays, and the names of the members voting for or against shall be entered in the journal. The Chief Executive shall communicate his veto of any bill to the Legislative Assembly within thirty (30) days after the receipt thereof; otherwise, it shall become a law as if he had signed it.

The Legislative Assembly may request the presence of the Chief Executive, Vice-Chief Executive, Cabinet members or their deputies, as the rules shall provide, for questioning on matters falling within the scope of their assigned powers and functions.

Subject to the rules of the Legislative Assembly, the legislative power to inquire on matters relating to the exercise of administrative functions by an agency of government within the Autonomous Region shall be in the form of written questions.

The Chief Executive shall submit to the Legislative Assembly not later than two (2) months before the beginning of every regular session, as the basis of the regional appropriations bill, a budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures.

The fiscal year of the Autonomous Region shall cover the period January 1 to December 31 of the same year.

The Legislative Assembly may not increase the appropriations recommended by the Chief Executive for the operation of the Autonomous Government as specified in the budget. The form, content and manner of preparation of the budget shall be prescribed by regional law; provided, however, that pending the enactment of such regional law, the budgeting process shall be governed by existing national laws and rules and regulations prescribed by the Department of Budget and Management.

The Chief Executive shall have the power to veto any particular item or items in an appropriation or revenue bill, but the veto shall not affect the item or items to which he does not object. The veto may be reconsidered by the Assembly by a vote of two thirds (2/3) of all its Members.

The financial accounts of the expenditures and revenues of the Autonomous Region shall be audited by the Commission on Audit.

No money shall be paid out of the Regional Treasury except in pursuance of an appropriation made by regional law.

No regional law shall be passed authorizing any transfer of appropriations; however, the Chief Executive, the Speaker of the Assembly, and the Presiding Justice of the highest Shariah Court may, by law, be authorized to augment any item in the Regional General Appropriation Law for their respective offices from savings in other items of their respective appropriations.

Administrative System

The Regional Autonomous Government shall have the power to enact its own Regional Administrative Code and Regional Local Government Code consistent with national laws and the Constitution provided that it shall not in any way diminish the powers and functions already enjoyed by Local Government Units.

Right of Representation and Participation in the National Government and in all Organs of the State

General Principles:

Representation in the National Government by the inhabitants of the Autonomous Region may be effected through appointment or elections and must be subject to standards and guidelines prescribed for the position. When representation is done by appointment, the inhabitants of the Autonomous Region will be appointed by the President of the Philippines to herein specified positions which are policy determining, highly technical, primarily confidential and supervisory upon recommendation by the Head of the Autonomous Government.

Right of representation shall not be construed in such a way that applicants from the Autonomous Region, especially Muslims, and Cultural Communities, for lower positions in the above organs of the government cannot be appointed anymore thereto.

Manner of Representation and Participation

Executive

It shall be policy of the National Government that there shall be at least one (1) member of the Cabinet (with the rank of Department Secretary) who is an inhabitant of the Autonomous Region to be recommended by the Head of the Autonomous Government.

It shall likewise be a policy that there shall be at least one (1) official in each of the departments and the constitutional bodies of the national government who shall be appointed in executive, primarily confidential, highly technical policy-determining positions, from among the inhabitants of the Autonomous Region upon recommendation by the Head of the Autonomous Government. The Head of the Autonomous Government shall participate as ex-officio member of the National Security Council on all matters concerning the Autonomous Region and such other matters as may be determined by the President.

Government-Owned and Controlled Corporations (GOCCs) or institutions and their subsidiaries in the area of autonomy: where Government-Owned and Controlled Corporations (GOCCs) are operating mainly or with a subsidiary in the area of autonomy, as a policy, the Regional Autonomous Government shall be given some representations in the Board of Directors or in the policy-making body of said GOCCs or their subsidiaries consistent with their respective charters.

Legislative

It shall be the policy of the National Government that the Regional Autonomous Government shall have one (1) representative in Congress as a Sectoral Representative. This is aside from the representatives/congressmen elected from the congressional districts located in the autonomous region.

Judicial

It shall be a policy of the National Government that at least one (1) justice in the Supreme Court and at least two (2) in the Court of Appeals shall come from the Autonomous Region. For this purpose, the Head of the Autonomous Government may submit the names of his recommendees to the Judicial and Bar Council for consideration. This is without prejudice to the appointment of qualified inhabitants of the Autonomous Region to other positions in the judiciary in accordance with their merits and qualifications.

The GRP shall endeavour to cause the appointment, as a member of the Judicial and Bar Council, a qualified person to be recommended by the Head of the Regional Autonomous Government.

The GRP shall request the Supreme Court to create the Office of the Deputy Court Administrator for the Area of Autonomy, and to appoint thereto a qualified person recommended by the Head of the Regional Autonomous Government.

Civil Service Eligibilities

The civil service eligibility requirements for appointment to government position shall be applicable in the Autonomous Government. As necessary, the Civil Service Commission shall hold special civil service examinations in the region to further increase the number of eligibles therein. For a period not longer than five (5) years from the establishment of the Regional Autonomous Government, the GRP will endeavour to provide for appropriate civil service eligibility to applicants in the Autonomous Region, provided, the minimum educational qualifications for the position are met.

B. The Establishment of the Special Regional Security Force for the Autonomous Region (Phase II of the Implementation of the Tripoli Agreement)

General Principles

When the new regular Autonomous Regional Government shall have been established, there shall be created or constituted a PNP Regional Command for the new Autonomous Region, which shall be the Special Regional Security Forces (SRSF) as referred to in Paragraph 8, Article III of the Tripoli Agreement.

The Regional Legislative Assembly may enact laws governing the PNP Regional Command for the Autonomous Region/SRSF consistent with the constitutional provision that there shall be one police force in the country which is national in scope and civilian in character.

The PNP Regional Command for the Autonomous Region/SRSF shall be composed of the existing PNP units in the area of autonomy, the MNLF elements and other residents of the area who may later on be recruited into the force.

The powers and functions of the PNP Regional Command for the Autonomous Region/SRSF, which shall be exercised within the territories covered by the Regional Autonomous Government (RAG), shall be the following:

- a. Enforce all laws and ordinances relative to the protection of lives and properties;
- b. Maintain peace and order and take all necessary steps to ensure public safety;
- c. Investigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution;
- d. Exercise the general powers to make arrest, search and seizure in accordance with the Constitution and pertinent laws;
- e. Detain and arrest a person for a period not beyond what is prescribed by law, informing the person so detained of all his rights under the Constitution and observing the inherent human rights of the citizens; and
- f. Perform such other duties and exercise all other functions as may be provided by law.

The PNP Regional Command for the Autonomous Region/SRSF shall be charged with the maintenance and preservation of peace, law and order, and protection of life, liberty and property in the region in consonance with the Constitution.

Organization of the PNP Regional Command for the Autonomous Region/SRSF

It shall be civilian in nature or character.

It shall be regional in scope of operations.

It shall be headed by a Regional Director who shall be assisted by two (2) Deputies, one (1) for Administration and one (1) for Operations.

It shall have regional, provincial, and city or municipal offices.

At the provincial level, there shall be a provincial office, headed by a Provincial Director.

At the city or municipal level, there shall be an office/station which shall be headed by a Chief of Police.

Powers of the Head of the Regional Autonomous Government over the PNP Regional Command for the Autonomous Region/SRSF

Act as the Deputy of the National Police Commission (NAPOLCOM) in the region and shall be the ex-officio Chairman of the Regional Police Commission (REPOLCOM).

Exercise operational control and general supervision and disciplinary powers.

Employ/deploy the elements of the Regional Command through the Regional Director.

Assign/reassign officers and other personnel through the Regional Director.

Recommend to the President the appointment of the Regional Director and his two (2) Deputies.

Oversee the preparation and implementation of the integrated regional public safety plan.

Impose, after due notice and summary hearings of citizen's complaints, administrative penalties on personnel of the Regional Command except Presidential Appointees.

Creation of the Regional Police Commission

There shall be created a Regional Police Commission (REPOLCOM) by the Regional Legislative Assembly consistent with the Constitution.

The REPOLCOM shall be under the supervision of the NAPOLCOM.

The Chairman of REPOLCOM shall be an ex-officio Commissioner of the NAPOLCOM.

C. Education

The Integrated System of Education

The Regional Autonomous Government shall have an educational component comprising of existing schools, colleges and universities in the present area of autonomy and such other schools and institutions in the future expanded area of autonomy, with the possible inclusion of state universities and colleges (SUCs) to be decided later on. The relationship of the Regional Autonomous Government educational body with the national educational system shall be that of a system and sub-system with emphasis on the autonomy of the sub-system. In the event that SUCs should be included as part of the educational component of the Regional Autonomous Government, the autonomous government recognizes the fiscal autonomy and academic freedom of the SUCs as mandated by their respective charters.

The Regional Autonomous Government educational system shall, among others, perpetuate Filipino and Islamic ideals and aspirations, Islamic values and orientations of the Bangsamoro people. It shall develop the total spiritual, intellectual, social, cultural, scientific and physical aspects of the Bangsamoro people to make them God-fearing, productive, patriotic citizens, conscious of their Filipino and Islamic values and Islamic cultural heritage under the aegis of a just and equitable society.

The Structure of Education System

The elementary level shall follow the basic national structure and shall primarily be concerned with providing basic education; the secondary level will correspond to four (4) years of high school, and the tertiary level shall be one year to three (3) years for non-degree courses and four (4) to eight (8) years for degree courses, as the case may be in accordance with existing laws.

Curriculum

The Regional Autonomous Government educational system will adopt the basic core courses for all Filipino children as well as the minimum required learnings and orientations provided by the national government, including the subject areas and their daily time allotment. Teaching materials and curriculum contents shall promote solidarity, unity in diversity, Filipino and Islamic values.

The addition of more required learnings and instructional materials shall be the prerogative and responsibility of the Autonomous Government.

The minimum requirements and standards prescribed by Department of Education Culture and Sports (DECS), Commission on Higher Education (CHED) and Technical Education and Skills Development Authority (TESDA) will be followed by the Autonomous Region.

The same textbooks of the National Government will be used by schools in the Autonomous Region. The formulation, shaping and revision of textbooks are the responsibilities of the Regional Autonomous Government and the National Government and within agreed norms,

academic freedom and relevant legal limits, the formulation and revisions shall emphasize Islamic values or orientation, in addition to Filipino values which include Christian values and values of indigenous people, modern sciences and technology as well as the latest educational thrusts. Having adopted the core curriculum of the national government in consideration of achieving the highest quality of education, students and graduates of the education system of the Autonomous Region shall be fully accredited when they transfer to non autonomous regions.

The integration of Islamic Values in the curriculum should be done gradually after researches and studies are conducted.

The teachings of Islamic Values, as well as Filipino values, shall be incorporated in Good Manners and Right Conduct in appropriate grade levels including the tertiary level subject to agreed norms, academic freedom, and legal limitations.

Muslim culture, mores, customs and traditions which are mainly based on Islam, as well as the cultures, mores, customs, and traditions of Christians and indigenous people, shall be preserved through the regular public and special schools in the Autonomous Region, considering that schools are perpetuating vehicles of the values of the people.

Administration of Educational System

The management and control, and supervision of the entire educational system in the area of autonomy shall be the primary concern of the Regional Autonomous Government, consistent with the declared policies of national educational bodies. The national education bodies shall monitor compliance by the regional educational system with national educational policies, standards and regulations in collaboration with the educational authorities of the autonomous region. The head of the educational system of the Regional Autonomous Government shall have the right to participate in policy and decision making activities of the national educational bodies.

The Regional Autonomous Government shall be represented in the Board of SUCs in the region as co-chairman or at least, co-vice-chairman, as may be provided by law. Appointment to SUC Boards shall be made by the President of the Philippines.

The Regional Autonomous Government will be responsible for specific administrative, management functions and powers, educational supervision and school administration, and regulation over private schools.

The organizational structure of the educational system in the autonomous region shall follow the basic structure of the national educational system. The Regional Legislative Assembly may add special structures, if necessary. It shall follow whatever organizations of the curricular years as found in the national set-up.

Locally funded programs will be the responsibility of the Regional Autonomous Government.

The selection, recruitment, appointment and promotion of teachers and employees shall be the responsibility of the Regional Autonomous Government in accordance with general qualification standard prescribed by the Civil Service Commission (CSC) provided that the Regional Autonomous Government can initiate regionally-defined standards which are not below national standards.

The selection, recruitment, appointment and promotion of elementary, secondary and tertiary education employees shall be the responsibility of the Regional Autonomous Government in accordance with general standards of the Civil Service Commission (CSC) and other recognized bodies.

Primary disciplinary authority over officials and employees of the Regional Autonomous Government will be the area of concern of the Regional Autonomous Government in accordance with Civil Service Commission (CSC) rules and regulations. Administrative sanctions deemed appropriate and reasonable as determined by the Civil Service Commission will be the area of concern of the Regional Autonomous Government.

Religious Instruction

Religious instruction in public schools should be optional, with the written consent of the parent/guardian, taught by the authorities of the religion to which the student belongs, and should not involved additional costs to the government in accordance with national policies.

Medium of Instruction

Filipino and English shall be the medium of instruction in the areas of the Autonomy; provided that Arabic shall be an auxiliary medium of instruction.

Regional languages may be used as auxiliary official languages in the region as well as auxiliary medium of instruction and communication.

Arabic shall be recognized as a medium of instruction in Madaris (schools) and other Islamic institutions.

Arabic shall be taught as a subject in all appropriate grade levels as presently required in the existing laws for Muslims, and optional, for non-Muslims.

Madrassa Education

Existing Madaris, including Madaris Ulya shall be under the Regional Autonomous Government educational system as presently organized in the area of autonomy.

Madaris teachers shall receive compensation out of the funds of the Regional Autonomous Government provided they are employed in the public schools.

Non-formal Education and Specialized Education

The Regional Autonomous Government educational system shall develop the full potentials of its human resources, respond positively to changing needs and conditions and needs of the environment, and institutionalize non-formal education.

The educational system shall respond positively and effectively to the changing needs and conditions of the times as well as regional and national needs of the environment through the proper use of the latest educational technology, development, planning, monitoring, evaluation, and appropriate and timely educational intervention as well as linkages with national and international institutions.

The Regional Autonomous Government educational system shall institutionalize non-formal education in scope and methodology, to include literacy, numeracy and intensive skills training of the youth and adult, to allow them to participate actively and productively in the mainstream of regional and national life.

Scholarship Grants and Assistance

Universities and colleges in the areas of autonomy may seek and receive overseas donations for educational purposes.

The Regional Autonomous Government educational system will handle, by administrative arrangement with the national DECS, CHED, and TESDA scholarship programs, both local and foreign, including those provided by the autonomous region pursuant to the provision of existing laws.

Disadvantaged but deserving students will be given financial assistance by the Regional Autonomous Government out of funds given by the national government for the purpose and from other sources of funds.

Funds for Education

Funds for education constituting the share of the Regional Autonomous Government as contained in the General Appropriations Act should be given directly to the Autonomous Government

D. The Economic and Financial System, Mines and Minerals

The Regional Autonomous Government in the area of autonomy shall establish its own Regional Economic and Development Planning Board chaired by the Head of Government in the area of autonomy. The Board shall prepare the economic development plans and programs of the Autonomous Government.

The pivotal role of banks and other financial institutions for development in the area of autonomy is recognized.

The Regional Autonomous Government in the area of autonomy has the power to promote tourism as a positive instrument for development provided that the diverse cultural heritage, moral and spiritual values of the people in the area of autonomy shall be strengthened and respected.

The Regional Autonomous Government in the area of autonomy shall have the power to grant incentives including tax holidays within the power and resources in the area of autonomy.

The Regional Autonomous Government in the area of autonomy advocates equal opportunities for all the inhabitants of the area of autonomy regardless of ethnic origin, culture, sex, creed and religion.

In enacting tax measures, the Regional Legislative Assembly shall observe the principle of uniformity and equity in taxation and shall not impose confiscatory taxes or fees of any kind.

The Regional Autonomous Government in the area of autonomy shall have the power to enact a Regional Tax Code and a regional Local Tax Code applicable to all local government units within the area of autonomy.

All corporations, partnerships or business entities directly engaged in business in the area of autonomy shall pay their corresponding taxes, fees, and charges in the province, city or municipality in the area of autonomy where the establishment is doing business.

All corporations, partnerships or business entities whose head offices are located outside the area of autonomy, but doing business within its territorial jurisdiction, either by using, exploiting, and utilizing the land, aquatic and all natural resources therein, shall pay their income taxes corresponding to their income realized from their business operation in the area of autonomy through the province, city or municipality where their branch offices are located. In case the business establishment has no branch in the area of autonomy, such business establishment shall pay through the city or municipality where its operation is located.

The Regional Autonomous Government in the area of autonomy as a corporate body, may contract domestic loans.

The Regional Autonomous Government recognizes the pivotal role played by banks and other financial institutions in the economic development of the area of autonomy. Toward this end, the Autonomous Government shall:

- a. Encourage the establishment of banks and bank branches in the area of autonomy;
- b. Encourage the entry and establishment of off-shore banking units of foreign banks in the area of autonomy.

The Regional Autonomous Government may accept foreign financial and economic grant for the development and welfare of the people in the region.

The Regional Autonomous Government may issue its own treasury bills, bonds, promissory notes, and other debt papers in consultation and coordination with the Bangko Sentral ng Pilipinas.

The Regional Autonomous Government may contract foreign loans within the purview of national laws and pertinent monetary and fiscal policies.

In the pursuit of the region's economic growth, development and welfare, the autonomous government shall have the right to formulate economic and financial policies and implement economic and financial programs, taking into account national laws and policies.

The Regional Autonomous Government in the area of autonomy shall encourage, promote and support the establishment of economic zones, industrial centers, and ports in strategic area and growth centers to attract local and foreign investments and business enterprise.

The Regional Autonomous Government in the area of autonomy shall undertake encourage, promote and support the establishment of economic zones and industrial centers. And, in order to attract local and foreign investments within the area of the zone and outside but within the area of autonomy, the government in the area of autonomy may grant incentives to investors as may be defined in an Autonomous Investment Act to be formulated by the Regional Legislative Assembly within one year from its organization.

The residents in the area of the autonomy shall have preferential rights over the exploration, development and utilization of natural resources in the area of autonomy respecting existing rights on the exploitation, exploration, development and utilization of natural resources.

The Regional Autonomous Government in the area of autonomy shall enjoy fiscal autonomy in budgeting its own revenue resources and block subsidies granted to it by the National Government and foreign donors. Budgeting includes planning, programming and disbursing of funds.

The National Government shall appropriate for the area of autonomy a sufficient amount and for a period (both to be determined later) for infrastructure projects which shall be based on a development plan duly approved by the Regional Autonomous Government taking into account national policies.

In the regulation of the exploration, utilization, development, protection of the natural resources inclusive of mines and minerals, except strategic minerals which will be defined later, the government in the area of autonomy shall enact rules and regulations and shall impose regulatory fees, taking into account national policies.

An Islamic Banking Unit shall be established in the Bangko Sentral ng Pilipinas which shall be staffed by qualified Islamic banking experts nominated by the Governor of the Regional Autonomous Government. The Governor of the Regional Autonomous Government shall nominate at least three (3) qualified persons from the area of autonomy, from which nomination the appointing authority shall appoint the Head of the Unit. The same procedure shall be observed as regards the rest of the positions in the Unit.

The Bangko Sentral ng Pilipinas shall have a Regional Office with full banking service in the capital of the government of the Autonomous Region to respond to the growing needs of the banking community in the area of autonomy which shall be established within one (1) year from the establishment of the Autonomous Government. The Governor of the Autonomous Government shall submit a list of qualified recommendees to the appointing authority from which the staff of the regional office may be chosen; provided that those staff who are now occupying and already appointed to positions in the regional office are considered as recommended by the Governor of the Regional Autonomous Government.

The Regional Autonomous Government shall establish a body in the area of autonomy with the same powers as the Philippine Economic Zone Authority (PEZA) consistent with the Special Economic Zone Act of 1995.

All current year collections of internal revenue taxes within the area of autonomy shall, for a period of five (5) years, be allotted for the Regional Autonomous Government (RAG) in the Annual General Appropriations Act; provided that:

- a. The Bureau of Internal Revenue (BIR) shall continue to collect such taxes and the BIR Collection Districts/Offices concerned shall retain such collections and remit the same to the RAG through an approved depository bank within thirty (30) days from the end of each quarter of the current year;
- b. Out of said internal revenue tax collections, fifty percent (50%) of the tax collected under Section 100 (Value-added tax on sale of goods), 102 (Value added tax on sale of services), 112 (Tax on persons exempt from value-added tax), 113 (Hotel, motels and others), and 114 (Caterers) of the National Internal Revenue Code (NIRC), as amended, in excess of the increase in collections for the immediately preceding year shall be shared by the RAG and the local government units (LGUs) within the area of autonomy as follows: (1) Twenty percent (20%) shall accrue to the city or municipality where such taxes are collected; and (2) Eighty percent (80%) shall accrue to the RAG. In all cases, the RAG shall remit to the LGUs their respective shares within sixty (60) days from the end of each quarter of the current year. Provided, however, that the provinces, cities, municipalities and barangays within the area of autonomy shall continue to receive their respective shares in the Internal Revenue Allotment (IRA), as provided for in Section 284 of the Local Government Code of 1991. Provided, finally, that the five-year (5) periods herein abovementioned may be extended upon mutual agreement of the National and Regional Autonomous Governments.

E. Shari'ah and Judiciary

The Regional Legislative Assembly of the area of autonomy shall establish Shari'ah Courts in accordance with the existing laws.

F. Totality Clause

This Peace Agreement, which is the full implementation of the 1976 Tripoli Agreement, embodies and constitutes the totality of all the agreements, covenant and understandings between the GRP and the MNLF respecting all the subject matters embodied herein. This Agreement supersedes and modifies all agreements, consensus, covenants, documents and communications not referred to or embodied in this Agreement or whose terms and conditions are otherwise inconsistent herewith. Any conflict in the interpretation of this Agreement shall be resolved in the light of the Philippine Constitution and existing laws.

G. Effectivity Clause

This Agreement shall take effect immediately upon the signing hereof by the parties, unless otherwise provided herein.

Done in the City of Manila on the 2nd day of September 1996.

For the GRP: H.E. Ambassador Manuel T. Yan
Chairman of the GRP Panel

For the MNLF: H.E. Professor Nur Misuari
Chairman of the MNLF Panel

With the participation of the OIC Ministerial Committee of the Six and the Secretary-General of the OIC

H.E. Mr. Ali Alatas
Minister for Foreign Affairs of the Republic of Indonesia/Chairman of the OIC Ministerial Committee of the Six

H.E. Dr. Hamid Al-Gabid
Secretary-General of the OIC

C: Philippines-MILF Memorandum of Agreement on Ancestral Domain

IN THE NAME OF GOD THE BENEFICENT, THE MERCIFUL

MEMORANDUM OF AGREEMENT ON THE ANCESTRAL DOMAIN ASPECT OF THE
GRP-MILF TRIPOLI AGREEMENT ON PEACE OF 2001

The Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) herein referred to as the 'Parties' to this Agreement,

TERMS OF REFERENCE:

The Agreement for General Cessation of Hostilities dated July 18, 1997 Between the GRP and the MILF, and its Implementing Administrative and Operational Guidelines;
The General Framework of Agreement of Intent Between the GRP and the MILF dated August 27, 1998;

The Agreement on the General Framework for the Resumption of Peace Talks Between the GRP and the MILF dated March 24, 2001;

The Tripoli Agreement on Peace Between the GRP and the MILF dated June 22, 2001;

The Tripoli Agreement Between the GRP and the Moro National Liberation Front (MNLF) dated December 23, 1976 and the Final Agreement on the Implementation of the 1976 Tripoli Agreement Between the GRP and the MNLF dated September 2, 1996;

Republic Act No. 6734, as amended by R.A. 9054, otherwise known as 'An Act to Strengthen and Expand the Autonomous Region in Muslim Mindanao (ARMM)';

ILO Convention No. 169, in correlation to the UN Declaration on the Rights of the Indigenous Peoples, and Republic Act No. 8371 otherwise known as the Indigenous Peoples Rights Act of 1997, the UN Charter, the UN Universal Declaration on Human Rights, International Humanitarian Law (IHL), and internationally recognized human rights instruments; and

Compact rights entrenchment emanating from the regime of dar-ul-mua'hada (or territory under compact) and dar-ul-sulh (or territory under peace agreement) that partakes the nature of a treaty device.

For the purpose of this Agreement, a 'treaty' is defined as any solemn agreement in writing that sets out understandings, obligations, and benefits for both parties which provides for a framework that elaborates the principles declared in the Agreement.

HAVE AGREED AND ACKNOWLEDGED AS FOLLOWS:

CONCEPTS AND PRINCIPLES:

It is the birthright of all Moros and all Indigenous peoples of Mindanao to identify themselves and be accepted as 'Bangsamoros'. The Bangsamoro people refers to those who are natives or original inhabitants of Mindanao and its adjacent islands including Palawan and the Sulu archipelago at the time of conquest or colonization and their descendants whether mixed or of full native blood. Spouses and their descendants are classified as Bangsamoro. The freedom of choice of the Indigenous people shall be respected.

It is essential to lay the foundation of the Bangsamoro homeland in order to address the Bangsamoro people's humanitarian and economic needs as well as their political aspirations. Such territorial jurisdictions and geographic areas being the natural wealth and patrimony represent the social, cultural and political identity and pride of all the Bangsamoro people. Ownership of the homeland is vested exclusively in them by virtue of their prior rights of occupation that had inhered in them as sizeable bodies of people, delimited by their ancestors since time immemorial, and being the first politically organized dominant occupants.

Both Parties acknowledge that ancestral domain does not form part of the public domain but encompasses ancestral, communal, and customary lands, maritime, fluvial and alluvial domains as well as all natural resources therein that have inured or vested ancestral rights on the basis of native title.

Ancestral domain and ancestral land refer to those held under claim of ownership, occupied or possessed, by themselves or through the ancestors of the Bangsamoro people, communally or individually since time immemorial continuously to the present, except when prevented by war, civil disturbance, force majeure, or other forms of possible usurpation or displacement by force, deceit, stealth, or as a consequence of government project or any other voluntary dealings entered into by the government and private individuals, corporate entities or institutions.

Both Parties acknowledge that the right to self-governance of the Bangsamoro people is rooted on ancestral territoriality exercised originally under the suzerain authority of their sultanates and the Pat a Pangampong ku Ranaw. The Moro sultanates were states or karajaan/kadatuan resembling a body politic endowed with all the elements of nation-state in the modern sense. As a domestic community distinct from the rest of the national communities, they have a definite historic homeland.

They are the 'First Nation' with defined territory and with a system of government having entered into treaties of amity and commerce with foreign nations. The Parties concede that the ultimate objective of entrenching the Bangsamoro homeland as a territorial space is to secure their identity and posterity, to protect their property rights and resources as well as to establish a system of governance suitable and acceptable to them as a distinct dominant

people.

Both Parties affirm their commitment to mutually respect the right to one's identity and the parity of esteem of everyone in the political community. The protection of civil rights and religious liberties of individuals underlie the basis of peace and justice of their totality of relationships.

Both Parties agree that the Bangsamoro Juridical Entity (BJE) shall have the authority and jurisdiction over the Ancestral Domain and Ancestral lands, including both alienable and non-alienable lands encompassed within their homeland and ancestral territory, as well as the delineation of ancestral domain/lands of the Bangsamoro people located therein.

Vested property rights upon the entrenchment of the BJE shall be recognized and respected subject to paragraph 9 of the strand on Resources.

TERRITORY:

The Bangsamoro homeland and historic territory refer to the land mass as well as the maritime, terrestrial, fluvial and alluvial domains, and the aerial domain, the atmospheric space above it, embracing the Mindanao-Sulu-Palawan geographic region. However, delimitations are contained in the agreed Schedules (Categories).

Toward this end, the Parties enter into the following stipulations:

The GRP and MILF as the Parties to this Agreement commit themselves to the full and mutual implementation of this framework agreement on territory with the aim of resolving outstanding issues that emanate from the consensus points on Ancestral Domain.

The Parties confirm their understanding that the mutual goal of reaching an agreement on Bangsamoro territory specific to mapping the outlying borders and the boundaries affecting local government units will lead to consolidation of the agreed texts on the Ancestral Domain Strands.

The Parties affirm that the core of the BJE shall constitute the present geographic area of the ARMM, including the municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan and Tangkal in the province of Lanao del Norte that voted for inclusion in the ARMM during the 2001 plebiscite.

Without derogating from the requirements of prior agreements, the Government stipulates to conduct and deliver, using all possible legal measures, within twelve (12) months following the signing of the MOA-AD, a plebiscite covering the areas as enumerated in the list and depicted in the map as Category A attached herein (the 'Annex'). The Annex constitutes an integral part of this framework agreement. Toward this end, the Parties shall endeavour to complete the negotiations and resolve all outstanding issues on the Comprehensive Compact within fifteen (15) months from the signing of the MOA-AD.

The areas covered by Category B are reflected on a map and list attached herein as agreed to by the Parties. Category B (the ‘Special Intervention Areas’) refers to conflict affected areas outside the BJE which shall be the subject of special socio-economic and cultural affirmative action implemented by the Central Government pending the conduct of a plebiscite not earlier than twenty-five (25) years from the signing of the Comprehensive Compact to determine the question of their accession to the BJE. The areas reflected are subject to further negotiations by the Parties. The Annex constitutes an integral part of this framework agreement.

Internal Waters: The BJE shall have jurisdiction over the management, conservation, development, protection, utilization and disposition of all natural resources, living and non-living, within its internal waters extending fifteen (15) kilometers from the coastline of the BJE area.

Territorial Waters:

(1) The territorial waters of the BJE shall stretch beyond the BJE internal waters up to the Republic of the Philippines (RP) baselines south east and south west of mainland Mindanao. Beyond the fifteen (15) kilometers internal waters, the Central Government and the BJE shall exercise joint jurisdiction, authority and management over areas and all natural resources, living and non-living contained therein. The details of such management of the Territorial Waters shall be provided in an agreement to be entered into by the Parties.

(2) The boundaries of the territorial waters shall stretch beyond the 15-km. BJE internal waters up to the Central Government’s baselines under existing laws. In the southern and eastern part of the BJE, it shall be demarcated by a line drawn from the Maguling Point, Palimbang, Province of Sultan Kudarat up to the straight baselines of the Philippines. On the northwestern part, it shall be demarcated by a line drawn from Little Sta. Cruz Island, Zamboanga City, up to Naris Point, Bataraza, Palawan. On the western part of Palawan, it shall be demarcated by a line drawn from the boundary of Bataraza and Rizal up to the straight baselines of the Philippines.

The final demarcation shall be determined by a joint technical body composed of duly-designated representatives of both Parties, in coordination with the appropriate Central Government agency in accordance with the above guidelines.

Sharing of Minerals on Territorial Waters: Consistent with paragraphs 5 and 6 of the provisions on Resources, all potential sources of energy, petroleum in situ, hydrocarbon, natural gas and other minerals, including deposits or fields found within the territorial waters, shall be shared between the Central Government and the BJE in favor of the latter through production sharing agreement or economic cooperation agreement.

Activities Allowed on Territorial Waters:

(1) The Parties shall have authority to carry out the following activities within the territorial waters:

(a) Exploration and utilization of the natural resources, whether living or non-living, within the territorial waters;(b) Establishment and use of artificial islands, installations and structures;(c) Marine scientific research;(d) Protection and the preservation of the marine environment;(e) Conservation of living resources;(f) Regulation of shipping and fishing activities;(g) Enforcement of police and safety measures, including interdiction of the entry and use of the waters by criminal elements and hot pursuit of suspected criminal elements;(h) Regulation and control of contraband and illegal entry of prohibited materials and substances, including smuggling; and(i) Such other measures as the Parties may otherwise mutually agree.

(2) Activities relating to exploration and utilization of non-living resources, as well as paragraphs (c) and (d) of the Authorized Activities will be carried out on a joint basis agreed by the Parties which may be in the form of production sharing agreements or joint development pacts.

Establishment of a Joint Commission:

(1) The Parties shall establish a Joint Commission, which shall elaborate the modalities for the implementation and the carrying out of the Authorized Activities and the measures adopted in cases of allegation of breach, and carry out any other functions which may be assigned to it by the Parties for the purpose of implementing the joint management of resources.

(2) The Joint Commission shall consist of one representative from each Party, who are assisted by advisers as may be needed. The conclusions of the Joint Commission shall be adopted by consensus and shall only be recommendatory in nature. Only when the conclusions of the Joint Commission are adopted by the Parties do they become binding on the Parties.

Demarcation and Status of Territorial Waters: The demarcation and status of the BJE territorial waters shall be finally determined together with the demarcation and final status of Category B territory of the BJE.

From and after entrenchment of compact rights over the Bangsamoro homeland and the territorial jurisdictions for associative governance shall likewise embrace those under proclamation for agricultural and human settlements intended for the Bangsamoro people, all alienable and disposable lands, pasture lands, timberlands together with all existing civil and military reservations, parks, old growth or natural forests declared as forest reserves, watersheds, mangroves, fishponds, wetlands, marshes, inland bodies of water; and all bays, straits and channels found within the BJE.

All territorial and geographic areas in Mindanao and its adjacent islands including Palawan, and the Sulu archipelago that have been declared recognized, and/or delineated as ancestral domain and ancestral land of the Bangsamoro people as their geographic areas, inclusive of settlements and reservations, may be formed or constituted into political subdivisions of the Bangsamoro territorial jurisdictions subject to the principles of equality of peoples and mutual respect and to the protection of civil, political, economic, and cultural rights in their respective jurisdictions.

For purposes of territorial delimitation, the Parties have agreed to the joint determination of geographic areas encompassed within the territorial borders of the Bangsamoro homeland and territory based on the technical maps and data submitted by both sides as provided above.

RESOURCES:

The BJE is empowered with authority and responsibility for the land use, development, conservation and disposition of the natural resources within the homeland. Upon entrenchment of the BJE, the land tenure and use of such resources and wealth must reinforce their economic self-sufficiency.

Among the purposes or measures to make progress more rapid are:

Entry into joint development, utilization, and exploitation of natural resources designed as commons or shared resources, which is tied up to the full setting of appropriate institution, particularly affecting strategic minerals;

Stimulation of local economy by a range of mechanism, in particular the need to address unemployment and improvement of living conditions for the population in the BJE;

Intensification of measures needed to uproot the cause of poverty in the BJE through responsible harnessing and development of its natural resources; and

Undertaking program review of public services, industrial or trade-related and agrarian-related issues in situations of different sectors of the society in the BJE, which acquire communal character deriving from the special nature of their industry.

The Bangsamoro People through their appropriate juridical entity shall, among others, exercise power or authority over the natural resources within its territorial jurisdiction:

To explore, exploit, use or utilize and develop their ancestral domain and ancestral lands within their territorial jurisdiction, inclusive of their right of occupation, possession, conservation, and exploitation of all natural resources found therein;

To conserve and protect the human and natural environment for their sustainable and beneficial enjoyment and their posterity;

To utilize, develop, and exploit its natural resources found in their ancestral domain or enter into a joint development, utilization, and exploitation of natural resources, specifically on strategic minerals, designed as commons or shared resources, which is tied up to the final setting of appropriate institution;

To revoke or grant forest concessions, timber license, contracts or agreements in the utilization and exploitation of natural resources designated as commons or shared resources, mechanisms for economic cooperation with respect to strategic minerals, falling within the territorial jurisdiction of the BJE;

To enact agrarian laws and programs suitable to the special circumstances of the Bangsamoro people prevailing in their ancestral lands within the established territorial boundaries of the Bangsamoro homeland and ancestral territory within the competence of the BJE; and
To use such natural resources and wealth to reinforce their economic self-sufficiency.

The BJE, and the Central Government agree on wealth-sharing based on a mutually agreed percentage ratio in favor of the BJE through an economic cooperation agreement or arrangement over the income and revenues that are derived from the exploration, exploitation, use and development of any resources for the benefit of the Bangsamoro people.

The BJE is free to enter into any economic cooperation and trade relations with foreign countries: provided, however, that such relationships and understandings do not include aggression against the Government of the Republic of the Philippines; provided, further that it shall remain the duty and obligation of the Central Government to take charge of external defense.

Without prejudice to the right of the Bangsamoro juridical entity to enter into agreement and environmental cooperation with any friendly country affecting its jurisdiction, it shall include:

The option to establish and open Bangsamoro trade missions in foreign countries with which it has economic cooperation agreements; and

The elements bearing in mind the mutual benefits derived from Philippine archipelagic status and security.

And, in furtherance thereto, the Central Government shall take necessary steps to ensure the BJE's participation in international meetings and events, e.g. ASEAN meetings and other specialized agencies of the United Nations. This shall entitle the BJE's participation in Philippine official missions and delegations that are engaged in the negotiation of border agreements or protocols for environmental protection, equitable sharing of incomes and revenues, in the areas of sea, seabed and inland seas or bodies of water adjacent to or between islands forming part of the ancestral domain, in addition to those of fishing rights.

Jurisdiction and control over, and the right of exploring for, exploiting, producing and obtaining all potential sources of energy, petroleum, in situ, fossil fuel, mineral oil and natural gas, whether onshore or offshore, is vested in the BJE as the party having control within its territorial jurisdiction, provided that in times of national emergency, when public interest so requires, the Central Government may, during the emergency, for a fixed period and under reasonable terms as may be agreed by both Parties, temporarily assume or direct the operations of such strategic resources.

The BJE take or profit split from total production shall be shared with the Central Government on a percentage ratio of 75:25 in favor of the BJE. All royalties, bonuses, taxes, charges, custom duties or imposts on natural resources and mineral resources shall be shared by the Parties on a percentage ratio of 75:25 in favor of the BJE.

The legitimate grievances of the Bangsamoro people arising from any unjust dispossession of their territorial and proprietary rights, customary land tenures, or their marginalization shall be acknowledged. Whenever restoration is no longer possible, the GRP shall take effective measures or adequate reparation collectively beneficial to the Bangsamoro people, in such quality, quantity and status to be determined mutually by both Parties.

All proclamations, issuances, policies, rules and guidelines declaring old growth or natural forests and all watersheds within the BJE as forest reserves shall continue to remain in force until otherwise modified, revised or superseded by subsequent policies, rules and regulations issued by the competent authority under the BJE.

Forest concessions, timber licenses, contracts or agreements, mining concessions, Mineral Production and Sharing Agreements (MPSA), Industrial Forest Management Agreements (IFMA), and other land tenure instruments of any kind or nature whatsoever granted by the Philippine Government including those issued by the present ARMM shall continue to operate from the date of formal entrenchment of the BJE unless otherwise expired, reviewed, modified and/or cancelled by the latter.

The Parties recognize an immediate need to establish a five-member BJE economic-expert mission (the ‘Mission’) bearing in mind that the functioning of the economy and the operation of institutions involve financial and other resource management as well as parallel or complementary means, by which the Bangsamoro Development Agency (BDA) will manage and administer resources acquired for the above purposes, especially in coordinating strategies and programs for cooperation in all fields.

The Mission acts as a link in the conduct of BJE’s associative parallel relationships and shall cooperate fully with all organizations involved in implementation of the peace settlement. It shall launch a plan and joint international appeal for the reparation and development of the conflict affected areas in Mindanao. Persons appointed thereto must be familiar with the specific economic, political and legal characteristics in the Mindanao-Sulu-Palawan region and must possess recognized competence, integrity, and high moral standing.

Cognizant that the Mission will benefit from international expertise, both the Central Government and the BJE hereby join the Third Party facilitator in inviting international funding institutions or equivalent entities for reconstruction and development to appoint two members and to designate one as the Chairman. The BJE shall designate one member as Co-Chairman.

The remaining two members shall each be designated by the Central Government and the BJE.

GOVERNANCE:

The recognition and peaceful resolution of the conflict must involve consultations with the Bangsamoro people free of any imposition in order to provide chances of success and open new formulas that permanently respond to the aspirations of the Bangsamoro people.

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

The Parties respect the freedom of choice of the indigenous peoples.

The Parties agree to invite a multinational third - party to observe and monitor the actual implementation of the comprehensive compact which will embody the details for the effective enforcement of this Agreement. The participation of the third – party shall not in any way affect the status of the relationship between the Central Government and the BJE.

The relationship between the Central Government and the BJE shall be associative characterized by shared authority and responsibility with a structure of governance based on executive, legislative, judicial and administrative institutions with defined powers and functions in the Comprehensive Compact. A period of transition shall be established in a Comprehensive Compact specifying the relationship between the Central Government and the BJE.

In the context of implementing prior and incremental agreements between the GRP and MILF, it is the joint understanding of the Parties that the term ‘entrenchment’ means, for the purposes of giving effect to this transitory provision, the creation of a process of institution building to exercise shared authority over territory and defined functions of associative character.

The modalities for the governance intended to settle the outstanding negotiated political issues are deferred after the signing of the MOA-AD.

The establishment of institutions for governance in a Comprehensive Compact, together with its modalities during the transition period, shall be fully entrenched and established in the basic law of the BJE. The Parties shall faithfully comply with their commitment to the associative arrangements upon entry into force of the Comprehensive Compact.

The Parties agree that the mechanisms and modalities for the actual implementation of this MOA-AD shall be spelt out in the Comprehensive Compact to mutually take such steps to enable it to occur effectively.

Any provisions of the MOA-AD requiring amendments to the existing legal framework shall come into force upon signing of a Comprehensive Compact and upon effecting the necessary changes to the legal framework with due regard to non derogation of prior agreements and within the stipulated timeframe to be contained in the Comprehensive Compact.

The Parties agree that the BJE shall be empowered to build, develop and maintain its own institutions, inclusive of, civil service, electoral, financial and banking, education, legislation, legal, economic, and police and internal security force, judicial system and correctional institutions, necessary for developing a progressive Bangsamoro society, the details of which shall be discussed in the negotiation of the Comprehensive Compact.

The Parties further agree to undertake activities which will enhance the capacity of the government institutions during the transition through technical assistance, information-sharing and human resource development.

Matters concerning the details of the agreed consensus points on Governance not covered under this Agreement shall be deferred to, and discussed during, the negotiations of the Comprehensive Compact.

IN WITNESS WHEREOF, the undersigned, being the representatives of the Parties hereby affix their signatures.

Done this 5th day of August, 2008 in Kuala Lumpur, Malaysia.

FOR THE GRP:

(SGD) RODOLFO C. GARCIA

Chairman GRP Peace Negotiating Panel

FOR THE MILF:

(SGD) MOHAGHER IQBAL Chairman MILF Peace Negotiating Panel

WITNESSED BY:

(SGD) DATUK OTHMAN BIN ABD RAZAK

Special Adviser to the Prime Minister

IN THE PRESENCE OF:

(SGD) ALBERTO G. ROMULO

Secretary of Foreign Affairs

Republic of the Philippines

(SGD) DATO' SERI UTAMA DR. RAISBIN YATIM

Minister of Foreign Affairs

Malaysia

Initialed by:

Sec. Rodolfo Garcia

Mohagher Iqbal

Sec. Hermogenes Esperon

Witnessed by:

Datuk Othman bin Abd Razak

Dated 27 July 2008

D: 2012 Framework Agreement on the Bangsamoro: Joint GPH-MILF Draft

In the Name of God, the Beneficent, the Merciful

The Philippine Government (GPH) and the Moro Islamic Liberation Front (MILF) herein referred to as the Parties to this Agreement, have agreed and acknowledged as follows:

I. ESTABLISHMENT OF THE BANGSAMORO

1. The Parties agree that the status quo is unacceptable and that the Bangsamoro shall be established to replace the Autonomous Region in Muslim Mindanao (ARMM). The Bangsamoro is the new autonomous political entity (NPE) referred to in the Decision Points of Principles as of April 2012.
2. The government of the Bangsamoro shall have a ministerial form. The Parties agree to entrench an electoral system suitable to a [mini](#)sterial form of government. The electoral system shall allow democratic participation, ensure accountability of public officers primarily to their constituents and encourage formation of genuinely principled political parties. The electoral system shall be contained in the Bangsamoro Basic Law to be implemented through legislation enacted by the Bangsamoro Government and correlated with national laws
3. The provinces, cities, municipalities, barangays and geographic areas within its territory shall be the constituent units of the Bangsamoro. The authority to regulate on its own responsibility the affairs of the constituent units is guaranteed within the limit of the Bangsamoro Basic Law. The privileges already enjoyed by the local government units under existing laws shall not be diminished unless otherwise altered, modified or reformed for good governance pursuant to the provisions of the Bangsamoro local government code.
4. The relationship of the Central Government with the Bangsamoro Government shall be asymmetric.
5. The Parties recognize Bangsamoro identity. Those who at the time of conquest and colonization were considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent islands including Palawan, and their descendants whether of mixed or of full blood shall have the right to identify themselves as Bangsamoro by ascription or self-ascription. Spouses and their descendants are classified as Bangsamoro. The freedom of choice of other Indigenous peoples shall be respected.

II. BASIC LAW

1. The Bangsamoro shall be governed by a Basic Law.
2. The provisions of the Bangsamoro Basic Law shall be consistent with all agreements of the Parties.
3. The Basic Law shall reflect the Bangsamoro system of life and meet internationally accepted standards of governance.
4. It shall be formulated by the Bangsamoro people and ratified by the qualified voters within its territory.

III. POWERS

1. The Central Government will have reserved powers, the Bangsamoro Government shall have its exclusive powers, and there will be concurrent powers shared by the Central Government and the Bangsamoro Government. The Annex on Power Sharing, which includes the principles on intergovernmental relations, shall form part of this Agreement and guide the drafting of the Basic Law.
2. The Central Government shall have powers on:
 - a) Defense and external security
 - b) Foreign policy
 - c) Common market and global trade, provided that the power to enter into economic agreements already allowed under Republic Act No. 9054 shall be transferred to the Bangsamoro
 - d) Coinage and monetary policy
 - e) Citizenship and naturalization
 - f) Postal service

This list is without prejudice to additional powers that may be agreed upon by the Parties.

3. The Parties recognize the need to strengthen the Shari'ah courts and to expand their jurisdiction over cases. The Bangsamoro shall have competence over the Shari'ah justice system. The supremacy of Shari'ah and its application shall only be to Muslims.
4. The Bangsamoro Basic Law may provide for the power of the Bangsamoro Government to accredit halal-certifying bodies in the Bangsamoro.
5. The Bangsamoro Basic Law shall provide for justice institutions in the Bangsamoro. This includes:
 - a) The competence over the Shari'ah justice system, as well as the formal institutionalization and operation of its functions, and the expansion of the jurisdiction of the Shari'ah courts;
 - b) Measures to improve the workings of local civil courts, when necessary; and
 - c) Alternative dispute resolution systems.
6. The customary rights and traditions of indigenous peoples shall be taken into consideration in the formation of the Bangsamoro's justice system. This may include the recognition of indigenous processes as alternative modes of dispute resolution.

IV. REVENUE GENERATION AND WEALTH SHARING

1. The parties agree that wealth creation (or revenue generation and sourcing) is important for the operation of the Bangsamoro.
2. Consistent with the Bangsamoro Basic Law, the Bangsamoro will have the power to create its own sources of revenues and to levy taxes, fees, and charges, subject to limitations as may be mutually agreed upon by the Parties. This power shall include the power to determine tax bases and tax rates, guided by the principles of devolution of power, equalization, equity, accountability, administrative simplicity, harmonization, economic efficiency, and fiscal autonomy.
3. The Bangsamoro will have the authority to receive grants and donations from domestic and foreign sources, and block grants and subsidies from the Central Government. Subject to acceptable credit worthiness, it shall also have the authority to contract loans from domestic and foreign lending institutions, except foreign and domestic loans requiring sovereign guaranty, whether explicit or implicit, which would require the approval of the Central Government.

4. The Bangsamoro shall have a just and equitable share in the revenues generated through the exploration, development or utilization of natural resources obtaining in all the areas/territories, land or water, covered by and within the jurisdiction of the Bangsamoro, in accordance with the formula agreed upon by the Parties.
5. The Bangsamoro may create its own auditing body and procedures for accountability over revenues and other funds generated within or by the region from external sources. This shall be without prejudice to the power, authority and duty of the national Commission on Audit to examine, audit and settle all accounts pertaining to the revenues and the use of funds and property owned and held in trust by any government instrumentality, including GOCCs.
6. The details of revenue and wealth sharing arrangements between the Central Government and the Bangsamoro Government shall be agreed upon by the Parties. The Annex on Wealth Sharing shall form part of this Agreement.
7. There shall be an intergovernmental fiscal policy board composed of representatives of the Bangsamoro and the Central Government in order to address revenue imbalances and fluctuations in regional financial needs and revenue-raising capacity. The Board shall meet at least once in six (6) months to determine necessary fiscal policy adjustments, subject to the principles of intergovernmental relations mutually agreed upon by both Parties. Once full fiscal autonomy has been achieved by the Bangsamoro then it may no longer be necessary to have a representative from the Central Government to sit in the Board. Fiscal autonomy shall mean generation and budgeting of the Bangsamoro's own sources of revenue, its share of the internal revenue taxes and block grants and subsidies remitted to it by the central government or any donor.
8. The Parties agree that sustainable development is crucial in protecting and improving the quality of life of the Bangsamoro people. To this end, the Bangsamoro shall develop a comprehensive framework for sustainable development through the proper conservation, utilization and development of natural resources. For efficient coordination and assistance, the Bangsamoro legislative body shall create, by law, an intergovernmental body composed of representatives of the Bangsamoro and the Central Government, which shall ensure the harmonization of environmental and developmental plans, as well as formulate common environmental objectives.

V. TERRITORY

1. The core territory of the Bangsamoro shall be composed of: (a) the present geographical area of the ARMM; (b) the Municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan and Tangkal in the province of Lanao del Norte and all other barangays in the Municipalities of Kabacan, Carmen, Aleosan, Pigkawayan, Pikit, and Midsayap that voted for inclusion in the ARMM during the 2001 plebiscite; (c) the cities of Cotabato and Isabela; and (d) all other contiguous areas where there is a resolution of the local government unit or a petition of at least ten percent (10%) of the qualified voters in the area asking for their inclusion at least two months prior to the conduct of the ratification of the Bangsamoro Basic Law and the process of delimitation of the Bangsamoro as mentioned in the next paragraph.

2. The Parties shall work together in order to ensure the widest acceptability of the Bangsamoro Basic Law as drafted by the Transitory Commission and the core areas mentioned in the previous paragraph, through a process of popular ratification among all the Bangsamoro within the areas for their adoption. An international third party monitoring team shall be present to ensure that the process is free, fair, credible, legitimate and in conformity with international standards.

3. Areas which are contiguous and outside the core territory where there are substantial populations of the Bangsamoro may opt anytime to be part of the territory upon petition of at least ten percent (10%) of the residents and approved by a majority of qualified voters in a plebiscite.

4. The disposition of internal and territorial waters shall be referred to in the Annexes on Wealth and Power Sharing.

5. Territory refers to the land mass as well as the maritime, terrestrial, fluvial and alluvial domains, and the aerial domain and the atmospheric space above it. Governance shall be as agreed upon by the parties in this agreement and in the sections on wealth and power sharing.

6. The Bangsamoro Basic Law shall recognize the collective democratic rights of the constituents in the Bangsamoro.

VI. BASIC RIGHTS

1. In addition to basic rights already enjoyed, the following rights of all citizens residing in the Bangsamoro bind the legislature, executive and judiciary as directly enforceable law and are guaranteed:

- a. Right to life and to inviolability of one's person and dignity;
- b. Right to freedom and expression of religion and beliefs;
- c. Right to privacy;
- d. Right to freedom of speech;
- e. Right to express political opinion and pursue democratically political aspiration;
- f. Right to seek constitutional change by peaceful and legitimate means;
- g. Right of women to meaningful political participation, and protection from all forms of violence;
- h. Right to freely choose one's place of residence and the inviolability of the home;
- i. Right to equal opportunity and non-discrimination in social and economic activity and the public service, regardless of class, creed, disability, gender and ethnicity;
- j. Right to establish cultural and religious associations;
- k. Right to freedom from religious, ethnic and sectarian harassment; and
- l. Right to redress of grievances and due process of law.

2. Vested property rights shall be recognized and respected. With respect to the legitimate grievances of the Bangsamoro people arising from any unjust dispossession of their territorial and proprietary rights, customary land tenure or their marginalization shall be acknowledged. Whenever restoration is no longer possible, the Central Government and the Government of the Bangsamoro shall take effective measures for adequate reparation collectively beneficial to the Bangsamoro people in such quality, quantity and status to be determined mutually.

3. Indigenous peoples' rights shall be respected.

4. The Central Government shall ensure the protection of the rights of the Bangsamoro people residing outside the territory of the Bangsamoro and undertake programs for the rehabilitation and development of their communities. The Bangsamoro Government may provide assistance to their communities to enhance their economic, social and cultural development.

VII. TRANSITION AND IMPLEMENTATION

1. The Parties agree to the need for a transition period and the institution of transitional mechanisms.
2. The Parties agree to adopt and incorporate an Annex on Transitional Arrangements and Modalities, which forms a part of this Framework Agreement
3. There shall be created a Transition Commission through an Executive Order and supported by Congressional Resolutions.
4. The functions of the Transition Commission are as follows:
 - a. To work on the drafting of the Bangsamoro Basic Law with provisions consistent with all agreements entered and that may be entered into by the Parties;
 - b. To work on proposals to amend the Philippine Constitution for the purpose of accommodating and entrenching in the constitution the agreements of the Parties whenever necessary without derogating from any prior peace agreements;
 - c. To coordinate whenever necessary development programs in Bangsamoro communities in conjunction with the MILF Bangsamoro Development Agency (BDA), the Bangsamoro Leadership and Management Institute (BLMI) and other agencies.
5. The Transition Commission shall be composed of fifteen (15) members all of whom are Bangsamoro. Seven (7) members shall be selected by the GPH and eight (8) members, including the Chairman, shall be selected by the MILF.
6. The Transition Commission will be independent from the ARMM and other government agencies. The GPH shall allocate funds and provide other resources for its effective operation. All other agencies of government shall support the Transition Commission in the performance of its tasks and responsibilities until it becomes functus officio and cease to exist.
7. The draft Bangsamoro Basic Law submitted by the Transition Commission shall be certified as an urgent bill by the President.
8. Upon promulgation and ratification of the Basic Law, which provides for the creation of the Bangsamoro Transition Authority (BTA), the ARMM is deemed abolished.
9. All devolved authorities shall be vested in the Bangsamoro Transition Authority during the interim period. The ministerial form and Cabinet system of government shall commence once the Bangsamoro Transition Authority is in place. The Bangsamoro Transition Authority may reorganize the bureaucracy into institutions of governance appropriate thereto.

10. The Bangsamoro Transition Authority shall ensure that the continued functioning of government in the area of autonomy is exercised pursuant to its mandate under the Basic Law. The Bangsamoro Transition Authority will be immediately replaced in 2016 upon the election and assumption of the members of the Bangsamoro legislative assembly and the formation of the Bangsamoro government.

11. There will be created a third party monitoring team to be composed of international bodies, as well as domestic groups to monitor the implementation of all agreements.

12. At the end of the transition period, the GPH and MILF Peace Negotiating Panels, together with the Malaysian Facilitator and the Third Party Monitoring Team, shall convene a meeting to review, assess or evaluate the implementation of all agreements and the progress of the transition. An 'Exit Document' officially terminating the peace negotiation may be crafted and signed by both Parties if and only when all agreements have been fully implemented.

13. The Negotiating Panel of both Parties shall continue the negotiations until all issues are resolved and all agreements implemented.

VIII. NORMALIZATION

1. The Parties agree that normalization is vital to the peace process. It is through normalization that communities can return to conditions where they can achieve their desired quality of life, which includes the pursuit of sustainable livelihoods and political participation within a peaceful deliberative society.

2. The aim of normalization is to ensure human security in the Bangsamoro. Normalization helps build a society that is committed to basic human rights, where individuals are free from fear of violence or crime and where long-held traditions and value continue to be honored. Human insecurity embraces a wide range of issues that would include violation of human and civil rights, social and political injustice and impunity.

3. As a matter of principle, it is essential that policing structure and arrangement are such that the police service is professional and free from partisan political control. The police system shall be civilian in character so that it is effective and efficient in law enforcement, fair and impartial as well as accountable under the law for its action, and responsible both to the Central Government and the Bangsamoro Government, and to the communities it serves.

4. An independent commission shall be organized by the Parties to recommend appropriate policing within the area. The commission shall be composed of representatives from the parties and may invite local and international experts on law enforcement to assist the commission in its work.

5. The MILF shall undertake a graduated program for decommissioning of its forces so that they are put beyond use.

6. In a phased and gradual manner, all law enforcement functions shall be transferred from the Armed Forces of the Philippines (AFP) to the police force for the Bangsamoro. The Parties agree to continue negotiations on the form, functions and relationship of the police force of the Bangsamoro taking into consideration the results of the independent review process mentioned in paragraph 4.

7. The Joint Coordinating Committees on Cessation of Hostilities (JCCCH) as well as the Ad hoc Joint Action Group (AHJAG) with the participation of the International Monitoring Team (IMT) shall continue to monitor the ceasefire agreement until the full decommissioning of the MILF forces. These existing coordinating mechanisms shall be the basis for the creation of a Joint Normalization Committee (JNC) to ensure the coordination between the Government and remaining MILF forces, and through which MILF shall assist in maintaining peace and order in the area of the Bangsamoro until decommissioning shall have been fully completed.

8. Both Parties commit to work in partnership for the reduction and control of firearms in the area and the disbandment of private armies and other armed groups.

9. The details of the normalization process and timetables for decommissioning shall be in an Annex on Normalization and shall form part of this Agreement.

10. The Parties agree to intensify development efforts for rehabilitation, reconstruction and development of the Bangsamoro, and institute programs to address the needs of MILF combatants, internally displaced persons, and poverty-stricken communities.

11. The Parties recognize the need to attract multi-donor country support, assistance and pledges to the normalization process. For this purpose, a Trust Fund shall be established through which urgent support, recurrent and investment budget cost will be released with efficiency, transparency and accountability. The Parties agree to adopt criteria for eligible financing schemes, such as, priority areas of capacity building, institutional strengthening, impact programs to address imbalances in development and infrastructures, and economic facilitation for return to normal life affecting combatant and non-combatant elements of the MILF, indigenous peoples, women, children, and internally displaced persons.

12. The Parties agree to work out a program for transitional justice to address the legitimate grievances of the Bangsamoro people, correct historical injustices, and address human rights violations.

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