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REVISITING THE GRP-MILF MOA ON ANCESTRAL DOMAIN: A LOOK THROUGH THE GOSPEL'S LENSES

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When the Peace Panels of both the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) met on July 28-29, 2009 in Kuala Lumpur, Malaysia¹ many became optimistic about the GRP-MILF Peace Negotiations. It was good news as it ended the impasse in the peace talks since August 2008.

The two panels agreed on four points:

1. Mutual effort to sustain both the Government's Suspension of Military Offensives (SOMO) and the MILF's Suspension of Military Actions (SOMA);
2. Acknowledgment of MOA-AD as an unsigned and yet initialed document, and commitment by both parties to reframe the consensus points with the end in view of moving towards the comprehensive compact to bring about a negotiated political settlement;
3. Work for a framework agreement on the establishment of a mechanism on the protection of non-combatants in armed conflict;
4. Work for a framework agreement on the establishment of International Contact Group (ICG) of groups of states and non-state organizations to accompany and mobilize international support for the peace process.

The focus of this paper is point number two, the controversial Memorandum of Agreement on Ancestral Domain (MOA-AD). It was initialed by both parties on July 27, 2008. It was supposed to have been formally signed on August 5, 2008. But in August 4, the Supreme Court issued a temporary restraining order.

Then, in October 14, 2008, the Supreme Court ruled the MOA-AD as "unconstitutional" by a vote of 8-7. The SC also noted that "surely, the present MOA-AD can be renegotiated or another one will be drawn up to carry out the Ancestral Domain aspect of the Tripoli Agreement of 2001, in another or in any form, which could contain similar or significantly drastic provisions."

So what are those provisions in the MOA-AD and how should we look at such provisions from the perspective of the Gospel?

PROVISIONS IN THE MOA-AD

This Memorandum of Agreement (MOA) is a document of understanding between the MILF and the GRP that consists of statements agreed upon by consensus between the peace panels of both parties. It deals with Concepts and Principles, Territory, Resources, Governance of the Ancestral Domain of the Bangsamoro.

This MOA was *not* the final peace agreement between the MILF and the GRP but is a crucial step towards the formal talks and the final peace accord.

Here are the main features of the GRP-MILF MOA on AD:

Terms of Reference

This MOA begins with the enumeration of the documents expressing previous agreements involving the Philippine government and the Bangsamoro people.

Concepts and Principles

Both GRP and MILF agree that the Moros and the Indigenous Peoples of Mindanao have a birthright as Bangsamoros (literally means Nation of the Moros). They refer "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."

Both parties also agree that: the Bangsamoros have exclusive ownership of their homeland because of their historical rights; the ancestral domain is not public domain; the Bangsamoro people historically reached the level of a nation-state and that they are the "First Nation" and have developed relations with foreign nations; they will fully and mutually respect each other's identity in the context of a political community; the Bangsamoro Juridical Entity (BJE) shall have the authority over the Ancestral Domain of the Bangsamoro people; the BJE will have property rights to natural resources as stipulated by this MOA.

Territory

The Bangsamoro homeland and historic territory refer to the land mass as well as the total natural resources in *specified locations* (Agreed Schedules: Categories) embracing the Mindanao-Sulu-Palawan geographic region.

The BJE will include the present Autonomous Region in Muslim Mindanao (ARMM) and 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; there will be a plebiscite within 12 months after the signing of this MOA-AD regarding the restoration of more than 700 barangays into the Bangsamoro homeland.

A Joint GRP-MILF Commission will be established to deal with the detailed implementation of this MOA.

Resources

The BJE is empowered and authorized to govern and manage the natural resources of the Bangsamoro homeland. The BJE is free to enter economic cooperation and trade relations with foreign countries without endangering the national security of the Philippines. The wealth from the natural resources will be shared between the GRP and the BJE. BJE will get 75% and GRP will get 25%.

Governance

The Bangsamoro Juridical Entity (not a permanent name of the Bangsamoro governing body but a “temporary working title” towards the establishment of a system of governance) will have shared authority and responsibility with GRP through “associative arrangements.”

The Peace Negotiating Panel of Government of the Republic of the Philippines (PN-GRP) did not sell the Filipino people out when they recognized the Ancestral Domain of the Bangsamoro people in this MOA. The PN-GRP, instead, have agreed to correct the historical injustices committed against the Bangsamoros in the past centuries.

In his blog², Cotabato Archbishop Orlando B. Quevedo gave an excellent background on the changes that took place through the years in the Bangsamoro ancestral domain:

Islam arrived in the Philippines 200 years before Christianity arrived. Eventually and before the Spaniards came a regime of sultans began. From that time on the Bangsamoro people have asserted and exercised self-determination and sovereignty over their ancestral domain, until the effective political power of the sultanates faded away. The Bangsamoro people came under the control of the Americans. The ancestral domain of the Bangsamoro people became public domain.

But even when the Americans gave independence to the Philippines, many of the Bangsamoro people continued to assert their claim to self-determination and sovereignty rather than be under the authority of the Philippine government. Successive waves of migrants from the Visayas and Luzon in the 1900s, authorized by a series of public laws, gained land titles in the form of torrens titles as against the native titles of the Bangsamoro people.

The population pattern in Mindanao significantly changed from the 1920s to the 1960s. In the 1930s the great majority of Mindanao people were Muslims and Indigenous Peoples (IP), with a small minority of Christians. By the time the waves of migrations ended in the 1960s, Christians constituted the great majority of Mindanao people, with a minority of Muslim and IPs. In other words the Bangsamoro became a minority in their own ancestral domain. Difference in concepts regarding land ownership also contributed to these major changes in the ancestral Bangsamoro ancestral domain.

Consider the voice of a young intellectual Bangsamoro from the Mindanao State University in Marawi City:

We were a thriving state under the Sultanate of Maguindanao, especially under Sultan Kudarat—who was our political leader sometime between 1500 and 1600 CE. The Spaniards were able to conquer Luzon and Visayas; but they did not succeed in colonizing the Muslims in Mindanao. Then the Spanish Empire became weak. They lost to the Americans in Mexico and in the Philippines. To make a graceful exit, they sold the Philippines to the United States and they included Mindanao. We resisted American colonialism and hundreds of thousands of lives were lost... In the past 100 years, both governments of the United States and the Philippines sent millions of Christians to Mindanao. Many of our lands were taken by force or through unjust means. True, our datus sold many of our lands to you Christians. We see that as hospitality and generosity, for the absolute owner of the land is the Almighty Allah and our datus are entrusted owners. You saw the inexpensive sale of our lands to you as gullibility on our part. But the Almighty Allah knows our hearts. Now, all we seek is to keep the remaining parts of Mindanao where the majority of the Bangsamoros live. We want to manage the natural resources entrusted to us by the Almighty Allah. In these remaining lands, our people will practice and enjoy our rights to self-determination. Where Christians are the majority, you can keep the land for yourselves. Where Christians and Muslims live together, we need to negotiate peacefully based on truth and justice. That’s my understanding of what we’re fighting for. That’s my personal view of what ancestral domain is all about.

This MOA recognizes the Bangsamoro people and the Indigenous Peoples' inherent rights to their Ancestral Domain. For Ilocanos, their AD is the Ilocos Region; for the Pampangos, their AD is Pampanga and other Pampango-speaking towns in neighboring provinces. For the Cordillera people, their ADs are the provinces of Ifugao, Benguet, Mountain Province, Abra, and Kalinga-Apayao. For the Tagalogs, their ADs are the provinces of Bulacan, Laguna, Rizal, Batangas, Quezon, and parts of Bataan. For the Cebuanos, their AD is in Cebu. For the Ilongos, their AD is in Iloilo. The majority people in these ADs are the ethno-linguistic groups inherent in those domains.

LOOKING AT MOA-AD THROUGH THE LENSES OF THE GOSPEL

The God of the Bible, who is also the God of justice and peace, is at work in the world³ and in our land!

This is a great time for the followers of Jesus Christ to advocate and practice biblical peacemaking⁴ where our ultimate loyalty is not to the state, such as the Republic of the Philippines, but to the peaceable kingdom of God.⁵ This is our moment to look at the political dynamics in our beautiful land, not merely through the lenses of our political interests, but through the lenses of Jesus Christ as revealed in the Gospels.⁶

In our post-colonial, global realities many nation-states who are experiencing inter-ethnic violence are abandoning strategies of assimilation and control in favor of policies of liberation, plurality among its peoples, and accommodation. Because of this transformation, violence between people groups, especially between the ruling majority and the ruled minority, is significantly reduced.⁷ More and more, governments around the world, including the Philippine government, are recognizing, in various degrees and stages, the uniqueness of each ethno-linguistic groups⁸ and their rights. One of those rights is their claim for their ancestral domain.⁹

The term *ancestral domain*¹⁰ (AD) refers to the territory, economic resources, and governance of minority ethnic groups and Indigenous Peoples (IP).¹¹ The issue of *ancestral domain* is a critical factor in building peace¹² and in facing the complex challenges of our conflicted world.

The Republic of the Philippines is one of those modern nation-states who are struggling to learn and to listen to the collective wisdom of many countries around the world who chose to recognize the right to self-determination of ethno-linguistic groups within the context of territorial integrity. Consequently, the Philippine government, through its new Peace Panel negotiating with the MILF, is again trying the path of peaceful negotiation to reach a solution to our century-old conflict on Bangsamoro¹³ ancestral domain.¹⁴

We know that in the case of Mindanao, the colonial governments of Spain and America systematically designed the Moros and the IPs to become minority people in their own Ancestral Domain. Since 1946, the GRP perpetuated this colonial policy.¹⁵ Now, consistent with biblical justice¹⁶, the GRP seems to be waking up to the post-colonial realities facing our people and our land.

As biblical Christians who are committed to the non-violent transformation¹⁷ of our land, it is time for us to recognize the Bangsamoros and the Indigenous Peoples of Mindanao and to

apply biblical restorative justice¹⁸ to the historical injustices committed against them. In many cases, the name of Jesus Christ and the banner of Christianity were misused and even abused to justify those historical injustices.

Many of us may have experienced being victims of violence by certain individuals, families, or groups belonging to the Bangsamoros; this is the time to show the love of enemy and non-retaliation as Jesus taught us in the New Testament.¹⁹

If we are truly the people of the Good News (Gospel), then it is time to demonstrate to them the Gospel of Christ—the Prince of Peace—in its totality. As the Church of Jesus Christ in this new century²⁰, let us share with our lives and with our words the Gospel of the Prince of Peace—that is, harmony with God, harmony with our being, harmony with others, and harmony with the creation. This is the Salam-Shalom that we are building in the power of the Holy Spirit.

Let's pray that genuine *salam-shalom* will be experienced by all the people of Mindanao and the whole of Philippines.

ENDNOTES

¹ "Gov't, MILF Peace Panels End Impasse; Issue Joint Statement from KL," *MindaNews*, July 29, 2009 (http://www.mindanews.com/index2.php?option=com_content&task=view&id=6756&pop=1&page=0&Itemid=190)

² Bishop Orlando B. Quevedo, OMI, *Perspectives* (<http://abpquevedo.blogspot.com/2008/08/what-is-moa-ad-in-milf-grp-peace.html>).

³ Duane K. Friesen, *Christian Peacemaking and International Conflict: A Realist Pacifist Perspective* (Scottsdale, PA: Herald Press, 1986).

⁴ Glen H. Stassen, *Just Peacemaking: Transforming Initiatives for Justice and Peace* (Louisville, KY: John Knox Press, 1992).

⁵ Stanley Hauerwas, *The Peaceable Kingdom: A Primer in Christian Ethics* (Notre Dame: University of Notre Dame Press, 1983).

⁶ John Howard Yoder, *The Politics of Jesus* (Grand Rapids, MI: William B. Eerdmans Publishing, Reprinted 1995).

⁷ Tedd Robert Gurr, *Peoples Versus States: Minorities at Risk in the New Century* (Washington, DC: United States Institute for Peace, 2000).

⁸ In contrast to the modernistic understanding of *nation* as a nation-state, the New Testament understands *nations* (*ethnos*) as a people group with distinct ethno-linguistic characteristics.

⁹ In keeping with the spirit and intent of the Constitution specifically Section 22, Article 1 which mandates the State to recognize and promote the rights of indigenous cultural communities within the framework of national unity and development and Section 5, Article XII which further mandates the State, subject to the provisions of the Constitution and national development policies and programs, to protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being, and pending the enactment of a law to operationalize these Constitutional provisions, the Department of Environment and Natural Resources (DENR) has, in the exercise of its powers and functions under existing laws, decided to issue Certificates of Ancestral Domain Claims (CADCs) and Certificates of Ancestral Land Claims (CALCs) to indigenous cultural communities, also referred to as Indigenous Peoples (IPs), and members thereof, respectively.

¹⁰ This concept is very similar to the biblical Hebrew's understanding of land (*adamah*) that describes specifically what has been and will be cultivated by a given group of people, or what they possess to this end (Deut. 26:15). In the biblical Creation Story, the first human being (*adam*) was formed exclusively from *adamah* (Gen. 2:7) which is also understood and used in economic and political contexts (Zech. 2:12; Isa. 14:12; Ezek. 7:2). See, W.E. Vine, *An Expository Dictionary of Biblical Words*, eds. Merrill Unger and William White (New York: Thomas Nelson Publishers, 1985), pp. 132-133.

¹¹ United Nations human rights bodies, International Labor Organization, the World Bank and international law apply four criteria to distinguish indigenous peoples: (a) indigenous peoples usually live within (or maintain attachments to) geographically distinct ancestral territories; (b) they tend to maintain distinct social, economic, and political institutions within their territories; (c) they typically aspire to remain distinct culturally, geographically and institutionally rather than assimilate fully into national society; and (d) they self-identify as indigenous or tribal. Despite common characteristics, there does not exist any single accepted definition of indigenous peoples that captures their diversity as peoples. Self-identification as indigenous or tribal is usually regarded as a fundamental criterion for determining whether groups are indigenous or tribal, sometimes in combination with other variables such as "language spoken," and "geographic location or concentration." See, *UNDP and Indigenous Peoples: A Policy of Engagement* (http://www.hreoc.gov.au/Social_Justice/conference/engaging_communities/unpan021101.pdf).

¹² John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, DC: United States Institute for Peace Press, 1997).

¹³ The term *Bangsamoro* (lit. Nation of Moros) refers to the thirteen ethno-linguistic groups—namely, Maranao, Maguindanao, Tausug, Samal, Yakan, Sangil, Badjao, Kalibogon, Jama Mapun, Iranun, Palawanon, Kalagan, and Molbog—who embraced Islam. They are mainly found in Western and southern Mindanao Island, the Sulu Archipelago, and the coastal areas of southern Palawan. The Moros were once considered to be the most developed communities in the entire Philippines Archipelago. They reached the level of a centrally organized society. They had their own form of government antedating several hundreds of years the creation of the Philippine Republic. I interchange the terms *Bangsamoros* and *Moros*.

¹⁴ Ancestral Domain Comparative Perspective: Philippines Facilitation Project, United States Institute for Peace, May 24-27, 2005, Eden Nature Resort in Davao City, Philippines. (http://www.usip.org/events/2005/0524_philippineworkshop.html)

¹⁵ See, Salah Jubair, *Bangsamoro: A Nation Under Endless Tyranny* (Kuala Lumpur, Malaysia: IQ Marin SDN BHD, 1999).

¹⁶ See Chris Marshall, *The Little Book of Biblical Justice: A Fresh Approach to the Bible's Teachings on Justice* (Intercourse, PA: Good Books, 1989).

¹⁷ Robert Herr and Judy Zimmerman Herr, *Transforming Violence: Linking Local and Global Peacemaking* (Scottsdale, PA: Herald Press, 1998).

¹⁸ Howard Zehr, *Restorative Justice* (Intercourse, PA: Good Books, 2002).

¹⁹ Willard M. Swartley, ed. *The Love of Enemy and Nonretaliation in the New Testament* (Louiseville, KY: John Knox Press, 1992).

²⁰ Fernando Enns, *The Peace Church and the Ecumenical Community: Ecclesiology and the Ethics of Nonviolence* (Kitchener, ON: Pandora Press, 2007).