



Referendum: A Political Option for Mindanao*

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The Bangsamoro, as a people with a distinct identity and common culture, and with a long history of political independence in the same territory they presently occupy, continuously assert their right to freedom and independence as an expression of their right to self-determination. For more than three decades the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF) have waged an armed struggle against the Philippine government as a means to liberate the Bangsamoro people and their homeland from Philippine colonialism. The repressive reactions of the government have resulted in a series of wars that have caused the death of thousands, displacement of millions of people, and destruction of properties.

This paper explores the democratic track to find an alternative to war to address that deep-seated sentiment for freedom and independence.

Right of Self-determination

The United Nations International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights expressly provide that “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.

In the exercise of that right, the people have wide latitude of choice. At one end, they can demand and pursue within the nation state more

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political power, active participation in the decision making and administration of government affairs, equitable redistribution of economic benefits, and appropriate ways of preserving and protecting their culture and way of life. On the other end, they have also the right to organize their own sovereign and independent government, or reclaim their lost freedom and independence.

In pursuing that right to self-determination the Bangsamoro people are opting, as manifested both by the liberation movements and civil society, for the restoration of their freedom and independence that they have enjoyed for more than six centuries.

Long History of Independence

The historical experience of the Bangsamoro people in statehood and governance started as early as the middle of the 15th century when Sultan Sharif ul-Hashim established the Sulu Sultanate. This was followed by the establishment of the Magindanaw Sultanate in the early part of the 16th century by Sharif Muhammad Kabungsuwan. The Sultanate of Buayan and the Pat a Pangampong ko Ranao (Confederation of the Four Lake-based Emirates) and other political subdivisions were organized later.

By the time the Spanish colonialists arrived in the Philippines the Muslims of Mindanao, Sulu and Tawi-Tawi archipelago and the islands of Basilan and Palawan had already established their own states and governments with diplomatic and trade relations with other countries including China. Administrative and political systems based on the realities of the time existed in those states. In fact it was the existence of the well-organized administrative and political systems that the Bangsamoro people managed to survive the military campaign against them by Western colonial powers for several centuries and preserve their identity as a political and social organization.

For centuries the Spanish colonial government attempted to conquer the Muslim states and add the territory to the Spanish colonies in the

Philippine Islands but history tells us that it never succeeded. The Bangsamoro states with their organized maritime forces and armies succeeded in defending the Bangsamoro territories, thus preserving their independence.

That is why it is being argued, based on the logic that you cannot sell something you do not possess, that the Bangsamoro territories are not part of what were ceded by Spain to the United States in the Treaty of Paris of 1898 because Spain had never exercised sovereignty over these areas.

The Bangsamoro resistance continued even when US forces occupied some areas in Mindanao and Sulu. Though the resistance was not as fierce as during the Moro-Spanish wars, group-organized guerrilla attacks against American forces and installations reinforced what remained of the sultanates' military power. Even Bangsamoro individuals showed defiance against American occupation of their homeland by attacking American forces in operations called *prang sabil* (martyrdom operation).

Opposition to Annexation

When the United States government promised to grant independence to the Philippine Islands, the Bangsamoro leaders registered their strong objection to be part of the Philippine republic. In a petition to the President of the United States dated June 9, 1921, the people of Sulu archipelago said that they would prefer being part of the United States rather than be included in an independent Philippine nation.

In the Declaration of Rights and Purposes, the Bangsamoro leaders meeting in Zamboanga on February 1, 1924, proposed that the "Islands of Mindanao and Sulu, and the Island of Palawan be made an unorganized territory of the United States of America" in anticipation that in the event the US would decolonize its colonies and other non-self governing territories the Bangsamoro homeland would be granted separate independence. Had it happened, the Bangsamoro people would have

regained by now their independence under the UN declaration on decolonization. Their other proposal was that if independence to be granted would include the Bangsamoro territories, a plebiscite would be held in Mindanao, Sulu and Palawan 50 years after the grant of independence to the Philippines to decide by vote whether the territory incorporated by the government of the Islands of Luzon and Visayas, would be a territory of the United States, or become independent. The 50-year period ended in 1996, the same year the MNLF and the Philippine government signed the Final Agreement on the Implementation of the Tripoli Agreement. The leaders warned that if no provision of retention under the United States would be made, they would declare an independent constitutional sultanate to be known as Moro Nation.

In Lanao, the leaders who were gathered in Dansalan (now Marawi City) on March 18, 1935 appealed to the United States government and the American people not to include Mindanao and Sulu in the grant of independence to the Filipinos.

Continuing Assertion for Independence

Even after their territories were made part of the Philippine republic in 1946, the Bangsamoro people have continued to assert their right to independence. They consider the annexation of their homeland as illegal and immoral since it was done without their plebiscitary consent. Their assertions manifest in many forms.

The armed resistance of Kamlon, Jikiri and Tawan-Tawan were protests against the usurpation of their sovereign right as a people. Those who joined the Philippine government used the new political system to pursue the vision of regaining independence. Congressman Ombra Amilbangsa filed House Bill No. 5682 during the fourth session of the Fourth Congress. The bill sought that sought the granting and recognition of the independence of Sulu. As expected, the bill found its way into the archives of Congress since there were few Muslim members of Congress.

Then on May 1, 1968, the provincial governor of Cotabato, Datu Udtog Matalam, made a dramatic move. He issued the Mindanao Independence Movement (MIM) manifesto calling for the independence of Mindanao and Sulu to be known and referred to as the Republic of Mindanao and Sulu.

When it became evident that it would not be possible to regain independence within the framework of the Philippine nation state system, the Moro National Liberation Front (MNLF) was organized to wage an armed struggle to regain independence. When the MNLF accepted autonomy within the framework of Philippine sovereignty a faction of the MNLF separated and formed the Moro Islamic Liberation Front to continue the armed struggle for independence. The MILF is still fighting the government forces.

The clamor for independence is not only among the liberation fronts but also among other sectors of the Bangsamoro society. The 1,070,697 delegates to the First Bangsamoro People's Consultative Assembly (BPCA) held on December 3-5, 1996 in Sultan Kudarat, Maguindanao were unanimous in calling for reestablishment of the Bangsamoro state and government.

The hundreds of thousands of Bangsamoro who participated in the Rally for Peace and Justice held in Cotabato City and Davao City on October 23, 1999, in Marawi City on October 24, 1999 and in Isabela, Basilan on December 7, 1999 issued a manifesto stating, "we believe that the only just, viable and lasting solution to the problem of our turbulent relationship with the Philippine government is the restoration of our freedom, liberty and independence which were illegally and immorally usurped from us, and that we be given a chance to establish a government in accordance with our political culture, religious beliefs and social norms."

Bangsamoro leaders headed by Sultan Abdul Aziz Guiwan Mastura Kudarat IV of the Sultanate of Magindanaw meeting in Cotabato City on January 28, 2001 expressed their strong desire to regain the Bangsamoro

independence. The Declaration of Intent and Manifestation of Direct Political Act they issued states:

“As sovereign individuals, we believe that the Bangsamoro people’s political life, as matters stand, call for an OIC-sponsored or UN-supervised referendum in the interest of political justice to decide once and for all:

- To remain as an autonomous region
- To form a state of federated union
- To become an independent state.”

The Second Bangsamoro People’s Consultative Assembly held on June 1-3, 2001 at the same place, this time attended by 2,627,345 delegates from all over the Bangsamoro homeland, including representatives of non-Muslim indigenous communities, unanimously declared that “the only just, meaningful, and permanent solution to the Mindanao Problem is the complete independence of the Bangsamoro people and the territories they now actually occupy from the Republic of the Philippines.”

Repression

When the Bangsamoro revolutionary leaders went for armed struggle to pursue their right for freedom and independence, the Philippine government responded with repression. The military suppression of the legitimate struggle of the Bangsamoro people resulted in the off and on war that has caused tens of thousands of deaths, displacement of millions of people (hundreds of thousands are still in the neighboring Malaysian state of Sabah), and destruction of properties worth billions of dollars. In addition, military spending to wage the war has reached billions of dollars, a huge amount that would have been better spent for basic infrastructure like farm- to-market roads, school buildings, hospitals, and other social services badly needed by the people.

The military solution did not work and will not put an end to the Bangsamoro struggle. The colonial government may succeed in suppressing one generation of fighters, but a new generation will succeed them.

Even autonomy, which was a product of the negotiations between the MNLF and the government, fails to address the genuine desire of the Bangsamoro people for freedom and independence, thus the struggle continues.

Referendum

To address the political issue of the problem without resorting to war is to give the Bangsamoro people a chance to choose their political status with respect to their relation with the Philippine government through a referendum. They shall choose whether they want to remain part of the Philippines or to be free and independent. To accommodate other proposals, questions whether to retain the existing autonomous relation or to be changed to a federated relationship with the Philippines can also be included.

Referendum would give the Bangsamoro people the opportunity to make the final decision on their political status, not just their leaders. It is the democratic and peaceful way of resolving political conflicts. It has been used in many countries, like Czechoslovakia, the Canadian province of Quebec, and East Timor. Countries that refuse to use this internationally accepted democratic mechanism suffer the consequences of war, like the former Yugoslavia, the Philippines, etc.

The proposed referendum shall be held in areas which the Bangsamoro people presently occupy. This includes the provinces of Maguindanao, Lanao del Sur, Basilan, Sulu and Tawi-Tawi, and the cities of Cotabato, Marawi and Isabela. There are also towns in the provinces of Cotabato, Sultan Kudarat, South Cotabato, Sarangani, Davao del Sur, Davao Oriental, Lanao del Norte, Zamboanga del Sur, Zamboanga del Norte, Zamboanga Sibugay and Palawan that should be included, subject

for discussion with the people in the areas. Territories that will vote for independence shall constitute the independent Bangsamoro state.

The referendum has to be supervised by the United Nations in order that the result will be acceptable to all parties. Common sense dictates that a party to a conflict, like the Philippine government, would not have the credibility to conduct or supervise such political exercise. The UN is the best body to oversee the referendum to ensure that whatever will be the result will be respected by all parties and implemented. If there are groups that would not respect the result of the referendum, the UN can organize its forces to disarm them.

If we have to avoid war, this is the best political option. The Philippine government and the Bangsamoro liberation fronts have to agree to a referendum if their leaders are indeed statesmen. Statesmanship of leaders is not measured by how much blood is shed and how long they can suppress the people's right to self-determination but how they can ensure that their people enjoy this fundamental human right. History has never been kind to leaders who do not hesitate to use military might to suppress the people's aspiration to be free.