

Mindanao (Philippines): The Bangsamoro Basic Law and the Non-Moro IP Provisions in Senate and House Bills

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Non-Moro IP Provisions in Senate Bill 1717 and House Bill 6475:

Compliant to FAB-CAB and the 1987 Philippine Constitution

The two versions of the Bangsamoro Basic Law (BBL) —Senate Bill 1717 and House Bill 6475 have been met with diverse reactions from different stakeholders in the Bangsamoro core areas and outside alike. For one, the Moro Islamic Liberation Front or MILF wanted to see a BBL that is compliant with the Framework Agreement on the Bangsamoro or FAB and the Comprehensive Agreement on the Bangsamoro or CAB and other signed agreements. Legislators from both Houses of Congress on the other hand, want a BBL that is compliant to the 1987 Philippine Constitution, while other sectors want a BBL that is compliant to a Federal Philippines. In the case of the Non-Moro Indigenous Peoples what they want is a BBL with provisions on Indigenous Peoples that are compliant to the Indigenous Peoples Rights Act (IPRA)—a national law enacted in 1997 in pursuance of the Constitutional provisions for the Indigenous Peoples, as a minimum standard for the recognition, protection and promotion of IP rights and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The bottleneck of current proposed legislations on the BBL is how to make it “compliant” not only to one or two references but to many and different references. This is a big challenge to the Bicameral Conference Committee of the House of Senate and the House of Representatives.

For the Non-Moro IPs, the IP provisions in Senate Bill 1717 and House Bill 6475 reflect the genuine sentiments of the Non-Moro IPs. These are also compliant to the FAB-CAB in the sense that FAB-CAB recognizes IP rights and is more compliant to the 1987 Philippine Constitution and to the international conventions protecting IP rights. After long years of hard work, availing all possible platforms to be heard, engaging in dialogues, to push for the recognition of our rights, and now going into the bicam process, the Non-Moro IPs see the inclusion of key IP rights provisions in both versions as a positive step towards a more inclusive BBL.

However, it does not mean that the struggle is over. There are more things to be done in the Bicameral Conference. The first and foremost task is to articulate the call for the RETENTION of all IP provisions from both the Senate Bill 1717 and House Bill 6475; and second, to use the bicam process as a space for improvements based on the recommendations of the Mindanao Indigenous Peoples Legislative Agenda or MIPLA, the proposals advanced by Loyukan [\[1\]](#), and the wisdom of the legislators sitting in the Bicameral Conference. Outside of this legislative process, there is the need for a continuing dialogue with the MILF leadership and fellow IP leaders on the ground for the maintenance of good relationships, understanding and mutual support.

We believe that the IP provisions, if retained, with more improvements in the Bicameral Conference will do no harm to the BBL. In fact, the IP provisions will strengthen the BBL and clear its way from

both Houses of Congress down to the Non-Moro IP constituents of the future Bangsamoro autonomy, come the plebiscite for the new law. This early, we can say that the proposed BBL is definitely considered more and an improvement than the ARMM law as far as the Non-Moro IP provisions are concerned.

Regarding other provisions of the BBL, the Non-Moro IPs in the core and adjoining areas share the same sentiments with the Bangsamoro that the BBL is a special peace legislation and is recognized as a big step towards the resolution of the Bangsamoro problem including that of the Non-Moro IPs in Mindanao.

Some sectors say that there will be bloody debate in the Bicameral Conference on the substantive provisions in the BTC version that were deleted or changed in the versions of the Senate and House of Representatives. Therefore, we join the call to the honorable men and women legislators in the Bicameral Conference to pass a BBL that is acceptable to all and one that is not less than or simply equals to the ARMM law. We rely on your wisdom for a genuine inclusive BBL, and inclusive peace.

It is also worth sharing that the leadership of the MILF said in many fora and interviews that “war is not an option” in case both Houses fail to pass an acceptable BBL. This is a positive and appreciated remark from the MILF leadership. But, being in the war zones, the Non-Moro IPs have experienced several bloody encounters between the AFP and revolutionary fighters and the terrorist groups in Mindanao. It is obvious that war is destructive, but if there is any reason for it, the risk of having one is always there. Yes, an accepted BBL is not only to stop the war. There is much poverty and poor governance among other problems in this region. Therefore, a BBL that is accepted by all parties, including the Non-Moro IPs, can transform the revolutionary forces and their communities into peace contingents and forces to eradicate poverty and poor governance in the region. The BBL will open this space and will give chance to all peace-loving citizens to chart their own destiny.

Lastly, many well-wishers and sympathizers of Federalism offered the BBL as template for Federal Philippines. The MILF leadership is not opposed to the idea provided BBL comes first before federalism. In the same manner, the Non-Moro IPs if ever we wish to change the Presidential form of our government into a Federal system, the Non-Moro Indigenous Peoples are ready to be included as a separate political unit within the Federal State based on the four bundles of rights [2] under the Indigenous Peoples Rights Act (IPRA). If the BBL is a template for federalism, the more we need to articulate IPRA in the BBL because IPs are not only found in the Bangsamoro core area but scattered throughout the country. For the Teduray and Lambangian in the core area of the Bangsamoro, their customary self-governance within their ancestral domain territory, the “Késéfanguwit Timuay” or Timuay Justice and Governance (TJG) [3] is itself a self-determination and self-governance compliant to Federalism.

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P.S.

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* Timuay Alim Bandara is a Teduray leader, and a member of the Secretariat of the Independent IP Voice, an independent body initiated by the IPs in Mindanao to pursue IP agenda in any form of peace process.

Footnotes

[1] LOYUKAN - A Teduray term to mean “comrades” is a formation of indigenous political structure, human rights and IP rights organizations and advocates pushing for full inclusion of IP rights in the BBL.

[2] Four (4) bundles of IP rights under IPRA: (1) Ancestral Domains, (2) Self-Governance and Empowerment, (3) Social Justice and Human Rights, and; (4) Cultural Integrity.

[3] Timuay - a tribal title and system of self-governance of the Teduray and Lambangian in Central Mindanao