

# **Mindanao (Philippines): Position paper on the on the Bangsamoro Basic Law, the peace process, the IPs and self-determination**

Friday 31 October 2014, by [MPPM](#), [PESONS Janel E.](#) (Date first published: 29 October 2014).

## **MPPM POSITION PAPER DELIVERED DURING THE CONGRESSIONAL HEARING ON BANGSAMORO BASIC BILL OF THE AD HOC BBL COMMITTEE ON OCTOBER 29, 2014**

Honorable Congressmen and Congresswomen, esteemed guests, good afternoon.

It is our honor to be invited as one of the resource speakers of this Committee's congressional hearing on the Bangsamoro Basic Law. The Mindanao Peoples' Peace Movement (MPPM), a network of tri-people grassroots organizations working for human rights and peace, founded at the height of the all-out war in Mindanao to call for the stop to the war and the resumption of the peace talks between the government and the Moro Islamic Liberation Front (MILF), like many organizations working to build peace in Mindanao, has long been supporting the peace process between the GPH and the MILF and any other peace processes that the government engaged in for that matter. As an expression of our support, we reached out and engaged with the grassroots communities and helped in the education on the development of the peace process. It was in this continuing engagement that MPPM has shaped its campaign for the participation of the grassroots communities in the peace process, since they are the ones that has the greatest stake on the peace negotiations. In 2002, MPPM supported the proposal of the Bangsamoro Consultative Peoples Assembly to call for a UN Managed/Supervised Referendum on the Political Options in the Bangsamoro Areas as a "Platform of Hope for Lasting Peace in Mindanao". This was not an easy campaign, in fact it is an ambitious campaign, but nevertheless we persisted, convinced that a referendum will help peacefully resolve the Bangsamoro question and therefore achieve peace in Mindanao.

The campaign on the Referendum on the Political Options for Peace in Mindanao also gave way to the discourse in MPPM on the Right to self-determination. In 2004, the Indigenous Peoples who also form a major part of MPPM's membership articulated their position and demanded to also be supported in their assertion on the same right that the Bangsamoro struggled for, their right to self-determination. Meanwhile, the Mindanao Migrants, or settlers to others, whose communities and sectors were also marginalized, has defined their struggle for human and democratic rights. As a tri-people organization who vows to support the self-determination struggles of peoples in Mindanao, it is the moral obligation of MPPM to take on not only the RSD assertion of the Bangsamoro, but also of the Indigenous Peoples as well as of the Mindanao Migrants.

As the peace negotiations progressed, the discourse on the right to self-determination struggle especially of the IPs also has gradually taken shape in MPPM. During the signing of the Ten-Decision Point on Principles in April 2012, MPPM, along with the leaders of the Timuay Justice and Governance, the only Indigenous Political Structure of the Teduray and Lambangian recognized by NCIP, audience with Prof. Mirriam Ferrer, who was not yet the Chair of the GPH panel that time, to present the position and demand of the Indigenous Peoples in ARMM. During this time, the IPs already clarified their question on their identity as well as their ancestral domain. Prof. Ferrer

advised and encouraged the IPs to continue with their CADT application, so that this becomes their vested right. This was the consistent advice of Prof. Ferrer every time the IPs meet with her, even when she became the Chair of the GPH Peace Panel.

But we know now of this impossibility. It is impossible to process the whole CADT of the IPs in few months or in a few years. The experience of most CADT applicants, processing can take on for five years and more by the National Commission on the Indigenous Peoples (NCIP). However, for 17 years since its approval, IPRA was never recognized and implemented within the Autonomous Region of Muslim Mindanao (ARMM), and NCIP was not devolved. It was only during the first quarter of this year that the NCIP has acted on the CADT application of the Unified Claim of the Teduray, Lambangian and Dulangan Manobo and ordered for its delineation. A Social Preparation Accomplishment Report (SPAR) was the farthest they manage to reach. According to the lawyer from GPH Panel who attended the Congressional Hearing in Cotabato City last October 23, 2014, if the delineation process is finished before the BBL is approved, then it will become the vested right of the IPs. If not, then the Bangsamoro parliament can act on it later. The question whether the ancestral domain delineation process will be pursued will then be at the discretion of the Bangsamoro Parliament, which means 2016 or beyond. We are not pre-judging the Bangsamoro, but, we hope it will not take another 17 years to delineate the ancestral domains of the IPs within the core area.

Like the MILF, the ancestral domain is a non-negotiable right for the Indigenous Peoples in the core area of the Bangsamoro. This is not a matter of royalty ONLY that they can get from all the resources that can be extracted in their ancestral domain. This is about the survival of the present and future generations of their tribes, which is far more important and critical than the promises of equitable sharing on the income of the resources found in their domain. Even when the BBL is yet to be approved and is still deliberated in the Houses of Congress, mining explorations have already started without the knowledge of the Timuay Justice and Governance (TJG). This means no Free, Prior and Informed Consent (FPIC) was sought by the parties involved in the exploration. Though, local government leaders confirmed their knowledge and support to the exploration, the fact is it violated the rights of the IPs in the area by not getting their consent.

With this, I would like to ask the panels of GPH and MILF, or the BTC: If the BBL provides for the right to FPIC to be respected and implemented, what will be the process? How would the BBL honor this in practice considering the current realities that mining exploration is already underway at the heart of the ancestral domain of the Teduray and Lambangian in Upi, Maguindanao even before the Bangsamoro is fully entrenched?

Sadly, and unjustifiably, the IPs has been called “free riders” and “spoilers”. And the groups supporting their assertion, including MPPM, has been called many names, few of which are “peace spoilers” or “evil whisperers”. Labeling the IPs as such is a big injustice to them. Their assertion for their right to self-determination is as legitimate as the one the MILF is fighting for in behalf of the Bangsamoro people. As early as 2005, they have already actively and persistently engage in the GPH-MILF peace process by submitting their position papers and engaging in dialogues whoever sat in the two panels. Unfortunately, their voice remained in the margins as all their documents and position papers were treated as informal documents and not part of the talking points. It seems, the peaceful and democratic manner in which the IPs presented their assertion over the years have become their downfall as their views, positions and demands were not taken seriously.

We all know that the GPH-MILF peace process is a very popular process and for which most of the groups and peace networks in Mindanao and some in Manila fully supported. However, for the IP support groups such as the MPPM are critical in our support knowing that the IPs clamor for their distinct identity and due recognition to their ancestral domain and right to self-determination are

not clarified in the text of the present draft Bangsamoro Basic Law. We cannot just close our eyes and remained deaf to the clamor of a marginalized peoples in our midst. We cannot allow for a group of peoples who have experience systematic colonization, assimilation and minoritization be relegated into the margins of our history and collective consciousness and be totally forgotten. Doing so, like what the IPs have said, would be tantamount to a genocide of nations/peoples who now fragiley hold in their hands the future of their next generations.

With that, we stand in support with the IPs in the core area in asking for a clarity and assurance of the rights as they presented during the hearing in Upi, Maguindanao last Oct. 22, 2014. It is only by reflecting these abovementioned provisions in the basic law that we can say "BBL is IPRA plus". Should these provisions be considered in the final BBL, then we can say that this is a benchmark law that does not destroy, diminish and derogate IP rights but in fact protecting and preserving it. Also, the adherence to FPIC in getting the decision of indigenous peoples in the adjacent communities manifest that even in the process of crafting the Basic law, it respects and recognized the rights of indigenous peoples.

We call upon the members of this Committee, if indeed we want to address the historical injustices of the Bangsamoro people, please do not forget, that there is another marginalized group of peoples who suffered the same fate over the centuries. It has been said often enough, that the Bangsamoro and the Basic Law will be the answer to all these historical injustices wrought to the Bangsamoro people, we also hope that this will not perpetuate another injustice for a minority peoples. We appeal to all you, let us make this peace process be genuinely inclusive and meaningful to all the tri-people inhabitants of Mindanao. It is often said that our laws favor the marginalized and downtrodden in our society, then if it is social justice we seek, then let social justice apply equally to all minorities and downtrodden in our society.

Finally, we support the peace process, that is why we are actively participating in this process. We support the Bangsamoro struggle for their right to self-determination and should this struggle be in this politico-legal term of BBL, then so BE IT! But it should not be at the cost of diminishing or diluting the inherent and inalienable rights of indigenous people. As the lamentations of our theme song says, "*Kung palayain ang isa, bakit di pa palayain ang lahat*"?

Thank you very much your honors. We will furnish you a copy of this position paper.

**Janel E. Pesons**  
**Secretary General**  
**Mindanao Peoples' Peace Movement**  
Cotabato City

---