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**NAVAL
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MONTEREY, CALIFORNIA

THESIS

**LAND OWNERSHIP AND MIGRATION:
IMPACT ON THE MUSLIM SECESSIONIST CONFLICT
IN THE SOUTHERN PHILIPPINES**

by

Reynaldo M. Aquino

December 2009

Thesis Advisor:

Douglas A. Borer

Second Reader:

Mark T. Berger

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**LAND OWNERSHIP AND MIGRATION: IMPACT ON THE MUSLIM
SECESSIONIST CONFLICT IN THE SOUTHERN PHILIPPINES**

Reynaldo M. Aquino
Lieutenant Colonel, Philippine Army
B.S., Philippine Military Academy, 1986

Submitted in partial fulfillment of the
requirements for the degree of

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from the

**NAVAL POSTGRADUATE SCHOOL
December 2009**

Author: Reynaldo M. Aquino

Approved by: Douglas A. Borer
Thesis Advisor

Mark T. Berger
Second Reader

Gordon McCormick
Chairman, Department of Defense Analysis

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ABSTRACT

The secessionist conflict in southern Philippines erupted in the 1970s to assert Muslim self-determination and establish a Bangsamoro state. Despite the government's peace efforts, the conflict persisted for more than four decades, causing instability and hindering progress in the region. For centuries, Muslim sultanates had dominated and ruled Mindanao and Sulu based on Islamic laws and practices. However, colonization and post-colonial influence significantly altered the Muslims' distinct identity as a dominant ethno-religious group of people. Notwithstanding strong Muslim resistance, colonial and post-colonial rule prevailed and eventually transformed the Muslims into the minoritized group in Mindanao.

This study looked into the impact of colonial and post-colonial land ownership and migration policies on the rise of Muslim secessionist conflict, and found that Muslims were discriminated against, marginalized, and dispossessed of their ancestral lands and domination in Mindanao. Muslim resentments and grievances that developed over time fueled the rise of the contemporary secessionist conflict in Mindanao.

Moro ancestral domain and territory were vital and contentious issues in the efforts to settle the secessionist conflict. Deeper understanding of the complexities of this problem is a key to attaining a viable solution for a lasting settlement of the Muslim conflict in Mindanao.

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I. INTRODUCTION

A. BACKGROUND

The continuing struggle of the Moro¹ secessionist movement in the Philippines is one of Southeast Asia's longest running armed conflicts.² At the height of the conflict, from 1972 to 1976, about 120,000 military and civilians lives were lost, another 100,000 civilians fled to nearby Malaysia, and around one million inhabitants of the southern Philippines were internally displaced.³ The conflict persisted for more than four decades and threatened the country's security and territorial integrity, and hindered stability and progress in the region.

In the early 1970s, the Muslim Secessionist movement under the banner of the Moro National Liberation Front (MNLF) led by Nur Misuari, erupted into a major violent conflict in Mindanao-southern Philippines (See Figure 1,

¹ The word "Moro" is used interchangeably with "Muslim" to refer to ethno-linguistic groups indigenous to Mindanao. However, while "Muslim" refers to a universal religious identity, the term *Moro* denotes a political identity distinct from the Islamized peoples of Mindanao and Sulu. *Moro* was originally used in a derogatory way by the Spanish colonizers to refer to the peoples of Mindanao, who had the same religion as the Moors who had once colonized Spain. See "Glossary of Terms," Website on Muslim Mindanao for Journalists and other Communicators, www.muslimmindanao.ph/index.html.

² Rizal G. Buendia, "The State-Moro Armed conflict in the Philippines, Unresolved National Question or Question of Governance?" *Asian Journal of Political Science*, 1750-7812, Volume 13, no. 1, 2005, www.informaworld.com/smpp/ftinterface?content=a789140253&rt=0&format=pdf (accessed August 16, 2009), 1.

³ Benedicto R. Bacani, "The Mindanao Peace Talks: Another Opportunity to Resolve the Moro Conflict in the Philippines," *Special Report, United States Institute of Peace*, January 2005, www.usip.org/resources/mindanao-peace-talks-another-opportunity-resolve-moro-conflict-philippines (accessed August 28, 2009), 4.

Map of the Philippines). The MNLF launched an open armed rebellion against the Philippine government to assert Muslim self-determination and to demand an independent "Bangsamoro"⁴ state in Mindanao.⁵



Figure 1. Philippine map. (From: http://mapsof.net/uploads/static-maps/philippines_physical_map.png)

The historical claim of Mindanao and Sulu as the Moro homeland dates to the middle of the 16th century, when

⁴ It was MNLF Chairman Nur Misuari who coined this term to refer to the identity of the Muslims in Mindanao who would compose the Muslim State.

⁵ See "MNLF Manifesto" in Danilo Estranero, *The Road to Resolving the Conflict in the South*, (Pasay, Philippines: The Rotary Club of Pasay Central, 2007), Appendix-C.

Spanish colonizers started to conquer Mindanao.⁶ Beginning at that point, the Muslims carried out a prolonged struggle against foreign domination, discrimination, and marginalization. The struggle continued until the post-colonial Philippine administrations that eventually took over and governed in Mindanao.

Scholar Soliman Santos, Jr., argues, "the contemporary armed conflict on the Moro front is the sharpest expression of the Bangsamoro problem." It is a product of the historical and systematic marginalization and minoritization of the Muslims (known as "Moros") as an ethno-linguistic group in their Mindanao homeland, first under colonial rule, and later under the Christian-dominated Philippine governments that followed independence in 1946. Moro independence was lost when Mindanao was absorbed into the Philippine nation state.⁷

Consequently, the Muslims' identity as the dominant and distinct ethno-religious group who ruled over Mindanao for centuries deteriorated. Deep-seated Muslim resentments and grievances accumulated and exploded into a violent armed conflict in the early 1970s. The conflict has evolved since then and persists until the present time.

The Philippine government, since the time of President Marcos, has initiated efforts to forge a negotiated settlement to the secessionist conflict, after realizing a

⁶ Buendia, "The State-Moro Armed conflict in the Philippines," 2005, 3.

⁷ Soliman M. Santos, Jr., "Evolution of the Armed Conflict in the Moro Front," *Human Development Report 2005*, Human Development Network (HDN), www.muslimmindanao.ph/peace_process.html (accessed October 20, 2009), 1.

military solution to the problem proved futile.⁸ However, further complexities of the conflict prevented the Philippine government from attaining its goals.

Initial government success in peace efforts with the MNLF came in late 1976 with the signing of the Tripoli Peace Accord, and later the Final Peace Agreement (FPA) in 1996. The MNLF agreed to accept and settle for autonomy in Mindanao. However, the agreement aggravated existing leadership differences within the MNLF. Nur Misuari and his Vice-Chairman Hashim Salamat differed not only on ideology and objectives but also on other aspects as well (orientation—secular vs. Islamic; leadership style—centralized vs. consultative; and ethnic support—Tausug vs. Maguindanaon), of which the two top leaders are proponents, respectively.⁹

An organizational split within the MNLF ensued when then-Vice-Chairman Hashim Salamat formed the "New MNLF faction," which in 1984 officially became the Moro Islamic Liberation Front (MILF). In the 1990s, another group with a more extremist perspective emerged from among disgruntled MNLF members who formed the Abu Sayyaf Group (ASG).

The more Islamic-oriented MILF faction under Salamat opposed autonomy as a solution to the Mindanao conflict. From the early 1980s until the late 1990s, the MILF assumed the secessionist struggle against the government. In 1996,

⁸ Salvatore Schiavo-Campo and Mary Judd, "The Mindanao Conflict in the Philippines: Roots, Costs, and Potential Peace Dividend," *Social Development Papers*, (Conflict Prevention & Reconstruction Paper No. 24, February 2005), http://siteresources.worldbank.org/INTICPR/214578-1111996036679/20482477/WP24_Web.pdf, (accessed August 15, 2009), 2.

⁹ Santos, "Evolution of the Armed Conflict in the Moro Front," 2005, 4.

peace talks began with the GRP-MILF Peace Negotiations in Malaysia, but it was not until the GRP-MILF Tripoli Agreement of June 22, 2001 that the talks were formalized with Malaysia as their official facilitator and host to the negotiations.¹⁰ The talks have continued since then despite the eruption of intermittent armed hostilities between the two adversaries.

In August 2008, a breakthrough in the decade-long talks was about to unfold with the scheduled signing of the Memorandum of Agreement on Ancestral Domain (MOA-AD),¹¹ the third and most substantial agenda in the talks. However, the Philippine Supreme court ruled as illegal the signing of the MOA-AD scheduled for August 5, 2008, in favor of a petition filed by Christian political leaders from Mindanao. The petition claimed that the agreement would result in the dismemberment of the country and was thus unconstitutional.¹²

The government further affirmed cancellation of signing the final MOA-AD; as a result, the GRP-MILF talks became indefinitely stalled. The MILF however, asserted that the Memorandum of Agreement on Ancestral Domain Aspect

¹⁰ Ayesah Abubakar, "KEEPING THE PEACE: The International Monitoring Team (IMT) Mission in Mindanao," SEACSN Publications-Bulletin, http://operationspaix.net/IMG/pdf/SEACSN_Publications-Bulletin.pdf (accessed September 28, 2009).

¹¹ The Memorandum of Agreement between the MILF and the GRP 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. See <http://abpquevedo.blogspot.com/2008/08/what-is-moa-ad-in-milf-grp-peace.html>.

¹² Stella Gonzales, "Secret Pacts Spoil Philippine peace," *Asia Times On-Line*, August 29, 2008, www.atimes.com/atimes/Southeast_Asia/JH29Ae01.html (accessed July 15, 2009).

of the 2001 Tripoli Agreement on Peace, having been already initialed by the Parties' representatives to the peace negotiations, was a "done deal" and a "living document."¹³

In the middle of this controversy, the Philippine government was placed in a dilemma. The MOA-AD issue became the focus of various critiques and debates from different sectors, particularly Christian political leaders in Mindanao and politicians in Manila.

Meanwhile, violence erupted anew in some parts of Mindanao following the non-signing of the MOA-AD. In protest, MILF elements went on a rampage and attacked Christian villages in the Cotabato and Lanao Provinces. The hostilities caused the displacement of 600,000 affected civilians out of the 4.2 million newly displaced in 2008, as reflected in the Geneva-based International Displacement Monitoring center, making Mindanao "the biggest new displacement in the world."¹⁴

Along with these developments, speculations loomed that renewed Muslim-Christian violence in Mindanao similar to incidents in the early 1970s was imminent. North Cotabato Vice-Governor Emmanuel Piñol, a staunch critic of

¹³ Taher G. Solaiman, "MOA-AD Documents Another Injustice To Moros," February 26, 2009, www.luwaran.com/index.php?option=com_content&view=article&id=600:moa-ad-documents-another-injustice-to-moros&catid=81:moro-news&itemid=372(accessed July 22, 2009).

¹⁴ Carolyn O. Arguillas, "Eight Years of the GRP-MILF Talks under Arroyo: Whatever Happened to 'All Out Peace'?", *MindaNews*, June 23, 2009, www.mindanews.com/index.php?option=com_content&task=view&id=6558 (accessed September 28, 2009).

the MILF, reacted to the recent GRP-MILF truce by declaring
ing to ANC's¹⁵ Dateline Philippines:

Violence will escalate in Mindanao once the military steps back and stops its offensives against the separatist Moro Islamic Liberation Front (MILF)... "Mark my words. I know the situation on the ground. I was born here. Mark my words. With the suspension of military operations, violence will escalate again, if the military backs off, Moro commanders, particularly Ameril Umbra Kato, Abdullah Macapaar and Aleem Pangalian, will attack civilian communities. "Logic would dictate the civilians would take up arms and defend themselves. There will be a resurgence of the Ilaga movement, vigilante groups [sic] civilians arming themselves. We don't want this to happen," he said.¹⁶

The controversial issue of Ancestral domain and renewed hostilities that ensued when this issue is exploited can lead to further violence and instability. This study explores how this issue of Ancestral domain became critical to the prospects of the Muslim secessionist conflict settlement, and what key factors have impacted the Moro ancestral domain as the significant cause of the conflict.

B. PURPOSE AND SCOPE

The purpose of this study is to examine the issues of land ownership and migration in relation to the rise of the Muslim secessionist conflict in the southern Philippines.

¹⁵ ANC channel is a Rated TV Broadcast station in the Philippines that hosts and features talk shows on significant national and political issues and events.

¹⁶ Piñol: "Violence to Escalate with MILF-GRP Truce," abs-cbnNEWS.com, 07/24/2009, www.abs-cbnnews.com/nation/regions/07/24/09/pi%C3%B1ol-violence-escalate-milf-grp-truce (accessed September 29, 2009).

It seeks to answer the question of how land ownership and migrant settlement policies impacted the Muslims in Mindanao and eventually gave rise to the contemporary Muslim secessionist insurgency conflict in the southern Philippines, beginning in the early 1970s.

A number of studies on the Muslim secessionist conflict in the southern Philippines were centered primarily on aspects of ethnicity, religion, economic deprivation, and repression as its causes. This study, however, focuses on the impact of land ownership and migration in Mindanao as the fundamental cause of the Muslim conflict. This study examines how the traditional Muslim domination and control of the Moro ancestral domain in Mindanao significantly changed over time. It further seeks to answer the questions: 1) What factors led to the significant changes in the pre-colonial traditional Muslim domination and land ownership in Mindanao during the colonial and post-colonial periods; 2) How did these changes affect the ethnic inhabitants of Mindanao, particularly the Muslims; and 3) Why is the Moro ancestral domain issue significant in the attainment of a lasting settlement of the Muslim secessionist conflict?

The scope of the study covers the period from the colonial to the post-colonial era in the Philippines in order to examine migration and land settlement policies, and the Muslim struggles. Mindanao and the Muslims during the pre-colonial period will provide the background.

The study highlights the crucial role that migration and land settlement played in changing demographic composition and Muslim dominance in Mindanao. This resulted

in the loss of Muslim power and control over territories in Mindanao, which ultimately gave rise to the Muslim secessionist insurgency in the early 1970s.

A thorough and deeper understanding of this process and the factors that caused the continued Muslim struggle is a key to finding a mutually acceptable and lasting settlement to the Muslim secessionist problem in the southern Philippines.

C. RELATED LITERATURE

Following Philippine Independence in 1946, the Muslim secessionist conflict in the southern Philippines emerged as an ethnic-social conflict largely between the minority Muslims and the majority Christians that dominated in Mindanao. It evolved from long and the deep-seated Muslim resentments and grievances since the time of colonial rule that resulted in the minoritization of the Muslims in their homeland and dispossessed them of their ancestral land.

According to Sociologist Louis Kriesberg, conflicts can result in either constructive or destructive outcomes, depending on the interactions between the contending parties during the different stages of the social conflict cycle.¹⁷ He expanded on the subject and presented some important frameworks from which to analyze conflicts. He identified the different stages of the social conflict cycle: how the conflicts evolved, developed, and ended. Using several cases of contemporary major conflicts, he further elaborated on the nature, characteristics, and

¹⁷ Louis Kriesberg, *Constructive Conflicts: From Escalation to Resolution*, (Layham, Maryland, United States of America: Rowman & Littlefield, 2007), 20-23.

bases of conflicts, and conflict strategies. A broader understanding of how social conflicts emerge, develop, and terminate is a valuable basis and tool for carrying out conflict analysis and for determining approaches to conflict resolution.

Looking at the case of the Muslim Secessionist conflict in the southern Philippines, the conflict has evolved into the de-escalation and negotiation stage of the social conflict cycle. The conflicting parties have temporarily ceased hostilities and have gone through the process of seeking possible negotiated settlement through peace talks. This could indicate that with the right approach to the issues, the GRP and the MILF are heading in the direction of what Kriesberg refers to as "constructive conflicts."¹⁸

Political Science Professor Myrthena L. Fianza, in a working paper for the 10th Biennial Conference of the International Association for the Study of Common Property, points to the fact that the ancestral land issue was a major cause for the persistent conflict in Mindanao. She argues that:

the conflict is rooted to the land question triggered by the issue of equitable access to land and resources or rights to a territory that contesting groups view should be acquired or reclaimed not solely on the basis of economic rights to private property in the western liberal sense, or from a more progressive standpoint of redistributive reform, but as a determinant of

¹⁸ Louis Kriesberg, *Constructive Conflicts: From Escalation to Resolution*, (Layham, Maryland, United States of America: Rowman & Littlefield, 2007), 20-23.

the survival of a community and their culture,
the basis of their identity as a people.¹⁹

Colonial and post-colonial policies on land ownership and settlement have discriminated against and marginalized the Muslims. They were unjustly dispossessed of their ancestral lands in Mindanao, and this caused them to take up arms against the government to assert their self-determination and to preserve their distinct identity.

Senior Research Associate Astrid Tuminez argues in a Special Report that, to prevent or end civil war, minority groups must be included as full citizens in a unified nation. Using the experiences of other minorities in the world (Native Americans in the United States, Maoris in New Zealand, Inuit in Canada, and Tamils in Sri Lanka), who have lost ancestral and traditional land to a majority-governing group, Tuminez points out that the treaties which were enforceable in court helped protect the rights of these minorities.²⁰

The Muslim secessionist conflict in the southern Philippines is rooted in the loss of ancestral Muslim lands in Mindanao and in the domination of Christian settlers. Land ownership and ancestral domain are a crucial issue in the recent MILF-GRP peace negotiations. The supposed MOA-AD

¹⁹ Myrthena L. Fianza, *Contesting Land and Identity in the Periphery: the Moro Indigenous People of Southern Philippines*, as quoted in Ariel R. Cacukitan, "Negotiating Peace with the Moro Islamic Liberation Front in the Southern Philippines," (Master's thesis, Naval Postgraduate School, Monterey, CA, December 2005), 5.

²⁰ Astrid S. Tuminez, "Ancestral Domain in Comparative Perspective," Special Report, United States Institute of Peace, www.usip.org/resources/ancestral-domain-comparative-perspective (accessed August 2009,) 6-11.

between the GRP and MILF could provide a form of an enforceable treaty for a viable and mutually acceptable solution to the conflict.

D. RESEARCH METHODOLOGY

The study used the qualitative approach and descriptive analysis to examine and discuss the facts and issues of conditions and events, and to support concepts and arguments that answer the selected research questions.

The study generally relied on available written literature from books, articles, and other relevant printed publications and documents as its sources. Likewise, online resources in the form of scholarly journals, reviews, analysis, articles, and reports were explored as additional sources of materials for the study. When possible, comments and insights from experts or credible persons were used to support arguments and explanations presented.

E. CHAPTER SUMMARY

1. Chapter II: Rise and Struggles of the Muslims in Mindanao

This chapter traces the historical background of Mindanao, the arrival of Islam, and the rise and formation of the early Muslim states (Sultanates). Islam had become the main factor that gave the Muslims sense of identity as a people apart.²¹ The sultanates arose as free and sovereign states to dominate and rule over the Islands of Mindanao and Sulu for centuries prior to the arrival of the

²¹ Melvin Mednick, "Some Problems of Moro History and Political Organization," in *The Muslim Filipinos*, ed. Peter G. Gowing and Robert D. McAmis, (Manila: Solidaridad Publishing House, 1974), 11.

colonizers. During this period, the Muslim concept of land ownership was anchored in traditional and customary law.

The chapter then describes and discusses the coming of colonial rule and the colonizers' efforts to control the Muslims, which were met by strong Muslim resistance. It also examines the struggles against foreign domination, marginalization, and exploitation that continued up to the post-colonial Philippine administrations. Lastly, it relates the consequence of these long periods of struggles to the contemporary Muslim struggles that ultimately led to the outbreak of the secessionist conflict in the early 1970s.

2. Chapter III: Land Ownership and Migration in Mindanao

This chapter looks at the land ownership and settlement policies in Mindanao implemented during the colonial and post-colonial periods. It analyzes how these policies impacted Muslim domination and control in Mindanao as a distinct ethno-religious group. These policies discriminated against and marginalized Muslims as they lost land ownership to non-Muslim settlers, and eventually led to Christian dominance in Mindanao. Consequently, land disputes between Muslims and the descendants of Christian settlers in the 1960s and the early 1970s became a significant element in the major violent Muslim conflict that erupted.

3. Chapter IV: Muslim Secessionist Insurgency

This chapter covers the rise of the contemporary Muslim secessionist insurgency in the 1970s. It discusses

the evolution of secessionist movements and the escalation of the conflict into an armed rebellion against the Philippine government. It then discusses how government responded in order to address and resolve the conflict.

4. Chapter V: Summary and Conclusions

This chapter presents an overall summary and conclusions regarding the impact on and implications of land ownership and settlement in the Moro ancestral domain as a significant driving factor behind the Muslim conflict, and how this has become a central issue in the peaceful settlement of the conflict. This chapter concludes by considering how Moro ancestral domain became significant to the success of the peace talks and the attainment of a lasting peace that could put an end to the Muslim secessionist conflict.

II. RISE AND STRUGGLES OF THE MUSLIMS IN MINDANAO

A. CONTEMPORARY MUSLIMS IN MINDANAO

Mindanao and Sulu Islands (Mindanao), the southernmost islands of the Philippine archipelago, is the second largest among the three major Island groups: Luzon, Visayas, and Mindanao (see Figure 1, Map of the Philippines). It is home to the country's largest concentration of Muslims, who make up about five percent of the Philippines' population of 87.9 million, and 20 percent of Mindanao's 16 million.

For many Filipinos, Mindanao is seen as a frontier and a land of promise; it reflects contrasting images of bounty and want, of war and peace, and of rapid development amid the increasing impoverishment of its people.²² Mindanao's geographic location in the East Asian region and its rich natural resources make the area a potential and strategic trans-shipment point and center of trade in the region.²³ (See Figure 2, Map of Southeast Asia.)

²² Macapado A. Muslim and Rufa Cagoco-Guam, *Mindanao: Land of Promise* (April 1999), www.c-r.org/our-work/accord/philippines-mindanao/promised-land.php# (accessed July 27, 2009)

²³ Danilo E Estranero. *The Road to Resolving the Conflict in the South*. (Pasay, Philippines: The Rotary Club of Pasay Central, 2007), 4.



Figure 2. Map of Southeast Asia (From www.internationalstudies.ohio.edu)

The Islamized people of today's Mindanao are the most dominant ethnic group in the Philippines.²⁴ They include at least thirteen different ethno-linguistic groups. The three largest and most politically dominant are 1) The Maguindanaons, "people of the flooded plains," of the Cotabato Province (Maguindanao, Sultan Kudarat, North Cotabato, and South Cotabato); 2) The Maranaos, "people of

²⁴ Muslim and Cagoco-Guiam, *Mindinao: Land of Promise*, 1999.

the lake," of the two Lanao Provinces; and 3) The Tausugs, "people of the current," of the Sulu Archipelago. The Yakan, Sama, Badjaw, Kalagan, Sangil, Iranun or Ilanun, Palawani, Melebugnon, Kalibogan, and Jama Mapun compose the other minority groups. Further included are Muslim converts from the other ethno-linguistic groups in the country.²⁵

Records of the Bureau of Muslim Settlements show the population of the different Muslim ethno-linguistic groups in Mindanao as of the year 2004.²⁶ (See Table 1, Muslim Ethno-Linguistic Groups in Mindanao.)

Ethnic Group/s	Number
Maranao "People of the Lake"	2,446,266
Maguindanao "People of the Flooded Plain"	2,108,104
Tausog "People of the Current"	1,577,879
Yakan "People of the Upland region"	767,222
Iranun "Maranao and Maguindanao People"	373,817
Palawanon "People of the Frontier"	35,614
Badjao and Samal/Sama "People of the Sea Gypsies"	516,856
Kalaangan and Sanguil "People of the Orient"	84,902
Jama Mapun, Molbog, and Kalibugan	35,080

Table 1. Muslim Ethno-Linguistic Groups (From Estranero, *The Road to Resolving the Conflict in the South*, 2007, 9.)

²⁵ Muslim and Cagoco-Guam, *Mindinao: Land of Promise*, 1999.

²⁶ Estranero, *The Road to Resolving the Conflict in the South*, 2007, 9.

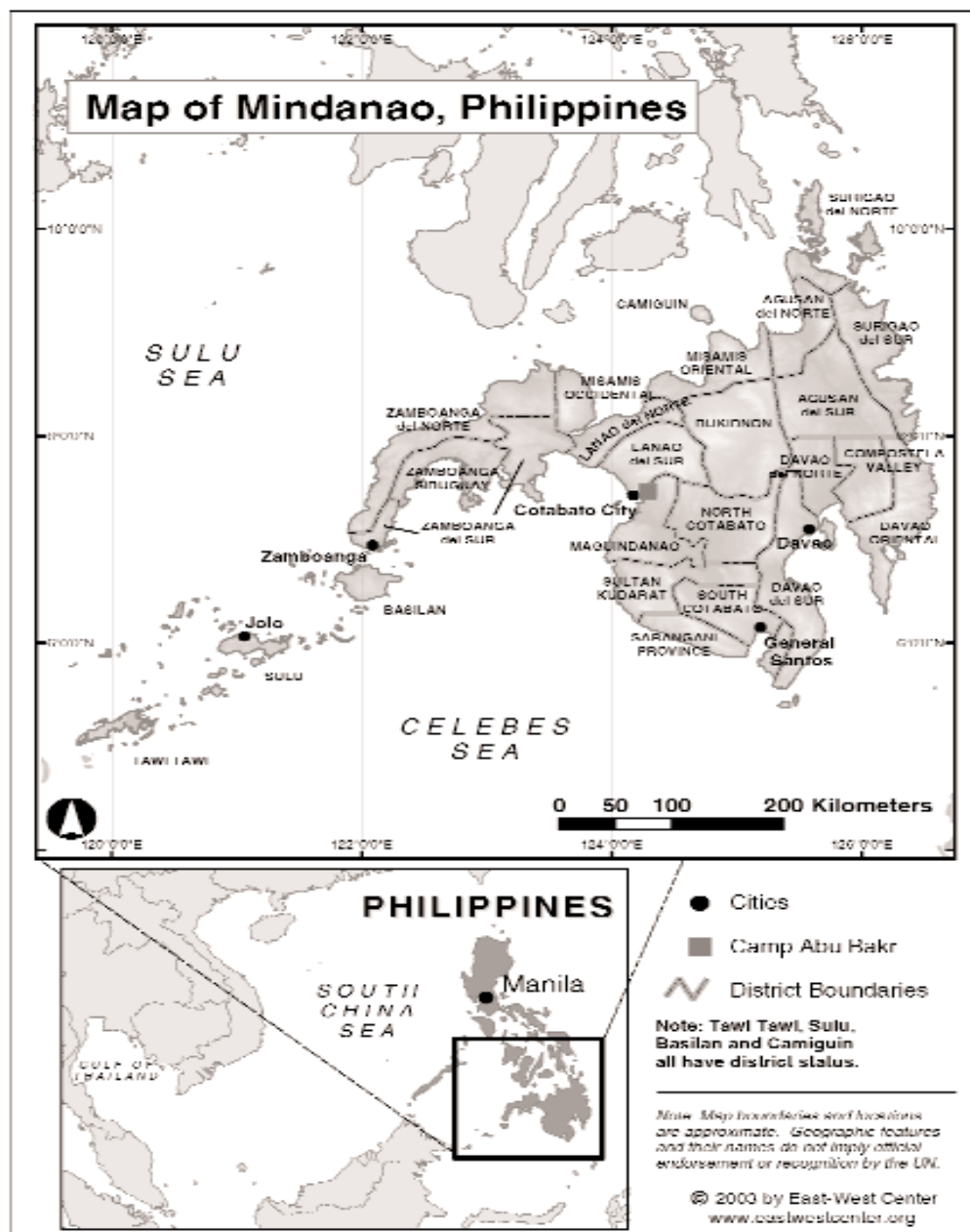


Figure 3. Mindanao Map. (From Eric Gutierrez and Saturnino Borrás, "The Moro Conflict: Landlessness and Misdirected State Policies," East-West Center, Washington, DC www.eastwestcenterwashington.org/Publications/publications.htm.)

B. MINDANAO IN THE PRE-COLONIAL PERIOD (PRIOR TO 1565)

1. Ethnic Inhabitants and the Coming of Islam

During the pre-colonial period, Mindanao and the Sulu archipelago was a place inhabited by various ethno-linguistic groups of indigenous people who had settled in the islands beginning in the early migration period. The islands existed as a separate territory that developed its own distinct culture and identity.²⁷ The region thrived in communities that established contacts and developed relationships with people from the outside world.

Islam came to the Philippines through in international trade, principally dominated by Arab Muslims, which during the 9th century extended from Morocco to China.²⁸ The strategic geographic location of the Sulu archipelago in the southernmost part of Mindanao provides with the neighboring states provided a vital trade route for early Malay and Arab traders. From the 9th to the 11th centuries, Arab traders were the first to reach Mindanao through the Red Sea-Indian Ocean-South China Sea trade route.²⁹ By the middle of the 13th century, international trade and commerce were flourishing in the Sulu islands.

²⁷ Wikipedia contributors, "Autonomous Region in Muslim Mindanao," *Wikipedia, The Free Encyclopedia*, http://en.wikipedia.org/w/index.php?title=Autonomous_Region_in_Muslim_Mindanao&oldid=314480489 (accessed October 21, 2009).

²⁸ Cesar A. Majul, "The Muslims in the Philippines: An Historical Perspectives," in *The Muslim Filipinos*, ed. Peter G. Gowing and Robert D. McAmis, (Manila: Solidaridad Publishing House, 1974), 3.

²⁹ Allan R. Luga, "Muslim Insurgency in Mindanao, Philippines" (Master's thesis, U.S. Army Command and General Staff College, 2002), 13.

Through early Arab traders and Islamic missionaries, Islam greatly influenced the lives of region's indigenous inhabitants.

2. Islamization and the Rise of the Sultanates

The flow of trade and commerce along the Sulu trade route from the ninth to the 13th centuries brought not only an influx of Muslim traders, but also of Arab missionaries and Islamic teachers. During the period from the 10th to the 13th centuries, Islam was introduced to the ethnic inhabitants as a religion and a way of life.³⁰ Malay traders and religious figures had established Muslim settlements in Sulu by the last quarter of the 13th century and by the middle of the 15th century, Islamic political institutions had become prominent.³¹ As Rizal Buendia underlines, long before the coming of the Western colonizers, Mindanao and Sulu were places of flourishing Islamic communities and settlements under the sultanates that had been established and that provided a system of rules and governance.³² This point in history saw the initiation of the early Islamization process of the indigenous inhabitants in Mindanao.

³⁰ Estranero, *The Road to Resolving the Conflict in the South*, 2007, 4.

³¹ Lawrence Cline (2000), "The Islamic Insurgency in the Philippines," *Small Wars & Insurgencies*, 11:3, 115-138, <http://dx.doi.org/10.1080/09592310008423291> (accessed September 21, 2009), (note 10), 116.

³² Buendia, "The State-Moro Armed conflict in the Philippines," 2005, 3.

Islam gained prominence and quickly spread out across the Sulu Islands, converting the inhabitants (Tausugs)³³ into Muslims. By 1450, an Islamic form of government emerged in Sulu when Abu Bakr, an Arab leader, established the first Muslim sultanate in Mindanao, the Sultanate of Sulu.³⁴ Subsequently, Islam expanded to the Mindanao mainland. About a century later, Serif Kabungsuwan came with his men from Johore (now Malaysia), arrived in mainland Mindanao, and introduced Islam. They successfully converted the native inhabitants to Islam and later the Sultanate of Maguindanao was established, with Seriff Kabungsuwan as the first Sultan of Mindanao.³⁵ Islamic missionary efforts in the 15th and 16th centuries also established sultanates in the Lanao and Cotabato areas. By the end of the 15th century, Islam had spread northwards where Muslim Rajas (Rajah Sulaiman Mahmud, Rajah Matanda, and Rajah Lakandula) ruled over what is now Manila.³⁶

3. Rise of the Early Muslim States in Mindanao

The early Muslim sultanates in Mindanao and Sulu arose as part of the Islamized Malay world and became the most developed and cohesive political system among the

³³ The Tausugs are a group referred to as the "people of the current," who are dominant among ethnic Muslim groups inhabiting the Sulu Islands.

³⁴ Federico V. Magdalena, *Islam and the Politics of Identity: Lessons from the Philippines and Southeast Asia*, Center for Philippine Studies, University of Hawai'i at Manoa, N.D, <http://www.hawaii.edu/cps/identity.html> (accessed on August 26, 2009).

³⁵ Teodoro A. Agoncillo and Oscar M. Alfonso, *History of the Filipino People*, (Quezon City, Philippines: Malaya Books, 1967), 26.

³⁶ Orlando B. Quevedo, "Injustice: The Root of Conflict in Mindanao," [www.cpn.nd.edu/Injustice % 20 article.doc](http://www.cpn.nd.edu/Injustice%20article.doc) (accessed August 28, 2009).

inhabitants of the Islands at that time.³⁷ The Tausugs and Maguindanaons dominated early state formations in the Philippines. The sultanates of Sulu and Maguindanao They existed as sovereign and independent states and thus became centers of resistance against the foreign colonial rulers.³⁸ The sultanates prior to the coming of colonizers had already established the requisites of nationhood: a territory, people, government, and sovereignty.³⁹ During this period, Muslim political organization under the Islamic sultans and datus was relatively more advanced than in the other parts of the Philippines.⁴⁰ The sultanates, as Macapando Muslim argues, "provided Mindanao Muslims with an identity as peoples distinct from the inhabitants of Luzon and the Visayas." Islam had become the Muslims' basis of their defiance against foreign domination.⁴¹

This era highlights the rise and development of Muslim state formation (the Sultanates) in the early Philippines, and highlights the glorious years of Islamic rule and domination. During this period, the Moros were the unconquered people of the south and the masters of Mindanao

³⁷ Peter G. Gowing and Robert D. McAmis, "The Muslim Introduction: Irresistible Forces, Immovable Objects" in *The Muslim Filipinos* ed. Peter G. Gowing and Robert D. McAmis, (Manila: Solidaridad Publishing House, 1974), ix.

³⁸ Astrid S. Tuminez, "This Land is Our Land: Moro Ancestral Domain and its Implications for Peace and Development in the Southern Philippines," *SAIS Review*, Volume 27, no. 2, Summer-Fall 2007, 77-91, muse.jhu.edu/login?uri=/journals/sais_review/v027/27.2tuminez.html (accessed August 18, 2009).

³⁹ Solaiman Santos, "Evolution of the Armed Conflict in the Moro Front," Human Development Network Foundation, Inc. for the Philippine Human Development Report 2005, 67.

⁴⁰ Cline, Lawrence. "The Islamic Insurgency in the Philippines," 2000, (note 14) 117.

⁴¹ Muslim and Cagoco-Guam, *Mindinao: Land of Promise*, 1999.

and Sulu, where they constituted 98 percent of the population.⁴² The political influence of the sultanates extended to what is known today as Brunei, as well as the provinces of Cebu, Panay, Mindoro, and Ilocos.⁴³

C. SPANISH COLONIAL PERIOD (1565-1898)

Spanish colonization first came to the Philippines in 1565, motivated by trade and in search of spices.⁴⁴ They named the archipelago "Philippines," after Prince Philip II, the future King of Spain, and established permanent settlements in the Visayas and Luzon. The Spanish colonizers easily conquered except in Mindanao, where they met strong Muslim resistance. The conquered local inhabitants were then Christianized and subjugated under Spanish colonial rule.

The first site of Moro-Spanish confrontation was not in Mindanao, but in the Muslim settlements in today's Manila ruled jointly by Raja Sulaiman Mahmud and Rajah Matanda, and in Tondo by Raja Lakandula.⁴⁵ Manila served as the main trading port in Luzon under the Muslim control. The conquerors successfully defeated the Muslims who were

⁴² Benedicto R. Bacani, "The Mindanao Peace Talks: Another Opportunity to Resolve the Moro Conflict in the Philippines," Special Report, United States Institute of Peace, January 2005, www.usip.org/resources/mindanao-peace-talks-another-opportunity-resolve-moro-conflict-philippines (accessed August 28, 2009).

⁴³ Lualhati M. Abreau, "Colonialism and Resistance: A Historical Perspective," in *The Moro Reader: History of Contemporary Struggle of the Baangsamoro People*, ed. Bobby M. Tuazon, (Policy Study Publication and Advocacy, Center for People Empowerment in Government, 2008), 18.

⁴⁴ Federico V. Magdalena, "Islam and the Politics of Identity: Lessons from the Philippines and Southeast Asia," Center for Philippine Studies, University of Hawai'i at Manoa (ND), www.hawaii.edu/cps/identity.html, (accessed on August 26, 2009)

⁴⁵ Salah Jubair, *A Nation under Endless Tyranny*, (Lahore, Pakistan: Islamic Research Academy, Second Edition, October 1997), 25.

forced to dissolve their settlements and withdraw to their strongholds in Mindanao. This first battle in Manila marked the beginning of the long Moro-Spanish Wars to colonize Mindanao.⁴⁶ The onset of Spanish colonization had effectively blocked the spread of Islam and had prevented the growth of Muslim influence from expanding to other parts of the Philippines.⁴⁷

By 1578, Spanish attempts to conquer Islam were launched with attacks in Sulu and Borneo. This began the so-called Moro-Spanish Wars, a bitter war of attrition that lasted for more than three centuries.⁴⁸ The Spanish conquest used Christianized Filipinos as tools in a series of military campaigns against the Muslims. This impacted what the Filipino Muslim is today, and defined his attitudes and relations to all non-Muslim foreigners or Filipinos.⁴⁹

In defiance of the perceived threat of colonial rule to Muslim dominance, colonial conquests in Mindanao were met with strong resistance. Muslims launched pre-emptive counter-attacks using fierce coastal raids against Spanish settlements in Luzon and Visayas. These raids brought much fear and terror to the Christianized Filipinos and their colonial masters, and as a result the Moros were branded as savage sea-raiding pirates and bandits.⁵⁰

⁴⁶ Salah Jubair, *A Nation under Endless Tyranny*, (Lahore, Pakistan: Islamic Research Academy, Second Edition, October 1997), 25.

⁴⁷ Estranero, *The Road to Resolving the Conflict in the South*, 2007, 11.

⁴⁸ Magdalena, "Islam and the Politics of Identity."

⁴⁹ Cesar A. Majul, "The Muslims in the Philippines: An Historical Perspective," in *The Muslim Filipinos*, ed. Peter Gowing and Robert D. McAmis, (Manila: Solidaridad Publishing House, 1974), 7.

⁵⁰ Jubair, *A Nation under Endless Tyranny*, 1997, 29.

Spanish efforts to extend their influence, despite establishing footholds in the northern and eastern Mindanao and the Zamboanga peninsula, failed to colonize the rest of Mindanao.⁵¹ The conquests, however, had further sowed the seeds of Muslim-Christian animosity.⁵² Cesar Majul describes the adverse consequences of the Spanish conquest:

Spanish rule brought with it the disruption of time-honoured Muslim maritime commercial activities; the systematic destruction of Muslim settlements, farms, and orchards; depopulation caused by famine, disease and Spanish military expeditions; and isolation from neighboring Muslim Malays who had fallen under the British and Dutch imperialism. Together these were to spell the eventual loss of independence for the sultanates.⁵³

Further, the Spanish conquest started a process that eventually reshaped the demographic composition of Mindanao by depriving the indigenous inhabitants of their land, and by creating deep-seated prejudices among the different ethno-linguistic groups.⁵⁴

D. AMERICAN COLONIAL PERIOD (1898-1946)

American colonial policies in Mindanao during the early 20th century planted additional seeds of future

⁵¹ Muslim and Cagoco-Guam, *Mindinao: Land of Promise*, 1999.

⁵² Ibid.

⁵³ Cesar Adib Majul, "The Moro Struggle in the Philippines," *Third World Quarterly*, Vol. 10, No. 2, Islam & Politics (April, 1988), Taylor & Francis, Ltd., from www.jstor.org/stable/3992672 (accessed July 28, 2009), 897.

⁵⁴ Ibid., 887.

conflict between the minoritized Filipino Muslims (Moros) and the Philippine government in this region.⁵⁵

The Philippines were ceded to the United States by virtue of the Treaty of Paris, signed in December, 1898, following the defeat of Spain in the Spanish-American War. Mindanao and Sulu, although never fully under Spanish control, were included in the treaty.⁵⁶ This carried the Muslim struggle to another episode, against a new colonial ruler, for the next four decades.

As they had done with the Spanish colonizers, the Muslims opposed the arrival of the Americans in Mindanao in 1899 and rejected the new colonial rule. Nevertheless, Jubair notes that the Americans had prepared a comprehensive plan for dealing with the Moros before they set foot in Mindanao. The plan involved a strategy incorporating military, political, social, economic, and educational components.⁵⁷

Despite Muslim resistance, the American colonial authorities effectively pacified and gained control over the Muslims in Mindanao through various policies as part of their strategy. Following President William McKinley's

⁵⁵ G. Eugene Martin and Astrid S. Tuminez, *Toward Peace in the Southern Philippines, A Summary and Assessment of the USIP Philippine Facilitation Project, 2003-2007*, www.ciaonet.org/wps/usip10683/usip10683.pdf (accessed September 15, 2009), (note 1), 2.

⁵⁶ Susan D. Russell and others, "The Mindanao Conflict and Prospects for Peace in the Southern Philippines," from *Mindanao: A Perspective on Youth, Inter-Ethnic Dialogue and Conflict Resolution In the Southern Philippines*, Center for Southeast Asian Studies and Office of International Training, Northern Illinois University, 2004, www.cseas.niu.edu/outreach/MindanaoPeace.pdf (accessed on August 28, 2009).

⁵⁷ Jubair, *A Nation under Endless Tyranny*, 1997, 47.

pronouncement that "the islands were not ours to exploit, but to develop, to civilize, to educate, and to train in the science of self-government,"⁵⁸ a more liberal policy of "non-interference" was initially adopted in dealing with the Moros, especially on issues affecting Muslim religious practices. At this point, the concern was to gain Muslim acknowledgement of United States sovereignty in Mindanao and Sulu to prevent the eventual tactical alliance between the Filipino revolutionaries and the Moro warriors, which would be too difficult to handle.⁵⁹

Immediately in August, 1899, the "Kiram-Bates Treaty" between Brigadier Gen. John C. Bates of the U.S. Army and Sultan Jamalul Kiram II of Sulu was drawn up. The treaty provides, among other conditions, that, "...the Americans gave due recognition to the Moro religion, customs, and traditions."⁶⁰ Under this policy, similar arrangements between the Americans and Muslims in other parts of Mindanao were also agreed on.

Subsequently, the American policies shifted to attain greater control over the Muslims. Most of these policies countered the traditional Muslim customs and practices, which created strong opposition among Muslims.

To address the growing incidence of Muslim violence and resistance, the Americans carried out "Pacification Campaigns" from 1902 to 1913. This period became the so-

⁵⁸ Estranero, *The Road to Resolving the Conflict in the South*, 2007, 15.

⁵⁹ Ricardo David, "The Causes and Prospect of The Southern Philippines Secessionist Movement," (Master's thesis, Naval Postgraduate School, December 2003), 42.

⁶⁰ Quevedo, "Injustice: The Root of Conflict in Mindanao."

called "Moro-American Wars," which started in March, 1902, with the first major American-Moro military confrontation in Southern Lanao.⁶¹ As hostilities developed, the policies of "Direct Rule" and "Scorched Earth" were adopted to suppress Muslim unrest and resistance.⁶²

Having the superior force advantage, the Americans easily defeated the Muslims, but not after a series of fierce campaigns that took hundreds of Muslim lives. The battles of "Bud Dajo" and "Bud Bagsak" in Sulu, in 1906 and 1913, respectively, that resulted in hundreds of Muslim men, women, and children killed⁶³ underscored the brutality of the campaigns and Muslims' stubborn resistance to foreign domination. Between 1903 and 1906, American troops killed some 3,000 Muslims during their pacification campaigns.⁶⁴

By 1913, the pacification campaigns resulted in the Americans gaining effective control over Mindanao and initiated a series of transitions in the Administration of the Muslims. The Moro Province was transferred from military rule to the American civil authorities under the Department of Mindanao and Sulu, then later to the Christianized Filipinos.⁶⁵

⁶¹ Luga, "Muslim Insurgency," 2002, 22.

⁶² Jubair, *A Nation under Endless Tyranny*, 1997, 49-55.

⁶³ In the Bud Dajo massacre of 1906 in Sulu, U.S. soldiers killed 600 Tausug men, women, and children who rebelled against the imposition of a local head tax. Gowing, Peter Gordon. *Mandate in Moroland: The U.S. Government of Muslim Filipinos, 1899-1920*. (Quezon City, Philippines: New Day Publishers, 1983), 164.

⁶⁴ Marco Garrido, "The Evolution of the Philippine Muslim Insurgency, Southeast Asia," www.atimes.com/atimes/Southeast_Asia/EC06Ae03.html (accessed August 7, 2009).

⁶⁵ Jubair, *A Nation under Endless Tyranny*, 1997, 51-52

The next period saw American efforts to assimilate the Muslims in order to consolidate their control of the Philippines. To assimilate the Muslims in Mindanao, several reforms in local administration and educational system were introduced. The Muslims, however, viewed this, especially the new education system, as a way to subjugate their way of life and religion, and thus responded negatively.⁶⁶

As part of their assimilation process, the Americans introduced Christian settlers in Mindanao purposely to help enhance productivity among Muslim farmers, to expose them to Christian institutions, and to reduce their isolation. However, this policy facilitated an influx of migrant settlers that sparked Muslim-Christian conflicts.⁶⁷ A further series of land ownership policies were increasingly biased against the Muslims.

Beginning in the 1920s, Muslim leaders in Mindanao and Sulu initiated a peaceful movement that asserted their right to establish their own nation-state and to form a government of their choice. Leaders petitioned and offered two options for the U.S Congress to consider: join the Federal Government of the United States, or be declared a separate sovereign state from the would-be Philippine republic.⁶⁸ Unfortunately, this expression of Muslim sentiment was never given due consideration and attention.

In preparation for the formation of the Philippine Commonwealth Government in 1935, as a transition for the

⁶⁶ Majul, "The Moro Struggle in the Philippines," 1988, 889.

⁶⁷ Ibid.

⁶⁸ Buendia, "The State-Moro Armed conflict in the Philippines," 2005, 7.

eventual U.S granting of Philippine independence, the administration of Mindanao was left to the overall control and responsibility of the Filipino authorities.⁶⁹ Ironically, this placed the Muslims at the mercy of their long-time local enemies, those very people that they had dominated during the pre-colonial period.

E. COMMONWEALTH PERIOD (1935-1946)

Commonwealth government policies anchored on Western influence continued to marginalize and alienate the Muslims from their traditional laws and practices under the sultanates. The enactment of the "Quirino-Recto Colonization Act" in 1935, which declared settlement the "only lasting solution to the problem in Mindanao and Sulu," became the turning point of the land settlement issue that continued to marginalize the Muslims. This law opened the floodgates to a massive influx of settlers who were aided by development support from the government.⁷⁰ This was the initial stage of changing the demographic composition of Mindanao from dominantly inhabited and controlled by the Muslims, into being dominated by the migrant Christian Filipinos.

F. POST-COLONIAL PERIOD (1946-ONWARDS)

Another episode in the continuing Muslim struggle against domination, discrimination, and exploitation is the rise in 1946 of the Philippine Republic at the end of

⁶⁹ Estranero, *The Road to Resolving the Conflict in the South*, 2007, 18.

⁷⁰ Bertrand, cited in Ricardo David, "The Causes And Prospect Of The Southern Philippines Secessionist Movement," (Master's thesis, Naval Postgraduate School, December 2003), 52.

American colonial rule. Despite earlier objections to the inclusion of Mindanao in Philippine Independence under the Christianized Filipinos, the Muslims became members of the Republic without their consent and against their will.⁷¹

Hence, Moros did not consider themselves part of the new Philippine Republic. The differences in religion, beliefs, and practices, as well as existing animosities against the Christians, made it impossible for the Muslims to live harmoniously with the Christianized Filipinos under one rule. The Muslims were mostly illiterate and were treated as second-class citizens. The post-colonial Philippine state included the Muslims in the politics of self-rule, but the Christian-dominated government continued to marginalize the Muslims.⁷²

Continued government-sponsored non-Muslim migration and resettlement created further misunderstandings, resentments, and grievances. The "Homestead Program" during President Ramon Magsaysay's administration in the 1950s brought former communist rebels from Luzon to settle in Mindanao. This created an impression of Mindanao as a dumping ground for undesirables in Luzon, and was an additional instance of discrimination against the Muslims.

Over a period of about six decades, from 1913 to 1970, Muslims were transformed into a minority on a territory they had dominated for centuries in every arena: political, demographic, and landowning.⁷³ Through the 1960s and 1970s,

⁷¹ Jubair, *A Nation under Endless Tyranny*, 1997, 95.

⁷² Muslim and Cagoco-Guam, *Mindinao: Land of Promise*, 1999.

⁷³ Martin and Tuminez, *Toward Peace in the Southern Philippines*, 2007, 2.

Muslim-Christian relations continued to deteriorate, with increasing hostilities and violence. The Jabidah Massacre⁷⁴ in 1968 further heightened the Muslims' grievances against the Philippine government. This incident and an emerging Islamic consciousness among Muslim youths and students triggered the formation of the Muslim secessionist movements. By the early 1970s, Muslim-Christian land disputes in mainland Mindanao worsened and created a situation ripe for further hostilities that was about to erupt into a major armed conflict.

⁷⁴ The Jabidah Massacre of March 18, 1968 involves the alleged mass killings of young Muslim recruits by their Philippine military trainers. According to the allegations, the killings were part of a plan by then-President Marcos to regain Sabah from Malaysia by force. (See Jubair, *A Nation under Endless Tyranny*), 108-109.

III. LAND OWNERSHIP AND MIGRATION IN MINDANAO

This chapter examines the impact of land ownership and migration during the colonial and post-colonial periods in Mindanao. Under colonial rule, Muslims were subjected to new land laws and the settlement policies for migrant settlers from the north. Colonial rule began a process that was to alter Mindanao's demographic composition. It deprived the indigenous inhabitants of their land and spawned deep-seated prejudices among the different ethno-linguistic groups.⁷⁵ Before colonization, the Muslims controlled about 98 percent of the lands in Mindanao and Sulu.⁷⁶ Colonial land laws and settlement policies continued during the post-colonial Philippine Republic, and were factors that caused the Mindanao conflict.⁷⁷

A. TRADITIONAL MUSLIM CONCEPTS OF LAND OWNERSHIP

The early Muslim concept of land ownership is based on traditional law or "adat," a local term among the Moros. This law adheres to the notion that there can be no absolute ownership of land, and that land and indeed all creation, according to the principles of Islam, belongs to God who entrusted it to man for his stewardship. As Cagoco-Guam notes, this principle was the practice among Muslims prior to the colonial era; land ownership was based on

⁷⁵ Muslim and Cagoco-Guam, *Mindanao: Land of Promise*, 1999.

⁷⁶ Jubair, *A Nation under Endless Tyranny*, 1997, (note 39) 75.

⁷⁷ Ariel R. Caculitan, "Negotiating Peace with the Moro Islamic Liberation Front in the Southern Philippines," (Master's thesis, Naval Postgraduate School, Monterey, CA, December 2005), (note 49), 17.

usufructory rights, with the Sultans and the Datus assuming the supreme stewardship of the lands and territories.⁷⁸

For the Muslims, the concept of land-holding was based on the right to the produce of the land. For centuries, even before the sultanates, communal ownership was the main concept of Muslim land ownership. However, this was altered when colonization brought with it the Western concept of land ownership, which is entirely unlike Muslim customary law. With the Muslims subjected under colonial rule, the change in Muslim land ownership in Mindanao began.

B. COLONIAL CONCEPT OF LAND OWNERSHIP

Spanish colonial rule in the Philippines (1565-1898), introduced the Western concept of land ownership based on the Regalian doctrine.⁷⁹ By virtue of conquest, the Spanish state became the sole owner of "state domain," including lands, forests, bodies of water, and natural resources.⁸⁰ The consequent effects of this doctrine on the traditional Muslim concept of land ownership are examined by Tuminez:

⁷⁸ Rufa Cagoco-Guam, "Retrospect and Prospects: Toward a Peaceful Mindanao," *KASAMA* Vol. 10 no. 3, July / August / September 1996, Solidarity Philippines Australia Network, <http://cpcabrisbane.org/Kasama/1996/V10n3/Retrospect.htm> (accessed 26 October 26, 2009).

⁷⁹ A feudal theory known as *Jura Regalia*-which later became the infamous Regalian Doctrine-was introduced into the Phillipines through the Laws of the Indies and the Royal *Cedulas*. The *Jura Regalia* did not automatically mean absolute ownership of the Philippine islands; however, the colonists justified their appropriation of the islands through this legal fiction, which stated that, "henceforth, by virtue of conquest, all lands in the archipelago belonged to the sovereign." This became and has since remained the theoretical bedrock upon which Philippine land laws were based and which dealt a fatal blow to Philippine indigenous concepts of land rights and land tenure. See Molintas, (note 41) 290.

⁸⁰ Tuminez, "This Land is Our Land," 2007.

The Regalian doctrine contradicted and nullified the Moro tradition of communal land ownership, under which clan chiefs, or *datus*, ruled over and disposed of land considered to be under their jurisdiction. It removed free communal access to water, forests, land and other natural resources that were sources of local peoples' daily sustenance. It nullified the domain of the sultanates and invalidated the prior occupancy rights of Moros and other indigenous peoples.⁸¹

Muslims were not initially affected, as Spain never fully conquered Mindanao. Mindanao and the Sulu Islands, unlike the Visayas and Luzon, were excluded from the *encomienda* system and other Spanish land tenure arrangements. The Regalian Doctrine's effect on the Muslims was felt later, during American colonial rule.⁸²

Neither the existence of Muslim ancestral domains nor the legitimacy of the sultanates was recognized when the Philippines were ceded to the United States. Under the new colonial government, the Regalian doctrine found a place in the state legal system as the basis for all public land laws imposed on the Filipinos.⁸³ The American colonizers adopted the same policy of requiring settlers on public lands to obtain deeds from the government, which demonstrated their recognition of the Regalian doctrine as a legal basis for the state to hold property.⁸⁴

⁸¹ Tuminez, "This Land is Our Land," 2007, 78-79.

⁸² Cagoco-Guiam, *Retrospect and Prospects*, 1996.

⁸³ Fianza, *Contesting Land and Identity*, 4.

⁸⁴ Jose Melencio Molintas, "The Philippine Indigenous Peoples' Struggle for Land and Life: Challenging Legal Texts", www.law.arizona.edu/Journals/AJICL/AJICL2004/Vol211/Molintas.pd (accessed September 21, 2009), 291.

To enhance colonial control in the country, the Philippine Commission enacted several laws especially focused on land ownership and settlements. As these laws and policies were enforced in Mindanao, the Muslims began to lose their lands.

C. DISCRIMINATORY COLONIAL LAND LAWS AND POLICIES

The American colonial government introduced laws to reinforce the state's control over the public domain under the pretext that Spanish rule had failed to implement an effective system of land registration.⁸⁵ The land laws implemented during American rule, however, encroached into the dominion of the sultanates in the Islamized areas of Mindanao and Sulu, and consequently made the Moros and the other indigenous groups in Mindanao "resident strangers."⁸⁶

1. Land Registration Act No. 496 of 1902

The Land Registration Act of 1902 was the first law enacted under the American colonial government. It declared all lands subject to the Torrens system⁸⁷ of formal registration of land title, and empowered the State to issue to any legitimate claimant secure proof of title over a parcel of land.⁸⁸ According to Molintas, the Torrens System transformed land into a commodity that could be

⁸⁵ Molintas, "The Philippine Indigenous Peoples' Struggle."

⁸⁶ Cagoco-Guiam, *Retrospect and Prospects*, 1996.

⁸⁷ The Torrens System of land titling was patterned after the land registration law of the State of Massachusetts, which in turn was copied from an Australian model. (Sir Richard Torrens of South Australia originally conceived the idea transfer of ownership by easy alienation of land.)

⁸⁸ Cagoco-Guiam, *Retrospect and Prospects*, 1996.

traded by the simple exchange of a piece of paper.⁸⁹ This law restricted land registration only to individuals and corporations who had money and in turn excluded communities and clans, which under Muslim customary laws were the trustees of lands.

The law on land registration contradicted the traditional Muslim concept of land ownership based customary law, or "adat." Unaware of the consequences of the new system, many of the natives (Muslims) refused or did not bother to register the lands they were cultivating. Nevertheless, several Moro datus and traditional Muslim elites took advantage of this law to register the vast sultanate- or datu-controlled lands in their names. These datus thus became the ancestors of the contemporary land-wealthy Moro elite families.⁹⁰

The Land Registration system discriminated against the Muslims who mostly lacked the required level of literacy, financial means, and awareness of legal administrative procedures to comply with the law.⁹¹ Due to widespread hostilities in the islands during that early period of American colonial rule, Muslims were reluctant to follow the new foreign rules that had been imposed on them.⁹² Such was the biased and unfair treatment of the Muslims and indigenous peoples, who only understood ancestral and communal land ownership.

⁸⁹ Molintas, "The Philippine Indigenous Peoples' Struggle," 291.

⁹⁰ Cagoco-Guiam, *Retrospect and Prospects*, 1996.

⁹¹ Tuminez, "This Land is Our Land," 2007, 79.

⁹² Jubair, *A Nation under Endless Tyranny*, 1997, 75-76

As was to be expected, large private holdings became the primary beneficiaries of almost all titles granted under the Land Registration Act of 1902. Records in 1912 listed 159 major plantations (100 hectares or more) in Mindanao, 66 of them owned by Americans, 39 by Filipinos (mostly Christians), 27 by Europeans, and 27 by Chinese. This has impoverished the Moros and indigenous people of Mindanao to the point that they had become "squatters in their own land."⁹³

2. Public Land Act No. 496 and the Philippine Bill of 1902

In the same year, Public Land Act No. 496 was passed as a corollary to the Land Registration Act of 1902. This law mandated the conversion of all those lands unregistered in the previous year, to automatically become public lands. As public lands, they could then be sold to Filipinos, Americans, and others regardless of nationality. It was under this law that the homestead system was introduced in Mindanao.⁹⁴

The Philippine Bill of 1902, on the other hand, provided the specific conditions of the disposition of public lands and set the limits on hectarage that individuals and corporations could acquire. The provisions of this bill were prejudicial to individuals, as they could only own up to 16 hectares, while corporations could own up to 1,604 hectares.⁹⁵

⁹³ Muslim and Cagoco-Guam, *Mindinao: Land of Promise*, 1999.

⁹⁴ Cagoco-Guam, *Retrospect and Prospects*, 1996.

⁹⁵ Ibid.

3. The Philippine Commission Act No. 718 of 1903

In 1903, the Philippine Commission Act No. 718 was enacted. This law voided all land grants from Moro Sultans or Datus or from chiefs of other indigenous Tribes made without the authority or consent of the government.⁹⁶ This contradicted the traditional Muslim system of land ownership. The law further mandated that all unregistered lands become part of the public domain, and that only the State had the authority to classify or exploit the same.⁹⁷ Essentially, this act removed the authority of the traditional Sultans and Datus, or chiefs, to dispose of land to their subjects, and disregarded the customary Muslim land laws. The Act further dispossessed the Moros of their landholdings, which, in most instances, they had held since the pre-colonial period.⁹⁸

4. The Public Act 926 of 1903

Another law enacted in 1903 provided, among other stipulations, that all lands not registered under Act No. 496 (Land Registration Act) were deemed public lands, and therefore open for homestead, sale, or lease by individual or corporation. Under this law, individuals were entitled to acquire homesteads of not more than 16 hectares and corporations up to 1,024 hectares.⁹⁹ This law was amended in 1919 to allow Christians to own up to 24 hectares, while only ten hectares were permitted for Muslims. In 1936, this

⁹⁶ Jubair, *A Nation under Endless Tyranny*, 1997, 76.

⁹⁷ Cagoco-Guam, *Retrospect and Prospects*, 1996.

⁹⁸ Jubair, *A Nation under Endless Tyranny*, 1997, 76.

⁹⁹ Tuminez, *This Land is Our Land*, 2007, 79.

law was further amended to reduce the number of hectares to 16 for Christians, but only four for Muslims.¹⁰⁰

The disparities in the provisions of these colonial laws indicated the level of discrimination against the Muslim inhabitants of Mindanao in favor of the non-Muslim settlers. They also provided a good cover for the systematic dispossession of Moro landholdings due to the Muslims' ignorance, reluctance, or resistance to comply.¹⁰¹

Besides being obviously biased and discriminatory colonial land laws, the implementation of government and corporate development projects significantly contributed to the dislocation of the Muslims from the lands they had held for centuries. Tuminez describes the overall effect of this process as "'land-grabbing by legal means' and the massive land disenfranchisement of Moros and other indigenous groups." ¹⁰²

5. The Mining Law of 1905

The Mining Law, enacted in 1905, declared that all public lands were free, open for exploration, occupation, and purchase, and further confiscated Muslim lands. It opened Mindanao to foreign nationals and corporations, particularly those owned by Americans, to take advantage of vast unexplored areas of land.¹⁰³ This law led not only to the exploitation of the natural resources of Mindanao by foreign corporations, but in the long run, the dislocation

¹⁰⁰ Tuminez, *This Land is Our Land*, 2007, 79.

¹⁰¹ Jubair, *A Nation under Endless Tyranny*, 1997, 76.

¹⁰² Tuminez, *This Land is Our Land*, 2007, (note 10), 79

¹⁰³ Tuminez, *This Land is Our Land*, 2007, 79.

of the native inhabitants who were dislocated and dispossessed of their lands and source of living.

6. The Cadastral Act of 1907

This act, which introduced additional technical procedures in the acquisition of land ownership, led to further loss of Muslim lands, and facilitated the acquisition of new landholdings to migrant settlers and corporations. Obviously, this law was designed to primarily serve the interests of the literate natives, moneyed bureaucrats, and American speculators who were knowledgeable and had access to manipulate the bureaucratic process so as to legalize claims based on false surveys.¹⁰⁴

D. LAND SETTLEMENT POLICIES

To further advance the intent of American colonial rule to assimilate Muslims into the populations of Christian Filipinos in the other regions, several land settlement laws and policies were enacted. This opened Mindanao to migrant settlers from other regions of the country. Colonial resettlement programs of bringing non-Moros to Moro lands began in 1911. This process continued into the late 1960s under the independent Philippine government and further intensified Moro dislocation.¹⁰⁵

Under the Public Land Acts of 1913, 1919, and 1925, Mindanao and all other fertile lands that the State considered to be unoccupied, unreserved, or otherwise unappropriated public lands were opened to homesteaders and corporations, despite the fact that indigenous peoples were

¹⁰⁴ Jubair, *A Nation under Endless Tyranny*, 1997, (note 40), 76.

¹⁰⁵ Tuminez, *This Land is Our Land*, 2007, 79.

living on these lands. Beginning in 1913, the colonial government established agricultural colonies to encourage the immigration of landless farmers from Luzon and Visayas to the less populous areas in Mindanao.¹⁰⁶

Public Land Act No. 2874 of 1919, provided, as mentioned earlier, a manner of acquiring land ownership for the Muslims in Mindanao, under which a Muslim Filipino was allowed a maximum of 10 hectares in homestead lots, while 24 hectares lots were permitted to be owned by non-Muslim Filipinos. This discrimination was aggravated by the fact that lands for Christians were titled before their owners had even arrived in Mindanao, while Muslims were required to go through the long and tedious process.¹⁰⁷

Government programs implemented under this law created seven agricultural settlements in a four-year period. These were established in the areas of Pikit, Silik, Paidu Pulangi, Pagalungan, Glan, and Talitay in the former empire province of Cotabato; and Momungan in Lanao Province. To facilitate closer Muslim-Christian working relations, these settlements were organized and designed in a way that Christian settlers were mixed and integrated with the local Muslims.¹⁰⁸

However, the idea of Muslims and Christians being mixed in one community did not sit well, as misunderstandings and hostilities often erupted between the two groups. The program also failed to improve much in the areas of farming and agriculture for the Muslims, who were

¹⁰⁶ Cagoco-Guam, *Retrospect and Prospects*, 1996.

¹⁰⁷ Jubair, *A Nation under Endless Tyranny*, 1997, 77.

¹⁰⁸ Cagoco-Guam, *Retrospect and Prospects*, 1996.

suspicious of the Christians' intent and were understandably reluctant to adopt their ways. Meanwhile, Christian settlers gained much over the Muslims because of the subsidy and protection they received from the government.¹⁰⁹ Thus, toward the 1970s, most of these areas had been developed and had become predominantly Christian.

The initial settlers in Mindanao were not limited to living in the agricultural colonies. Manpower from other parts of the Philippines also migrated to Mindanao to meet demand for labor on plantations and logging concessions supported by the government.¹¹⁰

E. COMMONWEALTH AND POST-COLONIAL LAND LAWS AND SETTLEMENT POLICIES

Land settlement programs continued in Mindanao during the Philippine Commonwealth Government and the post-colonial Philippine government period from 1935 to the 1960s. Of the various purposes for Christian migration, Tuminez points to the following as significant reasons for the continued land settlement programs:

- to mitigate "peace and order" problems with the Moros;
- to give incentives to military trainees, who were given farms upon completion of their training;
- to increase rice and corn production; to implement land reform programs; and

¹⁰⁹ Cagoco-Guam, *Retrospect and Prospects*, 1996.

¹¹⁰ Tuminez, *This Land is Our Land*, 2007, 80.

- to give land to communist/Huk¹¹¹ rebels who had surrendered during the administration of President Ramon Magsaysay (1953-1957).¹¹²

During the Commonwealth government, Legislative Act No. 4197, known as the "Quirino-Recto Colonization Act," was enacted on February 12, 1935. It was the first law on land settlement in Mindanao under the Commonwealth government but became the turning point of land settlement program. This law declared settlement as the priority and only "lasting solution" to the problem in Mindanao and Sulu, thus setting aside other options as secondary. Jubair points to the fact that, by virtue of its name alone, this law indicated the government's bias toward Mindanao in calling it a colony.¹¹³

This law facilitated a massive influx of settlers on Mindanao under the full sponsorship of the government. With the commitment of support and the development of infrastructure, Mindanao became a "Promised Land" to many aspiring settlers who were encouraged to begin homesteads for themselves.¹¹⁴ With a significant increase in the number of migrant settlers, the government policy of prioritizing claims was based not on occupancy of land but on the filing of paperwork. This encouraged rampant land grabbing and speculation.¹¹⁵ The officials in the Bureau of Lands that

¹¹¹ A term commonly used to refer to the communist rebels in Luzon during the late 1940s to the early 1950s, "Huk," is short for Hukbong Bayan Laban sa Hapon (HUKBALAHAP). The Huk were wartime communist guerillas who fought against the Japanese and who were renamed the Hukbong Mapagpalaya ng Bayan (HMB) after the war when it fought the new Philippine government.

¹¹² Tuminez, *This Land is Our Land*, 2007, 80.

¹¹³ Jubair, *A Nation under Endless Tyranny*, 1997, 82

¹¹⁴ Ibid., 83.

¹¹⁵ Tuminez, *This Land is Our Land*, 2007, 80.

processed these claims were mostly Christians who connived with Christian claimants due to biases against the Muslims or, for the exchange of favors. Thus, newcomers simply squatted and began to cultivate land even prior to the area having been subdivided and awarded.¹¹⁶

The influx of migrants in Mindanao further bloated as settlers other than those under the government settlement program, also arrived en masse. Families joined friends and relatives who had gone ahead, while the demand for labor by big corporations and logging companies likewise encouraged people from other regions to seek livelihood and fortune in Mindanao, the "Land of Promises."¹¹⁷

Commonwealth Act No. 141, signed into law by President Quezon in 1936, declared all Moro Ancestral land holdings to be public lands. With a simple piece of legislation, Muslims were effectively deprived of their ancestral holding and were made landless. This law allowed Muslims to apply for only up to four hectares of land while Christians were allowed up to 24 hectares, and corporations were entitled to 1,024 hectares.¹¹⁸

Another law, Commonwealth Act No. 411, was enacted to create the National Land Settlement Administration (NLSA). This program gave priority to those with military backgrounds, allegedly in anticipation of the impending Japanese Invasion. The Muslims viewed this legislation as a mere cover story for the real motive, which was to prepare the settlers in case of hostilities with the Muslims.

¹¹⁶ Jubair, *A Nation under Endless Tyranny*, 1997, 83.

¹¹⁷ Tuminez, *This Land is Our Land*, 2007.

¹¹⁸ Jubair, *A Nation under Endless Tyranny*, 1997,83.

Under the NLSA, three major settlement projects were opened, two in Cotabato Valley and one in the Koronadal Valley in Cotabato province. The project benefited about 200 Christian families who were each given 12 hectares of farmland and financial assistance reaching up to 7.5 million pesos.¹¹⁹

In the early 1950s, the government created the Economic Development Corporation (EDCOR) under the control of the Philippine Army as part of President Magsaysay's program for former communist rebels from Luzon. However, most of the beneficiaries under this program were not actually former rebel but former soldiers who had been deliberately placed in it to act as neutralizers.¹²⁰ Other land settlement programs continued until the 1960s.

F. IMPACT ON MUSLIMS IN MINDANAO

The rapid spread of large Christian communities in Mindanao beginning in the 1930s had outnumbered the Moros who became a minority in their own homeland. As Bacani stresses, the proportion of Muslim inhabitants to the population of Mindanao declined by more than half, from 98 percent to 40 percent by 1976, and to around 20 percent in 1995. Correspondingly, less than 17 percent of property in Mindanao was still in the possession of Muslims. These were primarily in the less-developed parts of the countryside, leaving some 80 percent of Moros landless.¹²¹

¹¹⁹ Jubair, *A Nation under Endless Tyranny*, 1997, 84.

¹²⁰ *Ibid.*, 99.

¹²¹ Bacani, *The Mindanao Peace Talks*, 2005, 4.

According to Tuminez, the Muslim minoritization in certain areas of Mindanao created a wide disparity between the Muslim and non-Muslim populations. A 1918 census of the Cotabato region showed the Muslims as the majority population. However, the continued influx of non-Muslim settlers from 1918 to 1960 radically increased the Christian population in Cotabato to about ten times, eventually overwhelming the Muslims two-to-one by 1960.¹²² According to another source, the Moro population in Cotabato significantly reduced by half, from 39 percent in 1903 to about 20 percent in 1975.¹²³

In 1903, the Moros comprised about 76 percent of Mindanao's population, but fell to a mere 23 percent in 1960. As to land ownership, the majority of landowners in Mindanao and Sulu in 1912 were Moros, but by 1982 they represented about only 18 percent of total land ownership.¹²⁴

The establishment of government and corporate development projects in Mindanao further aggravated the discriminatory laws and policies that also displaced Moros and other indigenous peoples from their ancestral lands. During the Martial Law period, for example, Presidential Decrees were passed in response to the Mindanao problem, spurring the construction of hydroelectric plants and other energy projects that made Mindanao the venue of development programs. However, this was viewed as having benefited the outsiders more than the communities on whose lands these

¹²² Tuminez, *This Land is Our Land*, 2007, 80.

¹²³ Ibid.

¹²⁴ Ibid., (note 14), 80.

projects were built.¹²⁵ This was considered "land-grabbing by legal means" due to the massive land disenfranchisement of Moros and other indigenous groups.¹²⁶ Further, land disputes arising from conflicting claims based on opposing conceptions of tenure caused land disputes between Muslims and non-Muslim settlers that became the main irritant in their relations.¹²⁷

¹²⁵ Fianza, *Contesting Land and Identity*, 6

¹²⁶ Tuminez, *This Land is Our Land*, (note 10).

¹²⁷ Fianza, *Contesting Land and Identity*, 5.

IV. RISE OF MUSLIM SECESSIONIST CONFLICT

A. TRIGGERING CONDITIONS

By the late 1960s and early 1970s, growing land conflicts further escalated into violent Muslim-Christian armed confrontations. Christian vigilante groups, known as the "Ilagas," or "Rats," and Muslim Private Armies called "Black Shirts" and "Barracudas" emerged in the Cotabato and Lanao Provinces.¹²⁸ At this point, the land issue had become the main reason for brewing Muslim-Christian conflicts and animosities that turned into brutal ethnic violence.

In 1967, the Philippine-Malaysian controversy over Sabah contributed to Muslim aspirations for self-determination. The Philippine government conceived of a bold plan code-named "Operation Merdeka" to infiltrate and retake Sabah using Muslims. Under this plan, Muslim recruits called Jabidah Commandos went on a secret military training program on Corregidor Island in Luzon. However, in March, 1968, the plan turned into a catastrophe when about 28 trainees were summarily executed by their military trainers for alleged mutiny. A lone survivor emerged to reveal what later came to be known as the "Jabidah Massacre," but justice was never won for the victims. This

¹²⁸ Nathan Gilbert Quimpo, "Options in the Pursuit of a Just, Comprehensive, and Stable Peace in the Southern Philippines," *Asian Survey*, Vol. 41, No. 2 (Mar.-Apr., 2001), 271-289, University of California Press, www.jstor.org/stable/2691598 (accessed: October 28, 2009), 275.

intensified Muslim outrage against the government's unjust treatment of Muslims that rekindled separatist aspirations.¹²⁹

B. MUSLIMS' RESPONSE

These events led former Cotabato Governor Datu Untog Matalam to form the Muslim Independence Movement (MIM) in May, 1968, with the aim of asserting Muslim self-determination and demanding an independent Islamic State for the areas of Mindanao, Sulu, and Palawan (MINSUPALA). The youth sector of the MIM later became the forerunner of the Moro National Liberation Front (MNLF).¹³⁰ From 1968 until 1971, Muslim student organizations also engaged in various political campaigns to advocate the Moros' right to self-determination as a distinct group of people.¹³¹

In 1968, selected MIM members were sent to Pangkor Island, Sabah, Malaysia for guerilla warfare and political orientation training. These trainees later became the nucleus of the MNLF known as the "Group of 90," "Group of 300," and "Group of 67." The MIM was later renamed the Mindanao Independence Movement, but did not last for long after it was disbanded by the Philippine government in the early 1970s.¹³² This was seen as a threat by the Christians, who reacted by also organizing and arming themselves.

¹²⁹ Estranero, *The Road to Resolving the Conflict in the South*, 2007, 21.

¹³⁰ Ibid.

¹³¹ Bacani, *The Mindanao Peace Talks*, 2005, 4.

¹³² Estranero, *The Road to Resolving the Conflict in the South*, 2007, 21.

C. THE MORO NATIONAL LIBERATION FRONT (MNLF)

In 1969, secularist Muslim students in Manila founded the MNLF. However, it was not until August 23, 1973, in Kolong-kolong, Palimbang, Sultan Kudarat, that the MNLF was officially made public and declared its aim of establishing a separate state out of Mindanao and Sulu called the Bangsamoro¹³³ homeland.¹³⁴ The leaders of the MIM trainees, headed up by Nur Misuari, formed the MNLF Central Committee.¹³⁵ From 1969 to 1972, the MNLF operated initially as an underground organization while it focused on organizational build-up.

Martial Law was declared in September 1972 by then-President Marcos due to widespread civil unrest and threats of rebellion in the south, which caused Muslim resentments and grievances to explode into an armed rebellion.¹³⁶ At this point in time, the MNLF had already gained the support of Muslims and had thus become the representatives of Muslim aspirations.¹³⁷

The MNLF, as Macapando Muslim underscores, "...emerged in the wake of a resurgence of Islamic identity among

¹³³ Refers to the Muslim inhabitants of Mindanao, Sulu and Palawan (MINSUPALA). The term *bangsa* comes from the Malay word meaning "nation" or "people." *Moro* comes from the Spanish word *Moor*, used to refer to the Muslims who ruled Spain and much of the Iberian Peninsula for more than seven centuries (711 to 1492). See "Glossary of Terms," Website on Muslim Mindanao for Journalists and Other Communicators. www.muslimmindanao.ph/index.html.

¹³⁴ Jubair, *A Nation under Endless Tyranny*, 1997, 126.

¹³⁵ Estranero, *The Road to Resolving the Conflict in the South*, 2007, 22.

¹³⁶ Cline, Lawrence. "The Islamic Insurgency in the Philippines," 2000, 121.

¹³⁷ Estranero, *The Road to Resolving the Conflict in the South*, 2007, 23.

Philippine Muslims who felt oppressed at the hands of the Christian-dominated government and marginalized in the Philippine body politic."¹³⁸ The MNLF took the lead among separatist movements representing the general Moro sentiment of oppression at the hands of a Christian-dominated Philippine government.¹³⁹ A month later, after the declaration of Martial Law, the Muslim secessionist movements under the banner of MNLF and led by Nur Misuari came out in the open and declared an armed rebellion against the Philippine government in Mindanao.

1. Impact of the MNLF Rebellion

The MNLF rebellion spread into key areas in Mindanao that eventually fell under rebel control, forcing massive deployment of government forces and resources to contain the conflict. The first phase of the insurgency from 1972 to 1975 was extremely bloody. One estimate suggests that about 60,000 soldiers, guerillas, and civilians were killed.¹⁴⁰

During this period, the Organization of Islamic Conferences (OIC) recognized the MNLF and was granted observer status. Meanwhile, Libya and Malaysia provided logistical support to the MNLF. With external pressures from Islamic states sympathetic to the Muslim rebels, the conflict reached a stalemate.¹⁴¹ The cost in human lives and

¹³⁸ Muslim and Cagoco-Guam, *Mindinao: Land of Promise*, 1999.

¹³⁹ Luga, "Muslim Insurgency," 2002, (note 3), 4.

¹⁴⁰ Cline, Lawrence. "The Islamic Insurgency in the Philippines," 2000, (note 45), 123.

¹⁴¹ Jubair, *A Nation under Endless Tyranny*, 1997, 146-147. See also Caculitan, 24-25.

destruction to property compelled the government to declare a ceasefire and eventually engage in peace talks with the rebels.¹⁴²

On December 23, 1976, the GRP-MNLF negotiations through the auspices of Libya concluded in the Tripoli Peace Agreement, ending the conflict in Mindanao.¹⁴³ The establishment of Muslim Autonomy in the 13 provinces in Mindanao was the salient provision of the accord.¹⁴⁴ However, differences regarding the concept of creating an autonomous region, particularly about holding a plebiscite became a major issue between the GRP and the MNLF that prevented the agreement from fully attaining peace.¹⁴⁵

2. Organizational Split

Unfortunately, the forging of the GRP-MNLF Tripoli peace agreement did not put an end to the Muslim Insurgency in Mindanao. Within the MNLF leadership, meanwhile, differences on the official stance over the Tripoli Agreement stirred internal rifts. Eventually, this led to the MNLF splitting into two secessionist factions. The more fundamentalist and religious-oriented leader Hashim Salamat, Vice-Chairman of the MNLF, broke away from the more nationalist and secularist-oriented Nur Misuari, to form the New MNLF faction (later to become the Moro Islamic Liberation Front or MILF). The official establishment of the MILF in 1984 resulted in two different approaches

¹⁴² Caculitan, "Negotiating Peace," 2005, 24.

¹⁴³ Majul, "The Moro Struggle in the Philippines," 1988, 908.

¹⁴⁴ Jubair, *A Nation under Endless Tyranny*, 1997, 150.

¹⁴⁵ Caculitan, "Negotiating Peace," 2005, 25. See also Bacani, *The Mindanao Peace Talks*, 2005, 4.

within the Muslim secessionist movement. The MNLF remained on the secular path towards self-determination, while the MILF adopted a more uncompromising stance on Moro independence with more Islamic fundamentalist leanings.¹⁴⁶

3. Ceasefire Collapse and the Final Settlement with GRP

By late 1977, the Tripoli Agreement collapsed as violations of the ceasefire were allegedly committed by government troops.¹⁴⁷ The MNLF resumed its armed struggle, accusing the government of failure to implement the creation of the Autonomous Region in Mindanao as mandated by the Tripoli agreement.¹⁴⁸ MNLF hostilities continued, but with much less intensity, as the MNLF's strength was weakened by the organizational split with the MILF, defections, and the surrender of key officials to the government.¹⁴⁹ Throughout the late 1970s and the 1980s, hostilities continued as the fundamental causes of the Muslim armed struggle remained unresolved.¹⁵⁰

The MNLF issue was finally settled in 1996, twenty years after the Tripoli Agreement, when the Ramos administration successfully negotiated for the GRP-MNLF Final Peace Agreement (FPA) through the mediation of OIC

¹⁴⁶ Tuminez, *This Land is Our Land*, 81.

¹⁴⁷ Jubair, *A Nation under Endless Tyranny*, 1997, 141.

¹⁴⁸ Muslim and Cagoco-Guam, *Mindinao: Land of Promise*, 1999. See also Jubair, *A Nation under Endless Tyranny*, 1997, 141-142.

¹⁴⁹ Andrew Tan, "Armed Muslim Separatist Rebellion in Southeast Asia: Persistence, Prospects, and Implications," http://werzit.com/intel/classes/amu/classes/lc514/LC514_Week_08_Armed_Muslim_Separatist_Rebellion_in_Southeast_Asia.pdf (accessed October 15, 2009), 274.

¹⁵⁰ Muslim and Cagoco-Guam, *Mindinao: Land of Promise*, 1999.

and Libya.¹⁵¹ This facilitated the creation of the Autonomous Region in Muslim Mindanao, covering five Muslim dominated provinces and two cities, with Nur Misuari as the first Governor.¹⁵² The MILF strongly objected to the GRP-MNLF FPA and remained firm in its stand that the solution of the Muslim problem is the establishment of an independent Islamic State in Mindanao, and not simple autonomy.¹⁵³

D. THE MORO ISLAMIC LIBERATION FRONT (MILF)

As stated earlier, the GRP-MNLF Tripoli Peace Agreement in 1976 failed to put an end to the Muslim Insurgency in Mindanao. After the signing of the Tripoli Agreement, the more fundamentalist and religious leader Hashim Salamat, Vice-Chairman of the MNLF, broke away from the nationalist Nur Misuari to form the New MNLF "Salamat Faction." Internal rifts within the secessionist movement's leadership were aggravated by their differences in ideology and stand over the peace agreement, and led to another secessionist faction splitting off from the MNLF organization.¹⁵⁴ The MILF is the primary exponent of Islamic fundamentalism in the Philippines.¹⁵⁵

¹⁵¹ Temario C Rivera, "The Struggle of Muslim People in the Southern Philippines: Independence or Autonomy," in *The Moro Reader: History and Contemporary Struggle of the Bangsamoro People*, ed. Bobby M. Tuazon, (Quezon City, Philippines: Center for People Empowerment in Governance, 2008), 45.

¹⁵² Jubair, *A Nation under Endless Tyranny*, 1997, 160-161

¹⁵³ Rivera, "The Struggle of Muslim People," 2008, 45.

¹⁵⁴ Santos, "Evolution of the Armed Conflict in the Moro Front," 2005, 4.

¹⁵⁵ Estranero, *The Road to Resolving the Conflict in the South*, 2007, 37.

In March 1984, the New MNLF Salamat faction officially adopted the name of the Moro Islamic Liberation Front, and assumed the role as the Bangsamoro people's representative in the struggle and aspiration for self-determination. Chairman Hashim Salamat stated that the MILF's ultimate political objective is the establishment of a separate Islamic State in all areas where Muslims still exist as a majority in the southern Philippines.¹⁵⁶ Salamat further argued that autonomy is not the answer to their political and social demands.¹⁵⁷

To attain its goals and objectives of a genuine Islamic State in Mindanao, with a government based on the Qur'an, the MILF adopted as its ideology, "La ilaha illa Allah Muhammad al rasul Allah," meaning, "there is no God worthy to be worshipped but Allah" and that worship of God must be in accordance with the teachings of Prophet Muhammad.¹⁵⁸ Thus, the main MILF strategy focused on the concepts of da'wah or Islamic call and Jihad.

Da'wah stresses the revival of Islamic faith through the so-called "back to Islam" program for Muslims in Mindanao. Arabic schools called "Madrasah" were established to propagate the Islamic faith. Jihad or "struggle in the way of Allah," on the other hand, calls for an organized and unified armed struggle to serve Islam by fighting

¹⁵⁶ Peter Chalk, "Separatism and Southeast Asia: The Islamic Factor in Southern Thailand, Mindanao, and Aceh." *Studies in Conflict & Terrorism*. 24(4): 241-269 (2001), www.informaworld.com/10.1080/10576100116748 (accessed September 20, 2009), (note 43), 247.

¹⁵⁷ Cline, Lawrence. "The Islamic Insurgency in the Philippines," 2000, (note 59) 125.

¹⁵⁸ Luga, "Muslim Insurgency," 2002, 45.

perceived oppressors of the faith or those who are blocking the Muslim aspirations of an Independent Islamic State in Mindanao.¹⁵⁹ MILF breakaway groups like Hashim Salamat are mostly the Maguindanaon fighters from central Mindanao, while the remaining MNLF were dominantly composed of Tausug fighters from Sulu, like Misuari.¹⁶⁰

The MILF made itself known as a potent force during the new Aquino administration in 1987 when the government resumed negotiations with the MNLF in Jeddah, Saudi Arabia.¹⁶¹ Following the meeting, the MILF launched a weeklong series of offensives in central Mindanao against government installations.¹⁶²

Toward the late 1990s, the MILF, while engaged in initial talks with the GRP, also started to project a strong military posture in Mindanao. However, the implication of its elements in several atrocities and terrorist incidents in Mindanao, as well as its firm stance on the issue of independence as non-negotiable, prompted the Estrada Administration to declare an "all out war" against the MILF in 2000. Thereafter, major GRP-MILF hostilities broke out in central Mindanao that resulted in the capture of the major MILF camps by government forces.¹⁶³

¹⁵⁹ Luga, "Muslim Insurgency," 2002, 46.

¹⁶⁰ Caculitan, "Negotiating Peace, 2005, 28.

¹⁶¹ Jubair, *A Nation under Endless Tyranny*, 1997, 157.

¹⁶² Lawrence Cline, "The Islamic Insurgency in the Philippines," *Small Wars & Insurgencies* (2000), www.infoworld.com/smpp/title, (accessed August 7, 2009), 129.

¹⁶³ David, "Southern Philippines Secessionist Movement," 2003, 102-103

With an "all out peace" policy announced by the Arroyo government in 2001, the MILF returned to the peace process. This was interrupted in February 2003 when the GRP launched a major military campaign against MILF strongholds in Pikit, North Cotabato, to go after terrorist groups reportedly being harbored by the MILF.

The hostilities lasted for a week and were timed to coincide with the Muslim celebration of the end of the Hajj or Holy Pilgrims, draw critics and protest from the Muslims followed by retaliatory attacks from the MILF.¹⁶⁴ This prompted the government to suspend the talks. Nevertheless, talks resumed after the MILF officially denounced terrorism and expressed its willingness to cooperate with the government in pursuit of the terrorists.¹⁶⁵

Following the death of Hashim Salamat on July 13, 2003, MILF Vice-Chairman for Military Affairs Al Haj Murad assumed the organization's leadership.¹⁶⁶ With Murad as the new MILF chairman, the next GRP-MILF talks held in Kuala Lumpur and facilitated by Malaysia tackled the third agenda on ancestral domain, the most complex and contentious issue in the peace talks.¹⁶⁷ The talks continued until early August 2008 when the controversial issue over the signing of the MOA-AD erupted.

The peace talks suddenly ended in a standoff and were indefinitely suspended. Meanwhile, MILF elements figured in

¹⁶⁴ Rizal G. Buendia, *The GRP-MILF Peace Talks: Quo Vadis?* https://eprints.soas.ac.uk/4430/1/GRP-MILF_Rizal_Buendia.pdfRizal, 5.

¹⁶⁵ Bacani, *The Mindinao Peace Talks*, 2005, 6.

¹⁶⁶ Buendia, *The GRP-MILF*, N.D., 8.

¹⁶⁷ Buendia, *The GRP-MILF*, N.D., 8.

atrocities against Christian areas in Mindanao resulting in renewed hostilities with government forces. Since then, the issue of Ancestral Domain is one of the three substantive agenda in the GRP-MILF talks and has become the most contentious and controversial issue in efforts to settle the conflict.

The provisions of the supposed Agreement between the GRP-MILF that was cancelled in August 2008 could have provided a significant solution to the land conflict in Mindanao. Accordingly, the MOA-AD allows significant recognition of the Bangsamoro historical claims of their Ancestral domain. Under the MOA-AD, the Bangsamoro Juridical Entity (BJE) will be created with similarly significant power and authority. However, most critiques have opposed MOA-AD due to its highly contentious substantive claims being viewed as unconstitutional.¹⁶⁸

E. THE ABU SAYYAF GROUP (ASG)

In the 1990s, the more radical and extremist-oriented Abu Sayyaf Group (ASG) became the latest group to emerge from among the Muslim secessionist movements. The ASG aims to wage Jihad against the Philippine government's atrocities committed against the Muslims in the Philippines, and seeks to establish an independent Islamic Bangsamoro Republic in Mindanao.¹⁶⁹ The group's core founders, led by Abdurajak Janjalani, were former MNLF members disgruntled over the dormancy of the secessionist

¹⁶⁸ Rivera, "The Struggle of Muslim People," 2008, 50.

¹⁶⁹ Luga, "Muslim Insurgency," 2002, 49.

movement in the 1980s.¹⁷⁰ Janjalani, a Middle East-educated Islamic scholar, was, with most of the core founders, veterans of the Afghan War in the 1980s against the Soviets. He formed the ASG in western Mindanao in 1991 after returning from exposure to radical Islamism abroad.¹⁷¹

However, the killing of its leader and founder Abdurajak Janjalani during a shootout with government troops in December 1998, shifted the ASG's ideological focus to more on conduct of terrorist activities.¹⁷² The group's involvement in terrorist activities and its reported links with the al-Qaeda network and the Indonesian network Jemaah Islamiyah placed the group's name on the U.S. State Department's list of Foreign Terrorist Organizations.

Since the U.S. declaration of GWOT after the 9/11 incident, the ASG has become the target of an intensified joint Philippine-U.S. antiterror campaign in the southern Philippines. As of 2007, most of its leaders had been eliminated or neutralized. The group's recent activities have significantly deviated from its original objectives into a purely localized terrorism and criminality.

¹⁷⁰ Estranero, *The Road to Resolving the Conflict in the South*, 2007, 43.

¹⁷¹ Santos, "Evolution of the Armed Conflict in the Moro Front," 2005, 6.

¹⁷² Estranero, *The Road to Resolving the Conflict in the South*, 2007, 43.

V. SUMMARY AND CONCLUSIONS

A. SUMMARY

The study reveals that during the centuries predating colonization in the Philippines, the Muslims emerged as a dominant ethno-religious group in Mindanao and Sulu. They existed as sovereign and independent states and established their own system of government through the sultanates, which during those periods was the most advanced in the Philippines. They had also established diplomatic and trade relations with neighboring states.

However, the coming of colonization in the 16th century threatened the Muslims' domination and distinct identity. Since then, the Muslims in Mindanao have waged their struggles of resistance against foreign domination, first Spain, for more than three centuries, and then the United States, for another four decades.

The assertion of Muslim self-determination and independence in Mindanao was widely manifested in the struggles during the colonial and post-colonial periods.¹⁷³ Confronted by the more superior American colonial forces in the early 1900s, the Moros were ultimately pacified and placed under colonial control. This event began the process that would eventually have a significant impact on the sociopolitical and economic aspects of the Muslims in Mindanao.

American colonial laws and policies particularly on land ownership and migration disregarded the Muslim

¹⁷³ Muslim and Cagoco-Guam, *Mindinao: Land of Promise*, 1999.

traditional and customary laws practiced for centuries. The Muslims' lack of comprehension and rejection of the legal processes of the colonial land laws made them reluctant to comply and so they refused to accept laws which were totally foreign to them. Further, migrant settlement policies opened the door for the organized coming of non-Muslims to Mindanao under government protection. As a result, animosities and conflicts between the two groups began as Muslims lost ownership and were deprived of their lands while non-Muslim migrant settler groups grew bigger and acquire lands.

When the Americans granted Philippine independence in 1946, Mindanao was made part of the new republic despite earlier objections from the Muslims. Under the post-colonial Philippine government, discriminatory American laws and policies towards the Moros were adopted. This further alienated and marginalized the Muslims who were dispossessed of their lands while several government programs supported migrant settlements. By the late 1960s and early 1970s, continued Christian migrations resulted in brewing Muslim-Christian violence over land conflicts.

The famous "Jabidah massacre" incident on March 18, 1968, the execution of Muslim recruits while on a secret military training for the government's plan to invade and retake the Malaysian state of Sabah, created further outrage against the government's unjust treatment of Muslims. These local events and the emerging Islamic consciousness among Muslim students exposed to significant world events in the late 1960s, triggered widespread anti-

government protest, and condemnation in Manila. This gave rise to Muslim secessionist movements. Buendia notes of these Muslim sentiments:

They believe that their people have never been part of the Philippines and their current struggle is a continuation of their ancestors' war for independence, which was first launched against Spanish and the American rule, and presently under the post colonial "Filipino-run Philippine state."¹⁷⁴

A month after the Declaration of Martial Law in 1972, a major armed conflict erupted in Mindanao. Muslim secessionist movements under the banner of the MNLF declared an open armed rebellion against the Philippine government, and sought the establishment of an independent Bangsamoro state in Mindanao. The Muslim secessionist conflict has persisted for more than four decades while efforts to find a lasting solution have yet to be successful. In search of that solution, the issue of land and territory has become central to the agenda of the recent peace talks between the government and the Muslim secessionists represented by the MILF. Unfortunately, with the cancellation of the supposed MOA-AD between the GRP and the MILF last August 2008, and the subsequent standoff in the peace talks, a lasting solution to the Muslim secessionist conflict has remained unattainable.

B. CONCLUSION

The emergence of the Muslim secessionist conflict in the southern Philippines in the early 1970s is the

¹⁷⁴ Buendia, "The State-Moro Armed conflict in the Philippines," 2005, 1-2.

culmination of a long series of struggles against foreign domination (colonial and post-colonial), which eventually succeeded in government control over the Muslims in Mindanao. The laws and policies, particularly those on land ownership and migration, which were imposed on the Muslims in Mindanao during the colonial and post-colonial period significantly discriminated against and marginalized the Muslims, and became the fundamental cause of the Muslim secessionist conflict. For more than four decades, the conflict has persisted, while its solution has remained elusive. It has created instability that hampered necessary economic development in the Philippines' southernmost region.

1. Loss of Muslim Domination and Ancestral Domain

The advent of colonization in Mindanao in the early 1900s began the process that reshaped the centuries-old Muslim socio-cultural, political, and economic way of life. Either by design or coincidence as a result of the policies of American colonial rule in a matter of decades the Muslims were stripped of their power, and their traditional ways and practices were diminished. The Muslim's traditional system of governance, the sultanates, was replaced by systems of Western laws and policies to suit colonial designs.

One significant impact is a change in the demographic makeup of the pre-colonial Mindanao from a Muslim-dominated region to non-Muslim dominated one during the post-colonial period.

The land laws and policies of the colonial and post-colonial period have discriminated against and marginalized

the Muslims, resulting in the loss of their lands and ancestral domains, and in their domination in Mindanao in favor of non-Muslim migrant settlers. The traditional Muslim laws practiced for centuries under the sultanates were totally disregarded and usurped by Western concepts, their rights were violated, and their identity as a distinct, sovereign, and independent group of people was eroded. According to Buendia, the marginalization of the Muslims in Mindanao from the sphere of Philippine development is historically rooted in colonial and post-colonial land settlement and migration policy, which gradually dispossessed Muslims of their traditional and ancestral lands.¹⁷⁵

Under to these conditions, the Muslims were reduced to a minority in their homeland and subjected to the rule of government structures that were entirely new and different from their traditional concepts. The loss of ancestral lands to the majority Christian migrant settlers resulted in an economic, social, and political marginalization that generated Moro grievances. At the very root of the Muslim secessionist conflict is land ownership, and it is also the key to crafting a long-lasting peace in the region.¹⁷⁶

The persistence of the Moro conflict in Mindanao is centered on the issue of ancestral domain, which concerns land, resources, and governance. This underscores the

¹⁷⁵ Buendia, "The State-Moro Armed conflict in the Philippines," 2005, 31-32.

¹⁷⁶ Tuminez, "This Land is Our Land," 2007, 78.

historical and legitimate foundation of Moro grievances that challenge the perceptions on Muslims as religious fanatics and terrorists.¹⁷⁷

2. Effects on Muslims in Mindanao

At the height of the sultanates' power before colonial rule, the Bangsamoro homeland covered the entire region of Mindanao, Palawan, the Sulu Archipelago, and even included the Malaysian State of Sabah (North Borneo). However, impact of discriminatory colonial laws and policies on land and migration of non-Muslims in Mindanao has reduced the Muslims into the minority in their homeland. Out of the 13 provinces, the Muslims were concentrated only in about five provinces (provinces of of Tawi-Tawi, Sulu, Basilan, Lanao del Sur and Maguindanao), and some municipalities of Zamboanga del Sur, Zamboanga Sibugay, Zamboanga del Norte, Lanao del Norte, North Cotabato, Sultan Kudarat, South Cotabato, Sarangani, Davao Oriental, Davao del Sur, Davao del Norte, Compostela Valley and Palawan.¹⁷⁸

Lingga notes that due to this situation of diminishing territory, the Bangsa people saw the need to assert their rights over their homeland, and their self-determination.¹⁷⁹

3. Ancestral Domain Issue and the Settlement of the Muslim Secessionist Conflict

Land issues have been the most fundamental concern of the Muslims and are crucial factor that drive the

¹⁷⁷ Tuminez, "This Land is Our Land, (note 28), 86.

¹⁷⁸ Abhoud Syed M. Lingga, "Muslim Minority in the Philippines" www.islamawareness.net/Asia/Philippines/muslimminority.pdf (accessed September 28, 2009).

¹⁷⁹ Ibid.

secessionist conflict. The conflict arose because of different concepts of land ownership between the Christians, whose view of land as a private property is not understood by the majority of the Muslims, and the Muslims who view land as a communal good that cannot be owned by individuals.¹⁸⁰

The land issue remains a critical point in resolving the Muslim conflict. The state's migration and land policies that caused the political and economic marginalization of the Moros have reflected the perception of the government's prejudice and efforts to exploit the Muslims. For the Muslims, this perception of prejudice against them will only change with the return to their control of the land resources in Mindanao.¹⁸¹

The issues of land ownership and ancestral domain are a significant factor in resolving the secessionist conflict. Tuminez believes that the Mindanao conflict has no easy solution, but that an understanding of ancestral domain and its potential resolution through Moro self-determination may provide a new approach that increases the chances for long-term peace and development.¹⁸² The supposed signing of MOA-AD in the recent talks between the GRP and MILF, which was unfortunately cancelled, was a significant attempt to address the issues of land and ancestral domain.

¹⁸⁰ David, 115.

¹⁸¹ Caculitan, "Negotiating Peace," 2005, 40.

¹⁸² Ibid.

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