

## Summary of “Peace Lens: On the Bangsamoro Basic Law” roundtable discussion (Nov. 19, 2013)

As the fourth 'Peace Lens' conversations was conducted which focused on the “*Bangsamoro Basic Law and its implications in the Philippine legislative system*” last November 19, 2013, the Bangsamoro Transition Commission (BTC) has started to draft some aspects of the Bangsamoro Basic Law (BBL) especially pertaining to the annexes that were already signed by the GPH-MILF negotiating panels: the Annex on Transitional Arrangements and Modalities and the Annex on Wealth Sharing and Revenue Generation. Also, the BTC had just recently signed memorandum of agreements among groups of civil society organizations on the conduct of massive grassroots consultations in their respective areas and networks to inform on the content of the BBL and ensure inclusive participation of all stakeholders.

The lead discussant, *Atty. Mary Ann Arnado*, the Secretary General of the Mindanao Peoples' Caucus, discussed the context of the Bangsamoro Basic Law, the mechanisms for its development, the role of the Bangsamoro Transition Commission in crafting the BBL, and the challenges that will need to be hurdled for the BBL to be passed to the Congress. She emphasized that the BTC will craft the BBL within the bounds of the Framework Agreement of the Bangsamoro (FAB) and its Annexes as part of a legalization process of a political agreement between the parties. *Atty. Arnado* opined that as a guiding principle in crafting of the BBL, similar to the Constitution, it should be understood that laws are dynamic and not cast in stone. It should reflect the aspirations of the people in a certain period of history. Thus, legal systems in general should not hinder the search for peace. They should be responsive and relevant to the needs of the constituents.

The following summarizes the flow of conversations and different perspectives on the topic among the participants from the academe, civil society organizations and people's organizations following *Atty. Mary Ann Arnado's* talk.

**How will the Bangsamoro Basic Law (BBL) fare in Congress? What is the likelihood that it will be passed? Does Congress have the power to reject or amend it?** The Congress can be the hardest arena of struggle among the current stakeholders of the GPH-MILF peace process. Technically and knowing its current composition, the Congress has the power to reject or amend the content of the BBL. But politically, it could be made it hard for them to reject it by ensuring that the BBL will have a very strong and solid foundation or constituency. This shows the importance of consultations from the grassroots and relevant stakeholders not just in the proposed Bangsamoro core territory but also from other areas in Mindanao and other parts of the country.

**BBL passage in Congress is a political process however the political capital of the President appears to decline.** Although the passage of BBL in Congress is a legislative process, it is still considered a political process since a lot of stakeholders are banking on the political capital of President Aquino. But with the 'dwindling political capital' of the President during the last half of his term because of issues such as PDAF, the government's responses to the Zamboanga siege and the Yolanda typhoon, stakeholders are doubting if this political capital can be sustained until the BBL reaches the Congress. These issues used up most of his political capital and insecurity mounts on when the Annexes will be finished and the BBL be crafted.

What the civil society organizations can do along with working with Congressmen at the district level is to look at other entry points available in Congress such as engaging the Committee on Muslim Affairs,

Committee on Mindanao Affairs, and the Committee on the Amendment of Laws, which can emerge as champions for this cause. It is a hopeful scenario that some CSOs are already familiar in the game of lobbying in Congress based on experiences over controversial legislations in the past, such as the RH Bill etc.

**Approaches in carrying the issues of both the Moro and the IPs should be unifying rather than divisive.** As advocates of IP rights, we should not go back to the MOA-AD experience where IP advocates have wittingly or unwittingly added to the debate and confusion due to the handling of the issues of indigenous peoples. When we talk of rights, Moros and IPs are both victims of history and have struggled in Mindanao. Their rights to self-determination are very much parallel. In terms of protecting the rights of the IPs, the BBL may contain some more details than the FAB, but effective protection of IP rights in the Bangsamoro will also mean creating effective institutions that can secure these rights.

**Addressing the perception that the current peace process is a concession to the Bangsamoro people.** The results of the GPH-MILF peace negotiations are perceived by others as a concession of the government to the Bangsamoro people. This perception means that “this peace process is not based on just reasons but just giving them what they want so they will stop causing problems”. This kind of perception is very much against the essence of the Bangsamoro right to self-determination and addressing historical injustices which have been committed. Stakeholders and advocates of the peace process need to find ways to balance this powerful perception which is especially prevalent among politicians and might surface during the debates on the BBL in Congress.

**Putting the frame of the current peace process beyond the term of President Aquino.** Why should we put our mindset within the term of P-noy? We are talking about the fate of the Bangsamoro people and for the Filipino nation and yet we confine them within the term of the Aquino administration? The process should go beyond this administration-centric framework since working on the prejudice and bias embedded in the relationships among the people of Mindanao is a long-term endeavour.

We should not be put in the trap of doing a lot of things and yet end up doing nothing. Are we creating expectations that we cannot meet? What will happen if those expectations are not met? How could we learn from the past? How can we ensure that this political process will not result to armed struggles again?

Time is indeed a major problem in the current peace negotiations. CSOs recognize that there are limitations but they should not just stop and 'watch the train moving'. The CSOs need to develop strategies to address the limitations. Because of the herculean task and grievances that need to be addressed, CSOs need to extend their imaginations beyond the given deadline. Generalizations should be lessened in order to push the negotiations and build constituency support around the negotiation by bringing the discourse to the grassroots level. We need to help and contribute in the discourse and to the formulation of a better solution.

**How would the GPH-MNLF Tripartite Review relate to the BBL?** Before the Zamboanga siege happened, there should be a process of picking up from the consensus points agreed in the GPH-MNLF Tripartite Review and the results of the current peace process which should end up in a legislation or the amendment of the Republic Act 9054. This is the area of possible convergence. The three remaining issues in the tripartite which is also being discussed in the Basic Law are: wealth sharing; transitional phase; territory. These issues could be brought together in Congress with the BBL deliberations without

necessarily absorbing the MNLF issues into the GPH-MILF process.

All of these are product of peace processes since the 1970s and this will now converge into the drafting of the Bangsamoro Basic Law where everyone will have their own inputs. The main challenge is to ensure that this Basic Law is not for the MILF only, but for the Bangsamoro people and residents of the Bangsamoro. The drafting of the Basic Law comes from the sovereign will of the Bangsamoro themselves. The Basic Law is being presented to them as an opportunity to provide input of all the “unfinished business” of the 1996 Peace Agreement which will still need to undergo approval of the Congress.

**The BBL should be inclusive enough to capture the nuances in the culture and different interpretations of Islam among the multilayered identities of Bangsamoro groups.** In crafting the basic law, it should not invite further conflicts by capturing only the perspective of the MILF who adheres in one particular school of thought in Islam. Studies have shown that the Bangsamoro is not a monolithic group as there are layers of identities aside from its ethno-linguistic identities. In such a setting, how can the diverse Bangsamoro people be represented in the political system? This will be a challenge the BBL and the ministerial form of government will need to address.

On the issue of the Sharia law, Islamized groups are actually indigenous people that became Muslim. The Tausugs and Iranuns are still practicing their own indigenous way of life. The basic law and the new Bangsamoro government should not let these groups practicing indigenous Islam just leave their identities behind and accept the 'MILF' way of Islam.

**Peace advocates as source of optimism, enthusiasm and hope.** Advocates should be the ones who will carry the enthusiasm, commitment, and hope to bring in more people who will support this particular track, rather than being “prophets of doom”. There is a need to rebuild and continue the dialogue and restore the relationships among stakeholders. As a political settlement to the combatants, this is just a political formula. The signing of the agreement is just a small part of the whole pie. The bigger challenge is the implementation.

**Synthesis.** Closing the fourth “Peace Lens” roundtable discussion, facilitator Mags Z. Maglana emphasized the **Cs** which came out from the conversations:

- Recognizing the importance of the **CONSULTATIONS**.
- The key role that the **CONGRESS** play in legitimization process of the political agreement.
- This current peace process is banking on the political **CAPITAL** of the President.
- In the crafting of the BBL, the **CONCERNS** among the indigenous peoples are recurring.
- This result of the peace process is not just a **CONCESSION** by the government to the Bangsamoro.
- There is a need to have **CHAMPIONS** and to work with relevant **COMMITTEES** in the Congress.
- **CAUTIONS:** in terms of timeframe, the need to hurry or not to hurry and finish everything by 2016. Caution and reality check that the Bangsamoro is not a monolithic identity because it has different layers.
- **CHALLENGES:** differences need not be divides; nonrecognition of differences and insistence of **COMMONALITIES**.
- **CONTINUE** our efforts as **CIVIL SOCIETY** and recognize that there are other tracks that can be pursued.

Video of Atty. Mary Ann Arnado's talk available for viewing at: <http://www.youtube.com/watch?v=f4CbPY5Mc-k>  
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