Learning from the MOA-AD

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How do Christians and Muslims in Cotabato view the controversial Memorandum of Agreement on Ancestral Domain (MOA-AD)? While both groups shared an understanding of the importance of procedural issues in the achievement of enduring peace in Mindanao, Muslims and Christians held opposing views about the meaning of the MOA-AD. Was the MOA-AD for a good cause or not? Was the MOA-AD the solution to the Mindanao problem or not? Was the MOA-AD lawful or not? Christians and Muslims had diverse views on these questions, the possible consequences of the memorandum, and the nature of land claims associated with the agreement. Lessons learned from the MOA-AD experience not only point to the importance of procedural justice but to the need for Muslims and Christians alike to recognize each other’s views on the Mindanao peace process alongside their own.
The Story of the MOA-AD
In July 2008, representatives of the Government of the Republic of the Philippines and the Moro Islamic Liberation Front (MILF) announced the finalization of the Memorandum of Agreement on Ancestral Domain (MOA-AD), an agreement that was expected to bring about peace in the Mindanao region. The MOA-AD put forth the establishment of a Bangsamoro homeland through the Bangsamoro Juridical Entity (BJE), described as a “state within a state” in an “associative relationship” with the Philippines (Docena, 2009). Through the BJE, it is envisioned that the Bangsamoro people will be able to exercise control over their ancestral domain and manage the natural resources found within their domain (Victoria, 2008). Furthermore, the MOA-AD also envisioned the BJE to have its own legislative, administrative, security, financial, judicial and educational systems (“GRP-MILF draft pact on Bangsamoro homeland”, 2008). Under the proposed MOA-AD, the Bangsamoro homeland will include the following areas: the provinces and cities included in the Autonomous Region in Muslim Mindanao (ARMM), the municipalities in Lanao del Norte, hundreds of barangays in the provinces of Sultan Kudarat, Lanao del Norte and North Cotabato which voted for their inclusion in the ARMM in 2001, and some parts of Palawan.

For proponents of the MOA-AD, the agreement represented a breakthrough in the peace process, advancing important concepts such as “ancestral domain,” “shared sovereignty,” and “associative relationships” toward the establishment of peace in Mindanao. More importantly, the MOA-AD was also seen as an attempt to correct the centuries-old injustice committed against the Muslims and the Indigenous Peoples (Fabros, 2008).

However, the agreement was met with staunch opposition from different sectors of Philippine society. Opponents of the

Research Process: Survey on the MOA-AD
In constructing the survey questionnaire that was utilized for this research, we asked 60 college students, equally represented by 30 Christians and 30 Muslims, from a university in Cotabato City to list down words to describe the Memorandum of Agreement on Ancestral Domain (MOA-AD). Upon tabulation of the results, a final list of 24 descriptor items were plotted on a 7-point semantic differential scale with bipolar adjectives on each end. Sample survey items were 1) nagdadalang pagkakawatak-watak – nagdudulot ng pagkakaaisa (brings about disunity – brings about unity), 2) nagdadalang kaguluhan – nagdadalang kapayapaan (brings about conflict – brings about peace), 3) mapanganib – ligtas (dangerous – safe), and, 4) hindi dapat ipatupad – dapat ipatupad (should not be implemented – should be implemented). Apart from the quantitative scales, we also included open-ended questions in the questionnaire, such as a sentence-completion item on the MOA-AD.

We then asked a sample of 120 undergraduate students from a university in Cotabato City to complete a survey questionnaire regarding the MOA-AD. Respondents’ ages ranged from 17 years old to 25 years old. Of this sample, 60 were Christians and 60 were Muslims. Furthermore, the sample was also balanced in terms of sex, with 30 females and 30 males from each religious group. Data analysis involved advanced statistical techniques such as Discriminant Analysis for the scale items, and thematic analysis for the qualitative responses on the open-ended items.
MOA-AD, such as some local officials in Zamboanga City, Iligan City and North Cotabato as well as lawmakers both within and outside Mindanao, claimed that the said agreement could lead to the creation of an independent Muslim state (Victoria, 2008). In addition, the MOA-AD was also seen as lacking transparency as the negotiating groups failed to hold adequate public consultations with the different groups in Mindanao (Canuday, 2008). Thus, in response to the petitions filed by the opponents of the MOA-AD, the Supreme Court issued a temporary restraining order to stop the signing of the agreement. Soon after, heavy fighting broke out between the MILF and the Armed Forces of the Philippines (AFP), leading to the displacement of around 600,000 people in the provinces of Lanao del Norte, Lanao del Sur, North Cotabato, South Cotabato, Saranggani, Sultan Kudarat, Shariff Kabunsuan, Basilan and Maguindanao, as well as in the cities of Iligan, Marawi and General Santos (Amnesty International, 2008).

In October 2008, the Supreme Court declared the MOA-AD as illegal and unconstitutional (Torres & Bordadora, 2008).

While it is perhaps true that the Supreme Court ruling on the MOA-AD has made the agreement null and void, many people continue to believe that the said document will serve to guide the form and trajectory of future peace agreements (Fabros, 2008). People’s understanding of the MOA-AD is therefore significant. It is important to note that in examining the views on the MOA-AD, the proponents and opponents of the MOA-AD appeared to fall within distinct groups in Mindanao. In most cases, Muslims were perceived as supporting the MOA-AD whereas Christians were seen as opposing the MOA-AD. In this study, we looked at the attitudes of these two groups to the MOA-AD. How do Muslims and Christians view the MOA-AD?

**Survey Says**

The Christian and Muslim respondents answered the survey questionnaire. Their rating of the scale items indicated how positive or how negative were their attitude to the MOA-AD. Results from the analysis of the quantitative part of the survey showed that Christian respondents generally held negative views about the MOA-AD while Muslim respondents generally had positive views toward the MOA-AD. Advanced statistical analysis revealed that there are three particular areas in which the attitudes of Christians and Muslims can be best understood: (1) whether the MOA-AD is for a good cause or not; (2) whether the MOA-AD is seen as a solution to the Mindanao problem or not; and (3) whether the MOA-AD is lawful or not.

First, the meaning of the MOA-AD as an instrument in fighting for a good cause was a point of debate between the two groups. Christians saw the MOA-AD as a struggle that lacked a noble cause (walang mabuting ipinaglalaban) or does not fight for
a good cause), in view of the violence used by certain groups to advance their cause. Muslims, on the other hand, saw the said agreement as a struggle that fought for the rights of oppressed groups in Mindanao (may mabuting ipinaglalaban or fighting for a good cause), particularly of Muslims and Indigenous Peoples who they perceived have suffered from systematic land dispossession and socio-political marginalization.

Second, Christians viewed the MOA-AD as aggravating the Mindanao problem (tungo sa paglala ng problema sa Mindanao or toward aggravating the problem in Mindanao) whereas Muslims regarded the said document as contributing towards solving the Mindanao problem (tungo sa paglutas ng problema sa Mindanao or toward solving the problem in Mindanao). Thus, on the one hand, Christians understood the MOA-AD as intensifying the conflict between different groups in Mindanao, particularly in reference to the armed fighting that ensued between Philippine military forces and MILF groups in 2008 in response to the non-signing of the said agreement. On the other hand, Muslims believed that the same peace accord opened up important avenues towards the discussion of essential issues in the Mindanao conflict, particularly in relation to land ownership.

A third area of difference between Christians and Muslims in relation to the MOA-AD pertained to its legitimacy or lawfulness. Christians questioned the legality of the MOA-AD document (labag sa batas or against the law), specifically in line with the Supreme Court ruling that declared the said agreement as null, void and unconstitutional. Conversely, Muslims held mixed attitudes towards the legal basis of the MOA-AD, citing the initial signing of the said accord between representatives from the Philippine government and the MILF as an important basis of the MOA-AD’s legality (ayon sa batas or according to the law).

**Muslim Says, Christian Says**

The Christian and Muslim respondents also wrote their thoughts on the MOA-AD by answering the open-ended questions in the survey questionnaire. Based on the qualitative part of the survey, the issues surrounding the MOA-AD for Muslims and Christians revolved around three main themes: (1) the possible consequences of the MOA-AD, (2) the nature of the land claims associated with the memorandum, and (3) procedural issues implicated in the conduct of the agreement.

**MOA-AD and Its Possible Consequences: Conflict or Peace?**

Muslims highlighted the meaning of the MOA-AD as a path to peace in Mindanao, as they argued that the implementation of the said agreement would allow Muslims and Indigenous Peoples to regain their ancestral land in the region. Muslims also described the MOA-AD as a means to establish unity, harmony and equality among the different groups in Mindanao. They argued that the agreement will lead to the recognition of the rights of the different groups in the region. Muslims also saw the MOA-AD as a way to promote development and reduce poverty in Mindanao, as its provisions will allow for the elimination of corruption in the various government structures that operate in the Muslim territory put forth in the MOA-AD.

“…Muslims held mixed attitudes towards the legal basis of the MOA-AD…”
**Table 1. What Muslims Say about the Possible Consequences of the MOA-AD**

- Tulay para makamtan ng mga tao ang kapayapaang inaasam sa Mindanao (A bridge for people to achieve their desired peace in Mindanao)
- Ang tanging paraan upang makamit ang kapayapaan at makalaya sa tiwaling gobyerno (The only way to achieve peace and to gain freedom from a corrupt government)
- Ang solusyon sa mahabang panahon na di pagkakasundo dito sa Mindanao (The solution to the long-standing conflict here in Mindanao)
- Para matapos na ang kaguluhan sa bansa, maibalik ang katarungan at pagmamay-ari ng lupa sa Mindanao (So that conflict will end, and justice and ownership of land in Mindanao will return)
- Para sa pagkakaisa, pagtutulungan at payapang pamumuhay (For unity, helping one another and a peaceful life)
- Tungo sa pag-iisa ng kaunlaran, kapayapaan at pagkilala sa kultura ng bawat tribu at relihiyon (For development and peace to meet, and for the culture of each tribe and religion to be acknowledged)

**Table 2. What Christians Say about the Possible Consequences of the MOA-AD**

- Nagpapahirap lamang sa dalawang panig at nagpapalala sa problema sa Mindanao (Makes the two parties suffer and aggravates the problem in Mindanao)
- Isa na namang dahilan ng pagkakawatak-watak ng mga Pilipino sa Mindanao lalo na ang Kristiyanong Muslim at maging dahilan ng pagkakagulo dito (Another reason for disunity among Filipinos in Mindanao, especially among Christians and Muslims, and will be the reason for conflict here)
- Magdudulot lamang ng gulo sa ating bansa. Magdudulot ng hindi lalo pagkakaunawaan (Brings only conflict in our country. Will further bring about misunderstandings)
- Tungo sa paglala ng diskriminasyon at pagkawala ng mga karapatan (Towards the aggravation of discrimination and the loss of rights)
- Isang dokumento na labag sa batas, kumukuha ng ari-arian. Walang nakikitang pag-unlad dito (A document that is against the law, gets property. There is no development with it)
- Isang papel na magiging dahilan ng pagkakawala ng maraming buhay at ari-arian (A paper that will be the reason for the loss of many lives and properties)
- Para lamang sa pakinabang ng mga Muslim, kawalan ng kalyaan ng mga Kristiyanong (Only for the benefit of Muslims, loss of freedom among Christians)
- Nakakabuti sa ilan lamang, kaunti lamang ang makakatamasa ng karwasaan at mas ilong magpapatuloy ang pang-aabuso (Good only for some people, only a few will benefit from the wealth and abuse will continue)

Christians described the MOA-AD as leading to the worsening of the conflict in Mindanao, as they believed that the implementation of the said agreement will result in misunderstanding and discrimination between Christians and Muslims in the region. Christians further described the memorandum as a possible reason for the loss of lives, rights and property in Mindanao. In addition, Christians saw the MOA-AD as advancing the interests of a few people who wield wealth and power in Mindanao.

**MOA-AD and the Nature of Land Claims: Just or Unjust?**

For Christians, the MOA-AD represented a justification for Muslims to seize ownership of land from other social groups in Mindanao. Thus, Christians understood the MOA-AD as a mechanism to satisfy the self-interest of Muslims. They saw the said agreement as a sign of character weaknesses of Muslims as a group. As such, the meaning of the MOA-AD for Christians was described in relation to land-grabbing and negative characteristics. Christians highlighted the Muslims’ land claims as inevitably leading to the division of the country, with Mindanao forming a separate state from the Philippines.
Meaning Making in Mindanao

For Muslims, the MOA-AD represented the fulfilment of their claim for the recognition of Mindanao as their ancestral domain. The Muslims’ claim to the land is based on the history of Mindanao as the home of their forefathers. Thus, Muslims appreciated the said agreement as a means to realize their rights, particularly in relation to territory, equality and self-governance. Through the MOA-AD, Muslims hoped to attain land ownership as well as equality in terms of livelihood, education and other facets of life. The nature of the land claims adopted in the MOA-AD was strongly linked to the concept of self-determination as Muslims explained that the agreement would allow them to determine their own course of development.

MOA-AD and Procedural Issues: The Importance/Centrality of Process

Christians and Muslims also made sense of the MOA-AD in terms of the procedural issues that were involved in its creation, negotiation, and subsequent failure. What is striking with regard to this particular understanding of the MOA-AD is the seeming agreement between Christians and Muslims regarding the particular shortcomings of the agreement in terms of the process by which it was crafted, discussed, and agreed upon. One, the lack of consultations among grassroots communities regarding the contents of the MOA-AD was deemed as a major challenge that

Table 3. What Christians Say about the Land Claims in the MOA-AD

- Ang gustong pag-angkin ng isang grupo (Muslim) ng isang lupain o pag-aari na ayon sa kaniyang kagustuhan (The claiming of one group (Muslim) of land or property according to their own wishes)
- Ang pananakop ng lupa dahil itinuring nila itong sa kanila lamang (The occupation of land because they think that this is theirs)
- Isang agreement na kung saan may mga lugar silang gustong maangkin at kapag hindi ito napapasanakan nila gumamit sila ng marahas na pakikipaglaban na kung saan madami ang walang kinahanglan na mabati (An agreement wherein they want to claim a place and if they cannot claim this place, they will use violent fighting which will affect many innocent people)
- Ang paghihiwalay ng Mindanao sa Pilipinas (The separation of Mindanao from the Philippines)

Table 4. What Muslims Say about the Land Claims in the MOA-AD

- Ito ay MOA patungkol sa lugar na dapat ay para sa mga Moro, ito ay ang Mindanao, nakasaad sa agreement na ito ang pagbibigay ng lugar na ito sa mga Muslim sa Mindanao (This is a MOA regarding the place that is for the Moro, which is Mindanao, it is stated in the agreement that this is the giving of this place to Muslims in Mindanao)
- Ang pagpapalaki ng lupa o teritoryo ng mga Bangsamoro upang mabawi ang nawalang teritoryo noong unang panahon (The expansion of the land or territory of the Bangsamoro to regain the territory that was lost during the early times)
- Ang tanging solusyon upang matugunan ang hindi matapos-tapos na problema at kaguluhan dito sa Mindanao. Nakasaad dito ang pangunahing ipinaglalaban ng MOA – ang right to self-determination ng mga Bangsamoro regarding its homeland (The only solution to end the persistent problem and conflict here in Mindanao. It is indicated here that the primary cause of the MOA is the right to self-determination of the Bangsamoro regarding their homeland)
- Ipinaglalaban ang karapatan ng mga Muslim at nagdudulot ng mabuting pagbabago sa Mindanao (Fights for the rights of the Muslims and brings about good change in Mindanao)
- Pagbibigay ng pantay-pantay na karapatan sa mga Moro, settlers and IP (Providing equal rights to the Moros, settlers and IP)
compromised the acceptability of the said agreement to the people. As one Christian respondent answered, the MOA-AD “lacked consultations, the people did not have any participation with regard to the decision-making about the contents of this document.” Similarly, a Muslim respondent explained that although the MOA-AD represented a step toward positive changes in Mindanao, it still had to “pass through the right process.” For both Christians and Muslims, the “right process” entailed “transparency” and “goodwill” among the different parties involved in the Mindanao conflict.

Lessons from the MOA-AD Experience

Although the MOA-AD has been declared unconstitutional by the Supreme Court, the MOA-AD experience provides important lessons in line with the ongoing peace negotiations between the Philippine government and Muslim liberation movements in Mindanao. Clearly, one dimension that figured prominently as a point of divergence between Christians and Muslims was the nature of the struggle embodied in the MOA-AD. On the one hand, Christians insisted that the struggle represented in the MOA-AD was linked to land-grabbing spurred by self-interest and aimed toward division. On the other hand, Muslims contended that the struggle embodied in the MOA-AD supported their claim for ancestral domain and the recognition of their rights, particularly in relation to self-determination.

The results of this study point to the need for a degree of awareness and appreciation among Christians of the historical basis of the Muslim claim to land and self-determination. On the other hand, Muslims need to also acknowledge and address the concerns of Christians with regards to losing their land, experiencing violence, and becoming part of a separate state. Non-violent alternatives to achieving the recognition of rights sought by Muslims while also protecting the rights of Christians need to be explored.

A deeper reflection of the meaning of the struggle for both groups and recognition that each may have their own justifiable position given their history and context may facilitate genuine dialogue. As such, for the Mindanao peace process to move forward, Christians and Muslims alike must develop the willingness to listen to each other’s views with an open heart and mind and without judgment or prejudice. Changing attitudes, that is, changing the hearts and minds, of Muslims and Christians toward recognizing each other’s viewpoint alongside their own is half the peace journey.

When such paradigm shifts are attained among Christians and Muslims, procedural justice is then the other half of the journey to peace. Procedural issues come to the forefront of the peace negotiation or peace talks. The Supreme Court ruling on the unconstitutionality of the MOA-AD is an important lesson learned on the crucial role of observing just and fair procedures towards achieving a peace agreement or peace accord. From the point of view of both Christians and Muslims, ensuring transparency and accountability in the Mindanao peace process is part of procedural justice. Peace in Mindanao is therefore not just the goal but the very process.
References


