

To the Point

Anticipating the BCC BBL

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GENERAL SANTOS CITY, June 23, 2018 – “*BCC BBL*”, the Basic Bangsamoro Law that will come out of the Bi-Cameral Conference Committee of the Congress after it has reconciled the Senate (SB No. 1717) and the House (HB No. 6475) versions of BTC BBL 2017 this coming July 9 to 13, will be the *BBL Act* (No. ?) President Rodrigo R. Duterte will sign on July 23 at his Third State of the Nation Address.

BTC BBL 2017 was written by the Bangsamoro Transition Commission of 2017 or BTC 2017 based on BTC BBL 2014 as the working draft. The latter which failed to pass the 16th Congress was based on the Framework Agreement on Bangsamoro of 2012 (FAB) and the Comprehensive Agreement on Bangsamoro of 2014 (CAB), a compendium of Government-Moro Islamic Liberation Front (MILF) agreements since 1997 including the FAB and its four Annexes.

As BTC BBL 2014 was CAB-compliant, so is BBL BTC 2017. As BTC BBL 2014 was vetted by the Office of the President for its constitutionality and legality, so was BTC BBL 2017.

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SB No. 1717 and HB No. 6475, according to the Senate and House leaders, are compliant with the 1987 Constitution and Philippine laws and can stand any test of constitutionality and legality before the Supreme Court. On the other hand, MILF and Bangsamoro Civil Society Organizations (CSO) leaders see them so least CAB-compliant as to create a Bangsamoro political entity less autonomous than the ARMM. With the Bangsamoro CSO are different Moro organizations including those of women and youth.

The MILF and Bangsamoro CSO leaders said they will do their best to have the BCC restore the deleted and radically amended provisions of BTC BBL 2017 – to restore it to its original. But they are told this cannot – and ***will not*** – happen.

First, the BCC can only reconcile the disparate provisions of SB No. 1717 and HB No. 6475 of which, as reported, there are many with some seemingly irreconcilable. ***Second***, it is unthinkable that the BCC members who caused the deletions and radical changes will allow the restoration.

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Hundreds of amendments severely watered down BTC BBL 2017. *Luwaran*, the official online publication of the MILF Central Committee, cited with grave concern in its June

16, 2018 editorial (*“Reasons for Concerns!”*) what the Senate and the House had done with Section 4 of Article XV and Section 10 of Article XIII which *“are purposely intended to implement the ... provisions of the GRP-MNLF Final Peace Agreement of 1996”* that R.A. No. 9054 had failed to implement.

Section 4, Article XV *“provides for the conduct of plebiscites for cities, municipalities, and other geographical areas which were not able to join the Bangsamoro as per results of previous plebiscites”* -- to be done every five years for 25 years following the BBL plebiscite. This the Senate and the House completely deleted.

Section 10, Article XIII *“provides for the co-management in the exploration, development, and utilization of fossil fuels and uranium by the Bangsamoro Government and the Central Government”*. While the House virtually left this intact, the Senate heavily diluted it.

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Former ARMM Executive Secretary Naguib Sinarimbo (*December 2009 to December 2011*), in his Facebook article re-published by *MindaNews* (June 14, 2018: *PEACETALK: On the Block Grant and Fiscal Autonomy in the BBL*), cited *“the sheer absence of fiscal autonomy”* as *“[o]ne of the major structural defects in the ARMM”*. The block grant provisions in Article XII of the BTC BBL 2017 remedy this malady – doing *“away with the annual begging exercise of the ARMM in the DBM and Congress”*.

However, he deplored how in SB No. 1717 and HB No. 6475 the block grant provisions were watered down and diluted. Consequently, *“we are back to the old system in the ARMM of an annual, automatic, and regular begging in the Central Government”*; so there is still *“no fiscal autonomy”*.

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The Congress has taken for granted or ignored the Moros’ quest for their right to self-determination in the name of constitutionality and legality. But, if closely examined, ***in reality***, most if not all the revisions, deletions and insertions are not in compliance with the 1987 Constitution and Philippine laws but to promote vested political and economic interests while denying genuine autonomy for the Moros out of age-old biases, prejudices and ignorance of the roots of the Moro problem.

In its *“Statement”*, Suara Bangsamoro or Voice of the Bangsamoro (*MindaNews*, June 1, 2018) believed the BBL in SB No. 1717 and HB No. 6475 will not solve the Bangsamoro problem as it *“leaves the Bangsamoro with no control over the resources of the area they define as our autonomous area. Just like in the ARMM, this BBL appoints the new*

Bangsamoro political entity to facilitate the wholesale selling of our territories and natural resources to foreign corporations under the guise of bringing growth and development to Bangsamoro areas”.

Despite this, the top MILF leaders are evidently tempering desperation among their people with hope. They see some redeeming factors – the proverbial light at the end of the tunnel. For instance, the BTC BBL 2017 provisions on the parliamentary system and on the Bangsamoro Transitional Authority were retained.

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From the many statements of MILF Chairman Murad Ebrahim, BTC 2017 Chair Ghazali Jaafar and MILF Implementing Panel Chair Mohagher Iqbal, it can be inferred that if the BCC can come out with a *meaningful* BBL Act – *in our perception, one by which within its letter the Bangsamoro Parliament can manage to enact laws on how to solve the Moro problem guided by the spirit of the CAB* – the MILF Central Committee may accept it with the consent of the Moro people in a consultative general assembly.

This rests on the presumption that the members of the 17th Congress *sincerely intend* the BBL, as the implementing Act of the CAB, to adhere to the essence of the CAB -- not kill it with anti-Moro vested political and economic interests, biases and prejudices *disguised as adherence to the 1987 Constitution and Philippine laws*.

This must be at the core of the dialogues and consultations between the MILF, MNLF and BTC with the members of the BCC before July 9. If the BCC can come out with a meaningful BBL Act as conceived in the CAB, then to borrow from Shakespeare, *all’s well that ends well*. If not, the post MOA-AD (Memorandum of Agreement on Ancestral Domain of 2008) scenarios will be the grim enigma to bear with.

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As we see it, it is unfortunate that, in reference to media reports, it *seems* the Government Implementing Panel has defaulted from its role stated in the Term of Agreement signed in Kuala Lumpur on August 14, 2016, that is: “c) for the GPH to work for the early passage of the proposed Bangsamoro enabling law *in tandem with the monitoring assistance of the MILF*” (bold, underscoring, ours).

While the MILF Implementing Panel, together with the MILF hierarchy and the BTC 2017, has been in the forefront of the parliamentary struggle, the GPH Implementing Panel has gone unreported.

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At a forum in Metro Manila last June 7 (*Rappler.com*, June 10, 2018: *Final version of BBL holds fate of Mindanao peace process*), Secretary Jesus Dureza, the presidential peace adviser, tried to pacify BTC 2017 Chairman Jaafar and others worried about the fate of the BBL at the Bi-cameral Conference Committee by calling on “*all stakeholders [to] help in managing their own expectations and the people on the ground*”.

He said: “*We should not raise too much expectation but I'm sure the public and the greater table will welcome whatever headway we will have. We are working towards very compliant BBL, close as much as possible to the CAB. It's a signed agreement. But remember there are parameters also to deal with. Constitutional parameters are also important.*”

He admitted “*the peace process is at another critical point, requiring a compromise from all sides*”; but expressed optimism, “*I see a better light at the end of the tunnel.*”

This was reassuring rhetoric that vaguely assured.

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President Duterte, in his Eid’l Fitr celebration speech in Davao City last June 16, said: “*If perchance, if nothing really works out with the BBL, then give us time because I do not want to fight. I do not wage a war against my own countrymen. I really don't want to.*”

This and the many other matters he said about the BBL and the peace process in his 36-minute *Dutertesque* extemporaneous speech were vague in reference to the fate of BBL pending at the BCC. The reporters present should have asked him what he meant.

Aside: With due respect, the President’s Eid’l Fitr speech was irrelevant to the occasion. To have a semblance of relevance, to end it he read – we presume -- the concluding paragraph of the two-paged (about 10-minute long) prepared message which at the outset he told his audience he would set aside for “*a few minutes ... so that I can talk directly with you.*” The “*few*” turned out to be “**36**”.

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