

SULU TREATIES

A Powerpoint Presentation

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YUCHENGCO Museum, RCBC Plaza, Makati City

September 20, 2008

WHAT ARE TREATIES?

- Contracts in writing between two or more political authorities (as states or sovereigns) formally signed by duly authorized representatives, and usually ratified by the lawmaking authority of the state. (Websters Ninth New Collegiate Dictionary, 1991)
- In the early 1700s when Great Britain was beginning to settle what is now Canada, strategic alliances were made with the natives of the place (the Saskatchewan) and formal treaties were entered into to foster peaceful relations with the natives and boost their imperial goals. (A Brief History of Treaties, Public Legal Education Association of Saskatchewan, June 7, 2002)

ANOTHER DEFINITION OF TREATY

A U.S. case defines “treaty” as a compact formed between two nations or communities, having the right of self-government. (*Worcester v. The State of Georgia*, 31 U.S. (6 Pet.) 515, 581 [1832]) This case involved U.S. Government-American Indian tribes relations.

[Soliman Santos, Jr. Role of Peace Treaty in the MOA]

THE TREATIES OF THE SULTANATES

- According to scholars, there are about thirty three (33) treaties concluded by the Sultanates in the Philippines; fifteen (15) by the Sulu Sultanate and eighteen (18) by the Maguindanao Sultanate.
- We have, however, included only representative treaties in this discussion as some of the treaties are not readily available within the short period allowed by this research.

TREATY OF PEACE of 1646

- Decreed perpetual friendship between Sulu and Spain.
- Provided for offensive and defensive alliance against enemies.



TREATY OF 1725

- Provided for trade between Jolo and Manila
- Provided for mutual return of captives



TREATY of 1737

- Art. 1 To preserve permanent peace between the two states
- Art. 2 Provided for alliance and mutual aid against any foreign foe
- Art. 3 Provided for free trade between the two states restricted by the use of passports
- Art. 4 Each state should be held responsible for all infractions committed by its subjects
- Art. 5 Provided for exchange of captives and return of all church and images by the Sulus

OBJECTIVES of the INITIAL SULU TREATIES

- Note that the objectives of the first three mentioned treaties were (1) **ATTAINMENT** of **PEACE**, (2) **FORGING** of **ALLIANCES** and (3) **MUTUAL TRADE**.
- The Treaty of 1737 was the first treaty to refer to the Sulu Sultanate as a “state” in the category of Spain [“free trade between the two states”].

TREATY of 1836

- Primarily a trade treaty signed between Sultan Jamalul Kiram I and Captain Jose M. Halcon on September 23, 1836.
- Contained nine(9) Articles dealing with payment of trade duties and docking/anchorage fees; licensing of trading ships; and issuance of passports.
- Of interest here are the varying rates for Spanish vessels carrying Chinese passengers, which seems to imply that there were Chinese at the time regularly traveling between Manila and Sulu, and that most probably, the purpose of their travels was trade.

TREATY of 1836

Sultan's Version

- The Sultan's copy of the said treaty which Halcon certified was more of an address of the Sultan to his subjects in connection with the treaty.
- The Sultan calls the King of Spain his "brother" who will help Sulu seafarers in possession of passports issued by the Sultan.

TREATY of 1836

Ratification by the Queen Regent of Spain

- Talks about the friendship and protection that binds Spain and Sulu in connection with free navigation.
- Provides for strengthening of Spanish fleet in Mindanao waters so that Spain can “protect equally” [vessels] of “both nations”, thus considering the Sulu Sultanate as a nation unto itself.

TREATY of 1851

- Signed between Sultan Muhammad Pulalun and Col. Jose Maria de Carlos, contains the first treaty reference to “the incorporation of Sulu into the Spanish Monarchy”. This was probably prompted by the increasing British intrusion into Sulu.
- For their part, the Tausugs, according to Najeeb Saleeby, seemed to have recognized the supremacy of Spain and accepted her protectorate.
- But the Spanish and Tausug texts of the Treaty contain differing perceptions of the treaty details.

TREATY of 1851

Differing Text on Sovereignty

- **Art. 7 [Spanish Version]**

The Sultan and Datus of Sulu, having recognized the sovereignty of Spain over their territory, which sovereignty is now strongly established, not only by right of conquest, but by clemency of the conqueror, they shall not erect fortifications of any kind... without permission of the Governor-General...

- **Art. 7 [Tausug Version]**

It is recognized by the Sultan and the Datus that the King of Spain is powerful these days, and is just and merciful in acquiring “kunkista”, and that it is not right to build forts without informing the Governor-General...

TREATY of 1878

Signed between Sultan Jamalul A'lam and Col. Carlos Martinez in July 1878, the treaty was the last one entered into between the Sulu Sultanate and Spain; and as such, according to Najeeb Saleeby, appears "to define the final relation that existed between them and the exact position which Sulu occupied in the Philippine Archipelago during the last period of the Spanish Regime".

TREATY of 1878

Differing Text on Sovereignty

- Art. 1 [Spanish Version]

We declare that the sovereignty of Spain over all the Archipelago of Sulu and its dependencies is indisputable.

- Art. [Tausug Version]

All the people of Sulu and its Archipelago shall obey only the King of Spain, Alfonso XII, or whosoever shall succeed him.

The BATES TREATY of 1899

- Similar to the Spanish-Sulu Treaty of 1878, the Bates Treaty used the word “sovereignty” in its English version, but the Tausug version does not carry any such word.
- Under the Bates Treaty, the Sultan recognized the American flag in the same manner that he recognized the Spanish flag in the 1878 Treaty.
- Similarly, the Americans were also allowed to occupy and control such points of the Sulu Archipelago as public interest may demand.

The BATES TREATY of 1899

Differing Text on Sovereignty

- Art. 1 [American Version]

The sovereignty of the United States over the whole Archipelago of Jolo and its dependencies, is declared and acknowledged.

- Art. 1 [Tausug Version]

The support, aid and protection of the Jolo Island and Archipelago are in the American Nation.

The CARPENTER AGREEMENT **of 1915**

- In the subsequent years of the American Regime, the Sultan and his Datus increasingly abdicated their role as defenders of their subjects. The battles against the Americans were therefore carried on and led by private individuals. In the various Tausugs' fight for freedom, the Sultan and his datus merely acted as onlookers, or worse, as collaborators.
- Thus, the capitulation of the Sultan in 1915 by signing the Carpenter Agreement was inevitable. Under the said Agreement, the Sultan ratified and confirmed his recognition of the sovereignty of the United States of America.

EFFECTS of the CARPENTER AGREEMENT

- The Sultan was totally stripped of his remaining governmental power recognized in Art. IX of the Bates Treaty. In the words of the Memorandum Agreement, the Sultan was reduced into a “titular head of the Mohammedan Church in the Sulu Archipelago subject to the same limitations which apply to the supreme spiritual head of all religions existing in American territory”.
- The Tausugs were therefore left “leaderless” insofar as their tradition was concerned. Unaccustomed to this situation, the Tausugs were not able to unite and offer a broader front against the Americans.

EFFECTS of AMERICAN RULE on the MOROS

- American direct rule from 1899 to 1920 convinced Moro leaders to lay down their arms in exchange for American tutelage and protection.
- The abolition of the Department of Sulu and Mindanao by Act 2878 in Feb. 1920 ended American direct rule over Moroland. Legislative control was effectively transferred to Filipino hands.
- The sentiments of Moros, and some American political analysts like J. Ralston Hayden, was that the Moros and Moroland were not ready to be abandoned by the Americans. The Moros felt deceived.
- A delegation of Moro leaders to the U.S. Congress wrote in 1924: “You have left us defenseless, and it is your duty to protect us or to return to us the weapons you took from us, and which we freely gave you, relying on your promise.”

EARLY MORO ATTEMPTS AT SELF-DETERMINATION

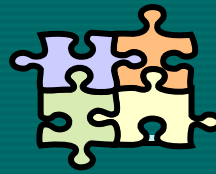
- In 1920, the Filipinization of the governorships in Sulu, Cotabato and Lanao was implemented. Reacting to this, the Moros of Sulu wrote the U.S. Government a petition on June 9, 1921, **asserting that the Moros have been independent for 500 years and rejecting governance by the Filipinos.**
- On February 1, 1924, another petition signed by more than a hundred Moro leaders was sent to the U.S. Congress (see previous slide), declaring: **"In the event the U.S. grants independence to the Phil. Islands without provision for our retention under the American flag, it is our firm intention and resolve to declare ourselves an independent Constitutional Sultanate to be known as the Moro Nation."**
- In reaction to this desire of the Moros, **Cong. Robert L. Bacon of NY filed House Bill No. 12772 seeking to retain Mindanao and Sulu as an American colony** even as the rest of the Philippines would be granted independence. This was, however, strongly opposed by Filipino nationalists headed by Manuel L. Quezon who lobbied in the U.S. Congress against the passage of the bill into law.

IMPLICATIONS of the TREATY MAKING POWERS of the SULU SULTANATE

- The treaty-making power of the Sulu Sultanate showed it as a distinct political entity or a state, and recognized as such by other states.
- As a state, the Sulu Sultanate is used to relating internationally with other countries and kingdoms, both on the political and economic levels.
- As a consequence, had the Sulu Sultanate been left at peace to pursue its own internal affairs, instead of having been subjected to the protracted Moro wars with Spain, and had history favored it with a continuing exercise of self-determination even under American tutelage, the Sulu, Basilan and Tawi-Tawi areas would probably go the way of Malaysia and Indonesia, instead of being in the backwater condition these provinces are in now.

THE MOA-AD

- The MOA contains a definition of treaty as “any solemn agreement in writing that sets out understandings, obligations and benefits for both parties which provides for a framework that elaborates the principles declared in the Agreement”.
- It defines treaty in relation to “compact rights entrenchment emanating from the regime of *dar ul-mu’aqada* (territory under compact) and *dar ul-sulh* (territory under peace agreement)”.



MEETING of the MINDS

Had the process been gradual, consultative and participatory in nature... the introduction of the MOA-AD would have met with circumspect understanding among the Filipinos. This way, the MOA-AD would have served its purpose as a tool to upgrade the economic and political status of the Moros within the context of a sovereign Philippine government and the concept of co-existence with non-Muslims and other indigenous people in the areas of autonomy. We hope that a calm study of history can generate an understanding and perspective that will help us untangle the webs of problems that now confront us in Mindanao, with **SOLUTIONS IN OUR MINDS and PEACE IN OUR HEARTS.**

End of Presentation

“As-Salaamu Alaikum & Ramadan Kareem”

