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Prospects for Peace Under the Aquino Administration



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KONRAD ADENAUER-STIFTUNG

About the Institute for Autonomy and Governance



The Institute for Autonomy and Governance (IAG) is an independent and non-partisan think tank founded in 2001 to generate ideas on making autonomy an effective vehicle for peace and development in the Southern Philippines.

IAG views autonomy as a broad and evolving concept that encompasses any political structure that is less than an independent state. It provides the country's minority Muslim and Indigenous Peoples platforms to evolve self governance structures whether federal, autonomous or associative.

IAG continues to conduct research, fora, roundtable discussions, and conferences on the issues of autonomy, good governance and political settlements between the GRP and the Rebel Fronts (MNLF and MILF). It has published policy papers and journals on political, economic, and security issues that define the much needed measures to be undertaken for meaningful self-governance in the region.

IAG also provides support to the ARMM Executive and the Iranon Development Council (Buldon, Barira, Matanog, Parang and Datu Blah Sinsuat), specifically in capacity-building with focus on the processes of policy formulation and legislation.

IAG is an institutional partner of the Konrad Adenauer Stiftung in the Philippines.

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Autonomy and Peace Review

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Editorial

EDITORIAL

ELISEO "JUN" MERCADO, OMI

2011 is now being acclaimed as the year of peace talks in all fronts.

On the 14th – the 18th of January 2011, the Philippine Government (GPH) and the National Democratic Front of the Philippines (NDFP) conducted preliminary negotiations in Oslo as a prelude to the official resumption of the long frozen peace talks on 15th – 21st February.

Then in Southern Philippines, after several months of debates over the role of the Malaysian facilitator, the Government of the Philippines and the Moro Islamic Liberation Front sat together in Kuala Lumpur on the 9th, February 2011 for the official resumption of the stalled peace talks between the GPH and the MILF.

Following the same peace initiative, the Philippine Government and the Moro National Liberation Front also met in Jeddah, Saudi Arabia on the 22nd – 23rd of February to consolidate the consensus points vis-à-vis the implementation of the 1996 Final Peace Agreement between the GPH and the MNLF.

The 1st issue of the *Autonomy and Peace Review* for the year 2011 attempts to capture these three peace initiatives.

Judge Soliman Santos in his article minces no words in categorically affirming the need for Charter Change to bring the peace process in its full fruition.

The next article by Prof. Alber Husin expounds on the ambiguity and vagary of the national politics as they pose perils and threats to the on-going peace process.

The two following articles by the younger and the older Masturas expound on the predicaments in the peace process as GPH and the MILF face the so-called 'legitimacy crisis of the state' vis-à-vis the quest of the Bangsamoro future status.

Prof. Rommel Banloi, on the other hand, presents the Prospects of the GPH and the NDFP Peace Talks amid the 'disconcerting' developments on the ground that impact the discussion on the Comprehensive Economic, Social and Political Reforms needed to forge an agreement.

There is that 'mass' that remains 'invisible' in all the peace initiatives. The so-called 'mass' has a concrete face. It is the face of the Indigenous Peoples who consist 20% of the ARMM population and 12 to 15 million nationwide subdivided into 110 ethnic groups. The two IAG-sponsored Round Table Discussions (one in Manila and the other in Cotabato City) present the IP's struggle for their own right to self-determination in their own ancestral domain.

Fr. Mercado concludes the issue with his article on Conflict and Peacemaking – the Philippine Experience. Though the experiences cited is limited to the GHP and the Islamic Fronts (MNLF and MILF), they provide concrete lessons in charting the 'road map' for the 2011 Peace Initiatives.

We Will Need Charter Change
for the Peace Process

Soliman Santos, Jr.

We will Need Charter Change for the Peace Process*

*By Soliman M. Santos, Jr.***

Right now, the prevailing majority sentiment seems to be that charter change is not urgent nor even a priority for the country. For many, it is not even needed, so they ask: Why? Those who have recently and prominently called for it early in this new administration, notably former Chief Justice Reynato S. Puno, spoke on the 1987 Constitution having spawned a failed state, one crippled by a weak electoral system, social inequalities and a politically vulnerable judiciary. Another former Chief Justice, Artemio V. Panganiban, disagrees “with due respect,” and says the priority is solving excessive corruption and grinding poverty. Other pundits object to charter change at this time due to its great monetary cost at a time of many rising costs, reduced budgets and impending increased taxes. There are also the oft-expressed apprehensions regarding the “tinkering” (alternatively, “monkeying around”) with the Constitution by the suspect Congress of perceived self-serving politicians, especially for the tired old issue of lifting or changing term limits.

*From a speech delivered on February 2011, Constitution Day in Naga City.

**SOLIMAN M. SANTOS, JR. has been a long-time Bicolano human rights and IHL lawyer, legislative consultant and legal scholar, peace advocate, researcher and writer esp. for and on the Mindanao peace process, with several books on this, including *The Moro Islamic Challenge: Constitutional Rethinking for the Mindanao Peace Process* (UP Press, 2001; with 2nd printing, 2009), where he has long made the first full argument for charter change for that peace process. He is now a Judge of the 9th Municipal Circuit Trial Court (MCTC) of Nabua-Bato, Camarines Sur.

No one has really brought into this debate, as if it is not in the national consciousness, the likely need (and also priority and urgency) for charter change arising from the all-important peace processes, particularly with the Moro Islamic Liberation Front (MILF) and the Communist-led National Democratic Front of the Philippines (NDFP), that are both about to finally get underway in earnest this February — which also happens to have been for some long time Constitution Month (with February 8 as Constitution Day based on the approval date of the final draft of the 1935 Constitution by the then Constitutional Convention). **If there is one reason for charter change in the near future, it is this.** But before we go to the link between charter change and the peace process, the important point to get here, first of all, is the country's priority need for a just and lasting peace on two "major, major" fronts of insurgency in the country for the past more than four decades already.

Do we not see how this four-decade internal armed conflict (which by the way has two sides: insurgency and counter-insurgency) relates to grinding poverty and social inequalities? The conflict contributes to grinding poverty and social inequalities and is of course at the same time fueled by them, in a vicious cycle that has become almost a chicken-and-egg question. Do we not see how this four-decade internal armed conflict relates to excessive corruption, particularly with the huge war budget of the military? A huge war budget that could

otherwise have been used for much needed social services and reform programs to address social inequalities, if not also for spurring economic growth and development.

The four-decade internal armed conflict has been a strategic albatross around our country's neck that has resulted in our being left behind economically by closest neighbors Brunei, Malaysia and even Indonesia in what is supposed to be an East Asian Growth Area. The same might be said vis-a-vis our other Southeast Asian neighbors Singapore, Thailand and Vietnam. None of these other neighboring countries have not had to face two major fronts of internal armed conflict over four decades. As the Vietnam war ended in 1975, it was the still the early years of martial law in our country. That military response to the Communist and Moro insurgencies, aside from its agenda of perpetuating the Marcos dictatorship, as we know, did not quell those insurgencies but instead generated more resistance. This is the lesson that gives logic to the peace process as a better alternative to resolve our two major internal armed conflicts. But we also have to do a better job with the peace process which is getting to become as protracted as the "people's war," to use NDFP terminology.

Part of doing a better job with the peace process is of course getting the solutions right and also getting the timing right. Timing here can refer both to completing this already several decades process "within a reasonable time" and to seizing the right/ripe moment/

timing for this. As is often said, timing is everything. To the extent that charter change is a logical conclusion to the peace process, then the timing which former Chief Justice Puno spoke about for charter change – early enough in the term (certainly not beyond mid-term) of the popular new President Aquino – is also the best time for completing and concluding our two major peace negotiations.

The latter goal, which is certainly a clear and present goal of the new administration, will not be well achieved without the necessary charter change, among other components of a wholistic solution, that those peace negotiations are certain to indicate in due course. President Aquino has to see this because his cooperation, if not active support and even leadership/ statesmanship, for charter change is indispensable. It takes time and lead time to set up the best possible mechanism for charter change, including how this and the peace process, might ideally dovetail with each other. And it is not too early for this, as we must have the necessary foresight and planning.

Neither is it too early to say that our two major peace negotiations are certain to indicate necessary charter change among other components of a comprehensive solution. The indications have already been there for some time. In the guiding framework Hague Joint Declaration of 1 September 1992 between the Government of the Republic of the Philippines

(GRP) and the NDFP, they both already agreed that “The substantive agenda of the formal peace negotiations shall include human rights and international humanitarian law, socio-economic reforms, political and constitutional reforms, end of hostilities and disposition of forces.” (underscoring supplied)

This actually matches the first among the well-established “Six Paths to Peace” in the government’s comprehensive peace framework, first formulated under President Ramos (EO 125) and reaffirmed under President Arroyo (EO 3; incidentally, her peace adviser then is also the new President Aquino’s peace adviser now): “PURSUIT OF SOCIAL, ECONOMIC AND POLITICAL REFORMS. This component involves the vigorous implementation of various policies, reforms, programs and projects aimed at addressing the root causes of internal armed conflicts and social unrest. This may require administrative action, new legislation, or even constitutional amendments.” (underscoring supplied)

Some of those possible constitutional amendments as may be proposed by the GRP-NDFP peace negotiations could even also match those among former Chief Justice Puno’s seven-point proposals for charter change. We refer in particular to his proposal to make Congress more representative because marginalized sectors continue to be “underrepresented or unrepresented” in government. This also relates to his

concern about a weak electoral system. Early articulations of electoral reforms in the NDFP's agenda for the peace talks included allowing a fair chance for parties of the lower and middle classes, and also mechanisms to ensure fair and free elections. There were also early articulations for military reforms, such as removal of U.S. control over the Armed Forces of the Philippines (AFP), and the reorganization, reorientation and reduction of the AFP. The latter would definitely be logical and viable as a consequence of a successful comprehensive peace settlement with the two major insurgencies. The reorientation of the AFP would or should definitely involve not only instilling utmost respect for human rights but also solving excessive corruption. The importance of electoral and military reforms for this particular peace process is their critical bearing on the NDFP's justification for its resort to armed struggle as the necessary main form of struggle for achieving social and political change because of blockages in the elite-dominated electoral system and military suppression of legitimate social unrest.

The other priority problem of grinding poverty, often pointed to as a root cause of social unrest, should be mainly addressed by socio-economic reforms. Former Chief Justice Puno's proposal to mandate education and health as rights "in the same manner as our civil and political rights are demandable from government" is quite constitutionally revolutionary in the context of existing Philippine jurisprudence and governmental budget

realities. But the reduction of the AFP from war mode to peace mode would certainly free up funds for reallocation to education, health and other social services. But for a truly just and lasting solution, it will not do to have just socio-economic reforms without also political and constitutional reforms to effectively address comprehensively the various interrelated root causes of the conflict.

The GRP-MILF peace negotiations, on the other hand, do not speak explicitly about “constitutional reforms (or amendments).” But all the signs (if only we will read them) point to charter change as more clearly needed in this Mindanao peace process. The aborted 2008 GRP-MILF Memorandum of Agreement on Ancestral Domain (MOA-AD) was eventually declared unconstitutional by the Supreme Court (SC, including by then Chief Justice Puno) because, among others, its proposed Bangsamoro Juridical Entity (BJE), in “associative relationship” with the Central Government, was seen by the SC as “cannot be reconciled with the present Constitution...” The proposed BJE can be described as an attempt to seek a *higher and better* form of Bangsamoro autonomy or self-government beyond that of the constitutionally-mandated Autonomous Region in Muslim Mindanao (ARMM) but short of independence.

The ARMM as a Bangsamoro autonomous or self-governing entity has been proven by more than two

decades of experience (Part I: under RA 6734, from 1989 to 2001; Part II: under RA 9054, from 2001 to the present), infamously capped by the Maguindanao Massacre of 2009, to have failed to achieve its promised peace, development and even meaningful autonomy. A higher and better degree/level of autonomy or self-government than that of the ARMM would necessarily have to go beyond the present level (“think outside the box”) of the constitutional provisions on autonomous regions on which the ARMM and its Organic Acts are based. Those organic springs cannot rise higher than their constitutional source.

This all relates to the MILF’s famous 1997 starting single talking point for the peace talks: “To solve the Bangsamoro problem... with the end in view of establishing a system of life and governance suitable and acceptable to the Bangsamoro people.” Of course, it is best that it also be acceptable to the Filipino people. Thus, the MOA-AD with its proposed BJE was a fair attempt, although stricken down (whether rightly or wrongly) as unconstitutional, to balance what Cotabato Archbishop Orlando B. Quevedo, OMI, called “two fundamental postulates for lasting peace in Mindanao:” (1) the national sovereignty and territorial integrity of the Philippines; and (2) the Bangsamoro people’s right of self-determination. The latter is understood as a generally accepted principle in international law whereby a historically, culturally and ethnically distinct people (like the Bangsamoro) are to “freely determine their political

status and freely pursue their economic, social, and cultural development.” Stated otherwise, in simpler terms, it is the fulfillment of the legitimate aspirations of a distinct people’s identity, way of life and longing for self-rule. This, not excessive corruption and grinding poverty, is at the root of the Bangsamoro problem, although those two particular maladies have been highlighted in the ARMM and should also be addressed as part of the problem.

There is one key lesson from the precursor peace negotiations between the GRP and the Moro National Liberation Front (MNLF), which first started way back in 1975 and culminated two decades later in 1996 with a Final Peace Agreement and a side political agreement of Chairman Nur Misuari and the MNLF being placed at the helm of the old ARMM. We refer to the lesson on the Moro front that a negotiated political settlement, while basic for a peace settlement, can only go so far if not accompanied by a negotiated constitutional settlement. After all, the core of the Bangsamoro problem is their structural relationship with the Philippine republic, a relationship circumscribed by the Constitution. Any negotiated restructuring of that constitutional association between the Bangsamoro people and the Philippine republic would necessarily entail charter change.

A higher and better form of Bangsamoro autonomy or self-government beyond that of the

ARMM through necessary charter change has not necessarily been ruled out by the SC Decision on the MOA-AD. On the contrary, it recognizes the likely need for charter change pursuant to peace processes, but only really requiring that the constitutional processes for charter change be followed. We shall let the SC Decision of the majority, through the *ponente* (decision writer), still incumbent Senior Associate Justice Conchita Carpio Morales, speak for itself on this:

“As the experience of nations which have similarly gone through internal armed conflict will show, however, peace is rarely attained by simply pursuing a military solution. Oftentimes, changes as far-reaching as a fundamental reconfiguration of the nation’s constitutional structure is required...”

“In the same vein, Professor Christine Bell, in her article on the nature and legal status of peace agreements, observed that the typical way that peace agreements establish or confirm mechanisms for demilitarization and demobilization is by linking them to **new constitutional structures** addressing governance, elections, and legal and human rights institutions.”

“... If the President is to be expected to find means for bringing this conflict to an end and to achieve lasting peace in Mindanao, then she must be given the leeway to explore, in the course of peace negotiations, solutions

that may require changes to the Constitution for their implementation...”

“The President may not, of course, unilaterally implement the solutions that she considers viable, but she may not be prevented from submitting them as recommendations to Congress, which could then, if it is minded, act upon them pursuant to the legal procedures for constitutional amendment and revision....”

“The sovereign people may, if it so desired, go to the extent of giving up a portion of its own territory to the Moros for the sake of peace, for it can change the Constitution in any [way] it wants....”

It is the Separate (Dissenting) Opinion of then Associate Justice Minita V. Chico-Nazario, which best appreciates the need to “think outside the box” here:

“... In negotiating for peace, the Executive Department should be given enough leeway and should not be prevented from offering solutions which may be beyond what the present Constitution allows, as long as such solutions are agreed upon subject to the amendment of the Constitution by completely legal means.”

Peace negotiations are never simple. If neither party in such negotiations thinks outside the box, all they would arrive at is a constant impasse....”

“It must be noted that the Constitution has been in force for three decades now, yet, peace in Mindanao still remained to be elusive under its present terms. There is the possibility that the solution to the peace problem in the Southern Philippines lies beyond the present Constitution. Exploring this possibility and considering the necessary amendment of the Constitution are not *per se* unconstitutional. The Constitution itself implicitly allows for its own amendment by describing, under Article XVII, the means and requirements therefor.”

Having basically addressed the questions of “Why?” and even “When?,” there then follows the need to address the questions of “How?” and “Who (i.e. by whom)?” These questions are, however, better dealt with separately in another article.

Philippine Politics and the Peace
Process: Prospects and Perils

Alber Husin

Philippine Politics and the Peace Process: Prospects and Perils

Prof. Alber Ahmad Husin'

Introduction

Following the collapse of the GRP-MILF Peace Process in 2008, hostilities ensued between armed elements of each party across Mindanao². This resulted to the displacement of about half a million civilians not to mention the countless lives lost and properties destroyed. To think that the tipping point was the non-signing of the Memorandum of Agreement on Ancestral Domain (MOA-AD), which in spite of its significance and potential milestone, was only an element to the bigger peace process, only showed how volatile the conflict in Mindanao remains. As we invest again our hopes and tax-payers' money on the commitment of the negotiating panels to finding that most elusive peace in Mindanao, we realize that the realities on the ground remain complex and that politics and politicking leaders may yet again negatively impact its outcome.

This paper is a reflection on the resumption of the GRP-MILF Peace Process from the perspective of a young Bangsamoro professional. It looks back at the events immediately following the aborted signing of the MOA-AD between the GRP and MILF Peace Panels in 2008 and re-examines the role of Philippine politics that significantly contributed to the collapse of the peace

process. It will also look into the existing conditions of political patronage that contributes to conflict and human insecurity in Muslim Mindanao. It will also look at the prospects of the resumption of the peace process amidst political cleavages among state agencies directly related to the peace process. Lastly, it will argue that while challenges to the peace process may have come in such aspects as in the technicality of ascertaining ancestral domain of the Moro people, securing and rehabilitating conflict-affected areas, and in the framing of mechanism for shared governance, the essential, however, remains in finding concrete ways to reduce the impact of politics within and among the negotiating parties.

Remembering the MOA-AD debacle

“HINDI KO HAHAYAAN NA MA CHOP-CHOP ANG PILIPINAS!!!” (I will not allow the Philippines to be chopped up into pieces). This was the infamous line of a then state senator in his supposed reaction to the controversial MOA-AD. Against an unpopular sitting president who was the signatory-to-be in case a peace agreement was to be brokered at that time, the statement of an opposition sitting state senator drew overwhelming support and clamor from the rest of the country, mainly Luzon and Visayas, to question the veracity of the said MOA and the constitutionality of its content. As the issue became national, it nonetheless, got tied up with the various controversies and ill-reputation of a corrupt administration. The peace process thus became secondary

to the primacy of proving another misdeed of an unpopular regime. So, as that unpopular president yielded to popular demands of the “people”, the peace process, or the MOA-AD, succumbed to its inevitable death in the hands of politicking politicians.

Identity politics according to Abinales³ which is often used to facilitate integration and inter-ethnic cooperation is also used to deepen the chasms. Such was the case when the said senator made such a declaration against the MOA-AD. I will not assume about that senator’s subscription to the Huntingtonian paradigm nor of his cohorts as well as those others who attacked the MOA, but I recognize his political motivation and the incentive behind discrediting the administration’s attempt at resolving the Mindanao conflict. That senator may have utilized identity politics not to create conflict between Muslim minorities and the Christian majority in the country, but to create further chasm between the people and the then Arroyo Administration.

Politicians in Mindanao who also attacked the MOA-AD were mainly driven by their need to protect their political interests. A governor shared to me that prior to the scheduled signing of the MOA-AD in Kuala Lumpur, Malaysia they got copies of the draft MOA from a high ranking friend in the AFP. Surprised and threatened by the Bangsamoro Juridical Entity’s implications over their respective provinces, these political leaders immediately, mobilized people and

resource to attack the MOA. One vice governor even asked the same AFP official to supply his constituents with weapons to protect their towns from the “invading” Moros.

History reminds us that every time a peace process is about to come into fruition, political leaders of key cities in Mindanao are threatened by possible concessions each GRP Panel may have given. This is because losing barangays, municipalities, and cities to such concessions only weakens the sphere of power and influence of these politicians that come in terms of internal revenue allotments (IRA) and other funds concomitant to the size of their provinces or districts, and “command votes” that are used to attract patron support from dominant national political parties, including the Malacañang, during elections. Thus, it is sad to say that political leaders seeking to protect and advance their political interests get away with “cold murder” of sincere efforts to bring an end to the Mindanao conflict.

Confronting the ARMM Realities

Following the Maguindanao Massacre and the subsequent discovery of mass quantities of high caliber armaments stashed away in secret hole-in-the-ground surrounding the Ampatuan properties in Sharrif Aguak, Maguindanao, it was exposed that arms in the ARMM are also supplied by the no less than the government via its Department of National Defense (DND). Although

supporting warlordism in areas where state or central government remains weak is an inherited strategy from previous colonial governments, its persistence today is another evidence of the state's vulnerability to patronage politics. We cannot, however, just blame one family for the Maguindanao Massacre⁴ since the weapons used to carry out that brutal crime were state weapons; the armed militias were police and civilian volunteers (CVOs); and those who gave the order were in fact duly elected officials of the land.

The ARMM is a component of the Peace Process. It remains as the only tangible state concession to the Bangsamoro people and duly created by law conceded to the then unified Bangsamoro front - the Moro National Liberation Front (MNLF). The ARMM has suffered immensely from patronage politics created by no less than Malacañang. By making ARMM governors "the President's Men" rendered the ARMM contradictory to its own mandate, an oxymoron.

What looms ahead is another probable working of Philippine politics and politicking leaders out to push personal agendas that will again undermine the ARMM. Veiled in the name of "reform", these leaders have been mouthing effectively and efficiently in numerous "public consultations" across Mindanao, including the national capital region, the need to synchronize the ARMM elections with the national elections in 2013. This means postponement of the ARMM elections in favor of

appointment of officers in charge by the president in September this year. The arguments raised have included the need for election reforms, fiscal reforms, and all other reforms available in the vocabulary of these “politicos”.

While it is true that reforming the ARMM should be a priority, suspending the regional elections is not a guarantee that such changes will take place. One prominent Moro scholar ⁵ has argued that reforming the ARMM should include: (1) holding the regional elections on fixed schedule as provided by law; (2) elections of provincial, city and municipal officials of the component provinces and city of the ARMM should be synchronized with the elections of the regional officials; (3) the COMELEC should modernize the election process; (4) encouraging the organization and strengthening of regional political parties to articulate and push for ARMM agenda; and (5) support the organization of regional networks of civil society groups that can undertake programs on voters’ education and serve as watchdogs during voting, counting, canvassing, and reporting of votes.

These concrete proposals question the true motivation behind the purported “reform” in the ARMM via NO-EL and the supposed need to synchronize the ARMM polls with the local election in 2013. This early, we can already smell the stench of politics at play among those who are pushing for NO-EL this coming August. One cabinet Secretary in the current administration

admits that instituting reform should the NO-EL plan materialize will only provide a window of two years before the next national elections with which the ARMM polls would be synchronized with. The two year window may not be sufficient to institute concrete reforms in ARMM.

The interest groups are pushing the right buttons and using the best connections they have to postpone the August 2011 ARMM elections. It smells patronage in the real sense of the word. The ‘pretenders’ are using every square inch of connection to the powers that be in Malacañang. And by using the “reform platform” they buy legitimacy.

The proposed suspension of the ARMM election is also being connected to the peace process. They argue by ‘predicting’ an eventful signing of a peace agreement with the MILF and the possibility of conceding ARMM to the MILF.

Politics and the Politics of Consultations

One of the main reasons why the MOA-AD became a political controversy and eventually abandoned by the government was that its parties failed to recognize the need to popularize the process. The negotiations should have been made more inclusive and transparent to the people.

After the Supreme Court's declaration of the MOA-AD as unconstitutional in 2009, then President Arroyo instituted community consultations across Mindanao. This became another source of suspicion and concern for the MILF. The issue was, why after all the peace negotiations, parties not part of the peace process were to be consulted on their perspectives on the conflict? Why were those who neither fought nor shed blood suddenly given the voice to speak up as stakeholders in the conflict?

There are opposing views to the contention of limiting the scope of the peace process among the direct protagonists to the conflict. On one hand, the Moro revolutionary groups have yet to win a war after almost forty years of rebellion. On the other hand, even after the conquest of Camp Abubakar in Maguindanao in 2000, the AFP has yet to totally eradicate the Moro insurgency. But the most difficult truth remains that within four decades of conflict, the civilian communities in Mindanao are the perpetual victims. The common experiences of displacement, hunger, deaths, and destructions, have brought the tri-people of Mindanao closer together. Mindanao has indeed become a shared territory. This is why the peace process cannot be limited to just two parties to the conflict.

Creating a bigger constituency and recognizing the interests of all the stakeholders in the negotiations is a semblance of some form of state maturity. But even this

effort can not escape the mantra of politics in the Philippines. In Zamboanga, a known domain of anti-Moro sentiments, no less than the local chief executive has tried to “muscle” the process by ensuring that more conservative Zamboangeños were given the chance to dominate the consultation to voice out their opposition against the inclusion of Zamboanga in peace deals in the future. As of this writing, a flash report on the local television claimed that the MILF is eyeing Zamboanga City as part of the territorial concession in the resumed peace negotiations. This news will surely be amplified in the coming days by the local political leaders without confirming first its accuracy.

In one of the public dialogues on the peace process in Cotabato City, a former provincial governor took the center stage to question the legitimacy of the peace process and air his one-sided politicized view.

The Bishops-Ulama Conference (BUC) has consulted with various stakeholders on Mindanao conflict. These consultations have produced valuable insights into the aspirations of the common victims of one of the longest running armed conflicts in the world. These include the demands for sincerity, security, sensitivity, solidarity, spirituality, and sustainability as the people’s platform for peace in Mindanao. However, it is still not known if these outputs have been considered in the renewed peace negotiations.

Deles, NCMF, and the Peace Panels

Another issue worth looking into is the creation of the National Commission for Muslim Filipinos or NCMF. Formerly known as the Office on Muslim Affairs (OMA), it used to be under the Office of the President (OP) and later the Office of the Presidential Assistance on the Peace Process (OPAPP). This agency will finally provide the Muslims in the Philippines with a legitimate venue wherein they can seek redress for their grievances and promote their aspirations. With a cabinet level secretary, the Muslims will finally have an institution within the government that will ensure their well-being.

The NCMF Secretary will automatically sit in the peace panel. This is only logical since the law that created the said commission entrusted the same with the mandate of representing the concerns and aspirations of the Muslim Filipinos. Unfortunately, politics has eroded the legitimacy of this commission and hampered its supposed role within the Philippine state. The current administration has issued Executive Order No. 2 calling on those officials considered as “midnight appointees” to immediately resign from their posts. This included the entire NCMF leadership. However, before forced resignations could be instituted from its officials, the secretary of the commission was able to secure a TRO from the Supreme Court that halted the implementation of the said EO. By then, the current administration through the recommendation of the OPAPP, had already

named another Moro to take over the NCMF leadership. Thus, the newly created commission for the Muslims has two secretaries at the same time – the first by virtue of the TRO of the Supreme Court the other upon declaration of the Malacanang. It has become yet another dilemma and source of confusion for the Muslims.

The NCMF has yet to be accommodated in the formal resumption of the peace talks which opened in Malaysia on _____. Secretary Deles appears to have been smitten with the idea that only her handpicked candidate for the NCMF post could deliver the goods at the expense of the entire commission which is supposed to represent the Muslims. Somebody should remind the good secretary of OPAPP that if this peace process is to do much better than the previous ones, it must duly utilize all state mechanism available to ensure its success. Her negating the role of the said commission will only reflect the kind of partisan politics that continues to plague our government. The supposed “*pagbabago patungo sa matuwid na daan*” (change towards the right path) as espoused by her boss, will not materialize with this kind of politicking from the OPAPP as it denies the Peace Process full leverage.

Contradictions and Complications in the GRP-MILF Peace Process

In the most recent update from the OPAPP on the 20th Formal Exploratory Talk with the MILF in Kuala

Lumpur, Malaysia last February 9-10, 2011, the following were shared,⁶ to wit:

The MILF panel officially submitted a revised draft of its substantive position for the government's review. We received the document but clearly emphasized that we treat it as an exposition of their position rather than a working draft for the rest of the negotiating meetings. We intend to review it, relate to past documents, and work with our principals which also include doing consultations with all those affected. This is the expectation of President Aquino who will give us the mandate before we state our position on the drafts presented.

The document submitted as the position of the MILF is not a document that seeks neither independence nor secession from the Republic of the Philippines. It proposes the cognition of a Bangsamoro identity while maintaining Filipino citizenship. It defines a territory which is 7 to 9 percent only of their historical claims. The MILF seeks a "win win" solution to a century-old conflict.

In a separate update, abs-cbnnews.com reports on February 5, 2011:

The MILF had admitted a major split within the organization due to serious rebellion in its ranks after a key leader broke away ahead of peace talks with Manila. According to the MILF, Ameril Umbrakato resigned from the Moro Islamic Liberation Front (MILF) seven months ago, taking with him at least a thousand MILF fighters, top MILF leaders told a news conference. This development poses a potentially major problem to formal peace talks scheduled to start in Malaysia on Wednesday, conceded Murad Ebrahim, chairman of the 12,000-member movement.

These recent updates appear contradicting and unpromising. Reading from the official statement released by the OPAPP particularly on how the MILF has defined its territory in relations to peace talks as only comprising only 7-9 percent of their historical claim, one cannot help but be suspicious. This is just too good to be true. At the risk of sounding cynical, I wonder what the catch would be? How does this configuration look like? 7-9 percent of what historical claim? Unless the historical claim has suddenly included the entire country, then such figure does not justify having gone to war for four decades.

I understand that the peace panel chair, the respected Dean of the UP School of Law, may just be

starting to take the initiative towards avoiding another hard sell of the peace process to the general public once huge strides are gained in the talks. But such unbelievable figures are simply unbelievable. This early, we may again be in danger of getting false hope from false prophets.

The declaration of the split within the MILF poses an obstacle towards obtaining unified organizational consensus. In case a peace deal is finally inked between the GPH and the MILF, factions not party to the said peace deal will opt for continuing the revolution. The group of Ustadz Umbra Kato citing as reason for leaving the organization MILF's abandonment of the original aspiration of independence, is an assurance that another Moro rebellion is about to be born.

Conclusion

This paper is not an attempt at pre-empting any good progress the peace process has gained. From its suspension to its resumption, the peace process in itself is already a major feat. But I dare ask this, until when? How long will it take until another surge of spoilers destroy the bricks laid down by the peace panels? How long will it take until another Moro revolutionary group emerges from the shadow of discontent? How long will it take until another warlord emerges out of the patronage system that is the ARMM?

The play of politics that undermined previous peace processes is again looming in the horizon. Interest groups have nothing in mind but promoting and protecting their political interests. They will use the controversies as leverage to advance personal motives and agenda. Thus, the most valid question at this point is, how can we de-politicize the peace process? Is it even possible? For now, I am tempted to agree with people who believe that they would rather have the state engaged with the MILF in a continuing peace process rather than in an unending armed conflict.

Come to think of it, this paper could have been entitled “Goodwill Hunting”.

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End Notes

¹ Prof. Husin is Faculty of the Social Sciences Department at the Ateneo De Zamboanga University. He has done researches on clan conflicts, conflict resolutions and indigenous people’s education in the Autonomous Region for Muslim Mindanao among others. He is currently focused on security sector reform in conflict-affected provinces in Mindanao

² In Central Mindanao, the MILF ground commander Umbra Kato led the attack in North Cotabato, while the MILF group headed by Commander Bravo attacked the coastal towns of Kulambugan in Lanao del Norte. The AFP responded with full military offensive in these areas including areal bombings, mortar shelling, and troop movements.

³ Abinales, Patricio. “Huntington and Mercado Are Wrong”, *The Joys of Dislocation: Mindanao, Nation and Region*, pp. 48-52, Anvil Publications, 2008.

⁴ The Maguindanao Massacre in November 23, 2009 resulted in the murder of almost a hundred people where more than 30 included people from the media covering the filing of candidacy of a potential challenger to the Ampatuan clan in the 2010 Provincial elections.

⁵ See Lingga (2005) “Strengthening ARMM Elections to Promote Peace”, *Muslim Mindanao Autonomy in Transition in the Autonomy and Peace Review*, Vol. 1 issue No. 1 pp. 17-24.

⁶ The Official Gazette of the Office of the President of the Philippine Government dated February 11, 2011.

Philippines: The “Cassandra
predicament” in Mindanao and
“legitimacy crisis” of the State

Ishak Mastura

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The **Cassandra metaphor** (variously labelled the Cassandra ‘syndrome’, ‘complex’, ‘phenomenon’, ‘predicament’, ‘dilemma’, or ‘curse’), is a term applied in situations in which valid warnings or concerns are dismissed or disbelieved.¹ For a number of years now we have been saying that the time for a resolution of the Mindanao or Moro Conflict is now and not to wait for the next generation of conflict and yet in the media we still regularly read editorials, decision-makers and opinion-makers who disparage the peace process and Moro aspirations (and it seems not much has changed with the attitude and apathy of the general public regarding Moro or Mindanao issues).²

Why is southern Philippines important and how is it that the Moro conflict on that chain of islands has geopolitical implications for the rest of the world? It is so because the future may hold a rearmed Japan, a nationalist Greater Korea, a Taiwan united with the mainland, and a Philippines and Australia that, while nominally pro-American have been neutralized by trade and other realities related to China’s continued economic and military rise, and it is in the south, in the complex maritime region of the South China and Java seas, dominated by Singapore, peninsular Malaysia, and the many thousands of islands of the *southern Philippines*

and the Indonesian archipelago, where China's naval interests are most pronounced – and where its SLOCs to the oil-rich Middle East and to Africa are most at *risk*.³

Hence, with the current military presence of the United States in the southern Philippines, particularly in the Moro-dominated Sulu archipelago and the Sulu Sea, just adjacent to the South China Sea, it is where the United States can exert the most leverage and where it exercises a key pressure point or inflection point on China (and not coincidentally over the Philippine government as well). But it is only with the forbearance of Moro insurgents that they have not attacked or troubled the U.S. military presence in their homeland in the belief that the United States as the former colonial power in the Philippines owes the Moros a self-governing Bangsamoro state (within the territorial integrity of the Philippine state) since the narrative of Moro sovereignty-based movements is that the Americans left behind the Moros with the Philippine state at the time of independence of the country in 1946 without their plebiscitary consent. Any destabilization in the Moro areas in Mindanao and the Sulu archipelago risks diverting the focus of the U.S. military presence in the area from China to an unwanted conflict with the Moros turning it into another Afghanistan, and to prevent the destabilization of the area the U.S. government has wisely enunciated since 2003 a policy of supporting the peace process between the Philippine government and the Moro Islamic Liberation Front (MILF), the largest

Moro insurgent group in Mindanao and the Sulu archipelago, with the end in view of establishing a bona fide self-governing region for the Moros.

What is disturbing though is that probably because of delays in the conclusion of the peace talks between the Philippine government and the MILF which has been going on for fourteen years, a new trend in political violence from the south has arisen. Last January 25, five people were killed and fourteen people injured in a bus bombing in the capital town of Manila that was blamed on Abu Sayyaf supposedly under instructions from Omar Patek, an Indonesian bombing expert from the Jemaah Islamiyah (JI).⁴ Prior to the February bus bombing, there was the Christmas day bombing of a church in Jolo, Sulu that left half a dozen people wounded including a priest that was likewise blamed on the Abu Sayyaf. What is common about both bombings was that no one or no particular group including the usual suspects, the Abu Sayyaf, claimed responsibility for the bombings and there were no demands made on the authorities. This type of mayhem where no group makes claims for terrorist attacks on civilians is typical of the insurgency in southern Thailand.

The future for Mindanao in southern Philippines may look just as bleak as southern Thailand if a negotiated political settlement in Mindanao is not reached within this generation (or even earlier). To get a feel of what's in store for Mindanao unless the government achieves a

negotiated political settlement in its peace talks with the 11,000-strong MILF, before the term of President Benigno Aquino ends in 2016, here is how the *New York Times* described the southern Thailand conflict:

PATTANI, Thailand — Some are already calling it war, a brutal Muslim separatist insurgency in southern Thailand that has taken as many as 2,000 lives in three years, with almost-daily bombings, drive-by shootings, arson and beheadings. It is a conflict the government admits it is losing. A harsh crackdown and martial law in recent years seem only to have fueled the insurgency, generating fear and anger and undermining moderate Muslim voices. **A new policy of conciliation (N.B. this is somewhat like the new Oplan Bayanihan in the Philippines)** pursued by Thailand's junta since it took power in a coup five months ago has been met by increased violence, including a barrage of 28 coordinated bombings in the south that killed or injured about 60 people a week ago. "The momentum of violence is now beyond the control of government policy," said Srisompob Jitpiromsri, a political scientist at Prince of Songkhla University here. "The separatists can pick and choose the time and place of the violence without any effective resistance," he said. "They have the upper hand." The insurgents seem to be taking their war to a new stage, pitting local Buddhists against Muslims by attacking symbols of Buddhism — Thailand's dominant faith — with flamboyant brutality. The two religions had coexisted through the years, although often in

separate villages. *Observers say this mutual tolerance is breaking down and there are fears of a sectarian conflict that could flare out of control.....The insurgency is all the more difficult to combat because it does not show its face. Unlike similar movements around the world, this one has not set out its demands or published a manifesto. It is a collection of violent groups without an identifiable central leadership. “We are fighting a ghost,” said Chidchanok Rahimmula, a lecturer in security at Prince of Songkhla University.....* (Mydans, S. [Muslim insurgency stokes fear in southern Thailand](#), *New York Times*, February 25, 2007).

BRN-Coordinate (Barisan Revolusi Nasional-Coordinate) is the leading insurgent organization in southern Thailand and it is clear that **BRN-Coordinate was able to learn from the last wave of failed insurgency in Southern Thailand and thus adopted some aspects of new terrorist organisations (e.g. not taking credit for their actions, hyper secrecy, proliferation of amateurs taking part in terrorist acts, attacks on civilian targets with greater lethality, supplementation of nationalism with jihadism).**⁵ Yet the group is basically not a network, but remains an organization with more or less defined goals and a clear command-order-structure. Most of the small-group tactics of the insurgents came from **INDONESIA**. BRN-Coordinate’s military forces are systematically trained in Bandung, Medan and Jogjakarta (all cities in **INDONESIA** in the island of Java) in training centers established by the group. The small-group tactics (of

six-man team units) used by the BRN-Coordinate was originally developed by the Indonesian military for counterinsurgency operations.

According to an article in the *Harvard Asia Pacific Review*, whose authors Thomas Sanderson and David Gordon went around Southeast Asia on behalf of the Center for Strategic and International Studies, a bipartisan think tank in Washington, DC, and worked with regional experts and interviewed several extremists and insurgents to examine the Islamist terror threat and ongoing violence in Indonesia, Thailand, and the Philippines: “As long as Muslims are perceived as being the victims of non-Muslim governments, both conflicts (southern Thailand and southern Philippines) run the risk of being infiltrated by foreign fighters, desperate for an arena to prove their mettle and enhance their skills.

There is a historical precedent for this in Mindanao. **For years, ideologically motivated Indonesian jihadis have traveled to the Philippines to fight.** Many of these men were hardened fighters who participated in the anti-Soviet Afghan jihad of the 1980s, and were thus steeped in jihadist ideology and guerilla war-fighting tactics. With reduced opportunities to fight Christians in Indonesia, as previously occurred in Ambon and Poso, the nearby Philippines serves as an appealing option for restless fighters. **Today, Indonesian jihadis still view the Philippines as being “open.” As one former JI member told us, “surveillance [in the Philippines] is**

not too tight and five to ten Indonesians go there every year.” These men travel to the Philippines via East Kalimantan (formerly known as Borneo), the islands north of Manado, and the coast of Halmahera. They include both “free-lancers” who use personal connections to link up with ASG or MILF fighters as well as members of JI still under the control of the organization’s central leadership who travel to Mindanao to teach local insurgents or receive training. ***Of all the conflicts in the world, this former JI member told us, Indonesians would go fight in Moro [Mindanao] due to its close geographic proximity. “You could travel all the way to Iraq and fight the lackeys of the Americans,” he added, “or you can go to Moro and do the same.”***⁶

The article concluded with a warning that: “As these insurgencies continue to worsen, opportunities for the region’s jihadis to participate grow. This in turn grants new relevance and skills to movements such as JI, giving them active jihad fronts—particularly in the Philippines—in which to fight. At the same time, any new linkages between these insurgencies and transnational extremist networks could expose ethno-nationalist movements—otherwise open to dialogue—to the intractable ideology of Salafi jihadism. This will undoubtedly make peace harder to achieve. In addition, the active presence of foreign jihadis in either insurgency could complicate negotiations. **The Filipino and Thai governments stand at a crucial precipice. They can either accept that these insurgencies won’t disappear**

and diligently work towards peace or run the risk of providing a *raison d'être* for a new generation of Southeast Asian terrorists, competing for relevance with non-violent Islamist movements.”⁷

Duncan McCargo in his well-regarded and seminal book on the Thai insurgency, **“Tearing apart the land: Islam and legitimacy in southern Thailand”** (2008) frames his treatment of the southern conflict around a hypothesis of **political legitimacy**, since he defines the core of the conflict as a **‘political problem’** (just like the Bangsamoro problem in Mindanao). His key argument draws on Mohammed Hafez’s thesis (in *Why Muslim’s Rebel*) that **exclusionary conditions facilitate Muslim rebellions, which themselves exploit legitimacy ‘resources’ such as identity claims.**⁸ The author contends that militancy in the south is part of a political process **‘abetted by the Thai state’s initially successful but ultimately corrosive attempts to enlist the Malay Muslim elite through a process of *cooptation and coercion*’, and that, despite apparent advances in political participation in Thailand, these measures have actually constrained the region’s Muslims from managing their own affairs.**⁹

As one reviewer noted, McCargo posits that ‘legitimacy deficit’ apparently explains two levels of legitimacy strain/crisis in play: first, the persisting problem of Malay Muslim participation in an arguably Thai-controlled political space and structure; and, second,

what appears to be a revolt of young Muslim militants against their own ostensibly Thai-co-opted elites so that in the past the Thai state suffered from a legitimacy deficit in the region, but as a result of the state’s responses to the violence during 2004, he asserts, this degenerated into a full blown ‘legitimacy crisis’.¹⁰

The book discusses the failure of representational politics, beginning with the paradox that southern violence began to increase just when Thai politics was opening up in the wake of the 1997 ‘people’s constitution’ as McCargo seeks to assess (through his legitimacy calculus) whether ‘legitimate mechanisms for popular representation’ were achieved during this period by Muslim representatives, and how the Thai state and governments communicated their fitness to administer the region. Ultimately, both processes, he argues, were compromised.¹¹ **A ‘corrosive’ process ensued whereby Muslim parliamentary representatives sacrificed their true representational duties for the sake of their own status and entourages. But ultimately he is no closer than any other investigators in determining just what the insurgent fighters ultimately want, or if in fact the Patani warriors do have any end game in mind.**¹²

Similarly, the co-optation of Moro political elites including the leadership of the Moro National Liberation Front or MNLF (after they signed the 1996 GRP-MNLF Final Peace Agreement) by the Philippine national government in its system of patronage politics does not

augur well for where the Moro insurgency is headed in the future absent a more substantial and more accommodating peace agreement (to Moro aspirations for self-determination) with the MILF in their ongoing negotiations with the Philippine government. According to one study, instead of real autonomy in the current autonomy set-up of the so-called Autonomous Region in Muslim Mindanao (ARMM) that was expanded in the wake of the 1996 peace deal, what we see in practice is “patronage autonomy” so that rebels turned governors – despite sincere efforts to effect substantial changes in the social and political process in the legal arena – entered the system and found themselves weak and dependent on presidential backing and largesse.¹³ Their effectiveness as governors were stifled by the constricting institutional design of the Philippine state, and the logic of patronage politics making their (political) strength contingent on the goodwill of and priority given by the national government, particularly the President, and the legislature where Moros are poorly represented.¹⁴

The Philippine government for the first time (or finally) recognized the ARMM as a “failed experiment” in autonomy when presidential spokesperson Edwin Lacierda recently said “That’s the problem in the past and looking at ARMM it really presents a failed experiment. (The) ARMM is a failed experiment in terms of the aspirations of the Filipino people to give justice to our Muslim brothers.”¹⁵ “The President wants reforms

to be put in place," Lacierda said adding that "The history of ARMM is a failed substate." In another quote he stated, "It's a failed state by the way; failed projects, ghost projects, so many ghost projects ongoing. There is a road we wanted to verify. There is a road allegedly that was built. Where is that road? We are looking at (sic) that road. There is a school building that was built. Where is the school building? These are things that are happening in ARMM."¹⁶ He said Malacañang's (the president's official residence and seat of government) proposal to Congress to allow the President to appoint officers-in-charge in the ARMM after the term of current officials ends in 2011 would help "introduce major reforms to address the cause of rebellion and hopelessness" in the region but the appointees would be barred from running for the next elections.

The opening statement of MILF negotiating panel chairman Mohagher Iqbal during the peace talks on February 9-10 in Kuala Lumpur is instructive as it relates to the problem of splintering due to the long delay of their peace talks with the government that have been going-on for fourteen years, and in particular, to the problem of Commander Ameril Ombra Kato, who recently announced that he is forming the "Bangsamoro Islamic Freedom Fighters of the MILF" to continue pursuing "nothing less than independence of the Bangsamoro" solely through armed struggle. Ombra Kato remains with the MILF for now but is asserting a separate military unit which in the meantime has not

been fully effected and he is still abiding by the ceasefire agreement of the MILF with the Philippine government. And in fact, according to Iqbal himself in his dialogue with Moro civil society, Ombra Kato, has been elevated to the Central Committee of the MILF and removed from active command of the MILF's 105th base command (since he is also already quiet old in his early 70s and probably in poor health after a lifetime of living in the jungles, constantly fighting and a life on the run) in order to dialogue and debate his ideas (and using the analogy of a bomb to "defuse" them by means of socialization). Let me quote the pertinent statement of Mohagher Iqbal in his opening statement in the recent peace talks in Kuala Lumpur last February 9-10, as follows:

"If there is urgency on our part to engage immediately, it is because we are fully aware of the situation in the field and the presence of so many powerful and well-entrenched spoilers of the peace process both in Manila and Mindanao. On the part of the MILF, we have problems. Ustadz Ombra Kato is one of those problems, but the MILF leadership is still hopeful that we can manage and solve this problem; otherwise, we will tell the government, the facilitator, and the international community that he has already burned his bridges with the MILF. (That) he is not one of us; he is not with the MILF. **However, to be frank to all of you here, Kato is indeed a problem, I repeat, but if we are truthful to ourselves and the facts surrounding why he had**

been a problem is because of the betrayal of the previous administration (not its peace panel) in not signing the Memorandum of Agreement on Ancestral Domain (MOA-AD) on August 5, 2008. Kato is one of our commanders, who does not believe in negotiation, but we managed to let him toe the line for so long, until the present Philippine dispensation came to power. Ramadan passed, the month of October passed, November passed, December passed, but it was only on January 13 when the two peace panels finally met. This is not blaming anyone, but I am just highlighting here that these delays are giving him more ammunition to prove his thesis that he is right, that negotiation is useless, because the government is not sincere. It is very difficult to argue with those who in the first place take an opposite view right from the start.”

In relation to the potential implications if Commander Kato finally breaks-off or leaves the MILF entirely, take note of what are the **14 key features that define a successful insurgency** according to the research study “Common Ecology Quantifies Human Insurgency” published in *Nature* magazine (2009): 1. **Many body**: There are many more autonomous insurgent groups operating within conflicts than we had previously thought; 2. **Fluidity**: The insurgents are loosely grouped together to form fluid networks with short half-lives. This is very different from the rigid hierarchical networks that have been proposed for insurgent groups;

3. **Redundancy**: If we remove the strongest group from the system another group will rise to replace the previous strongest group; 4. **Splinter**: When a group is broken it does not generally split in half but instead shatters into multiple pieces; 5. **Redistribute**: When a group is broken the components are redistributed amongst the other groups in the system. The redistribution is biased towards the most successful remaining groups; 6. **Snowball**: The strongest groups grow fastest; 7. **Tall poppy**: The strongest groups are the predominant targets for opposition forces; 8. **Internal competition**: There is direct competition amongst insurgent groups for both resources and media exposure. They are competing with each other in addition to fighting the stronger counterinsurgent forces; 9. **Independent co-ordination**: Autonomous groups act in a coordinated fashion as a result of the competition that exists between them; 10. **Emergent structure**: Attacks in both Iraq and Colombia become 'less random' and more coordinated over time; 11. **Evolution**: The strategies employed by the groups evolve over time where successful groups/strategies survive and unsuccessful strategies/groups are replaced; 12. **High dimensional**: Connection occurs over high dimensions (i.e. Internet, cell phone etc) and is not dominated by geographic connections; 13. **Non-linear**: It is approximately 316^* times harder to kill 100 people in an attack than it is to kill 10 people. (*Results for a conflict with $\alpha=2.5$).

This brings us to what I have said about the Moro insurgency before (seemingly like a Cassandra figure) paraphrasing fourth generation war guru William Lind: *Most of what the Philippine military is facing today – mostly the MILF – is not yet Fourth Generation warfare, but a War of National Liberation, fought by people whose goal is to create a Bangsamoro state (or to re-establish the lost sovereignty of Moro sultanates). **But as that goal fades and those forces splinter**, fourth generation war will come more and more to the fore. What will characterize it is not vast changes in how the enemy fights, but rather in who fights and what they fight for. The change in who fights makes it difficult to tell friend from foe while the change in what they fight for makes impossible the political compromises that are necessary to ending any war. We find that when it comes to making peace, we have no one to talk to and nothing to talk about. As the end of a war like that of the Moro insurgency becomes inevitable: the local order we attacked vanishes, leaving behind either a stateless region (Somalia) or a façade of a state (Afghanistan) or in the current security parlance an “ungoverned territory” within which more non-state elements arise and fight. (Lind, W., *Understanding Fourth Generation War*, January 15, 2004, at www.antiwar.com)*

As such, it is not in the interest of Philippine counterterrorism policy, which is being supported by the United States, to have the MILF weakened and desperate enough to turn to terrorism (since terrorism is the “strategy of the weak”), especially if it splinters into several groups scattered over a large swath of the big

island of Mindanao, making it difficult to track them down and to gather intelligence information on their movement.¹⁷ To illustrate the value of encouraging cohesion and giving some form of legitimacy to armed non-state groups, we can take the case of Hezbollah since the group started as a purely terrorist organization that mastered “suicide bombing” tactics and as it grew and strengthened and became more cohesive and as it started to organize politically, they dropped such crude terrorist tactics and the use of “suicide bombings” stopped entirely as they tried to gain legitimacy in Lebanon and the wider Middle East.

The danger of the MILF splintering into smaller groups is that it will inevitably lead to lesser command and control of the central leadership and local autonomy for guerrilla commanders, who may be inclined to follow their own strategies such as linking-up with extremists.¹⁸ This is not happening yet according to field observation by one researcher who wrote that “the MILF is a more unitary organization than it is given credit for (though it is hardly monolithic) with effective (though it can be slow) command and control.”¹⁹ In an international terrorism conference in Singapore, a consensus was arrived at by experts that the MILF leadership remains strong and controls large territory under the grip of hard-line commanders, who nevertheless see that the dividends of peace as attractive.²⁰

However, what needs to be stressed is that from the perspective of the Moro fighters, the organizational labels the government uses such as “rogue MNLF-ASG” or “Misuari Breakaway Group”, or more recently the “Lawless MILF Group” tag on Commanders Kato and Bravo, and even the self-proclaimed “Bangsamoro Islamic Freedom Fighters of the MILF”, have no meaning on the ground once fighting starts or battle takes place. It is the common perception of the soldiers of the Armed Forces of the Philippines (AFP) as the enemy that binds them together. Ironically, the rash of fighting in Mindanao in 2008 to 2009 (which was apparently due to the halt or lack of progress in the peace talks as a result of judicial intervention in the peace negotiations), actually contributed to the cohesion of the MILF as a insurgent fighting force because the base commanders had to toe the line of the MILF leadership in order to sustain their insurgency operations. The base commanders of the MILF realized that only by banding together and staying as a coherent revolutionary organization (more than ever before) did they have a greater chance of survival amidst the onslaught of the AFP. And apparently that lesson has remained for most MILF commands even in the eventuality that fighting resumes because of a failed peace process.²¹ Paradoxically, the AFP on the other hand, cannot afford smashing the MILF into smaller armed groups ala hundreds of Abu Sayyaf commands because it will contribute to the nightmare southern Thailand scenario of a decentralized

insurgency. For the Philippine government, there is simply no military solution to the Moro insurgency.

The Philippine military's own assessment is that there is no threat to the leadership of Chairman Murad Ebrahim of the MILF (except there is a self-defeating attempt by the military to sow disunity in the MILF by harping that Commander Kato is disgruntled with Murad for lack of support for his actions), and the assessment includes that the MILF can still engage in occasional semi-conventional warfare. In the meantime, the MILF has shifted to guerilla tactics because it is more sustainable and long-term. But what happens once the next generation of Moro fighters replaces the current moderate leadership of the MILF, or the leadership loses salience because their long-drawn out strategy tries the patience of the younger commanders and fighters? Will the next generation of Moro insurgents resort to the strategy of southern Thailand insurgents of provoking chaotic and anomic violence to enhance societal cleavages between Moros and other communities? The southern Thailand insurgents' strategy is a "strategy of the weak", and it is not clear that the MILF has weakened to such a point that it becomes desperate to take such strategy. The small but continuing presence of Jemaah Islamiyah in southern Philippines certainly provides them that option if they don't see any hope of progress in conventional guerilla war or in peace negotiations with the government, and as such, "Chechenization" is more of a danger in Mindanao than in southern Thailand.²²

What Angel Rabasa of RAND Corporation stated about the MILF in a Heritage Foundation sponsored event in October 2008 has even more resonance now – “The Philippine government and the United States have an important stake in the cohesion of the MILF because the existence of the MILF provides the Philippine government a negotiating partner. A military defeat of the MILF, even if it were possible, would make the situation in Mindanao even more difficult. The violence would not end, but could turn into the type of anomic and chaotic violence that we see today in southern Thailand. Therefore, it is the obligation of the Philippine government and of its international supporters, such as the United States, to exert every effort to move the peace process back on track and prevent the further intensification of the violence.”

What is hopeful though is that the current Philippine administration of President Benigno Aquino seems prepared for constitutional reforms in the peace talks with the MILF that will accommodate the demand of the Moros for an asymmetrical “state-substate” relationship between a Moro substate and the central government as this will likely coincide with the parallel timetable of the government in their peace talks for the other insurgency in the Philippines, which is the Maoist insurgency of the National Democratic Front-Communist Party of the Philippines and its armed wing, the New People’s Army. In a recent breakthrough, the government’s chief negotiator with the Maoists, Alex

Padilla, announced after their recently concluded round of peace talks in Oslo, Norway that “We have agreed on a time frame of 18 months to produce substantive agreements on socio-economic reforms, *on political and constitutional reforms* and on the end of hostilities and disposition of forces leading to a final political settlement.”²³ Norwegian facilitator Ture Llundh said setting a timetable with milestones was progress in itself and “We did not expect any better than this,” he added.²⁴

In accordance with the agreed general time frame (and on an wildly optimistic note bordering on hyperbole), Padilla said a comprehensive agreement on socio-economic reforms may be completed and signed by September 2011, a comprehensive agreement on *political and constitutional reforms* by February 2012, and a comprehensive agreement on the end of hostilities and disposition of forces between June and August 2012.²⁵ With these developments in mind, it is in the interest of supporters of the peace process both in the Philippines and in the international community to persuade the Philippine government and the MILF that a similar 18-month timeframe be adopted in their peace talks (which will resume on March 29-30, 2011 in Kuala Lumpur), as any undue delay in the conclusion of the peace talks in a peace agreement with the MILF risks turning the Mindanao or Moro conflict into something like the southern Thailand insurgency. But as in all peace initiatives in the Philippines, it is always prudent to prepare for the possibility of the failure to conclude any

peace agreements with the insurgent groups, since it seems that only one thing has remained constant in the decades-long history of the twin insurgencies of the country, and that is, that the Philippine government has consistently failed to conclude its peace talks in any viable peace agreement that finally brings those insurgencies to a close. In a very real sense, the tragedy of the Philippines is its inability to reform and to reinvent itself. And thereby hangs a tale for another day. (END)

¹From *Wikipedia*.

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was the 105thbase commander.

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Muslim population, inspired by a rich historical legacy of quests for
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Bangsamoro History and Quest for Future Status

Michael Mastura

Bangsamoro History and Quest for Future Status*

Datu Michael O. Mastura

Senior Member of the MILF Panel in Talks with the
GPH

It feels good to come to this State University campus where market of ideas constantly flows better than in most public institutions. I was told to address your theme in 20 minutes. And so the rhetorical queries that I raised to myself was:

To whom should I address the Bangsamoro question as a national policy agenda when the use of 'Moro historicism' (i.e., historical memory) is evident in negotiation?

What am I going to speak about to bridge unity when the goal of exploiting 'Muslim disunity' (i.e. divide & rule) is at the core of the security approach carried over into negotiation?

Can anyone say that all Filipinos are one united people in terms of security interests with the Moro people when the Government negotiating panel is in a state of denial about their Bangsamoro identity?

While I do not wish to speak here as an academic because my audience is not the professional body of scholars, your peace research outfits at the UP Institute

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for Islamic Studies (UPIIS) and the Center for People Empowerment in Governance (CenPEG) may have been well served by co-sponsoring this forum.

We are aware that those willing to listen are the participants in this forum. Among them may follow a determinist view of history, in which behind all the influence of “culture war” in Leftist consciousness is a political agenda. Writers of Filipino national history *asculture* would have to follow deconstruction and misconstruction of the Philippine unitary state, which glossed over the Moros as *apeople* in figuring out society. If we run this idea in reverse and put a collection of ‘ethnies’ in a simulator of *history*, the change in how “the Filipino people” are “represented” is consistent with an account of an imaginary referent. What Moro “stand for” figures out in politics, as in political life as “distinct domestic community” that has survived over time the harsh conditions of the simulator. No Archimedean point is necessary from which to write (inscribe) the Moro as a people and pass judgments on their past because as a historical event it can be tracked down.

From the outset, I would be remiss—if at this forum I failed to point out—that the precociousness of political culture has caused the delay in the resumption of the current MILF-GPH Exploratory Talks. What concerns the MILF Panel most is that the new GPH Panel has deliberately created what I call “the process deadlocks” – because, it serves their purpose to bracket the working Draft. Our fear is the inadequacy of the new GPH diplomatic team to move beyond “the talks about the talks” without delivering.

Government peace negotiators have proposed to introduce Terms of Reference to the negotiation process, instead. This is not doing the process to drive the substantive agenda. Their counterparts in the MILF side are disinclined to constrict their principal's lever of flexibility. To be sure, we want to preserve MILF's negotiation effectiveness by holding on to its free choice of means appropriate as a nonstate actor. MILF negotiators have always adhered to the primary requirements of procedure of informality and confidentiality developed in the Pact of Bogota. Because of the political sensitivity of facilitation (and mediation) *as a process*, as MILF peace negotiators, we have been reluctant to place on record even *post factum* 'the nuances of procedure' that both sides went through, except in general terms all the details.

With the reference to the GRP-MILF Tripoli Agreement on Peace of 2001 we have reached the Ancestral Domain phase of the negotiation and the good offices method itself operated to bring about the desired results. Our outlook towards peaceful settlement of dispute does not treat good offices method as adjunct to the peace process. Consistent with the Manila Accord on pacific settlement of disputes we take "negotiation" as the synonym of "diplomacy". This means the task of facilitation on the substance of the peace talks is to cultivate creative thinking and to stimulate alternatives on the iterative function of the transition process with timeframe, sequence, and period. The tender procedure offers to deal with even with decolonization (East Timor, Malvinas, Western Sahara, and so on) and situations of armed conflict in Central America and the Arab and Muslim world. At times mediation has merged with

tender of good offices facilitating dialogue to prevent hostilities, or reconciling and appeasing the feelings of resentment in the simplest and most direct manner in seeking acceptable solution.

We note that in the Government-NDF peace talks both sides accepted the Hague Conventions. Needless to remind our counterparts, in the elaborate provisions of Part II of these Conventions, the instruments of mediation and good offices are treated largely as interchangeable procedures. To advance our own proposals aimed at mutually acceptable compromise solution, we have reframed the MOA-AD not as “a patchwork of provisions” but crafted the strands contextually morphed into the Draft of the revised comprehensive compact. Thus, by laying the MILF position (Draft proposal) on the table, now the GPH peace negotiators practically face a compelling rationale to enter into the joinder of issues mode at the negotiating table. There is no stealth factor here that calls for mind tricks or lawyer tactics since the process itself becomes the persuasion progression.

My claim that cultural variables can complicate the negotiating process must be seen against this backdrop. Cultural categories and their representative content can affect the communications between the negotiators. Even the substantive issues such as sovereignty-based assertions over territory and resource-based grievances need to be deconstructed, root and branch, being central to Bangsamoro struggle for self-determination. There is no semantic correspondence of ideas between ‘sovereignty infused with belligerency’ and the Islamic concept of jihad as the ultimate justification for defensive

fighting. We know from historicism that comparison was what sensitized Christianity to cultural differences giving rise to the analysis of interest. And thus, selfish *clash of interest* generated ideas like 'just war' and 'right of belligerency' which were not part of our Asian civilization.

I am convinced that UP law dean Marvic M.V.F. Leonen has grasped the full measure of the GPH position couched in policy statement: "The current peace talks address a domestic situation with international interest." Some commentators argue that a modernism which incorporates the right of belligerency in national sovereignty is not only dated but already bankrupt. Certain professions such as law, diplomacy, journalism and peace research carry enormous responsibility for keeping the public discourse free and open to *self-identity* and birthright from which the detection of differences can proceed. Obviously the opening-up process for an open presidency should turn the tables, when we recite the Qur'an: 'You have been created into nations and tribes so that you may know one another, (not despise each other)'. Normative concepts will vary yet even conducting foreign policy with a nonjudgmental approach needs formulaic statements.

This has a framing effect in the simulation of people's divisions in terms different from a fitter instrument of domination.

For the two Parties to identify common interests both Sides must accept the political future of the Bangsamoro people as will be determined free of any imposition, and exercised on the basis of the principle

of consent. The Moro interest was (and still is) swallowed up by the more populous region in a demographic system of majority/minority relations. For what is at stake in the Bangsamoro people's armed struggle for which Muslims are willing to die? Many times perhaps I will have to explain the *mujahideen* of Moro ancestry are not the one's trapped in understanding the past for participating in the future.

So what does the future hold for us in the current Government-MILF peace talks? National self-determination is woven into our fabric from the transcendent affinity of native soil and blood derived from the Latin *natio*, meaning birth, race, or people. Many in civil society of Catholics or Christians or Indigenous peoples are not ready to risk what is at stake in reality. The Filipino prototypical community of ethnic groups has yet to be freed from the grip of the colonial state legacy of fear of deprivation of vested rights. Other nonstate players including the NDF are tale-bearers of an unfinished revolution from 1896 onwards. The loanword "revisionism" entered in "revisionist history" in the cultural sphere cultivating its particular norm. Yes, it is no surprise that the differences over Mindanao as countryside persist in the form of different histories remembered, different lessons learned.

After the Exploratory Talks in February, I learned that the GPH panel seeks to clarify this set of incongruities derived from the nature of the colonial system. State is a justificatory concept (political) hence contested in meaning on the question of Bangsamoro identity and status. Consider this: The vexed question of citizenship is not for distribution of political authority,

but for distribution of legal rights, which is the crucial part of the French root word, *citoyen*. Abolition of privilege was thought to create the direct relationship between the citizen and the state. Notably in its conception, *citoyen* is confined to legal and not to political rights, except in so far as it underwrites the legitimacy of a citizen's claim to vote "in the name of the people" and what bestows legitimacy upon authority.

A major historical transition entails redefining the totality of relationships in writing for powerful abstraction of nationality, religion or class as elements of identity. Power negotiators must realize that the broad shapes of the eventual settlement for *Filipinization* reform of the Catholic North were not what the Muslim South have been fighting for the Bangsamoro. Whether it is the MNLF or the MILF on the forefront, they have expressed the historical argument with teleological dimensions. The Filipino ruling class still attempts to crush down their act of Islamic resistance movement and smash their Muslim identity. There is more about this, expressed by MILF chief negotiator Mohagher Iqbal, where "the former continue to be rulers and sole decision-makers, while the latter (serve) as mere second class citizens without any (real) role in national decision-making."

Truth to tell Moro people come back more resilient than before. The real differences in modernity for the Muslim community lay not in representation of numbers with emphasis on *liberty*, but on unjust deprivation of geographic Moro state rights representation. The one issue that would most pit the *justness of the original position* against pragmatism

of Filipino immediate politics and nationhood is the starting point for demarcating the geographic areas of governance (once called Moro Province) that embrace Sulu and the Muslim provinces of Mindanao. Their democracy argument here runs aground into native title ownership and control of our ancestral homeland. Its paradox is to recognize that Mindanao Muslims have been on the 'losing side of the bargain' for their homeland for most of the past four centuries. Armed propaganda and agitation propaganda are essentially about reversing the denial of 'state rights' to the Muslim South. That is why Moro movement people look beyond immediate economic factors or dynamics of the political economy of armed conflict.

Movement people who know better organize reality into something that can be understood. The unacceptability of the North as the irreformable establishment fits a wider pattern of legitimate decolonization. The litigation of MOA-AD was a reality check to vindicate the right of the Bangsamoro to a permanent-status settlement. The unfairness of this Catholic country or Christian nation towards incorporating the Muslim original inhabitants without their plebiscitary consent has been recorded in the founding of their republic and analyzed repeatedly. Most present-day constitutional scholars and political class elites have been too trapped in the unitary state system of abstractions that leaves the least possibility of compromise in peace negotiation between the GPH and the MILF. Moro movement people are noticeably political; homegrown radicalism of their intelligentsias supported by the *mujahideen* take all this serious scrutiny

as proof of the *irreformability* of the Filipino colonial legacy of presidential unitary state structure.

At its foundational base, the original form of the Philippine Islands nationhood is a child of the Spanish colonial possession. Nationalism as the servant of Filipino patriotic dynamic has but a residual connection to an American unincorporated territory and constitutional ideology. So far, a sense of belonging has failed to establish a parity of esteem and a political equality for all to sustain the migrant veto of settlers over Moro earned or shared sovereign authority. Citizenship, as we clarified in our discussion, gives only a very limited role in government, even if it rests on the assumption that ordinary people will be moved to defend their interests or preferences and protest in mass. Our contemporary MILF argument has deep historical roots against an artificially constructed Mindanao “tri-people” disguised as over-causative protection of “a minority within a minority”. Never mind that the “Moro” appellation is an exogamous term; as far as we have accepted that practice of exogamy in nomenclature is true of the “Germanic people” as applied to modern-day Germany.

This is not to say that Islamic culture and Muslim logic are always correct or appropriate. Our consciousness of Filipino (s) and Moro (s) are held to be separated by the horizon of culture and experience that would propel the higher level of rationality or political realism, and powerful abstraction or ideological constructivism.

The challenge to the young Aquino’s presidency is to show its moment of seriousness of purpose. Well, it must demonstrate its readiness, more so than

casual *serendipity* that its conscious task is to go for a political closure on remaining outstanding issues. There are those who believe in the democratic disempowerment of the Muslim movement, in particular the Moro Islamic Liberation Front (MILF). In other words, the Moro people and their representatives *can speak, but are not listened to*. President Aquino III must find the substitute to a negative situation power founded on ‘interdiction and law’ for a more positive, representational principle of obligation.

- As it turns out, we have tried once before to reach a compromise with incremental approach on complex issue taking alternatives off the table to rank all proposals in a different sequence in the revolutionary tide. At the critical moment of crisis, the most troubling factor was not ‘indecisiveness’ but the ‘inclusiveness’ of Cory Aquino stated negatively, “Mindanao is not only for the Muslims”.

- As it happens, we have opted to address ourselves to the government of the people, and not the “government of politicians” who, in the first place, created the confusion during the litigation of the MOA-AD. At the decision process, by means of ‘manipulative popularism’ then in vogue, they were the principal cause of the Arroyo government’s dysfunctional negotiating behavior and culture of indecision.

- As it now recurs, we have experienced what happens when the logic of representation fails, in its application to insurgent movement, with reference to the 1996 FPA and the “small wins” outcome of its process. At the “iterative process” of divergence and

convergence the Ramos government could not seek closure in a single act of 'doables' with the exercise of executive privilege.

At the current rate both OPPAP and GPH behave (in communication strategy) they will end up just another government team 'micro-managing the conflict' in Mindanao who cannot deliver the negotiated political settlement. Government chief negotiator Marvic Leonen appeared at the FOCAP two weeks ago. Yet I assume that Leonen has a mature understanding of the organizational dynamics within an Islamic resistance movement. Our MILF negotiating panel took note of Leonen's hair-splitting response to a question about the 'representativeness of the MILF' with the Bangsamoro as referent, saying they recognize our Peace Panel as representative of the MILF only. More to the point, making shortcuts in negotiation does not convey the power of procedure that is a form of legitimate power.

Why? The answer has to do with bias journalism revolving around a cynical image of the Muslims rather than the discourse. During the MOA-AD litigation opinion editorials, journalists and members of media were concerned with effect and patchy presentation undertaken for domestic political advantage. There was often a simulation of the narrative fallacy. Who is the proper constituency to write 'the people' in order to lay out the path of imagination about Bangsamoro 'representation' symbolically signified?

This brings up the international dimensions of the use of situation power in peace talks. The basic architecture of the Government-MILF peace process

reverses the war process. There is plenty of justification to weave the principle of leverage into a logical link for the IMT, the ICG, and the CP component of the infrastructures of the negotiation. If our understanding is correct, domesticating the Moro problem and therefore the discursive erasure of Bangsamoro identity cannot be politically represented by the “real” Filipino people without their own consent. As an interpretative community of judgment the European intention was always alteration; America only confirmed it as “the Moro problem” in error. Much more is at stake here not on individual interests but collective rights. The “default” option is a third party exercising good offices (as a peaceful means of resolving disputes) that normally seeks, first, to encourage the parties to the dispute to resume negotiations, and next, to provide them with a channel of communication. After all, the parties might still exercise the power of adaptation, and thereby make a distinct, new process.

Assessing the dynamics at the negotiating table—as far as we can determine—the new GPH negotiators framed “the Mindanao situation” by conducting an interrogating stance on the pretext of concern for “inclusiveness” of the MILF. By emphasizing “process” over substantive issues the GPH negotiating strategy is reduced to “outlawyering” the MILF, such as their resort back to Technical Working Groups. Legal gambits do not distract the MILF negotiators from the substantive issues.

At the outset, I said that the new GPH panel created the situation of process deadlocks. Whether we embark on the “hawkish” path like all-out war or turn “dovish” like no-war-no-peace (i.e. perpetual ceasefire)

the direction is far from being even-handed basis of negotiation. I am afraid the Government side is being reductive to project the GPH-MILF Peace Talks into a direct negotiation using the function of Inquiry over differences of “opinion” on factual antecedents. It seems, rather, the Government in tandem with academic scholars as interlocutor and their legal advisers were engaged in ‘modes of discovery’ for their own comfort. So, in relation to this point, many in the MILF leadership find the methods of work of the new GPH panel – in search of an interrogatory comportment towards their adversary party, extended over to the third party facilitator.

Observers are entitled to wonder a little that the GPH Panel has proposed Terms of Reference (TOR) for the Negotiation. Some in MILF military wing will take this as ‘a game of waiting out the adversary’ in a battle of wills. How crucial this conviction starts from the conclusion that by revisiting the modalities of negotiations, we run the risk of a breakdown of the peace talks itself. The most instructive exempla: the U.S. attempts to negotiate with the Taliban but is stuck in modalities graphically described as “talks about the talks”. In the meantime war is progressing because there is an enemy out there.

This has legitimacy effect fostering the impression of a metaphor for a “charade of consultation” in the policy decisions.

The contentious issues of process have kept the conflict not constructive enough for collective problem-solving. There is supposed to be a progressive dimension to our need to project matters into a forward moving

comprehensive compact. For negotiations over homegrown ethno-nationalist conflict include its political content, its representations in images, narratives of origin, and patterns of behavior (traditions) constituting the Bangsamoro political dilemmas in modernity. Public discourse requires a higher rationality, because it is a mode of communication in which we recognize ideological framing of the Bangsamoro Question. This returns analysis to the content component of the concept of legitimacy, as we think about engagement of enemies (like the UK process of dialogue with IRA or Sudan with SPLA), that lead to breakthrough peace talks and political settlement of conflict.

This appears troubling to the 1976 Tripoli agreement and the 1996 Jakarta accord. The revised MILF Draft envisages power and wealth sharing structured on the balancing of the principle of RSD and consent. On the question of status, over time these issues involve common understandings that legitimacy should not be confused with justice. Workable arrangements break the concept of legitimacy into acceptance and content, representing to achieve transformations. The paramount reality of the early 21st Century is concerned with results than with methods or procedural process.

I prefer to take the negotiator's approach through the prism of an interlocutor for the Islamic resistance group (MILF), with *adiplo*matic subculture of dyadic interaction and triangulation with third party facilitation. As in the field, what is evident is a *security* subculture shaping the Government's negotiating stance. We find it hard to compete in public spaces where opinion makers are embedded with

‘securocrats’ (my own loan-word) and the political class of Imperial Manila continuing to engage in a form of ‘manipulative corruption’ in the same vein as ‘manipulative popularism’ governance. At the dynamic process of the negotiating table with third party facilitation, this has conformity effect predictably with the spoilers encouraging people to misrepresent their views.

Here I conclude my argument with the duty to remind ourselves about this responsibility. When speech is linked to action, it is one of the attributes of a hypocrite that, a person says ‘that which he or she does not do’. Part of being a good follower of Islam is to adhere to the patterns of religious commitment in both the evidence and in the expression of religion, as the very essence of *Muslim* identity. Now the essential benefit of governance by Muslim rulers is that they direct the Muslims toward Islam in obedience to God’s command. Once this point is taken it does not sound odd to ask, so what are we negotiating or not negotiating about with ultimate outcome? How will the common *tao* in the streets and urban ghettos or countryside folks get an idea of what we are talking about?

First, social media has kept pace with modern communication and the freedom of expression must be used at its correct time and place, and so must action. This has bearing on basic attitudes towards the MILF as partners in negotiation in an environment of social upheaval in the Arab and Muslim world and identity as democratic citizens.

Second, academic scholarship and serious journalism do not engage in cynicism, even if people are skeptical, or when their own metaphysical thoughts link abstract ideas to bodily and viewable discrepant experiences. The use of Muslim history in negotiation and Moro generic 'bangsa' as a polity demonstrates political precociousness of the MILF leadership.

I have presented serious arguments in what may provoke a process of erosion of the meaning of a particular metaphorical framing of the Moro Question by non-Moro. For we now have the analytical tools to justify that both political process and diplomatic strategy must drive the substantive agenda to achieve a negotiated settlement and not just an afterthought of military strategy.

Thank you.

Status of GPH Peace Talks
with NDFP and MILF

Rommel C. Banlaoi

Status of GPH Peace Talks with NDFP and MILF

Rommel C. Banlaoi

(This paper is taken from a speech delivered by the author at the 4th Peace and Unity International Forum organized by the Unity for Revival Foundation and the Damayan Advocacy Alliance at the Manila Hotel on 16 April 2011. The author is the Chairman of the Board and Executive Director Philippine Institute for Peace, Violence and Terrorism Research. He received the Peace Price Award for 2011 at the 4th Peace and Unity International Forum.)

I am tasked today to discuss the status of peace talks of the Government of the Philippines (GPH) with the National Democratic Front of the Philippines (NDFP) and the Moro Islamic Liberation Front (MILF).

Let me begin by stressing that the current government is on the right track of pursuing negotiated political settlement of all armed conflicts in the Philippines, particularly with the NDFP and the MILF. This indicates that the current dispensation is highly informed of the necessity to seriously pursue the track of peace negotiations with the NDFP and the MILF while at the same time upholding the complementary track of sincerely addressing the roots of armed conflicts in the Philippines.

There is no doubt that that pursuing these two tracks is much easier said than done, especially when we pay attention to specific issues where differences of all parties are inevitably found.

But the main principle behind any negotiation is to really look for a common ground. The process towards the finding of a common ground is already a gargantuan challenge that all parties have to face squarely and candidly.

Despite all these difficulties and challenges, what is important is that pursuing the peace process and addressing the roots of armed conflicts have been accorded high priority in the national security agenda of the present government. This is better than waging an all out war that breeds more hatred, despair and violence; a war that creates internally displaced persons, destroys private properties and critical infrastructures, and opens the gates for many forms of human rights violations and abuses.

On the GPH peace talks with the NDFP, both parties made a landmark effort on 14-18 January 2011 when they held preliminary negotiations in Oslo, Norway. With the facilitation of the Royal Norwegian Government (RNG), the GPH-NDFP mutually agreed to prepare for the resumption of the formal peace talk after being discontinued in 2004.

The GPH-NDFP formally resumed their formal peace negotiations on 15-21 February 2011 where both parties agreed to an 18-month timeframe for completing their draft comprehensive agreement on the following

agenda: socio-economic reforms, political-constitutional reforms, and end of hostilities and disposition of forces.

For the Philippine Government, the resumption of the GPH-NDFP Peace Talks is an essential component of its national peace and development agenda. GPH has expressed its strong determination to finally reach a negotiated political settlement with the Communist Party of the Philippines-New People's Army-National Democratic Front (CPP-NPA-NDF), or CNN (to use the military acronym) so that resources of the government will be used for nation-building and national reconciliation rather than counterinsurgency operations that further divide our nation. President Benigno Aquino III has even strongly pursued a three-year time frame for the conclusion of an agreement so that the remaining three years of his office will be devoted not anymore for talks but for the implementation of the agreement.

For the NDFP, the resumption of the peace talk is also necessary to finally address the long neglected roots of armed conflicts in the Philippines. However, the NDFP takes a long-term view of the peace talks compared with a three-year time frame of the government. While the NDFP cautiously sees some short-term prospects for the resumption of peace talks with the government, it also sees some seemingly inevitable pitfalls in the long run that can unnecessarily obstruct the success of the implementation of any peace agreement. For the NDFP, the main objective of the

peace talks is to find just and lasting solution the country's internal armed conflict, which particularly means more than the cessation of hostilities between the two parties.

While the position of NDFP converges with the second track of the government's peace and development paradigm, addressing the roots of armed conflicts with the local communist movement requires concomitant political, economic, social and constitutional reforms that the present government and beyond should be willing to champion. But these reform issues are subject to the vagaries of domestic politics in the Philippines where there are more players, more stakeholders and more interests to consider. Addressing all these issues are undoubtedly already beyond the control of the two negotiating parties.

In the Oslo meeting last February 2011, the GPH and the NDFP agreed to hold three bilateral meetings of the Reciprocal Working Committees (RWCs) on Social and Economic Reforms (SER) scheduled in June and August 2011. These meetings aim to discuss a wide array of sensitive but very important issues such as "agrarian reform and rural development" for the NDFP and "asset reform" for the GPH, and "national industrialization" for the NDFP and "industrial policy" for the GPH." These meetings are essential to come up with the Comprehensive Agreement on the Socio-Economic Reforms (CASER), which for the NDFP is crucial to

strategically address the roots of armed conflicts in the Philippines. They also agreed to hold initial session of the Working Groups on Political and Constitutional Reforms (PCR) this month and every two months thereafter with the ardent hope to convene a meeting of RWCs on PCR in October 2011. Meetings of RWCs on PCR are essential to come-up with the Comprehensive Agreement on Political and Constitutional Reforms (CAPCR), which both parties deem vital to address the roots of armed violence in the country.

We can wait and see where all these processes will lead us to. But we can also influence the outcome of the GPH-NDFP peace talks if we will participate in the many consultations and dialogues being organized by both parties.

On the GPH peace talks with the MILF, the first formal negotiation was held on 9-10 February 2011 in Kuala Lumpur, Malaysia, which serves as the facilitator.

For the MILF, the meeting was its 20th formal exploratory talks with the GPH but the first formal meeting of the GPH under the Aquino administration. In this meeting, both parties tackled three fundamental issues: 1) Review and amendment of the Terms of Reference of the International Monitoring Team (IMT); 2) Review and amendment of the Implementing Guidelines of the Ad Hoc Joint Action Group (AHJAG);

and 3) Draft of the Comprehensive Compact submitted by the MILF.

On the IMT, both parties agreed to renew their mandate for another year. On the AHJAG, both parties reaffirmed their commitments to continue their joint efforts in “coordinating the isolation and interdiction” of criminal or lawless elements of the MILF. On the Draft Comprehensive Compact, the GPH requested more time to review and study the draft and to come-out with a government proposal.

For the government, entering into another talk with the MILF is part of healing the wounds created by the controversies surrounding the Memorandum of Agreement on Ancestral Domain (MOA-AD). Talks with the MILF also demonstrates the desire of the government promote peace in Mindanao so that its long overdue development will follow. The conflict affected areas of Mindanao are very rich in natural and strategic resources that can be harnessed for the economic development not only of the whole island but also of the entire archipelago.

The GPH and the MILF agreed to hold another meeting on 29-30 March 2011. But it was postponed to 27-28 April 2011.

In my opinion, one major issue that caused the postponement of the meeting was the status of

Commander Umbra Kato who has been reported to have formed his own armed group, the Bangsamoro Islamic Freedom Fighter (BIFF). The BIFF aims to continue the armed struggle of the Bangsamoro people for self-determination.

For me, the status of Commander Kato and his BIFF will pose a major challenge to the success of the GPH-MILF peace talks. Even if an agreement is signed between the GPH and the MILF, it will not guarantee the ending of armed conflicts in Mindanao because there is still another significant armed group that can disturb the peace.

The group of Commander Kato, which is believed to have more than 1,000 armed followers, has become a residual armed group - a party to the conflict but not a party to the peace agreement. The reported connection of Commander Kato with some commanders of the Abu Sayyaf Group (ASG), Jemaah Islamiyah (JI), lawless elements of the MILF, rouge factions of the Moro National Liberation Front (MNLF), and New People's Army (NPA) complicates the already complex situation in Mindanao.

We all hope for peace! But there are rough roads to peace. In GPH talks with the NDFP and the MILF, the road to peace is disturbed by many related issues that also contribute to the perpetuation of internal armed conflicts in the country.

One issue is the needed closure to related peace talks with communist break away groups emanating from Rebolusyonyong Partido ng Manggagawa–Pilipinas (RPM-P)/ Revolutionary Proletarian Army (RPA)/ Alex Boncayao Brigade (ABB) and the Rebolusyonyong Partido ng Manggagawa–Mindanao (RPM-M). Unless we put a closure on these issues, the road to peace on the communist front will not be easy.

Another concomitant issue is the complete implementation of the 1996 Peace Agreement with the GPH and the MNLF and the 1986 Peace Agreement with the GPH and Cordillera People’s Liberation Army (CPLA). If these agreements are not implemented completely, it will pose a challenge to the credibility of the government to implement another agreement with another armed group on the Moro front. In fact, there are factions of the MNLF that aims to pursue armed struggle because of their dissatisfaction with the implementation of the 1996 Agreement. As long as there are dissatisfied armed groups willing to pursue armed struggle, ending internal armed conflicts will be difficult.

A related issue that can obstruct the GPH talks with the NDFP and the MILF is the concern of the Indigenous Peoples (IPs) who are also asserting their rightful role in the peace process. Many IPs live in the conflict affected areas of the Philippines. They are always caught in the crossfire and their ancestral domains are,

more often than not, the battlegrounds of internal armed conflicts in the country, whether in the communist or Moro fronts. IPs have tremendous stakes in the outcome of the peace process. Thus, putting IP issues and concerns in the agenda of the peace process is essential for the success of GPH talks with the NDFP and the MILF. Otherwise, it will not prevent IPs to arm themselves to advance their rights to self-determination. In fact, there are already some Indigenous Peoples Armed Groups (IPAGs) all over the country and the success of the peace process will prevent them to further proliferation.

Also an important issue is the existence of private armed groups (PAGs) all over the country. According to official government estimate, there are 132 PAGS in the Philippines. For me, that is a very conservative estimate considering that many politicians associated with political dynasties in the country have their own private armies. Nonetheless, it must be pointed out that PAGs also contribute to internal armed conflicts. Some people join armed rebel groups because of the oppression or maltreatment they experienced from PAGs. The peace process must therefore address the eventual dismantlement of PAGs. Though the previous government has formed a commission for this purpose, its power was only recommendatory nature. The job to really dismantle PAGs belongs to our law enforcement authorities.

The final issue that has bearing on the peace process is the role of the Armed Forces of the Philippines (AFP). The AFP, which is mandated by the Constitution to protect the people and the state, already launched the Oplan Bayanihan highlighting non-military approaches to address internal armed conflicts in the Philippines. In the Oplan Bayanihan, military forces are instructed to respect human rights and implement international humanitarian law in the conduct of counter-insurgency operations. It recognizes that ending armed conflicts in the country requires the participation of the whole nation and not only the military. This is a paradigm shift in the military thinking of insurgency problems. But having fought the insurgency for more than four decades, killing the old habits of counter-insurgency operations will also take time. In the peace process therefore, preparing the AFP for post-conflict missions must also be addressed.

Military budget for traditional counter-insurgency operations must eventually be cut to demonstrate that the AFP is truly expecting peace in the land. Instead, there must be increased military budget for post-conflict missions such as peacekeeping, peace-building disaster management and essential military operations other than war.

All these issues are in fact clarion call for us to be more unrelenting in our advocacy for peace. As what Robert Fulghum says, “Peace is not something you wish for, it’s something you make, something you do, something you are, and something you give away.”

With this brief presentation, I truly hope that I have added value to our discussions today.

Thank you very much and Mabuhay!

The Indigenous Peoples' Struggle for
their own RSD and Ancestral
Domain

The Indigenous Peoples' Struggle for their own RSD and Ancestral Domain*

The right to self-determination (RSD) of the indigenous peoples is one struggle that has been carried out passionately for many years now. Over at the United Nations, the adoption by the general assembly of the declaration of the rights of the indigenous peoples on September 13, 2007 sparked worldwide jubilation among indigenous cultural communities and various support groups from civil society. While the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is not a legally binding instrument, it sets “an important standard for the treatment of indigenous peoples that will undoubtedly be a significant tool towards eliminating human rights violations against the planet’s 370 million indigenous people and assisting them in combating discrimination and marginalization.”

In the Philippines, the passage of the Indigenous Peoples' Rights Act (IPRA) on October 29, 1997 caused similar jubilation that reverberated even from the farthest outskirts of the Philippine society, home to approximately 14 to 15 million indigenous peoples subdivided further into 110 ethno-linguistic groups. The common understanding then was finally a national law

*This article is the synthesis of the two forums on IP issues and concerns the Institute for Autonomy and Governance conducted in March 2011.

to protect and uphold the rights of the indigenous peoples has come at last.

IPRA with the four bundles of rights it swore to protect upon its passage into law came like a long-awaited rain. A downpour of celebration temporarily quenched lips that parched from shouting too long in the streets and legislative halls the aspiration for the recognition and protection of indigenous peoples' rights. These four bundles of rights include the right to ancestral domain and lands, right to self-governance and empowerment, social justice and human rights, and right to cultural integrity.

IPRA provides for the establishment of the National Commission for the Indigenous Peoples (NCIP) which the law mandates to "protect and promote the interest and well-being of the ICCs/IPs with due regard to their beliefs, customs, traditions and institutions." Unfortunately, as to what extent the NCIP has lived up to its mandate or how IPRA has been implemented since its passage in 1997 is another continuing sad story of grievances of the indigenous peoples.

The indigenous peoples in the Philippines continue to figure in social discrimination, economic marginalization and political disempowerment, albeit the presence of IPRA and the existence of NCIP. Subject

to socio-economic and political exclusion, they have remained the most disadvantaged peoples representing the poorest of the poor and the most vulnerable sector. They are not viewed as co-equal stakeholders even in their own territory and ancestral lands.

Intermittent skirmishes resulting from rido or clan wars and government pursuits of leftist and Moro rebels disrupt peaceful living in their ancestral domains. The IPs have been recurring victims of internal displacement. Oftentimes, IPs who become internally displaced persons (IDPs) are not recorded hence they are not entitled to social services.

IPs are not only displaced as a result of armed conflict but also because of land grabbing. Their vulnerability makes them an easy prey of multinational corporations (MNCs) lusting for their lands and the resources therein. It is very sad indeed that the government is focused on the threats posed by New People's Army (NPA), Moro Islamic Liberation Front (MILF) and the Abu Sayyaf Group (ASG) but not on the threats posed by MNCs that victimize IPs in their own ancestral domain by exploiting their natural resources, particularly through the mining industry.

In the ARMM, the half a million indigenous peoples who comprise twenty percent of the population, are clearly in a situation of comparative disadvantage

with reference to the dominant Islamized ethnic groups like the Maguindanaon, Maranao and Tausug who belong to the power and economic elite. The four bundles of rights promised by IPRA have not been fully enjoyed and exercised by the marginalized ethnic groups in the autonomous region. The ethnic groups in the ARMM comprise the Teduray, Lambangian and Dulangan Manobo in Maguindanao Province, the Higaonon in two Lanao provinces, the Badjao of Tawi-Tawi and Basilan, among others.

The IP sectors and civil society have repeatedly pointed out that the Regional Legislative Assembly (RLA) of the Autonomous Regional Government (ARG) has yet to enact an enabling law for the full recognition of indigenous peoples' rights as based on IPRA, the 1987 Constitution and international law.

The same groups have noted the “low speed” and “hesitation” of some government agencies in the implementation of “certain provisions of IPRA to truly empower the indigenous peoples in the ARMM.”

The possibility of devolving the functions of the NCIP to ARMM has been explored as early as 2003. This initiative has led to the Regional Legislative Assembly (RLA) passing a resolution in August 2003. There is already a commission en banc resolution following the issuance of a resolution by the RLA in 2003. A technical

working group was established to draft the executive order that would pave the way for NCIP devolution. The output of the technical working group was already submitted to Malacañang but no word has been heard ever since.

The RLA resolution was issued to proceed with the identification, delineation, and survey of ancestral domains of non-Moro IPs in the ARMM. We don't know if the resolution remains valid despite after many years. But we are hopeful that we can move forward from this point.

'Doables' must be drawn to address 'deficits' in governance structures in addressing the concerns of indigenous peoples of the ARMM. The residual power and authority of national agencies such as the NCIP can be explored to move issues forward. Whatever the status of the implementation of IPRA in the autonomous region, at the end of the day, it is still NCIP that must resolve IP issues, the Commission being the vanguard of the mandate for the indigenous peoples.

Timuay Justice and Governance (TJG) of the Teduray and Lambangian tribes outlines the issues and concerns that need actions and guidelines from the ARMM up to the national level. These include the immediate review and approval of the draft Implementing Rules and Regulations (IRR) of Muslim

Mindanao Autonomy (MMA) Act 241 or the Tribal Peoples' Act in the ARMM, the implementation of DILG Memorandum Circular No. 2010-119 which provides for the mandatory representation of indigenous cultural communities/indigenous peoples in policy-making bodies and other local legislative councils, the authorization and support from the Regional Governor through DENR-ARMM for the 'deputization' of tribal forest guards for the protection of natural resources, support to community-based conflict management, and the implementation of Free, Prior and Informed Consent (FPIC) in projects affecting the IPs in the ARMM, among others. These ideas will hopefully inform policy makers in designing a roadmap towards full recognition and protection of indigenous peoples' rights in the ARMM.

The IPs are found in conflict-affected areas. As such, their right to participate in the peace process must be recognized. The IP ancestral domain must be acknowledged within the framework of the peace process with the Bangsamoro and the CPP-NDF-NPA.

In Cotabato City, the Organization of Teduray Lambagian Conference (OTLAC) has issued the IP position paper on the peace process between the government and the MILF. The position paper acknowledges the fresh mandate of the current administration under President Aquino. With the opening of the peace talks, "a portal of expectations" will also be

opened, it says. The paper asserts for the recognition of the ancestral domain of the tribes covering an estimated land area of 289,268 hectares situated in Maguindanao, and portions of Sultan Kudarat Province and Cotabato City.

The position paper states further that the IPs uphold the principle of peaceful co-existence. They “recognize and support a broader territory for the Bangsamoro people as a nation for the sake of genuine and lasting peace development in Mindanao provided that the Bangsamoro shall recognize the Teduray, Lambangian, and Dulangan Manobo territory within the Bangsamoro Nation.” Side by side with their Muslim sisters and brothers, the IPs “want to have equal opportunities and representation in all levels of governance, from local to regional level.”

IPs are also located in the New Peoples' Army (NPA) areas. Thus, their involvement in internal armed conflicts cannot be avoided. The military claims that there are cases of arming the indigenous peoples to protect themselves from the communist rebels. There are also cases of communist rebels arming the IPs resulting to IPs waging war against fellow IPs. That the IPs have also their own *rido* or clan wars adds another dimension to the conflict.

The passage of IPRA must be lauded but it is high time to implement the letter and spirit contained in the provisions of the law.

There is work to be done to make the law truly work. There must be opportunities for affirmative action to all sectors that have been neglected including the indigenous peoples. The partisanship of some local government units whose interests run counter to the interests of the indigenous peoples is lamentable. That these LGUs are threatened by the idea of having an IP representative in the local legislative assembly shows their immaturity.

For all the criticisms being hurled at the Commission and the law that created it, there is a national consensus that IPRA law and the NCIP remain the “best chance” for IPs so that their issues and concerns will not disappear from the national agenda.

The challenges confronting the NCIP are, indeed, daunting. The ancestral domains of IPs are also battlegrounds of insurgencies. As such, IPs are caught in the crossfire. IPs are caught between many contradictions. They are told to preserve their patrimony but at the same time they are being told to share their lands for the development of natural resources.

The NCIP has to regain the trust and confidence of the IPs. It has to establish with other agencies an “institutionalized” pride. Laying the solid foundation of the Commission is very essential. There is no need to duplicate the functions of other agencies particularly the Department of Social Welfare and Development (DSWD). The NCIP has to develop its own databank so that it will not keep on relying on the statistics of other agencies. One step for this is to call for the general registration of all IPs in the country.

The reactivation of the quasi-judicial function of NCIP is also necessary. In relation to this, ways must be identified on how to institutionalize customary laws and IP governance.

Traditional governance systems and indigenous conflict resolution mechanisms can inform and enrich our knowledge configured in the confines of modern schools. The important role of the Council of Elders in empowering IPs has to be mainstreamed. Our current legal practice can learn a lot from the traditional practices the indigenous peoples have harnessed in resolving conflicts. They also have very rich concept of citizenship being citizens of their ancestral territory in which they have inalienable right since time immemorial.

We are enjoined to visit traditional concepts to appreciate their culture and what they can contribute to

the society at large. To empower the IPs and mainstream their issues in the national agenda, an IP constituency has to be built up. The society has to embrace them and recognize their very existence. IP desks in various departments of the government can be installed. This can also be applied to MNCs and NGOs. The NCIP can be re-arranged based on these configurations.

On policy matters, we can revisit the precondition for legal pluralism in the Constitution. In the 1987 Constitution, there is the concept of autonomy within autonomy, which upholds the principle of legal pluralism. Implementing legal pluralism in the Philippines that concerns the IPs truly requires building capacity and capacity building must start now.

The IPs are also increasingly being affected by the emerging concern on climate change. IPs in all eco-zones must be trained on climate change mitigation and local adaptation. In fact, IPs have a lot indigenous knowledge to share on many issues that fall within their ancestral domain.

The issues and concerns of the indigenous peoples in the ARMM and throughout other regions are issues and concerns of the Filipino people. They deserve space in the government agenda. The issues and grievances of the indigenous peoples must be heard and acted upon now if we are truly for genuine peace and development.

Conflict and Peacemaking: The Philippine Experience

Fr. Eliseo 'Jun' Mercado, OMI

Conflict and Peacemaking: The Philippine Experience

Fr. Eliseo “Jun” Mercado, OMI

A. Brief review by way of situating the problematic...

The Mindanao Conflict and Peacemaking is not a new invention of modern times. In fact, the present realities of war and “peace” in Mindanao are fruits of various attempts at peacemaking with differing goals and emphases usually set by the Manila-based central government.

Historically, the establishments of Fort Pilar in Zamboanga City, the naval station at Polloc in the present province of Maguindanao, the “intramuros” (within the walls) in the town of Jolo and the military stations/forts along the Rio Grande de Mindanao from Taviran to Reina Regente were few examples of “containment” program to build “peace” in the southern Philippines during the Spanish era.

The so-called Moro problem haunted the Spanish government in Manila for more than three centuries and a half. The northern Mindanao and some parts of western Mindanao were successfully brought to the mainstream politics by way of settlements beginning the second half of the 19th century. But in southern Mindanao, including the islands of Sulu, Tawi-Tawi, and Basilan, the Spanish presence was limited to military stations and garrisons, except for pockets of civilian

settlements in the present city of Zamboanga and Cotabato City.

Largely, the Moro populace was left on their own during the Spanish era. The Moros lived under their sultans and datus and were governed according to their laws and traditions. The Spanish government interfered in the Moro affairs by way of playing politics in several succession issues in the Sultanate of Sulu and in the two dominant Sultanates in the mainland Mindanao (Buayan and Maguindanao). However, the Moro people always rejected Spanish anointment and recognition.

The political and economic configurations in Southern Philippines were radically altered during the American occupation. Paradoxically, the “new life” began with a peace pact known as Bates Treaty of 1899, with the Sultan of Sulu recognizing the sovereignty of the USA over Mindanao and the Archipelago of Sulu. This was the real beginning of the systematic program to integrate/assimilate the Moro people into the mainstream body politics of the whole Philippines.

At the end of the Philippine-American War (from 1898 to 1902) with the defeat of the nascent Philippine Republic, the Americans unilaterally abrogated the Bates Treaty. And with the far superior army the Americans quashed and brought annihilated all Moro resistance that never again would it rise within a generation.

To put the peace in Southern Mindanao on a more solid footing, several “peace programs” were unfolded, again from the perspective of the central government in Manila.

First was the creation of the Moro Province that would, in time, evolve/mutate into Department of Mindanao and Sulu during the period of the Commonwealth of the Philippines. The Moro Province was a “de facto” autonomous government as authorized by the Governor General and the Philippine Commission. The military governor of the Moro Province ensured fast and effective governance of the Moro peoples and the indigenous peoples in Southern Mindanao.

Second, the Moro Province looked into the economic development of Mindanao’s fertile land. Corporate plantations were opened and major trading posts, e.g. Zamboanga, Cotabato, Jolo, and Iligan, were consolidated.

Third, Mindanao was opened to settlement from Luzon and the Visayas. It began with the establishment of the original five agricultural colonies in the fertile plains of the then empire province of Cotabato on June 17, 1913. This was followed by a massive and a well planned settlement programs during the Commonwealth period that continued unabated in the post war era during the subsequent administrations of Presidents Roxas, Quirino, and Magsaysay. (The settlement program

resulted to the minoritization of the Moro peoples in Mindanao.)

Another pillar of the integration program was the establishment of educational system in the whole Southern Philippines. The two salient features of this peace program were the “universal” public school system and the “pensionado” (scholarship) program for the children of Moro ruling families. From the latter would emerge the “new” Moro leaders (the Piang brothers, Pendatun, Sinsuats, Alonto, Lukman, Kirams, etc.) who advocated the full integration of the Moro people into Philippine body politics.

During the past 100 years, Mindanao has seen a dramatic shift in population and landownership that has contributed to the Moro rebellion. In 1900 the Muslim population in Mindanao made up more than 90% of the island’s inhabitants, but by 1970, the Muslims constitute barely 20% of the population of Mindanao. The population shift came about through policies that gave Christian population from Luzon and the Visayas incentives to migrate to Mindanao. The new immigrants armed with legal titles issued by the government claimed and tilled large tracts of land claimed by the Moro and other indigenous peoples as their homeland.

The “minoritization” of the Moro people was compounded by what was conceived as “policy of neglect” and failure by the Manila Government to deliver basic

services and infrastructure for development. By the late 1960, the Moro peoples' "groaning" and resentment reached a fever pitch that eventually led to the formation of the Moro National Liberation Front under the leadership of Nur Misuari espousing the politics of separatism.

B. The GPH and the MNLF Conflict...

The open war between the Philippine Government and the MNLF calling for a separate and independent Islamic Republic ensued following the declaration of Martial Rule on September 21, 1972. It was a cruel and "confessional" war that fed on the historical and religious prejudices and animosities between Christian settlers and the Muslims. The conservative estimate of dead on both combatants and civilians was over a hundred thousand from 1971-1996.

The war in Mindanao attracted the attention of the Organization of the Islamic Conference (OIC). Attempts at reconciliation between the MNLF and GPH through the OIC mediation yielded peace agreements. The first was the Tripoli Agreement signed on December 23, 1976. The Marcos Government acceded to the Moro people's demand for local self-rule in what was recognized as the "Bangsamoro homeland" within the sovereignty and territorial integrity of the Republic of the Philippines and following its Constitutional processes.

As was done during the previous settlements in Mindanao, the Manila-based government unilaterally designed the structure of “local autonomy” to respond to the Moro people’s demand for self-rule within the framework of the Tripoli Agreement.

C. Peacebuilding – a search for Muslim Autonomy?

The Philippine government under President Marcos and President Aquino came up with different political configurations to address the autonomy issue in Southern Philippines. A quick review of this set-up is in order to contextualize the present debate on the implementation of the 1996 Final Peace Accord between the GPH and the MNLF and the “on and often off” peace talks between the GPH and the MILF.

- **Presidential Decree (PD) 742 and Letter of Instruction (LOI) 290.** Prior to the historical Tripoli Agreement, then President Marcos on July 7, 1975 issued Presidential Decree 742 and Letter of Instruction 290 establishing the Office of the Regional Commissioner for Region IX and Region XII. He appointed tested administrators, Rear Admiral Romulo Espaldon and former Cotabato Governor Simeon Datumanong, as Regional Commissioners for Regions IX and XII respectively. Atty. Michael Mastura was also appointed by President Marcos to assist Com. Simeon Datumanong and served as Deputy Commissioner for Region XII.

The government believed that by creating special Regional Commissions in the areas involved in the conflict, the social as well as the economic causes of conflict could be better addressed through government's coordinated and fast responses by removing piecemeal measures and red tapes.

- **Tripoli Agreement (TA):** On December 23, 1976, the GPH and the MNLF under the auspices of the Organization of the Islamic Conference through its Quadripartite Commission signed a peace agreement in Tripoli, Libya. They also signed an agreement for immediate cessation of hostilities. Everybody, then, welcomed the agreement with much fanfares and celebrations. For one, it was the first peaceful Christmas since 1972. That piece of document worked magic for all, civilians and combatants alike. It put an immediate stop to shootings, ambushes, killings, and war. The environment of war was transformed into a hope-filled expectation for an enduring peace settlement in the Southern Philippines.

- **Proclamation 1628:** On March 26, 1977, President Marcos established a provisional government in the 13 provinces stipulated in the Tripoli Agreement. Lanao del Sur Governor Ali Dimaporo was appointed Chairman with all the governors in the said provinces and the two Regional

Commissioners and Batasan (National Legislature) Assemblyman Hussein Loong as members.

- **The first Plebiscite: On April 17, 1977**, a plebiscite was conducted in the 13 provinces. The people in the 13 provinces overwhelmingly rejected the merger of the 13 provinces into one autonomous region. They opted for two separate regional autonomous governments, one for Region IX and one for Region XII with the provinces of Davao del Sur, South Cotabato, and Palawan opting for exclusion from the autonomous regions. Following the result of the referendum, President Marcos issued Proclamation 1628-A defining the composition of the two Autonomous Regions.

- **Batas Blg. 20.** Following the Presidential Proclamation, the Batasang Pambansa (National Parliament) passed Batas Blg. 20 provided for the organization of Sanguniang Pampook (Regional Legislative Council) and Lupong Tagapagpaganap (Executive Council) in each autonomous region.

- **Presidential Decree 1618.** President Marcos issued PD 1618 on July 25, 1979 implementing the organization of Sanguniang Pampook (Regional Legislative Body) and Lupong Tagapagpaganap (Regional Executive) in the Autonomous Regions IX and XII providing the political set up and framework of autonomous governance in Regions IX and XII.

The Aquino Presidency and the Moro Fronts

- **The 1987 Aquino Constitution.** On February 2, 1987, the new Constitution was unanimously ratified. This constitution provides for the creation of autonomous regions in Muslim Mindanao and the Cordilleras by an Act of Congress with the assistance of a Regional Consultative Commission (RCC). President Aquino convened the RCC in Cotabato City on March 11, 1988. The RCC was mandated to come up with a draft Organic Act to be submitted to Congress for enactment. The RCC failed to vote on its draft Organic Act, because of the deep divisions within the said body.
- In 1989, the Congress of the Philippines passed **Republic Act 6734 or the Organic Act for the Autonomous Region in Muslim Mindanao** and on August 1, 1989, President Aquino signed it into law.
- **The Second Plebiscite of 1989.** Republic Act 6734 was submitted to the people of the 13 provinces and nine cities as stipulated in the Tripoli Agreement on November 19, 1990. Only four (4) out of 13 provinces and nine cities ratified the Organic Act. These were the Provinces of Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi.
- **The First ARMM Elections.** The ARMM elections for all elected offices were held on July 9, 1990. Zacaria

Candao and Benjamin Loong were elected Regional Governor and Vice Governor respectively. The ARMM elections regularized and completed the 1987 Constitutional steps in creating the autonomous region in Muslim Mindanao.

Under the Ramos Government

President Ramos in his inaugural speech upon assumption to office in July 1992, unfolded a policy of “unification and reconciliation” between and among the many rebel fronts in the country. He established the National Unification Commission (NUC) and appointed Atty. Heidi Yorac as Chair. Pres. Ramos also tapped the personnel and infrastructures of the two well-established institutions, the Catholic Bishops Conference of the Philippines and the National Council of Churches of the Philippines, in the work of the Commission. The stated goal of the Commission was to conduct a nationwide people’s consultation to find out the root causes of rebellion and unrest in the country. The result of the NUC consultation shaped the Ramos peace policy.

The Vision and Framework of Peace Process – EO 125

Following the publication of the result of the national consultation, Pres. Ramos issued Executive Order 125 on August 25, 1996 articulating the vision and the framework of the peace process that his

administration would pursue to address the three internal armed conflicts: The National Democratic Front (NDF), the Muslim Separatist Movements in Southern Philippines and the Military Rebellion.

The peace process is anchored on three principles that define Government policy and goals. They are the following:

1. The Peace Process must be community-based and not defined solely by government nor by armed rebels, nor any single sector, but by Filipinos as a community;
2. The Peace Process must lead to a new social compact for a just, equitable, humane and pluralistic society, and ensure free and fair political competition; and
3. The Peace Process must seek a principled and peaceful resolution of the armed conflicts with dignity for all concerned and not surrender.

These articulated principles led to the formulation of the famous six paths to peace that became, more or less, the “magna carta” that guided government in responding to the issue of armed conflict in the country. These are the following:

1. That Government must initiate and implement social, economic and political reforms to address the root causes of rebellion and social unrest;

2. That Government shall pursue consensus-building and people empowerment through mobilization and facilitation of people's participation and support for community peace initiatives;
3. That Government shall seek peaceful and negotiated settlements with rebel groups with no surrender or shame but with dignity for all concerned;
4. That Government shall initiate reconciliation with and re-integration of former combatants and indemnify civilian victims of the armed conflict;
5. That Government shall ensure the continued protection of civilians caught in the midst of armed conflict, reduction of violence in conflict areas and prevention and management of conflict; and
6. That Government shall build and nurture a climate of peace that includes peace advocacy and peace education.

The Philippine Government's Final Settlement with MNLF

The OIC and the Philippine Government are clearly bound by the constitutional requirements and the 1976 Tripoli Agreement. Adherence to the entirety of the Philippine Constitution and to the entirety of TA remained the framework of the creation of an

autonomous region in the Southern Philippines. It was within this principle that proposal for any transitional structure and mechanism had to conform.

There were two basic issues that need to be addressed in the Southern Philippines. First was the question of real autonomy and greater self-governance in local and regional affairs as demanded by the MNLF and all Local Government Units (LGUs). Second was the question of peace and development that would involve rehabilitation and reconstruction, particularly of the conflict areas in Mindanao. The two were intimately linked or were intertwined. Thus any approach to peace would involve two parallel tracks to the Southern Philippines problem. The first would address the governance and autonomy issues and the second would address the economic reconstruction and development issues.

The Final Peace Agreement of 1996

The fourth Round of Talks in Jakarta was tasked to come with the Final Peace Agreement. After three days of hard work, debates and compromises, both the GPH and the MNLF panels agreed on the final text of the Peace Agreement in the early morning of August 30th. On the same day at about 10:00 a.m., the said final text of the peace agreement was initialed at the Merdeka Palace before the presence of President Suharto. (I was privileged to accompany Chairman Nur Misuari and his

wife on the way to the Presidential Palace in a special limousine provided by President Suharto.) There were great joys and hopes on all sides as Ambassador Manuel Yan and Chairman Nur Misuari initialed the Peace Agreement before Pres. Suharto, the OIC Secretary General Hamid Algabid and Indonesian Foreign Minister Ali Alatas.

On September 1st, the Indonesian government provided a Boeing 707 for the GPH and the MNLF delegations and the foreign dignitaries to bring home the initialed Peace Agreement for its formal signing in Malacanang the following day. The news of the final agreement in Manila and Mindanao created an instant festive mood. All sectors hailed the settlement as a workable formula towards an enduring peace in Southern Philippines.

On September 2nd, both inside and outside the Presidential Palace, throngs of people both low and high claimed the Peace Agreement as their own when Ambassador Yan and Prof. Misuari formally signed the document witnessed by the OIC Sec. Gen. Hamid Algabid and Indonesian Foreign Minister Ali Alatas in the presence of President Fidel V. Ramos. In the words of Pres. Ramos, the signing of the final peace agreement between the Republic of the Philippines and the MNLF “brings to a close almost 30 years of conflict, at the cost of more than 120,000 Filipino lives.” He hailed the Peace Agreement as the beginning of “a new era of peace and

development for the Southern Philippines, and for Philippines as a whole.” Truly, a new era has begun, the era of rebuilding, of forging partnership between and among diverse peoples of the land, and establishing one community and one future for all.

Implementation of the 1996 Peace Agreement

There were two phases in the implementation of the Final Peace Agreement of 1996. The first phase was the establishment of the Southern Philippines Council for Peace and Development or SPCPD and the Consultative Assembly or CA. in the 14 provinces and all cities therein. The 14 provinces and nine cities shall be established as a Special Zone of Peace and Development. Within the next three years, these areas shall be the focus of intense peace and development efforts.

The powers and functions of the Council shall be as follows:

- To take a charge in promoting, monitoring and coordinating the improvement of peace and order in the area;
- To focus on peace and development efforts more particularly in the depressed areas and cause the implementation of peace and development efforts;
- To provide support to local government units as necessary;

- To exercise such other powers and functions necessary for the effective implementation of its mandate as may be delegated by the President;
- To assist in the holding of elections, referenda or plebiscite and people's initiative in the area deputized by the COMELEC upon recommendation by the President;
- To cause the creation of such offices or instrumentality as shall be necessary for the effective and efficient administration of the affairs of the areas. There shall be approval from the Office of the President for budgetary purposes.

There shall be established a Consultative Assembly with eighty-one members composed of the following:

The Consultative Assembly shall exercise the following functions and powers:

- To serve as forum for consultation and ventilation of issues and concerns;
- To conduct public hearings as may be necessary and to provide appropriate advice to the SPCPD; and
- To formulate and recommend policies to the President through the Chairman of the Council and make rules and regulations to the extent necessary for the efficient and effective administration of the affairs of the area.

The powers and functions of the SPCPD and the Consultative Assembly are derivative and extension of the powers of the President. The tenure of the Executive Council and the Consultative Assembly shall be for a period of three (3) years and extendible by the President upon the recommendation of the Council. The Local Government Units in the area including the ARMM shall continue to exist and exercise their functions in accordance with the existing laws.

The Executive Order 371 – as the Yardstick

The Executive Order 371 or EO 371 is the yardstick of the implementation of the 1996 Peace Accord. EO 371 outlines among others, twelve specific projects to be implemented in the SZOPAD. These are the following:

1. Human development projects, including but not limited to health and sanitation services, educational development, and welfare services, to promote the well-being of families in depressed communities and enhance their capabilities to participate in economic programs;
2. Socialized housing projects to address housing backlogs in priority areas;
3. Water supply development to provide potable water especially to depressed communities in the SZOPAD;

4. Roads and bridges to connect depressed communities to centers of economic activities and improve mobility of goods and services within the SZOPAD and between the SZOPAD and other growth areas;

5. Airports and seaports to address the needs of commuters and facilitate transport of products in the priority areas;

6. Telecommunications and power/electrification programs to support the increase in economic activities in the SZOPAD;

7. Development and promotion of tourism to harness the tourism potential and enhance appreciation and awareness of history and culture in the SZOPAD;

8. Environmental and marine resources improvement program to protect and conserve natural resources in the SZOPAD;

9. Enhancement of agricultural production through irrigation and post-harvest and marketing facilities;

10. Establishment of food processing facilities to generate employment and create forward and backward economic linkages;

11. Establishment of Provincial Industrial Centers and People's Industrial Enterprises to serve as focal points of business activities and generate additional economic opportunities; and

12. People empowerment programs to ensure greater participation of women and other disadvantaged groups in governance and in the determination of their political, economic and social destinies.

By the standards of these twelve programs specifically identified in the EO 371, the efforts in the implementation of the Peace Accord were, indeed, wanting! The constituents of the SZOPAD, particularly of the ARMM could not feel the concrete and tangible fruits of the Peace Accord, particularly in depressed communities. The people in these areas were NOT asking too much.... They were simply asking for immediate state interventions in the delivery of basic services that should have already been provided in the regular programs of the different government departments and line agencies. Some of these urgent basic services include, among others, potable water, decent shelter, functioning clinics with qualified personnel and ample medicines, decent and equipped classrooms with qualified teachers and textbooks, regularly maintained farm to market roads, communal post-harvest and marketing facilities, and access to soft credit for agricultural and small business

enterprises and appropriate skills and livelihood training programs.

The 1996 Peace Accord with the establishment of the SPCPD and the promised reconstruction fund was perceived to be the vehicle to accelerate the delivery of the abovementioned basic services and crucial government interventions in the depressed areas within the SZOPAD. But the Government, National Line Agencies, ARMM and SPCPD, including the Government Financial Institutions and corporations had failed to get their acts together to cause the delivery of the basic services that the people needed most.

The 1996 Peace Accord had NOT effected any change whatsoever in the pre Accord configuration within SZOPAD. It appeared that the Peace Accord simply added additional bureaucracies whose functions and roles were already exercised by existing regional bodies (RDC, RPOC, Task Forces, CORD, etc.) and government units (LGU, ARMM, OPAMIN/ PARECO). The failure to effect structural adjustments between and among regional bodies and mechanisms tasked to oversee peace and development initiatives rendered the SPCPD and the CA as superfluous and “alien” bodies in an already overcrowded field.

The utter failure to “connect” and “interface” between and among government bodies, agencies and instrumentalities including the SPCPD and CA was,

perhaps, one of the principal reasons for the non-delivery of the “promised” intense focus of peace and development initiatives in the SZOPAD.

Moreover, real development and peace efforts happen in local areas and communities. The failure to connect the SPCPD and CA to the local government units (notwithstanding the ex officio membership of the Provincial and City Executives to the CA) was a real disaster not only for the phase one of the implementation of the Peace Accord but more so for the more crucial phase two of the Peace Accord.

One of the first challenges that confronted the Philippine Government and the MNLF was the issue of the disposition of combatants. During the talks, there was the specter of more than 30,000 MNLF combatants seeking integration into the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP). The Final Accord provided for the integration of 5,750 MNLF combatants into the AFP and 1,750 MNLF elements into the PNP or a total of 7, 500 MNLF combatants and elements. While the agreement also provided special socio-economic, cultural and educational program to cater to MNLF forces not absorbed into the AFP, PNP and the Special Regional Security Force and their families, the delivery of said program was, indeed, almost nil. There were no “bridging” programs to cushion the impact of the Accord on the MNLF combatants and their families. The special socio-

economic, cultural and educational program remained letters in the Peace Accord.

There were three devastating effects of the failure in the proper implementation of the 1996 Peace Accord.

- First, the failure to effect concrete and immediately doable bridging program for the MNLF combatants and their families resulted to the transformation of the whole SPCPD and ARMM structures and bureaucracies into instant employment agencies. And since these bureaucracies had limited absorption capacities, it was inevitable that those not absorbed by the ARMM, SPCPD, AFP and PNP, and foreign-assisted programs became discontented and began to drift away, either as disgruntled MNLF or lost commands.
- Second, the absence of government bridging program for the MNLF non-absorbed combatants and families had led the international donor communities, particularly USAID, UNDP, CIDA and EU to DIRECTLY intervene into mainstreaming of the MNLF combatants and families using the MNLF State Command structures and the SPCPD Secretariat. This way of acting led to devastating results. Managing and coordinating the multi-country donor assistance had become the main preoccupation and almost sole work of the SPCPD and its Executive Secretariat. The SPCPD abandoned

its specific role to monitor, coordinate and promote development and, peace initiatives by the many government line agencies and local government units within the SZOPAD. The multi-donor projects and programs, particularly, the UNDP, EU, CIDA and the USAID had, in a way, hijacked the SPCPD for their own programs and thereby created a sort of “separate communities” that further marginalized the former combatants from the mainstream. Tragically, this “hijacking” happened through National Economic Development Authority or NEDA XII’s orchestration, though without malice. It was a simple case of seeing the small picture and a failure to see the big picture.

- Third, there is no “bridging” program for transition in the important aspect of governance and public administration. The paralysis and the lack of cohesiveness that people experience in government bureaucracies was a clear indication of lack of preparation in terms of capability building of those tasked to run the local, regional and SZOPAD affairs during the period of transition.
- Fourth was the fact that the much touted ‘mini-Marshall Plan’ for the reconstruction of the conflict areas within the SZOPAD areas never materialized.

The leadership of the ARMM, SPCPD and the CA was clearly given to the MNLF under Chairman Nur

Misuari. Sad to say, the failure of the national government was equally matched by the failure of leadership within the MNLF ranks to provide clear and decisive leadership in the post Accord environment. In a society/community where personal presence counts most, the marked absence of the person of the leader spelled a lot of difference for the failure or success of the Transition Phase.

The ARMM could have been the showcase of the upcoming autonomy in the Phase two of the Peace Accord. The marked failure in providing clear and decisive leadership that should have brought intense development and peace initiatives in the ARMM had become the counter argument of the “oppositors” to the Accord to finally put an end to the Special Zone of Peace and Development or SZOPAD in the plebiscite of November 2001.

The 1996 GRP-MNLF Peace Accord was a Good Peace Agreement

For all its failures and weaknesses, the GRP-MNLF Peace Accord was, indeed, a good peace agreement. It took peace and development as its framework with the hope that when development would take place, the agreement on political issues shall not be difficult to achieve. The Peace Accord established a Zone of Peace and Development out of the contested provinces and cities in the Southern Philippines. The approach was

innovative and followed the trodden path in resolving conflicts involving territories, borders and frontiers. The establishment of the Special Zone of Peace and Development consisting of the 14 Provinces and 9 cities provided for a new framework of identity and consolidation on the basis of intense peace and development initiatives. Regardless of the failures mentioned in the preceding part of this paper, the 1996 GRP-MNLF Peace Accord remained a solid and sound basis for resolving the conflict in the Southern Philippines. Had it been properly implemented, it could have provided for lasting and just peace agreement not only in the Southern Philippines but also for the whole Mindanao.

*Phase Two: **Republic Act 9054***

With the new law, RA 9054, the issue of the Plebiscite as mandated both by the Peace Agreement and by Law became the one single issue that dominated the debates between the GPH and the MNLF and among the MNLF leaders. In fact, the Law itself and the plebiscite issue exacerbated the split within the leadership of the MNLF. The objections on the holding of the Plebiscite were based on the following reasons:

- First, The MNLF opposed the Law or RA 9054 on the belief that it is a violation of the 1996 Final Peace Accord between the GPH and the MNLF. The MNLF has no participation in the crafting of the

Law. It is a unilateral act and an imposition of the GPH on the MNLF and the peoples of the SZOPAD.

- Second, the Law itself, that is, RA 9054 is NOT the “legislation” of the 1996 Final Peace Accord as agreed upon by the GPH and the MNLF. As a matter of fact, the Philippine Congress needs only to legislate the Peace Agreement and let the people decide to approve or disapprove the same in the Plebiscite.

- Third, Congress has NO authority (though it believes to be SOVEREIGN in legislation) to “mangle, select provisions or do anything outside the commitment of the GRP that includes the Executive and the Legislative as contained in the 1996 Peace Agreement. The Senate and the House were both represented in the negotiation of the 1996 Agreement. The authority is only to reject or accept the agreement by the people in a plebiscite. This is the Constitutional process contemplated and agreed upon in Jakarta and Tripoli.

- Fourth, RA 9054 does NOT reflect “in toto” the Final Peace Accord. This fact is a violation both in letter and the spirit of the Tripoli as well as Jakarta Agreements. This is the position of the MNLF. Being participant of the Jakarta Talks and a witness both to the initialing and signing of the 1996 Final

Peace Accord, I believe that the MNLF position is justified and with strong basis in fact.

The GPH had the responsibility to legislate the Final Peace Agreement “in toto” both in letter and spirit. This was NOT an ordinary exercise of legislative power of Congress, but by agreement and commitment, the Philippine Congress has to work with MNLF in legislating a LAW that would be faithful to the Final Agreement both in letter and spirit. The safety measure in the process is the commitment of both the GPH and the MNLF to submit the new law to the sovereign people of the concerned areas for ratification or non-ratification. Thus the final arbiter would be the sovereign people and NOT Congress on the future of the Autonomy Law. This was the Constitutional Process contemplated in both the Tripoli as well as the Jakarta Agreements. On the basis of this fact, the MNLF held that the law, RA 9054, was alien to the Tripoli Agreement and its definitive interpretation in detail as contained in the Jakarta Accord signed in Manila on September 2, 1996.

As an “Observer” who actually sat and listened to the long and tedious Peace Talks and as the Majority Floor Leader of the Consultative Assembly, I personally believe that the GPH has violated its commitment as to its responsibility in the process of legislating the said law. The Philippine Congress in enacting the new autonomy law and at the same time amending the

existing RA 6734 had departed from both the letter and spirit of the 1996 Final Peace Agreement.

The Philippine Congress had NOT understood the Philippine Government's contractual commitment and thus it had violated the internationally recognized agreement in the exercise of what Congress believed its sovereign prerogative. (In many ways, this sovereignty is compromised when GPH enters into the Tripoli and Jakarta Agreements in as much as MNLF also compromised its position by accepting the constitutional processes of Plebiscite in drawing the geography and coverage of autonomy in Southern Philippines.) It should be noted that both Houses of Congress were active participants in all the Peace Talks and in the signing of the Final Peace Accord through their appointed members who served as advisers to the Philippine Government Negotiating panel.

The Nur-led MNLF rejected the law, RA 9054 and rejected in turn the holding and results of the plebiscite. It did not recognize both the law and the result of the plebiscite on the premise that both were violative of the letter and spirit of the 1996 Final Peace Agreement.

The new autonomy law or RA 9054 is solely a product of Philippine Congress without the participation of the MNLF, the party in the 1996 Final Peace Agreement. The very purpose of amending RA 6734 or the ARMM Organic Act is the fact that the said law and

the subsequent plebiscite in 1998 were unilateral impositions of the Philippine Government without the participation of the MNLF. The 1992 Peace Process between the GPH and the MNLF that bore fruit in 1996 was the REMEDIAL political settlement as opposed to the two attempts (Marcos and Aquino) of unilateral imposition of Autonomy Law and Plebiscite. Sad to say the new autonomy law and the plebiscite on August 14th, 2001 proved true again the cliché that says, “history repeats itself”.

The basic question that government should ask is whether the Republic of the Philippines upholds both the 1976 Tripoli Agreement and the 1996 Final Peace Accord. The Accord remains within the ambit of the Constitutional processes and the Republic’s territorial integrity. The Accord recognizes that the sovereignty of the peoples of the concerned areas who would ratify or reject the legislated Final Peace Accord with NO deletion and NO addition in a plebiscite called for the purpose. In fact, the provisions of peace settlement had already been NEGOTIATED WITH THE ACTIVE PARTICIPATION OF CONGRESS. What really remains is to ratify or reject the said political settlement in a plebiscite.

Meaningful or meaningless autonomy? MNLF chair and former ARMM Governor Nur Misuari claims that RA 9054 is full of “impurities” meaning that it does not faithfully adhere to the provisions of the 1996 Final

Peace Agreement between the GPH and the MNLF. Chairman Misuari and his faction of the MNLF believe that the new autonomy law, RA 9054, cannot give the genuine autonomy negotiated in the 1976 Tripoli Agreement and the 1996 Final Peace Accord.

The tragedy was the fact that the new autonomy law made NO direct or indirect reference to the 1996 Final Peace Agreement. The very purpose of the new law was to COMPLY with the obligations of the political settlement agreed upon in the 1996 Final Peace Accord between the GRP and the MNLF. No one could divine the motive of Congress for such omission. The act of “legislating” the 1996 Final Peace Accord was NOT left to the initiative of Congress alone. The international commitment and obligations made by the GRP with the concurrence of Congress in the 1996 Final Peace Accord LIMITED the powers of Congress to simply translate into law the agreed provisions as contained in the said political settlement.

The final arbiter for the new autonomy law would be the peoples of the concerned areas. This is the meaning of the constitutional processes laid down in Section 18, Article X of the Constitution and only the provinces and cities voting favorably on the new autonomy law shall constitute the coverage of the Autonomous Region in Muslim Mindanao. Provinces and cities that shall NOT ratify the new autonomy law

shall automatically be excluded from the coverage of the autonomous region.

By some ugly turn of event, the new law, RA 9054, did not only set aside the 1996 Final Peace Accord but also “interpreted” the constitutional process in conducting the plebiscite for the purpose by concocting two different questions, one for the provinces already members of the ARMM and the provinces and cities outside of ARMM. As it was formulated, the peoples outside the ARMM were actually voting for inclusion or exclusion in the coverage of ARMM. They were not voting for the new autonomy law. On the other hand, the peoples of the ARMM were only voting on the amendments to RA 6734, without touching the issue of inclusion or exclusion depending on the ratification or non-ratification of the new autonomy law.

Thus with the new RA 9054 having been ratified in five provinces (Basilan, Lanao Sur, Maguindanao, Sulu and Tawi Tawi) and in one city (Marawi), the Philippine Government pursued the creation of the New Expanded ARMM and conducted an election for the purpose of filling up the officials of both the Executive and Legislative departments of the so-called New ARMM. With the new officials installed on the 7th of January of 2002, the Philippine Government declared that it has fulfilled the final obligation and requirement of the 1996 Final Peace Accord between the GRP and the MNLF.

The Peace Talks between the GPH and the MILF

The Moro Islamic Liberation Front or the MILF is a breakaway faction of the Moro National Liberation Front. The birth of this faction occurred in 1978 when Chairman Nur Misuari expelled Salamat Hashim from the MNLF. Salamat and his group named this breakaway group the Moro Islamic Liberation Front. The word “Islamic” replaced the word “National” to indicate the ideological shift that this group would like to adopt.

Salamat Hashim, the MILF founding chair and its ideological brain, defined the ideology of the MILF as “*la ilaha illa-llah wa Muhammadul-rasullallah.*” This ideology is actually the Islamic confession of faith that states that “there is no deity but Allah and Muhummad is the Messenger of Allah”. The return to the Islamic rule is key the re-organization of the Muslim community. The Islamic reform is the answer to the secular and godless society. The reform is militant and aggressive and at times violent in abrogating the long line of development.

To understand this movement, there is a need to situate it within the historical matrix that gave birth to this type of Islamic movement. Two prominent Muslim theologians gave the theoretical principles to this radical Islamic movement. First was al Mawdudi (1903-1979), founder of the *Jami’atul-al-Islamiyya* and second was Sayyid al Qutb (1906-1966) of the *Ikwan al Muslimun*

(Muslim brotherhood). Both advocated strongly the exclusive sovereignty of Allah and jihad (holy struggle) against the so-called conspiracy of the West to destroy Islam. Modern civilization is labeled as a new era of “jahiliyya” (ignorance). The three principles that govern society are secularism, nationalism and democracy. These are against the very beliefs and principles of Islam. For al-Mawdudi and al-Qutb, secularism is an idea that excludes God while democracy arrogates unto itself the sovereignty that is exclusive to God. Secular democracy is a deliberate violation of divine law and a reversion to the era of pagan ignorance.

Both al-Mawdudi and al-Qutb are the major influences of the MILF founding Chair Hashim Salamat. The Islamic ideology cited earlier, that is, the oneness of God and Muhammad is the messenger of God, points to the desire and objective to reinstate Islam as a political system. The assertion of the absolute sovereignty of God negates the concept of the legal and political sovereignty of human beings and nations.

By its chosen name, the MILF puts emphasis on **RELIGION**. It explicitly espouses the establishment of an Islamic Community (ummah) and Islamic rule in areas under its control and/or influence. This has been the beginning of its articulated goal of “creating a Separate and Independent Islamic State” in the Southern Philippines. How this Islamic State shall take shape is a continuing debate among the Muslims scholars and the

MILF constituency. The MILF now claims as the “SOLE and LEGITIMATE REPRESENTATIVE” of the Bangsamoro people still in rebellion after the MNLF signed the Final Peace Agreement in 1996.

In 1997, the GPH and the MILF signed the ‘Agreement on the General Cessation of Hostilities. After series of high-level consultation between the GPH and the MILF, both agreed to constitute their respective peace panels to begin the formal peace talks. An integral component of the decision to enter into a formal peace talk was the signing of the Agreement on the General Cessation of Hostility on July 18, 1997. The Peace Talks between the GPH and the MILF were progressing well albeit beset by difficulty and problems, particularly on the implementation of the Ceasefire Agreement.

The Estrada Presidency

In July 1998, Joseph Estrada became the President of the Philippines. Initially, he followed the Ramos peace initiative. But upset by series of lawlessness in the south, specifically the wanton kidnapping of foreigners by the Abu Sayyaf group and their reported cruelties, the Estrada Government upon the advise of the then AFP Chief of Staff, Gen. Angelo Reyes, adopted a military solution that led to the so-called “total war” policy against the MILF.

From the second week of March 2000, the National Defense and the Armed Forces of the Philippines (AFP) got into the “flag raising ritual” in all MILF Camps that concluded in the take over of the MILF Main Camp Abubakar with President Estrada himself leading the flag raising and the feasting of roasted pigs and beer for the “victorious” AFP in the former headquarters of MILF Chair Salamat.

The 2000 Estrada’s total war policy with the massive displacement of civilians further complicated the Peace Process between the GPH and the MILF. The trauma of the war runs very deep, because of the massive displacement of people and destruction of homes, including the “pulverization” of the MILF camps, particularly Camps Abubakar, Busra and Rajah Muda. The AFP continues its massive presence in all the overtaken MILF Camps. The AFP presence in these camps guarantees the continued “armed skirmishes” between the AFP and the MILF in and around the occupied camps.

Then there is the problem of the displaced. There is a common understanding that the displaced are MILF partisans. The numbers of the displaced ranged from 600,000 (NGO estimate) to 300,000 (Government’s estimate). They are housed in school buildings and tent “cities” in the Provinces of Cotabato, Maguindanao, and Lanao del Sur. The agonies and sufferings of the displaced are beyond any description, especially in terms of health and sanitation needs. While the government is reported

to spend twenty-three million pesos a day in the conduct of the Mindanao War, it spends a measly million pesos a week for the needs of the evacuees. In contrast, Tabang Mindanaw, an NGO, spends two million a week for the evacuees. To date, there are 187 deaths recorded in the various evacuation centers caused by various illnesses due to the lack of adequate basic facilities. The lot of the evacuees is getting worse as government assistance begins to dwindle due to lack of funds.

Within the Bangsamoro homeland, the AFP has become a Force of Occupation. This fact, in a way, has made the AFP's claim of liberating the said areas and highways **HOLLOW**. The displaced will **NOT** return to their villages and homes while the AFP continues to occupy them. For the Moro people the AFP stands as **OCCUPATIONARY FORCES**. This is a dangerous development, when **the true war to win is NOT over areas and territories but hearts and minds of the people that constitute the Bangsamoro people**. The only way for Government to avoid this natural pitfall is to transform the role of the AFP in these occupied territories. Can the AFP become "builders" and development workers? If the AFP continues to be perceived as "occupationary forces", the whole military operations would be in vain and shall only fuel the hatred and animosity of the Muslim population against the Government and the AFP.

Peace and War under Pres. Arroyo

In January 2001, the newly installed Pres. Arroyo once again launched the Peace Process with all the rebel fronts. She reconstituted the Peace panels to begin the peace talks both with the National Democratic Front and the Moro Islamic Liberation Front. She coined the word “all-out peace” (contrasting it to Estrada-Mercado-Reyes’ all-out war policy) to define her administration’s peace impetus. The new Arroyo government and the rebel fronts (NDF and the MILF) for the nth time “re-affirmed” all the negotiated and signed agreements during the Ramos and Estrada administrations.

With Malaysia acting as the broker, the Philippine Government and the MILF have agreed to pursue, jointly, the relief, rehabilitation and reconstruction of the livelihood of the displaced as well as the communities in conflict areas even before the signing of the Final Peace Accord. The creation of the Bangsamoro Development Agency and its interface and coordination with all government development and service agencies looked bright for a new era dawning on the victims of war both individuals and communities. It was also heartwarming to behold the enthusiasm of the MILF to bring development and reconstruction to the ravaged communities.

The formal peace talk was scheduled for early March when the AFP again under the leadership of Gen. Angelo

Reyes as Pres. Arroyo's Secretary of National Defense attacked and assaulted the "headquarter" of MILF Chairman, Ustadz Hashim Salamat, on February 11, 2003 – the Islam's holiest Feast of the Sacrifice (Idul Adha).

The resumption of hostilities initiated by the AFP put an end to the resumption of the FORMAL Peace Talks between the GRP and the MILF. The new war for the nth time blocked the Formal peace Talks to move forward. Again as during the administration of President Estrada, the Formal Peace Talks has become a hostage. The powerful symbol of the continuance of the all-out war policy from Estrada to Arroyo is no less than Gen. Angelo Reyes who served as Chief of Staff of the AFP during the Estrada administration then served as Secretary of National Defense during the first 3-year administration of President Arroyo.

The entrenched AFP's belief or doctrine that allows the so called limited use of military force to soften the rebel front's position in the negotiation is erroneous and is repeatedly proven to be wrong. The massive displacement of civilians and the continued sufferings of people exacerbate the discontentment and disillusionment of people in the peace process. Once the peace process loses credibility and constituency, extremism takes over. The specter that this is already happening is not far fetched.

In 2008, the GPH and the MILF nearly signed in Malaysia an interim agreement called the Memorandum of Agreement on Ancestral Domain or MOA-AD. The MILF and the progressives among the Moro constituents hailed the historical document to contain the aspiration and the dream of the Bangsamoro. But on the very eve of the signing of the Agreement, the Supreme Court of the Philippines issued a Temporary Restraining Order or TOR proscribing the Philippine Government to sign the said Agreement.

In the subsequent hearings on the substance of issue, the Supreme Court of the Philippines unanimously (all 15 Justices) ruled that the MOA-AD is unconstitutional in concept, substance and process.

With the MOA-AD debacle, war exploded in some areas in Cotabato and Lanao Norte. The MILF Commanders Kato and Bravo attacked some Christian settlements that precipitated the new war. Though the fighting was limited to some areas in Lanao Norte, North Cotabato, and Sarangani, the result in the displaced nearly equaled the 2000 all out war policy of President Estrada.

During the ASEAN Summit (February 27-28), President Gloria Macapagal Arroyo and Prime Minister Badawi of Malaysia held a bilateral meeting to discuss the GRP-MILF Peace Process at length. PM Badawi responded favorably to GMA's urgent request for the Malaysian government to serve as third party facilitator

to help bring together the two peace panels for the resumption of peace talks post the debacle of the MOA-AD.

During the remaining months of President Arroyo in 2010, the following guidelines were given to be followed in the negotiations with the MILF:

1. Any consensus or agreement, interim or otherwise, reached by the GPH with the MILF shall always be subject to constitutional processes;
2. Any future agreement shall be within the purview of Philippine citizenship.
There shall be no talk of independence.
3. The GRP will reflect in the agenda and the agreement the values, sentiments, and principles of the Filipino people.
4. Arms management, force management, and reintegration shall be a component governing the engagement with the MILF in the peace talks.
5. Whether the negotiations succeed and result in a peace agreement or not, cessation of hostilities on the ground must continue.
6. While peace negotiations are on going, government shall also intensify development efforts in the conflict-affected areas as part of its confidence building measures.

The Philippine Government shall primarily take heed of the Supreme Court decision that the present MOA-Ad can be renegotiated, or another one can be drawn up to carry out the Ancestral Domain aspect of the Tripoli Agreement of 2001 provided it be done pursuant to the controlling principles to guide the bench, the bar, the public, and most especially the government in negotiating with the government regarding this issue. For the remaining period of President Arroyo, the government was guided by the principle of the primacy of the Peace Process and continued to reassert the commitment to implement all signed interim agreements in the peace negotiations.

The resumption of the Peace Tasks albeit at the very eve of transition was an attempt to put closure to the MOA-AD issues to prepare the work towards the comprehensive compact or final peace agreement.

On The ASG

The group that has become notorious in the South is the **Abu Sayyaf Group** (ASG) under the joint leadership of Abdulrajak Janjalani and Edwin Angeles beginning 1992. The height of terrorism by this group reached a new peak during the infamous burning of the town center of Ipil, Zamboanga del Sur in 1995. It waned during the rest of the term of Pres. Ramos, especially after the death of Janjalani and Angeles.

Its ugly face had resurfaced in year 2000 under the leadership of the young Qaddafi Janjalani in Basilan and the erstwhile MNLF Commander Robot in the Province of Sulu. The kidnapping of school children and the murder of Fr. Rhoel Gallardo, CMF in Basilan and the hostage taking of foreign tourists in Sipadan, Sabah, Malaysia had made the Abu Sayyaf an international Terrorist Group. Even before these two internationally covered terrorism, the ASG, by all calculation, has become notorious for kidnapping and other lawless activities in the island provinces of Basilan and Sulu and in the Zamboanga Peninsula.

There has always been a suspicion that the Abu Sayyaf and the MILF are somewhat “connected”, especially when the ASG has begun espousing some major aspirations of the MILF. The MILF officially denies any connection to the ASG and the leadership of the MILF, particularly the religious, openly has condemned the lawless and kidnapping activities of the ASG as “**UN-ISLAMIC**”. But even with the denial and open condemnation, there are people who still believe that these two groups are somewhat connected. There are **NO** proofs on the ground that would support this suspicion. But the continued use of Islamic slogans by the Abu Sayyaf simply confirms, to many, the suspicion.

On the other hand, people are beginning to suspect the real identity of the ASG. There was no denying that the “founders” of ASG were military “assets”. Angeles

and the Janjalani brothers were all military creations. The ASG, more and more, looks like a well-oiled kidnap for ransom gang that involves millions of pesos. The “tragic” event in Basilan that “allowed” safe passage to the encircled entire ASG after the alleged payment of ransom was only one of the many incidents that point to the suspicion of collusion between the ASG and some elements of the AFP and PNP. This is the reason that many are beginning to believe that the ASG is more connected to the rogue elements of the AFP and the PNP than the so called al-Qaeda or JI network.

Our Hope...

The very complex issue of the Bangsamoro people is NOW a hostage to three dangerous currents in the Philippine society. **First** is the current of over-simplistic view of the problem and the pursuit of an “instant” solution to the centuries-old problem. The prevailing culture of “instant” or “ready made” food and coffee makes people look for an easy fix to the problem in the South. What makes this current very dangerous is the perception that this easy fix and instant solution is the MILITARY OPTION to the Bangsamoro issue. This military option is also tied to a school of thought that proposes an instant Final Peace Agreement with the rebel fronts. This is prevalent among key policy makers in the present Arroyo Government.

The **second** dangerous current is the natural proclivity of many, including people in local government and key institutions to lump all Muslims together into one basket. That basket is “fundamentalists”, at best, and “terrorists”, at worst. This dangerous current re-enforces the cultural prejudices that have prevented the growth of an alternative culture – the culture of dialogue and peace.

The **third** current is caused by the continued peoples’ helplessness and government’s utter impotence over what seem to be endless cases of criminalities and lawlessness. The lawless activities of the Abu Sayyaf, Pentagon and other criminal groups are the major obstacles in the understanding, today, of the Bangsamoro issue.

We believe that when sanity returns, the parties in conflict will eventually resume the genuine search for a peaceful negotiated settlement. It may be more difficult this time post MOA-AD, but there is no alternative to a peaceful and principled negotiated settlement with no surrender and shame.

Moreover, there are interesting developments that favor a political settlement. First is the popular belief that a more pragmatic view sways the top leadership of the MILF. Second is the seeming “retreat” and defensive stance of the military hawks resulting from the military

rebels' direct accusations of graft and corruption of top brass in the AFP. Third is the sympathetic push of the OIC towards an earlier settlement of the GPH and MILF peace talks.

There are favorable conditions for a successful political settlement of the GPH and MILF Peace Talks. With the emergence of Alim Ameril Ombra Kato and the new formation of rival Bangsamoro Islamic Freedom Fighters (BIFF), many believe that the mainstream MILF can now enter into a pragmatic peace agreement that may parallel the 1996 Final Peace Agreement between the GPH and the MNLF.

No doubt, with or without peace agreement with the MILF, the star of Alim Ameril Ombra Kato and his BIFF is on the rise. In some circle, this development is interpreted that the banner of Islamic struggle has already passed from the more secular leadership of the MILF to the Islamic call to jihad of Alim Ameril Ombra Kato and his BIFF.

There is no doubt that the GPH – MILF Peace Talks and the any possible peace settlement would be bound to be controversial. The mood and the prejudice of the Christian majority against the talks and any settlement would be seriously weighed in the equation of vision and political will of President Benigno Aquino, III in pursuing peace in Mindanao.

In the end, building peace is not a question of popularity but of vision and the political will required to pursue peace. As a **peace advocate, I can only continue to hope, pray and work for peace...believing in miracles!**

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