

1st Edition (9/24/04) – Comments Welcome

**DYNAMICS AND DIRECTIONS OF THE PEACE NEGOTIATIONS
BETWEEN THE PHILIPPINE GOVERNMENT AND
THE MORO ISLAMIC LIBERATION FRONT**

by SOLIMAN M. SANTOS, JR.*

OUTLINE

I. HISTORY AND DYNAMICS

- A. History and Stages
- B. The “Domestic Stage” (1996-2000)
- C. Political Will and Peace Agenda
- D. Ceasefire Mechanisms and Recurrent Hostilities
- E. The Thorny Issue of MILF Camps
- F. Negotiating Strategies
- G. The “Diplomatic Stage” (2001-04)
- H. Nuancing the Framework and Agenda
- I. Three Aspects *for Now*
- J. Rehabilitation+++
- K. The Negotiations: from Quick Upturn to Long Downturn
- L. Formal vs. Back-Channel, and Other Dynamics
- M. Ancestral Domain and Final Peace Agreement

II. THE PARTIES AND OTHER DOMESTIC PLAYERS

- A. GRP
- B. MILF
- C. MNLF
- D. Other Rebel Groups
- E. Moro Political and Civil Society
- F. Mindanao Peace Advocates
- G. Peace Zone Communities
- H. Local Political and Religious Leaders

III. MULTIPLE INTERNATIONAL INVOLVEMENT

- A. Malaysia
- B. Libya
- C. OIC
- D. U.S.
- E. UN and Other International Organizations

IV. MAIN OBSTACLES

- A. Competing Policy Positions

- B. Terrorism and the Peace Process
- C. Failed and Flawed Approaches (10)
- D. Structural Obstacles (5)

V. RECOMMENDATIONS

1. On the Fiscal Crisis
2. On the MILF and the Peace Process
3. On Substantive Negotiations and a Road Map
4. On the Choice of Negotiators
5. On the Ceasefire and Projects
6. On Multiple International Involvement
7. On MILF-MNLF Unity
8. On Solutions and New Formulas
9. On a Negotiated Constitutional Settlement
10. On the Lumad Agenda
11. On the Mindanao Peace Movement
12. On a National Peace Policy

The Government of the Republic of the Philippines (GRP)-Moro Islamic Liberation Front (MILF) peace negotiations studied here span the years 1996 to 2004 (up to September, that is) and have not yet been concluded. Entering the last quarter of 2004, the negotiations are at a critical juncture on the eve of resumption after a long second suspension. It is a good time to review the course of these negotiations. We focus here on its dynamics and directions. The longest and most important parts are the first (History and Dynamics) and the last (Recommendations). We believe this is the first extensive presentation of the history and dynamics of this particular negotiations (as distinguished from the conflict), with an attempt at defining stages and phases, aside from providing some key information and analysis of the negotiations themselves and implementation on the ground.

The second (The Parties and Other Domestic Players), third (Multiple International Involvement), and fourth (Main Obstacles) parts may be considered part of the analysis in the sense of identifying the factors which shape the dynamics of the negotiations. These parts also address in some ways the background of the contemporary Moro armed struggle (or Muslim movement) in the Philippines which is reckoned from 1968. To be sure, there is already voluminous related literature on this, some of which we refer to in footnotes. But the accent here is to bring in new and more current angles of the same old factors and not repeat or review the related literature here. Of course, there is the new post-9/11 global and regional context. We, therefore, also particularly address the issue of “terrorism and the peace process.” On this and other aspects, we are critical about some views and approaches relevant to the negotiations. Finally, and this is the most important part, we proffer a dozen or so specific and elaborated recommendations to all concerned with a sense of urgency because of the situation in the negotiations, in the country and in the world.

I. HISTORY AND DYNAMICS

A. History and Stages

The immediate historical antecedent of the GRP-MILF peace negotiations is the GRP-MNLF (Moro National Liberation Front) peace negotiations which spanned the years 1975 to 1996, concluding with a final peace agreement in September of that year.¹ It is well known that from 1975 to 1977, what became the MILF was still part of the MNLF and that phase of its peace negotiations with the Philippine government. What is little known is that the MILF through official emissaries or representatives actually had a peace-related discussion with no less than President Marcos and the First Lady in February 1979, an incident-based truce agreement with the Aquino government and a brief meeting with President Aquino in January 1987, and peace explorations with the National Unification Commission (NUC) of the Ramos government in late 1992. But none of these led to the holding of peace negotiations, not even exploratory talks.²

At some point by July 1993, the MILF decided not to complicate by joining (as was proposed by various quarters) the on-going GRP-MNLF peace negotiations which it interposed no objection to. It would just wait for the results. From then on, there were no more high-level peace initiatives involving the MILF, just some local-level agreements and truces in 1994, 1995 and 1996.³ The final 1996 GRP-MNLF Peace Agreement was found wanting by the MILF. They saw it not only as a deviation from the framework 1976 Tripoli Agreement of which it was supposed to be the final and full implementation. More importantly, they found it not to be, or at best inadequate as, the solution to the Bangsamoro problem.

What concerns us most here is the GRP-MILF peace negotiations from 1996 to 2004. Some MILF peace negotiators would divide this period into two stages: the “domestic stage” and the “diplomatic stage.”⁴ Obviously, the former refers to the first phase without foreign third-party facilitation from 1996 to 2000, while the latter refers to the second phase with Malaysia as third-party facilitator from 2001 to the present (2004). In most related literature, the GRP-MILF

*A.B. History *cum laude* (UP), LI.B. (UNC), LI.M. (Melb); Filipino human rights lawyer, peace advocate and legal scholar; author of *The Moro Islamic Challenge: Constitutional Rethinking for the Mindanao Peace Process* (Quezon City: University of the Philippines Press, 2001) and *Peace Advocate: 50 Selected Writings, 1986-1997* (Manila: De La Salle University Press, 2002). He is a Peace Fellow of the Gaston Z. Ortigas Peace Institute, and a Consultant of Anak Mindanao (AMIN) Party-List Representative Mujiv S. Hataman.

¹ See B.R. Rodil, *Kalinaw Mindanaw: The Story of the GRP-MNLF Peace Process, 1975-1996* (Davao City: Alternate Forum for Research in Mindanao, 2000) from the perspective of a Mindanao historian, peace advocate and GRP peace negotiating panel member; Fidel V. Ramos, *Break Not the Peace: The Story of the GRP-MNLF Peace Negotiations, 1992-1996* (Philippines: Friends of Steady Eddie, 1996) from the perspective of the Philippine President; and Abraham S. Iribani, *GRP-MNLF Peace Talks, 1992-1996: Issues and Challenges* (Master in National Security Administration thesis, National Defense College of the Philippines, 2000) from the perspective of the Chairman of the MNLF Secretariat for the peace talks.

² For more on these and related peace process events involving the MILF up to the opening of formal talks in October 1999, see Chapter 11 (“War By Other Means Continues”) in Salah Jubair, *Bangsamoro: A Nation Under Endless Tyranny* (Kuala Lumpur: IQ Marin SDN BHD, 3rd ed., 1999) 192-243, hereinafter referred to simply as Jubair. Salah Jubair is the *nom de plume* of a high ranking official of the MILF Central Committee.

³ Jubair 198-99.

⁴ Interview with Datu Michael O. Mastura and Atty. Musib M. Buat, MILF peace negotiators on 18 May 2002 in Taguig, Metro-Manila.

peace negotiations are reckoned from 1997 because low-level negotiations formally started on 7 January of that year. But we are factoring in here the exploratory and preparatory talks and meetings starting on 3 August 1996, i.e. one month even before the signing of the final peace agreement with the MNLF on 2 September 1996.

Adopting the two main stages referred to above, the important phases of the GRP-MILF peace negotiations may be outlined as follows:

1. The “Domestic Stage” (1996-2000)

- 1.1. Exploratory and Preparatory Meetings (August-December 1996)
- 1.2. Low-Level Negotiations (January 1997-September 1999)
- 1.3. Formal Peace Talks (October 1999-June 2000)
- 1.4. Suspension (June 2000-February 2001)

2. The “Diplomatic Stage” (2001-04) with Malaysia as Third-Party Facilitator

- 2.1. Pre-Resumption Phase (November 2000-March 2001)
- 2.2. Formal Phase (April 2001-February 2002)
- 2.3. Back-Channel Phase (March 2002-February 2003)
- 2.4. Suspension and Exploratory Phase (February 2003-August 2004)

We now proceed to point out the key parameters, developments and features for each stage and phase as we go progressively deeper into an analysis of the negotiations mainly and ground implementation to a much lesser extent. It is ironic that perhaps even more of watershed nature than landmark agreements and changes in administration (from Ramos to Estrada in 1998, then to Arroyo in 2001) are two major eruptions of hostilities that each time, in each of the two main stages, resulted in suspension of the peace negotiations when these were nearing discussion of substantive issues: (1) President Estrada’s “all-out war” against the MILF to capture all its fixed camps in April-July 2000, and (2) the Armed Forces of the Philippines (AFP) “Buliok offensive” to capture the MILF’s new headquarters in February 2003. As a consequence of these, the complexion and even some substantive agenda items changed.

B. The “Domestic Stage” (1996-2000)

This stage, which was conducted solely in the Philippines and without a foreign third-party facilitator, may in turn be further outlined as follows in terms of key developments and issues:

1. Exploratory and Preparatory Meetings (August-December 1996)

- 1.1. Exploratory one-on-one talks between Ramos Executive Secretary Ruben Torres and MILF Vice Chairman for Political Affairs Ghazali Jaafar (August-September 1996)
- 1.2. Formation of the GRP and MILF Technical Committee and splitting it into two, one on the Cessation on Hostilities and the other on Agenda Setting (October 1996-January 1997)

2. Low-Level Negotiations (January 1997-September 1999)

- 2.1. Presentation of the MILF Talking Point and Agenda (January-February 1997) to solve the Bangsamoro problem with a non-exclusive nine-point substantive agenda starting with ancestral domain
 - 2.2. Recurrent Hostilities in Buldon (January 1997), in Rajahmuda (June 1997), in Upper Minabay, Buldon (October 1998), in Datu Piang, Shariff Aguak and Talayan, Maguindanao (October 1998), and around three MILF major Camps Abubakar, Omar and Badr (January 1999), among others
 - 2.3. *Agreement for General Cessation of Hostilities* (18 July 1997), a good number of localized ceasefire agreements, and the setting up of several ceasefire mechanisms
 - 2.4. *General Framework of Agreement of Intent* (27 August 1998) under the new Estrada administration
 - 2.5. *Joint Acknowledgement* (10 February 1999) and *Second Joint Acknowledgement* (6 October 1999) of a total of seven major camps of the MILF, for the purpose of determining areas covered by the ceasefire
3. **Formal Peace Talks (October 1999-June 2000)**
- 3.1. Opening of the Formal Peace Talks (October 1999)
 - 3.2. Three rounds of formal peace talks (January, March 2000) and Technical Committee meetings (February-June 2000) which featured, among others, clustering and work by Technical Working Groups (TWGs) on the nine agenda items of the MILF
 - 3.3. *Aide Memoire* (27 April 2000) of a special meeting of the GRP and MILF peace panels which anticipated a GRP proposed political package, presented in subsequent meetings (May-June 2000) as a proposal for meaningful autonomy embodied in House Bill (HB) No. 7883 for a New Organic Act for the Autonomous Region in Muslim Mindanao (ARMM)
 - 3.4. President Estrada's "all-out war" against the MILF to capture all its fixed camps (April-July 2000)
4. **Suspension (June 2000-February 2001)**
- 4.1. MILF withdrawal from the peace talks (June 2000)
 - 4.2. AFP capture of the MILF's main Camp Abubakar (July 2000)
 - 4.3. MILF Chairman Salamat Hashim's call for *jihad* against government forces (July 2000) and subsequent shift from semi-conventional to guerrilla warfare in a spiral of hostilities

The "domestic stage," though it ended with a badly shattered ceasefire and without any substantive agreement, still provided some gains for the Mindanao peace process as well as insights and lessons from the pains of this first stage. We now proceed to elaborate on these.

C. Political Will and Peace Agenda

It is to the credit of the Ramos administration, which has shown the best peace policy so far, that it explored and pursued peace negotiations with the MILF even as it had just clinched the final peace agreement with the MNLF. The latter agreement was achieved with considerable

political cost to the administration because it was controversial with much of the Christian majority and their leaders in Mindanao.⁵ The MILF could not but reciprocate such political will. It was clear, as we said, that they found the agreement wanting. At the same time, the peace process was still open for them to exhaust the possibilities of a solution to the Bangsamoro problem. By this time, they had built up as the force to reckon with in Central Mindanao. The administration recognized the need to bring them into the fold, banking on the agreement's expected success in terms of peace, development and autonomous governance.

Thus, the GRP-MILF peace negotiations have become a major component of the broader Mindanao peace process which succeeding administrations have inherited. The secure place of these negotiations in the whole peace process is such that it has not been fatally dislodged by the two major eruptions of hostilities referred to above.

The “domestic stage” has also seen the presentation of the substantive agenda and some key positions of both sides. On the part of the MILF, it posed at the start of the low-level negotiations the single talking point “To solve the Bangsamoro problem.” Elaborating, it said “This problem involves a wide variety of social, cultural, economic and political issues and concerns that *include, but not limited to*, the following:

1. Ancestral domain
2. Displaced and landless Bangsamoro
3. Destruction of properties and war victims
4. Human rights issues
5. Social and cultural discrimination
6. Corruption of the mind and the moral fiber
7. Economic inequities and widespread poverty
8. Exploitation of natural resources
9. Agrarian reform

“The above issues and concerns are *what we perceive* to be the Bangsamoro problem. Finding a *political* and lasting solution to this problem will form part of the agenda in the forthcoming formal talks between the GRP and the MILF panels, *with the end in view of establishing a system of life and governance suitable and acceptable to the Bangsamoro people.*”⁶ (italics supplied)

What was often highlighted, even by the MILF then, was the nine-point agenda, even if it was clearly stated that the issues and concerns were “not limited to” these. Often overlooked too is the last phrase which is actually the core issue of cultural diversity and self-determination: a people's identity, way of life and longing for self-rule. It is significant that the MILF uses the term “system,” This connotes a systems or systemic approach to the solution of the Bangsamoro problem. It also allows for some flexibility whereby a “system” may or may not also be a “state,” and there is the example of “one country, two systems.” It is no secret that the maximum objective of the MILF is an independent Islamic state but this (nor any of those three

⁵ See Miriam Coronel Ferrer (ed.), *The Southern Philippines Council for Peace and Development: A Response to the Controversy* (Quezon City: Program on Peace, Conflict Resolution and Human Rights, and the Mindanao Studies Program, University of the Philippines Center for Integrative and Development Studies, 1997).

⁶ MILF Technical Committee on Agenda Setting, “Agenda” (25 February 1997).

words, for that matter) is not presented as its position in the talks (as the GRP would clearly not negotiate on this as a starting point). But the MILF would leave it to the Bangsamoro people as the final arbiter for acceptance of a suitable system or political solution.

Right before the withdrawal of the MILF from the peace talks during the height of the “all-out war” in June 2000, the parties exchanged position papers of their respective TWGs on the nine-point agenda clustered into six items. A short time before that also, the GRP presented its proposed political package for a final peace agreement, a proposal for meaningful autonomy embodied in HB 7883 seeking to enhance the existing autonomous region in terms of territorial coverage and autonomous powers. There has been no further discussion of the said position papers and proposal. It is also no secret that the GRP’s parameters for any solution to the Bangsamoro problem are the Philippine Constitution, including specific provisions for an autonomous region in Muslim Mindanao, and the paramount considerations of national sovereignty, territorial integrity, national interest, national security and constitutional processes.

Although there was no substantive agreement during the “domestic stage,” there was an important but often overlooked⁷ framework agreement which could help bridge the gap on substantive issues between the parties. The *General Framework of Agreement of Intent* (GFAI) provides such common ground as a “commitment to protect and respect human rights in accordance with the principles set forth in the Charter of the United Nations, and the Universal Declaration of Human Rights” (Article I) and “mutual trust, justice, freedom, and tolerance for the identity, culture, way of life and aspirations of all the peoples of Mindanao” (Article V). In particular, the human rights framework or approach has the potential to facilitate substantive agreements. During the second round of formal peace talks in March 2000, an MILF Draft on the “Comprehensive Agreement on Respect for Human Rights and Humanitarian Laws”⁸ was earmarked for discussion first at the technical committee level. But there has been no further discussion of this since then. On the other hand, the Article V phrase is also a reminder that there are other peoples of Mindanao who should be taken into account in any solution of the Bangsamoro problem.

In terms of structure for agenda setting, the work was initially done at the level of the GRP-MILF Technical Committee, particularly the one on agenda setting. This is what is referred to as low-level negotiations, the level(s) below the peace panels. However, even during the phase of formal peace talks between the two panels, TWGs were organized to preliminarily discuss the six clusters of agenda items, to establish consensus points, and to elevate contentious points to the Technical Committee before submission to the peace panels. It goes without saying that above the panels were their respective principals. During the “domestic stage,” the GRP panel chairmen were all retired army generals: Fortunato U. Abat, Orlando V. Soriano, and Edgardo E. Batenga. Their MILF counterparts were Vice Chairman for Political Affairs Ghazali Jaafar, Vice Chairman for Internal Affairs Aleem Abdulaziz Mimbantas, and Mindanao State University (MSU) Professor Moner M. Bajunaid. Both panels had their respective secretariats.

⁷ Overlooked even by MILF negotiator in the next “diplomatic stage,” Datu Michael O. Mastura, in his paper “Just Peace: Understanding the Frameworks Document” (8 July 2003).

⁸ Patterned after the “Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law” (CARHRIHL) of 16 March 1998 between the GRP and the National Democratic Front (NDF) of the Philippines.

D. Ceasefire Mechanisms and Recurrent Hostilities

The main paradox of the “domestic stage” is that, despite a good number of ceasefire mechanisms and measures, hostilities recurred with regularity. Or, it is the other way around, the numerous outbreaks of hostilities resulted in many merely reactive, often patchwork, interim and localized ceasefire agreements and arrangements. This was the main area for ground implementation at this stage and the ineffectivity of the general ceasefire speaks for itself. Battle reports of both sides, the MILF and the AFP, for this period will substantiate this.

Of the 39 agreements, joint statements, joint communiqués, acknowledgements and resolutions during this stage,⁹ 16 had mainly to do with ceasefires (inc. mechanisms, repositioning, return of evacuees, and safety and security guarantees), 13 had to do general directions, framework and substantive issues, six with procedural matters, and four on the recognition and verification of MILF camps. It is of course conventional wisdom in peace processes to secure a ceasefire early on for atmosphere- and confidence-building.

The *Agreement for General Cessation of Hostilities* (AGCH) was the first major agreement in the GRP-MILF peace negotiations. It “became, together with its implementing guidelines, the anchor reference for all subsequent accords.”¹⁰ The *Implementing Operational Guidelines* (14 November 1997) defined prohibited hostile acts and prohibited provocative acts. The former included various terroristic acts such as bombings, while the latter included providing sanctuary or assistance to criminal or lawless elements. Certain police and military actions such as for peacekeeping against criminality, as well as defensive or protective actions of both sides, were not covered by the ceasefire. Confrontational situations involving such peacekeeping by the GRP were to be avoided by prior coordination with the MILF. Several references were made to identified MILF areas, still to be jointly determined by both parties.

In terms of structure for the cessation of hostilities, the *Implementing Administrative Guidelines* (12 September 1997) created, as the main ceasefire supervisory and monitoring mechanism, the Coordinating Committees on Cessation of Hostilities (CCCH), initially composed of six members each from the GRP and MILF. Also created was an Independent Fact-Finding Committee (IFFC) composed of members from civil society to conduct fact-finding inquiries on alleged violations of the ceasefire referred to it by either party in the CCCH. It replaced an earlier eight-member civil society Interim Ceasefire Monitoring Committee (ICMC). Under the CCCH was the GRP-MILF Coordinating Committees Secretariat. To ensure proper

⁹ From a compilation of “GRP-MILF Peace Negotiations Signed Documents (January 27, 1997-June 15, 2000)” provided by the GRP panel secretariat. This does not include a very interesting GRP-MILF “Agreement on Declaration of Malmar Irrigation Project as JEEP Community and Peace Zone” in early 2000 (but undated) signed for the GRP by Roberto N. Aventajado, Chairman, Presidential Committee on Flagship Programs and Projects under Estrada, and for the MILF by no less than its Chairman Salamat Hashim. It was witnessed by the Chairmen of the two peace panels, Lt. Gen. Edgardo Batenga and Aleem Abdulaziz Mimbantas. JEEP was an Estrada campaign platform standing for Justice, Economy, Environment and Peace.” Peace Zone is defined in this Agreement as an area “where AFP and MILF forces can co-exist with no movement of troops and their detachments and/or camps will stay as is.” In this sense, this Agreement is also ceasefire-related.

¹⁰ International Crisis Group, “Southern Philippines Backgrounder: Terrorism and the Peace Process” (Asia Report No. 80, ICG, Singapore/Brussels, 13 July 2004) 6, hereinafter referred to as ICG Report.

coordination, the location of MILF camps/positions were to be verified and determined jointly and agreed upon by the CCH.

Subsequently, in March 1998, there was an agreement creating a Quick Response Team (QRT) composed of representatives from the GRP, MILF and the IFFC to immediately address alleged violations of the ceasefire. Further, in October 1999, the CCCH was authorized, as an extension of the authority of the two peace panels, to relay orders to military field commanders of both parties once they have agreed to a particular cessation of hostilities. This particular agreement was considered an addendum to the aforementioned ceasefire implementing guidelines.

There has been no authoritative or comprehensive assessment that we are aware of regarding the AGCH, its several mechanisms and its ground implementation. One thing which is clear though is that the acknowledgement of MILF camps for purposes of ceasefire implementation and coordination ironically became the fuse for major military offensives and hostilities which almost broke the back, not of the MILF, but of the peace process.

E. The Thorny Issue of MILF Camps¹¹

According to one recent analysis, “Throughout 1997-1999, ceasefire monitoring mechanisms were gradually strengthened, while the MILF pushed for recognition of its camps. In the absence of international mediation, the rebel panel saw this as a form of embryonic Bangsamoro sovereignty, providing symbolic equality with the government prior to the discussion of a comprehensive settlement. The camps were also at the center of the MILF’s very real political, religious and military power, and the ceasefire machinery provided them with an additional line of defense.... For the government, the purpose was to define the boundaries of MILF influence so as to hold the group accountable should lawlessness or clashes occur. For the MILF, however, each acknowledgement was another step towards *de facto* belligerency, and its panel insisted on completion of the process as a precondition for formal talks.”¹²

At a certain point, the Estrada administration was alarmed that the identified MILF camps were straddling significant portions of many municipalities, and decided not only to reverse on the ground the two joint acknowledgements of seven MILF major camps already made in 1999 but to change the reality of all 46 identified MILF fixed camps on the ground. This eventually took the form of the “all-out war” of April-July 2000 which culminated in the AFP capture of the MILF main Camp Abubakar.¹³ This in turn led to the MILF Chairman Hashim’s call for *jihad*, as the peace process entered a dark phase of suspension.

¹¹ With apologies to Nathan Gilbert Quimpo, “The thorny issue of the MILF camps” (in two parts), *Philippine Daily Inquirer*, 31 May and 2 June 2000, p. 9.

¹² ICG Report 6.

¹³ In a paper on “Why the Present Hostilities in Mindanao?,” National Security Adviser Sec. Alexander P. Aguirre justified it this way: “Any responsible and self-respecting government would not allow rebels to endanger the lives of hundreds of innocent people and overpower duly-elected local civilian governments. Hence, the Armed Forces launched operations to free these towns from the rebels, and protect the civilian population... We cannot close our eyes to the armed challenge of the rebels to the Constitutional order, or let the rebels continue victimizing our people through terrorism and other illegal acts.” This was more than a year before 9/11.

The AFP dismantling of Camp Abubakar was seen by some as an unfortunate stifling of space and development of an Islamic community which could be a prototype of a “system of life and governance suitable and acceptable to the Bangsamoro people.” As “an emerging Islamic metropolis”¹⁴ which is the “nucleus of an Islamic state,”¹⁵ at least here was something concrete for all concerned to see and evaluate the MILF vision, if not virtual reality, of a solution to the Bangsamoro problem.¹⁶ The dismantling of Camp Abubakar also effectively removed what was once proposed by the GRP side to the MILF as a possible political solution or settlement: the declaration as Islamic communities of four to six municipalities straddled by Camp Abubakar in the border area of Maguindanao and Lanao del Sur provinces in Central Mindanao.¹⁷ Whether this “reservation” type arrangement is still a viable option remains to be seen.

Conflicting visions, paradigms and parameters of the MILF and GRP played out in the matter of joint acknowledgement of MILF camps. For example, regarding the criteria on the identification of MILF camps, the GRP proposed this item: “It shall not in any way limit or otherwise affect the national sovereignty, territorial integrity and legal processes of the Republic of the Philippines.” The MILF successfully argued against the inclusion of this item by saying that, first, the identification of MILF camps was solely for the purpose of the implementation of the ceasefire and, second, the question of sovereignty is a matter for later discussion of the substantive agenda at the panel level, not an immediate ceasefire matter at the technical committee level.¹⁸

Later on, in the discussion of a proposed “Primer on the Areas of Coverage of the Cessation of Hostilities” after joint acknowledgements of MILF camps already made, the term “acknowledgement” itself became a bone of contention. The MILF objected to a GRP proposed qualification of “acknowledgement” as follows:

1. It shall not prejudice the AFP, Philippine National Police (PNP), and other law enforcement agencies of the GRP from performing, respectively, their mandated statutory functions and duties of security, peacekeeping, and law enforcement within the affected areas.
2. It shall not diminish or adversely affect the duly mandated authority of the officials of the GRP over the affected areas.
3. It shall not, in any way, decrease or reconfigure the territory of the GRP; and it shall not contravene existing laws, regulations and ordinances of the GRP and subdivisions thereof.¹⁹

¹⁴ See Malik A. Mantawil, “An emerging metropolis: Abubakar Siddique Darussalam,” *Homeland*, Vol. 4 No. 3, May-June 1997, pp. 3-5, 12-14, published by the Mindanao Homeland Development, Inc. (MHDI) which is sympathetic to the MILF.

¹⁵ See Rigoberto Tiglao, “Abubakar nucleus of Islamic state,” *Philippine Daily Inquirer*, 8 June 2000, pp. 1, 13.

¹⁶ See Lualhati Abreu, “The MILF and its Vision of an Islamic State,” *Mindanao Focus*, No. 2 Series of 2002, published by the Alternate Forum for Research in Mindanao, Inc. (AFRIM). It consists of Part I on the MILF and Part II on Camp Abubakar. She clarifies that MILF camps are not camps in the military sense of the word but, in actuality, MILF mass base areas. She then discusses the historical development, economic life, political life and socio-cultural life of Camp Abubakar before its fall.

¹⁷ As gleaned by the author from talks with MILF leaders/negotiators Mohagher Iqbal and Atty. Lanang S. Ali in January 1998.

¹⁸ Jubair 222-23.

¹⁹ Ibid 234-35.

The issue of acknowledgement of MILF camps turned out to be the most contentious issue of the “domestic stage” of the GRP-MILF peace negotiations. The ghost of this issue would even continue to haunt the subsequent “diplomatic stage.”

F. Negotiating Strategies

The MILF’s elaboration of its single talking-point “To solve the Bangsamoro problem” for the peace talks reflects a deliberate, well thought-through and sophisticated negotiating strategy. It would like the talks to first look at the problem, dissect it to its roots, then see where the discussion leads in terms of a conclusion on the solution. “The problem is the solution itself,” as one MILF negotiator had put it. Because parameters can be obstacles, the peace panels should not talk of parameters but instead focus on the problem and how it can be solved. Of course, it had its own vision of how the discussion of the substantive agenda (e.g. its nine-point agenda starting with ancestral domain) would develop towards a desired conclusion. And this whole process would necessarily take time because of the long and complex substantive agenda, with historical, current and forward-looking dimensions.²⁰

This can be gleaned from the recommendation/solution at the end of the MILF’s 24-page “Position Papers of Technical Working Groups on Six (6) Clustered Agenda Items” of 14 June 2000. After extensively discussing those agenda items prefaced by historical and situational backgrounders of the Bangsamoro problem, people and homeland, it recommended “a political solution reflective of the system of life and governance suitable and acceptable to the Bangsamoro people” which shall include the following:

1. Recognition of the Bangsamoro as a distinct people and nation.
2. Restitution of the ancestral domain to the Bangsamoro people.
3. Reparation for damages caused by injuries to life, liberty and property.
4. The Bangsamoro people shall have the exclusive control over their national governance, security and national resources.
5. Identification, investigation and prosecution of persons for the commission of war crimes and massive violations of human rights against the Bangsamoro people before an international tribunal for war crimes.
6. Pronouncement of a public apology by the GRP to the Bangsamoro people for the crimes and harm caused by their subjugation, oppression, and exploitation.

Significantly and interestingly, still no mention of “independent Islamic state” or any of those three words. Nor is there mention of specific territory. There is indeed some flexibility here. What appears to be more crucial is way of life and self-governance. At the same time, the MILF has always emphasized whatever solution’s *acceptability to the Bangsamoro people*. Presumably, the MILF would accept or uphold a solution which is acceptable to the Bangsamoro people. If the latter in the end choose independent statehood, whether of Islamic character or not, then handling this sentiment will be a difficult challenge to both the MILF and GRP sides.

²⁰ This paragraph is based on the author’s talks and interviews with several MILF leaders and negotiators from 1997 to 1999, namely Mohagher Iqbal, Al Haj Murad Ebrahim (now MILF Chairman), Atty. Lanang S. Ali, and Prof. Moner M. Bajunaid.

A recent analysis described the GRP negotiating strategy in this way: “The government, by contrast, seeks a final solution along the lines of Jakarta [i.e. the GRP-MNLF Peace Agreement] and sometimes appears ready to abandon the established framework in the rush to an all-or-nothing resolution.”²¹ This was best illustrated during the formal peace talks phase, particularly when the “all-out war” impinged on it towards the end of April 2000. This AFP offensive was mainly meant to reverse the joint acknowledgements of MILF camps and to change the reality of all identified MILF camps. By pushing for the joint acknowledgement of MILF camps, the MILF wanted the negotiating table to reflect and preserve this battlefield situation. The GRP saw it in its interest to change those realities on the ground, also because negotiations tend to respect realities on the ground.

The dismantling of the MILF camps would degrade its military capability and thereby also weaken its negotiating position. Apparently, some quarters on the GRP side, anticipating military victory, sought to press the advantage in order to force a quick negotiated political settlement under its terms. It is not coincidental that as the AFP offensive was about to be launched, the GRP announced to the MILF that a paper on the proposed political package would be presented to them “possibly within 72 hours.” This announcement was documented in the *Aide Memoire* of a special meeting of the GRP and MILF peace panels on 27 April 2000.

This quick settlement strategy is further shown in the last joint communique of the “domestic stage,” on 1 June 2000 when, “At the meeting, the GRP panel presented its proposal for meaningful autonomy as embodied in H.B. 7883. In view of the 30 June 2000 deadline set by the President... The two panels will meet in Cotabato City on 28 June 2000 to consider the substance and details of the GRP’s concept of autonomy...” At this time, most of the 46 identified MILF camps had already fallen to the AFP. The last one, the MILF’s main Camp Abubakar, would fall only nine days after the 30 June 2000 deadline for a final peace agreement. Earlier, on 15 June 2000, the MILF had already withdrawn from the talks. The panels would not meet any more, whether to discuss the GRP’s concept of autonomy or the earlier nine-point agenda/six clustered agenda items. The “all-out war” was won but the peace was lost.

It would take two developments in early 2001 to break the impasse for the resumption of the GRP-MILF peace negotiations. Internally, there was the ouster of President Estrada and assumption to power of President Arroyo. Externally, there was Malaysia’s willingness and readiness to host and facilitate the talks, with the consent of the parties. The MILF had three conditions for a resumption: mediation by the Organization of the Islamic Conference (OIC) or an OIC member country, a neutral foreign venue, and honoring of all past agreements. These were substantially met.

G. The “Diplomatic Stage” (2001-04)

This stage of the GRP-MILF peace negotiation is marked by the involvement of Malaysia as a third-party facilitator. All the exploratory and formal talks were held in Malaysia, except for the first round of formal talks held in Tripoli, Libya, which was also a facilitator. This stage has

²¹ ICG Report 6. The government’s unreasonable or unrealistic rush from time to time to a final comprehensive peace agreement has also characterized its negotiations with the communist-led NDF.

since seen multiple international involvement. It may likewise be further outlined in terms of key developments and issues, as follows:

1. **Pre-Resumption Phase (November 2000-March 2001)**
 - 1.1. Emissary sending to and from the Malaysian government to help restart the peace talks under the incoming Arroyo administration which reversed the “all-out war” policy against the MILF
 - 1.2. Exploratory talks on 22-24 March 2001 in Cyberjaya and Kuala Lumpur, and *Agreement on the General Framework for the Resumption of Peace Talks* (24 March 2001)
2. **Formal Phase (April 2001-February 2002)**
 - 2.1. First Round of Formal Peace Talks on 20-22 June 2001 in Tripoli, Libya, and *Tripoli Peace Agreement* (22 June 2001)
 - 2.2. Second Round of Formal Peace Talks on 24-27 July 2001 at the Guoman Resort, Port Dickson, Negeri Sembilan, and on 2-7 August 2001 at the Cyberview Lodge Resort, Cyberjaya, and *Implementing Guidelines of the Security Aspect of the Tripoli Peace Agreement* (7 August 2001); MILF-MNLF Unity Conference on 1-3 August 2001 at the Cyberview Lodge Resort, Cyberjaya, and *MNLF-MILF Agreement on General Framework for Unity* (7 August 2001)
 - 2.3. Third Round of Formal Peace Talks on 17-20 October 2001 at Mines Beach Resort, Seri Kembangan, Selangor, and *Manual of Instructions for CCCH and LMTs* (18 October 2001)
3. **Back-Channel Phase (March 2002-February 2003)**
 - 3.1. President Arroyo’s suspension of the formal peace talks and recourse to back-channel talks in March 2002
 - 3.1. Back-channel talks on 5-7 May 2002 at Cyberjaya and Kuala Lumpur, *Joint Communique on Criminal Interdiction* (6 May 2002), and *Implementing Guidelines of the Humanitarian, Rehabilitation and Development Aspects of the Tripoli Peace Agreement* (7 May 2002); First meeting of the Joint Coordinating Council (JCC) of the Bangsamoro Solidarity Conference (BSC) of the MNLF and MILF on 8-9 May 2002 At Cyberview Lodge Resort, Cyberjaya, and *MNLF-MILF Joint Statement* arising therefrom
 - 3.2. Four Congressional hearings on the recent agreements with the MILF held in May and June 2002
 - 3.3. Regular Joint CCCH Meetings from January 2002 to January 2003, and two meetings between the GRP Inter-Agency Technical Working Group (IATWG) and the Bangsamoro Development Agency (BDA) in November and December 2002
 - 3.4. GRP Draft Final Peace Agreement release in February 2003
 - 3.5. AFP “Buliok offensive” to capture the MILF’s new headquarters “Islamic Center” in February 2003
4. **Suspension and Exploratory Phase (February 2003-September 2004)**

- 4.1. Civil society-led “Bantay Ceasefire” (Ceasefire Watch) four missions from January to December 2003
- 4.2. Davao bombings in March and April 2003 blamed on the MILF, and escalation of hostilities
- 4.3. Five rounds of exploratory talks from March 2003 to February 2004 in Kuala Lumpur mainly to address the two pre-resumption issues raised by the MILF: the redeployment of AFP troops from Buliok Complex, and the dropping of criminal charges against MILF leaders and members for the Davao bombings, eventually both complied with by August 2004.
- 4.4. President Arroyo’s order for “extraordinary punitive force” against “embedded terrorist cells” in Mindanao, actually directed mainly against the MILF, in May 2003
- 4.5. Initiation of U.S. involvement in May 2003
- 4.6. MILF Chairman Hashim’s policy statement rejecting terrorism and terrorist links June 2003 as required by the GRP and the U.S., and his demise in July 2003
- 4.7. *Agreement* on mutual cessation of hostilities (19 July 2003)
- 4.8. Resumption of regular Joint CCCH Meetings from August 2003 to August 2004, and reactivation and strengthening of LMTs with a mid-year assessment in July 2004
- 4.9. Malaysian-led Advance Survey Team (AST) for the International Monitoring Team (IMT) mission in March 2004, then signing of Terms of Reference (TOR) and arrival of the Advance Administrative/Logistical Team (AALT) in September 2004
- 4.10. GRP-MILF endorsement of the World Bank-led Multi-Donor Trust Fund (MDTF)-Joint Needs Assessment (JNA) in April 2004, and actual conduct thereof in August-September 2004
- 4.11. President Arroyo’s approval of a Peace Plan and revised Mindanao National Initiatives (Natin) program with seven major elements in September 2004

There are several things which distinguish the “diplomatic stage” from the preceding “domestic stage” aside from Malaysian mediation. Among these were some changes in the agenda and framework, the prominence and predominance of back-channel talks, the unduly long suspension of formal peace talks and of the negotiations itself, the increasingly important role of the Joint CCCH in the meantime, the parallel MNLF-MILF negotiations, multiple international involvement, and growing civil society participation. At the same time, as the expression goes, the more things change, the more they remain the same. Or some things just do not change. You have the bedrock positions of the parties, the repeat of a rush to a final peace agreement coupled with military pressure, and a tendency to backtrack on agreements and on the process.

For example, since August 1996, there have been already three series of exploratory talks. The current third one in a series makes one wonder whether this is still for a continuation of the second stage, the “diplomatic stage” so far, *or* for the opening of a new, third stage. For now, we consider it of the former kind since the agenda and framework are still that of

“diplomatic stage” thus far. It is still basically GRP-MILF peace negotiations with Malaysian mediation. A watershed international event, 9/11, and the launching of the U.S.-led global war on terror, occurred in the middle of the formal phase of the negotiations and has impinged on it ever since. We hope to discuss all these dimensions in the following sections, some in later parts of this paper, as well as try to give an inside view of the dynamics of the negotiations during this “diplomatic stage.”

H. Nuancing the Framework and Agenda

The *Agreement on the General Framework for the Resumption of Peace Talks* (AGFR) dated 24 March 2001 contained a number of important, nuanced guiding points:

1. The parties agreed to continue the peace negotiations “from where it had stopped before April 27, 2000” (Article I). This is the date of the *Aide Memoire* and start of the “all-out war.” Relatedly, the parties agreed to “honor, respect and implement all past agreements,” to which was added in handwriting at the time of the signing “Details of implementation shall be discussed by the Panels” (Article IV). The AGFR also noted prefatorily the two most important agreements of the preceding “domestic stage:” the general ceasefire agreement (AGCH), and the general framework agreement (GFAI) (third prefatory clause).

2. The parties agreed to “undertake relief and rehabilitation measures for evacuees, and joint development projects in the conflict affected areas” (Article VI), because they hold “a common belief that the resumption of the peace negotiation should go hand in hand with relief, rehabilitation and development efforts” (last prefatory clause). This is something new that was absent in the preceding “domestic stage.”

3. The parties committed themselves to “mutual trust, justice and freedom, and respect for the identity, culture and aspirations of all peoples of Mindanao” (Article VII). This is a reiteration of a similar phrase in the GFAI, one of several common grounds there. Relevant to this, the AGFR acknowledged “the ascendancy of moral and spiritual development as the primary foundation of socio-economic and political development of all the people in Mindanao” (fifth prefatory clause). This reflects a recognition of the Islamic aspirations that are very much at the heart of the MILF question.

The honoring of all past agreements, one of three MILF conditions for the resumption of peace talks, was ticklish because those included the two joint acknowledgements of seven major MILF camps, the most contentious issue of the preceding “domestic stage.” When the MILF chief negotiator raised the return of MILF camps because of past agreements, the GRP negotiators refused on the ground that they could not handle this politically and that present realities were that there were no more identified MILF camps. So, the MILF chief negotiator said they will not raise it. But the GRP negotiators could not disagree in principle with a provision on honoring all past agreements, especially in front of the Malaysian facilitators. The “remedy” was to add in handwriting a second sentence “Details of implementation shall be

discussed by the Panels.” This would open some room for flexibility, including understandings on how to handle the thorny issue of MILF camps like as Muslim communities.²²

That out of the way, the next significant agreement was the *Tripoli Peace Agreement* of 22 June 2001, not a final peace agreement but also a framework agreement and referred to as the “mother agreement” of so far two implementing guidelines.²³ It provided a framework of three aspects: (a) security, (b) rehabilitation, and (c) ancestral domain. But before going into these three aspects, there are several significant references and formulations, some prefatory and some under the security aspect, in the *Tripoli Peace Agreement* which have framework implications:

1. A recognition of “the Bangsamoro homeland” (first prefatory clause), showing that it is not necessarily incompatible with Philippine territorial integrity.
2. First-time reference to the Tripoli Agreement of 1976 and the Jakarta Accord of 1996 between the GRP and the MNLF, and the latest OIC Resolution which, among others, urges the GRP and the MILF to pursue peace talks (third prefatory clause). The two agreements and the OIC connote an autonomy framework. It remains to be seen though whether this will be the outcome. A key MILF negotiator lists the two agreements as art of the “Frameworks Document” for a negotiated political solution.²⁴
3. A recognition of “the Bangsamoro people and other indigenous people” (last prefatory clause). The latter would refer to the Lumad or indigenous highlander tribes of Mindanao. “Other” also implies that the Bangsamoro people are indigenous people, and therefore indigenous peoples’ rights (but not necessarily or mainly the Philippine Indigenous Peoples’ Rights Act [IPRA] of 1997) may be a relevant framework for the solution of the Bangsamoro problem. But the parties have yet to use the term and concept of “tri-peoples” of Mindanao, a contested concept,²⁵ where the third people are the now majority Christian settlers/migrants and their descendants. In contrast, the Jakarta Accord or the final peace agreement with the MNLF acknowledges the tri-people approach in an indirect and limited manner.²⁶
4. The references to “the incremental characteristics of the peace process” (Part A, opening paragraph) and then the “progressive resolution of the Bangsamoro problem.” (Part A, para. 1). “Incremental” means accumulative of its gains, including past agreements. “Progressive” connotes gradualness and stages of moving forward, and one might also add the opposite of reactionary or conservative. One recent analysis was that “At the core of the MILF negotiating strategy are the ideas of incrementality and irreversibility – that each agreement

²² The information in this paragraph is based on separate interviews with GRP negotiators Sec. Silvestre C. Afaible and Sec. Eduardo R. Ermita, and MILF Peace Panel Chairman Al Haj Murad Ebrahim in 2002.

²³ For a paragraph-by-paragraph annotation of the Tripoli Peace Agreement, with some references to its subsequent implementing guidelines, see Soliman M. Santos, Jr., “A Peace Advocate’s Annotation of the Tripoli Peace Agreement” (27 May 2002).

²⁴ Michael O. Mastura, “Just Peace: Understanding the Frameworks Document” (8 July 2003).

²⁵ See Adam Rudkin, Initiatives for International Dialogue, “The Politics of Identity in Mindanao: ‘Tri-people’ and its Limitations” (n.d.).

²⁶ In the provision for three SPCPD Deputies for Muslims, Christians and cultural communities (para. 4), and in an educational provision on Muslim, Christian and indigenous cultures (para. 103).

represents a small and cumulative step forward.”²⁷ For the MILF, this is drawn from the Islamic principle of *tadrij* (gradualism).²⁸ Honoring past agreements also reflects irreversibility. This cannot be emphasized enough because of the experience of reversal on the ground of agreements made at the negotiating table.

5. The references to “consultations with the Bangsamoro people” and “open(ing) new formulas that permanently respond to the aspirations of the Bangsamoro people for freedom” (Part A, para. 2). Significantly, the consultations specify the Bangsamoro people though this does not preclude consultations with the Filipino or Mindanaoan peoples. For the MILF, the specification of the Bangsamoro people is for their exercise of self-determination such as through the particular consultation mechanism of referendum. The second phrase on opening new formulas for a permanent solution to the Bangsamoro problem is at least encouraging for “thinking out of the box,” including the constitutional box.

Just from the foregoing five references and formulations, one can glean the give and take in the negotiations. In the AGFR, the parties agreed to continue the peace negotiations “from where it had stopped before April 27, 2000.” Yet, there is no mention of the nine-point agenda at that time *starting with* ancestral domain. What we have now is the *Tripoli Peace Agreement* framework of three aspects *ending with* ancestral domain. What does this mean?

I. Three Aspects for Now

As we said, the *Tripoli Peace Agreement* provided a framework of three aspects: (a) security, (b) rehabilitation, and (c) ancestral domain. This “mother agreement” gave birth to at least two implementing guidelines on these aspects: (a) security (mainly the ceasefire); and (b) humanitarian, rehabilitation and development (the humanitarian aspect here involving human rights and international humanitarian law).

The security and rehabilitation aspects are preliminary, atmosphere- and confidence-building issues but the ancestral domain aspect is a substantive issue that would presumably be part of any final peace agreement. There has been no interim agreement or implementing guidelines on the details of the ancestral domain aspect although there have been discussions and exchanges of position papers at least on the technical committee level. Contrary to some impressions, the ancestral domain aspect is *not the last* substantive agenda item for the peace talks because in itself it does not constitute a political solution which is a system of life and governance. It can, however, involve some political issues, unlike the security and rehabilitation aspects, and it will have to relate to the political aspects of the solution.²⁹

It is still possible that after ancestral domain, the peace talks could also take up other points in the old nine-point agenda before tackling the political aspects,³⁰ following the MILF’s negotiating strategy during “domestic stage” of dissecting the Bangsamoro problem in its various issues and concerns eventually leading to a political solution. The MILF Draft Proposal for

²⁷ ICG Report 6.

²⁸ Text message of Datu Michael O. Mastura, MILF peace negotiator, on 7 September 2004.

²⁹ Interview with Al Haj Murad Ebrahim, Chairman, Peace Panel, MILF on 18 September 2002 in Geneva.

³⁰ *Ibid.*

Implementing Guidelines on the Ancestral Domain Aspect mentions as one of its terms of reference the clustering of the nine-point agenda into six items, among which is Ancestral Domain/Agrarian Related Issues. More on the ancestral domain aspect and the GRP Draft Final Peace Agreement later.

In the *Tripoli Peace Agreement*, the security and rehabilitation aspects are explicitly linked in this way: “In order to pave the way for relief and rehabilitation of evacuees and implementation of development projects in the areas affected by the conflict, the Parties agree to implement the GRP-MILF Agreement on the General Cessation of Hostilities dated July 18, 1997” (Part B, para. 4). This was referred to by GRP Peace Panel Chairman Jesus G. Dureza in media interviews as “truce for development,” one might say an improvement on the usual truce just for negotiations. This ties in with the AGFR’s concept of negotiations going hand in hand with development.

GRP back-channel negotiator Afable also explained another angle about this concept. This is related to the creative handling of the thorny issue of the return to MILF camps already acknowledged in some past agreements. The idea is to treat these instead as Muslim or even Islamic communities where returning evacuees could be beneficiaries of rehabilitation and development. In this context, “joint development projects in the conflict affected areas” (AGFR, Article VI) naturally falls into place.³¹ In so far as the issue of MILF camps is ceasefire-related (e.g. originally for determination of ceasefire coverage areas), then we might also speak of “development for truce.” Even before the MILF camps were captured in the “all-out war,” there was already a scheme by the Estrada administration to transform them into economic zones, a scheme which is being considered by the Arroyo administration for the more recently captured Buliok complex.³²

During the formal phase, the parties produced implementing instruments on the security aspect: the *Implementing Guidelines on the Security Aspect of the Tripoli Peace Agreement*, and the *Manual of Instructions for CCCH and LMTs*. Then in the next back-channel phase, additional security measures were the *Joint Communique on Criminal Interdiction* and some provisions in the *Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of the Tripoli Peace Agreement*. All told, the thrust has been to strengthen the old existing general ceasefire agreement, the AGCH, through several mechanisms:

1. The OIC Monitoring Team which more recently would take the form of the Malaysian-led International Monitoring Team (IMT) which is in the process of being constituted. The monitoring team is to observe and monitor the implementation of all GRP-MILF agreements, though presumably mainly the AGCH, and coordinate its monitoring activities with the CCCH of both parties through their panels.

³¹ Interview with Sec. Silvestre C. Afable, Head, Presidential Management Staff, Office of the President, Philippines on 25 June 2002 in Manila.

³² Interview with Salem M. Adam, Ph.D., Secretary (Ambassador to the Philippines), Libyan People’s Bureau (Embassy), on 25 August 2004 in Makati City.

2. The existing GRP and MILF Coordinating Committees on Cessation of Hostilities (CCCH) which regularly hold Joint Meetings, mainly supervising and monitoring the *Implementing Guidelines on the Security Aspect of the Tripoli Peace Agreement*.

3. Local Monitoring Teams (LMTs) now performing the functions of the defunct Independent Fact Finding Committee and Quick Response Team, mainly conducting fact-finding inquiries on matters referred to it by either CCCH. The LMT at the provincial or municipal level is composed of five representatives from: the local government unit (LGU), the MILF Political Committee, NGOs nominated by the GRP, NGOs nominated by the MILF, and the religious sector chosen under mutual agreement.

4. A GRP-MILF Ad Hoc Joint Action Group (AHJAG) against criminal elements, to work in tandem with their respective CCCH and establish a quick coordination system. This is also still in the process of being formed.

5. Respect for human rights and observance of international humanitarian law (IHL), violations of which shall be acted on by the GRP-MILF Joint CCCH. Regarding human rights, the GRP shall grant recognized human rights agencies and organizations full access to monitor the human rights situation. Regarding IHL, the parties will cooperate fully with the International Committee of the Red Cross (ICRC) and provide information through its tracing mechanism for missing persons.

J. Rehabilitation+++

As we said, it was already in the back-channel phase when the parties were able to agree on the *Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of the Tripoli Peace Agreement*. Though the relevant part of the mother *Tripoli Peace Agreement* during the formal phase is titled only “Rehabilitation Aspect,” the four paragraphs under it actually cover also humanitarian and development aspects *and more*, such as political (self-determination) and security (ceasefire) aspects. This is best exemplified by Paragraph 1 which contains three distinct items:

1. “Observance of international humanitarian *law* and respect for internationally recognized human rights *instruments*”³³ (italics supplied) In the *Implementing Guidelines*, this is delimited by the qualifier “entered into by the Government of the Republic of the Philippines” introduced at the instance of the GRP. Nevertheless, such human rights and IHL instruments are significantly made available as tools to solve the Bangsamoro problem.

2. “Protection of evacuees and displaced persons,”³⁴ followed by the strange phrase “in the conduct of their relations.” Protection connotes security rather than relief and rehabilitation.

³³ The reference here to *law* and *instruments* is of a higher level than in the GRP-NDF comprehensive agreement on human rights and IHL, the CARHRIHL, where the reference is only to *principles* of human rights and IHL.

³⁴ Relevant to this is international refugee law which has lately been treated as distinct from international human rights law.

3. “The Bangsamoro people’s fundamental right to determine their own future and *political status*” (italics supplied). This is a restatement of the right of self-determination³⁵ (RSD), the key concept (more than ancestral domain) for approaching the Bangsamoro question.

Paragraph 2 under “Rehabilitation Aspect” of the *Tripoli Peace Agreement* contains the key and most controversial provision of the formal phase extending to the back-channel phase of the GRP-MILF peace negotiations: “The MILF shall determine, lead and manage rehabilitation and development projects in conflict affected areas...” In the *Implementing Guidelines*, for this to be done, the MILF “will establish a project implementing body, which will have the power and function to receive and disburse private and GRP funds,” in which latter case, “it will observe pertinent Government rules and procedures.” The MILF project implementing body eventually took the form of the Bangsamoro Development Agency (BDA).³⁶ Though referred to as the MILF development arm, the BDA is not considered part of the MILF but rather as an MILF-initiated NGO.³⁷

The *Implementing Guidelines* further provide that “Consistent with GRP’s resolve to task the Autonomous Region of Muslim Mindanao (ARMM) as its primary implementing agency for development, the ARMM shall enter into contractual relations... with the MILF project implementing body.” A similar arrangement applies outside ARMM areas covered by other government development agencies.

Paragraph 3 under “Rehabilitation Aspect” of the *Tripoli Peace Agreement* provides that “The Parties shall safely return evacuees to their place of origin... as well as allow them to be awarded reparations for their properties lost or destroyed by reason of the conflict.” In the *Implementing Guidelines*, the award of reparations is elaborated thus: “The GRP shall award reparations for the properties lost or destroyed by reasons of the conflict, upon reasonable proof thereon as mutually verified and acknowledged by both parties.” The awarding by the GRP of reparations became controversial not so much during the negotiations itself as during the Congressional hearings on these recent agreements with the MILF.

Paragraph 4 under “Rehabilitation Aspect” of the *Tripoli Peace Agreement* was already referred to above in the context of “truce for development,” thus the parties’ agreement to implement the general ceasefire agreement, the AGCH. We shall address the ground implementation of the rehabilitation and development aspect as well as the security or ceasefire aspect in the next section of this paper.

³⁵ As defined in common Article 1.1 of the two great international human rights covenants: “All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.” Interestingly, this right is one of the four paramount considerations in the Philippines’ *relations with other states*, per the 1987 Philippine Constitution, Art. II, Sec. 7 on the state policy of an independent *foreign policy*. The three other paramount considerations are national sovereignty, territorial integrity, and national interest.

³⁶ See Dr. Danda M. Juanday, “Human Development and Peace Building: the BDA Case Study” (Paper presented at the SEACSN [Southeast Asia Conflict Studies Network] Conference 2004 “Issues and Challenges for Peace and Conflict Resolution,” Penang, Malaysia, 12-15 January 2004). Dr. Juanday is the Executive Director of the BDA.

³⁷ A similar arrangement is that of the Tamil Rehabilitation Organization (TRO) in relation to the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka.

K. The Negotiations: from Quick Upturn to Long Downturn

The pre-resumption (November 2000-March 2001) and formal (April 2001-February 2002) phases of the “diplomatic stage” of the GRP-MILF peace negotiations with Malaysian third-party facilitation were fast and productive on the whole. Four interim agreements (the resumption framework agreement, the framework *Tripoli Peace Agreement*, the security aspect implementing guidelines, and the ceasefire manual of instructions) plus an MILF-MNLF unity agreement were produced in a period of only seven months (March-October 2001). The first two interim agreements in particular provided a good framework for the negotiations and for the peace process itself. This included negotiation going hand in hand with relief, rehabilitation and development which in turn require an effective ceasefire.

In the resumption framework agreement, the AGFR, the parties formally acknowledge Malaysia for hosting and facilitating the dialogue. As early as the pre-resumption phase, the pattern of Malaysia’s third-party facilitator role had been set: as go-between the GRP and the MILF peace negotiators who would course their propositions and positions to each other through the Malaysian secretariat at the Office of the Prime Minister (OPM). “This was how the negotiations were conducted.”³⁸

Notwithstanding more agreements on security than on relief, rehabilitation and development, it was the latter which the key negotiators of the GRP (especially its back-channel negotiators) and MILF, and the facilitators of Malaysia, were paying more attention to. This is in accordance with their tripartite confluence on an economic development approach to the peace process, at least at this stage. It is not a bad idea. Beyond the respite provided by an effective ceasefire, the concrete benefits provided by economic development would not only address the people’s living needs but also generate goodwill, support and constituency for the peace process.

MILF Peace Panel Chairman Murad didn’t mind waiting longer for a ripe time to discuss the political issues, including the political aspects of ancestral domain. The idea was to create the right atmosphere to discuss it. It is better to have some implementation first on the ground, especially on rehabilitation and development, so that people will feel good something is happening. This would lessens tensions in the discussion of political issues.³⁹

The back-channel phase (March 2002-February 2003) turned out over-all to be slower and less productive than the formal phase. Although the newly mandated GRP back-channel negotiators broke the seven-month impasse (October 2001-April 2002) on the issue of MILF determining, leading and managing development projects within two months after they took over, it was downhill after that, starting with Philippine Congressional investigations⁴⁰ on the

³⁸ Remark of Atty. Lanang S. Ali, MILF legal counsel and peace negotiator, during an interview with Ghazali Jaafar, MILF Vice Chairman for Political Affairs and first Chairman of its Peace Panel, on 11 February 2001 in Sultan Kudarat, Maguindanao province.

³⁹ Interview with Al Haj Murad Ebrahim, MILF Vice Chairman for Military Affairs and Peace Panel Chair, on 18 and 20 September 2002 in Geneva.

⁴⁰ In the House of Representatives on 22 May, 29 May and 5 June 2002, and in the Senate on 28 May 2002. The author attended and took notes of all these congressional hearings, aside from another one in the Senate on 20 May 2003 on the trilateral (Malaysia-Philippines-Indonesia) agreement on terrorism.

latest agreements produced, namely the humanitarian, rehabilitation and development aspects implementing guidelines and the joint communique on criminal interdiction. There were no further interim agreements for nine months (June 2002-February 2003) until the dogs of war were unleashed again with the AFP's "Buliok offensive." And of course, none also with more reason for the ensuing suspension phase (February 2003-August 2004) of 18 months, as of this writing.

The "diplomatic stage" of the GRP-MILF peace negotiations started slowing down noticeably during the Third Round of Formal Peace Talks in October 2001 with the deadlock on the interpretation for implementation of the *Tripoli Peace Agreement* provision that "The MILF shall determine, lead and manage rehabilitation and development projects in conflict affected areas..." It is probably not coincidental that the deadlock and slowdown in the GRP-MILF peace talks in October 2001 happened in the month following 9/11 and the U.S. launching of its global war on terror, opening its first front of that war that same month (October 2001) in Afghanistan. This U.S.-led global war on terror has impinged on Philippine and Mindanao peace processes ever since, and we shall discuss the issue of terrorism and the peace process in Southern Philippines⁴¹ later. But the slow down or downturn in the GRP-MILF peace negotiations also had its own internal impetus or dynamic.

For the MILF, the issue of determining, leading and managing rehabilitation and development projects was a matter of learning from the problematic implementation of the 1996 GRP-MNLF Peace Agreement wherein the MNLF did not have leadership over projects. And so the MILF wanted to assert such leadership in its own case. This could also be interpreted in the light of the right of self-determination with an aspect of governance. The more progressive-minded back-channel negotiators of the GRP took a liberal view about this, sensitive to long-held Bangsamoro aspirations. So, their strategy was to bring the MILF into a model where they would have a substantial role.⁴²

But the more conservative sectors in the Philippines, including in the GRP peace panel, instead saw in that and other provisions like the "implementation of all past agreements," the "awarding of reparations," and the "OIC Monitoring Team" all sorts of specters like belligerency status, return of MILF camps, reversal of military victory and sacrifices, and sovereignty issues.⁴³ These issues or non-issues were exploited by the strongest objectors who were actually fundamentally opposed to a peace process and settlement with the MILF, favoring instead a military approach and victory against them, in which case a settlement would then be all right because the GRP could impose its terms.

History repeating itself, the "Buliok offensive" was proximate to the release of the GRP Draft Final Peace Agreement. Instead of fast-tracking a settlement, the "Buliok offensive" has instead resulted in a prolonged suspension of the peace negotiations during the "diplomatic

⁴¹ Such as articulated in the ICG Report.

⁴² Interview with Sec. Silvestre C. Afable, Head, Presidential Management Staff, Office of the President, Philippines, and GRP back-channel negotiator, on 2 June 2002 in Manila.

⁴³ For a critical commentary on these issues, see Soliman M. Santos, Jr., "The Recent MILF Agreements, Belligerency Status, International Law and the Philippine Constitution," *Philippines Free Press*, 28 December 2002, pp. 24-26.

stage,” 18 months, already twice longer than the nine months of suspension resulting from the bigger “all-out war” during the “domestic stage.” The current suspension is unusually long.⁴⁴ To be sure, certain transitional developments involving all key players unavoidably contributed to that: the U.S. entry into the negotiations scene, the demise of long-time MILF Chairman Hashim, the retirement of Malaysian Prime Minister Dr. Mahathir Mohamad, and the long Philippine election period from campaigning to proclamation spanning the first half of 2004. After that, two full months (July-August 2004) so far have been spent reorganizing the government’s political departments, the President’s Cabinet and the two houses of Congress.

The main stumbling block issues for a (second) resumption of peace negotiations – AFP withdrawal from Buliok complex, dropping of criminal charges against MILF leaders for the Davao bombings, and MILF disengagement of any links to the *Al Qaeda*-affiliated *Jemaah Islamiyah* (JI) – are not at all substantive issues of the Bangsamoro problem but issues of trust and confidence. Major trust, at least from the MILF perspective, has been broken twice within a period of three years, and so its two demands for resumption are some sort of test of seriousness of the GRP. The thinking in the MILF is that if the GRP cannot comply or deliver on small agreements or matters, then what more when it comes to big agreements on substantive issues.⁴⁵

The GRP for its part also wants proof of the MILF’s avowed renunciation of terrorism and terrorist links, a major concern of the GRP⁴⁶ because of its strong alignment with the U.S.-led global war on terror. It has thus calibrated or graduated its responses to the MILF’s two demands for resumption, e.g. partial or gradual withdrawal from Buliok, and suspension of warrants of arrest in lieu of dropping of criminal charges. Seen as significant initial proof of MILF help in the war on terror is its intelligence cooperation for the recent (13 August 2004) AFP air strike which hit the U.S.-listed “foreign terrorist organization” Pentagon gang leader Tahir Alonto and his companions at their hideout in Liguasan Marsh, generally considered an MILF area.⁴⁷

The current suspension phase, while overly long and tortured,⁴⁸ at least saw efforts to keep some momentum for the peace process, at the lower and ground levels. Even more encouraging than the high-level exploratory talks and back-channeling efforts to get the peace negotiations back on track, were the regular Joint Meetings of the GRP-MILF CCCH⁴⁹ and its reactivation and strengthening of LMTs. The Joint CCCH in particular has achieved a certain level of confidence-building and effectivity under the chairmanships of AFP Vice-Chief of Staff

⁴⁴ But not as long as the usual suspensions of the GRP-NDF peace negotiations.

⁴⁵ Interview with Abhoud Syed M. Lingga, Executive Director, Institute of Bangsamoro Studies, on 31 July 2004 in Manila.

⁴⁶ As articulated by GRP peace negotiator (recently Defense Secretary) Sec. Eduardo R. Ermita in various fora. See ‘They [MILF] have not shown any proof that they have helped,’ an interview with Defense Secretary Eduardo Ermita in *Newsbreak*, May 10, 2004, p. 28.

⁴⁷ MILF spokesperson Eid Kabalu was quoted as saying “This is part of our commitment to help the government against organized crime and terrorism... It has been coordinated with the joint ceasefire committees and we approved it.” He said the MILF itself provided the military information on Tahir’s whereabouts. See “Bombs kill 17 terrorists: AFP hits Pentagon’s lair in Maguindanao,” *Philippine Daily Inquirer*, 14 August 2004, p. A1, A20.

⁴⁸ See e.g. Oreo Santelmo, “Scuttling the gains, globalizing the conflict: The 2003 Yearend Report on the GRP-MILF Peace Process,” *Bantaaw*, Vol. 17 No. 1-2, 2004, published by AFRIM.

⁴⁹ A compilation of the Joint Statements for 20 meetings of the Joint CCCH from January 2002 to August 2004 was provided the author by the GRP Peace Panel Secretariat now headed by Ryan Mark B. Sullivan.

Rodolfo C. Garcia for the GRP and Benjie Midtimbang for the MILF, both well-respected in their respective military organizations and even by the other side. It has therefore played an increasingly important role in the whole process.

Furthermore, the mutual ceasefire agreement of July 2003 has largely held in terms of ground implementation for more than one year already, quite remarkable considering the history of recurrent AFP-MILF hostilities. There have been only small and minor skirmishes and incidents, some of which are more of local feuds. In watching the ceasefire, the Joint CCCH and the LMTs have welcomed the reinforcement by the civil society-led “Bantay Ceasefire” which conducted four missions in 2003.⁵⁰ This best exemplifies growing civil society participation in the GRP-MILF peace process, but more on this later. Together with the coming Malaysian-led IMT, this should consolidate an effective ceasefire.⁵¹

What has not moved as fast in terms of ground implementation are the rehabilitation and development projects in conflict affected areas which, by agreement, the MILF is supposed to determine, lead and manage through the BDA. Its two meetings with its GRP counterpart IATWG in late 2002 have not been followed by further meetings. During the 5th Exploratory Talks in February 2004, both panels agreed on a mechanism to extend capacity-building programs for the people in conflict-affected areas through the BDA. Likewise, the panels agreed to work closely with the World Bank in implementing the joint needs assessment (JNA) phase of the Multi-Donor Trust Fund (MDTF) intended for the rehabilitation and development of the conflict affected areas. In this regard, the BDA shall represent the MILF. The MILF hopes to tap Moro professionals in development work into the BDA.⁵²

The long downturn in the GRP-MILF peace negotiations should be, and will be, reversed soon enough. But it would do well for all concerned to remember the mistakes of the past so as not to be condemned to repeat them.

L. Formal vs. Back-Channel, and Other Dynamics

The “diplomatic stage” of the GRP-MILF peace negotiations saw the prominence and predominance of back-channel talks, and the dynamics between the regular peace panel and the back-channel negotiators, especially on the GRP side, adding to the complexity of the whole process. A Filipino diplomat defined back-channeling as “meaning normal, e.g. diplomatic, channels are not used.”⁵³ Another Filipino who is an international expert on conflict-resolution

⁵⁰ See *Bantay Ceasefire 2003: 2003 Reports of the Grassroots-Led Missions Monitoring the Ceasefire between the Philippine Government (GRP) and the Moro Islamic Liberation Front (MILF)*, available from the Initiatives for International Dialogue (IID), secretariat for the Mindanao People’s Caucus (MPC), in Davao City.

⁵¹ See Froilan Gallardo, “Guardians of Peace: Local and international monitors want to make this work this time,” *Newsbreak*, May 10, 2004, p. 32; and Marites Danguilan Vitug, “New Tack in Peace Talks: Malaysia plays ‘strongest role’ as peacemaker,” *Newsbreak*, May 10, 2004, pp. 29-30.

⁵² See Vitug, “New Tack in Peace Talks.”

⁵³ From a conversation with Philippine Ambassador to Malaysia Jose S. Brillantes during his Embassy’s celebration of Philippine Independence Day on 12 June 2002 in Kuala Lumpur.

described it as a process of “creating lines of communication or keeping them open, or creating safe passages for differences of opinion, usually through trusted emissaries.”⁵⁴

To be sure, as pointed out by key GRP back-channel negotiators, “there’s always a back-channel in any peace negotiation,”⁵⁵ and in this particular one, it was “back-channeling from the start.”⁵⁶ In fact, one said that the success of peace negotiations are “all achieved by back-channelers.”⁵⁷ Another described this particular back-channeling as “like the negotiation in itself.”⁵⁸ The Libyan Ambassador who facilitated some of these back-channel talks also said that, for practical purposes, “everything is back-channeling,” especially whenever there are the expected deadlocks in the negotiations. This usually takes the form of informal consultations by the facilitator(s) at first separately with each side in order to work out a compromise until it can just be formalized as an agreement or consensus point at a formal session with both sides, and this has proven to be very effective.⁵⁹

Be that as it may, the back-channel talks took more than the usual prominence and predominance. They are supposed to be low-profile and even invisible or secret but that was hardly so here. That back-channeling was underway or on-going in lieu of the regular channel is even announced in the media. The starkest example of back-channeling prominence was the back-channel talks on 5-7 May 2002 in Cyberjaya and Kuala Lumpur which had all the trappings and ceremonies of formal peace talks. Some in the MILF refer to it as the unofficial fourth round of the formal peace talks during the “diplomatic stage” so far. It was not just prominence but also predominance, shown especially in the dynamics between the regular peace panel and the back-channel negotiators on the GRP side.

The GRP peace panel which was reconstituted for the “diplomatic stage” in February 2001 was initially an all-Mindanaoan and all-civilian background panel headed by Sec. Jesus G. Dureza, Presidential Assistant for Mindanao Affairs. The two GRP back-channel negotiators, formally appointed in March 2002 but involved much earlier, were Sec. Norberto B. Gonzales, Presidential Assistant for Special Concerns, assisted by Usec. Silvestre C. Afable, Head, Presidential Management Staff. On top of the peace negotiations for the GRP was Sec. Eduardo R. Ermita, Presidential Adviser on the Peace Process (PAPP). Back-channelers Ermita and Afable would eventually also chair the GRP panel in the later stages, Afable being the current chairman. On top of the PAPP is its principal, the President (Arroyo), and/or her Cabinet Oversight Committee on Internal Security (COC-IS) headed by Executive Secretary Alberto G.

⁵⁴ Brief telephone interview with Ed Garcia, Senior Policy Advisor, International Alert, on 3 September 2002 in Quezon City.

⁵⁵ Interview with Sec. Silvestre C. Afable, Head, Presidential Management Staff, Office of the President, Philippines on 25 June 2002 in Manila.

⁵⁶ Interview with Sec. Norberto B. Gonzales, Presidential Adviser on Special Concerns, Office of the President, Philippines on 6 June 2002 in Manila.

⁵⁷ Ibid.

⁵⁸ Interview with Al Haj Murad Ebrahim, MILF Vice Chairman for Military Affairs and Peace Panel Chair, on 18 September 2002 in Geneva.

⁵⁹ Interview with Salem M. Adam, Ph.D., Secretary (Ambassador to the Philippines), Libyan People’s Bureau (Embassy), on 25 August 2004 in Makati City.

Romulo but with Defense Secretary Angelo T. Reyes as its most influential member. Only Ermita and Reyes were of military background.⁶⁰

The MILF peace panel for the “diplomatic stage” was chaired for the most part by Al Haj Murad Ebrahim, Vice Chairman for Military Affairs, until he replaced the late Salamat Hashim as MILF Chairman. The current panel chairman is Mohagher Iqbal, Chairman, Committee on Information, Central Committee. The other mainstay MILF peace negotiators are three lawyers: its Legal Counsel Atty. Lanang S. Ali, Datu Michael O. Mastura, and Atty. Musib M. Buat who headed its Technical Committee. Murad, Ali and Iqbal were among the ones most involved in back-channeling. On top of the MILF peace panel and back-channel negotiators is the Central Committee headed until last year by its long-time Chairman Salamat Hashim.

Much has been said lately about factionalism in the MILF,⁶¹ but the MILF peace negotiators instead perceived a “power struggle” on the GRP side. On one hand were the back-channelers Gonzales and Afable under Ermita, on the other hand was the regular panel led by Dureza who usually consulted with Reyes. The MILF found Dureza as not having full authority to commit the GRP, could not sign without specific authority of the President, unlike the back-channelers who had a direct mandate from and access to the President (who at a certain point suspended the former to give full play to the latter). The back-channelers for the most part took a liberal or more accommodating view of MILF aspirations and moved faster, while Dureza tended to move slowly, more cautiously and conservatively, which some would also attribute to Reyes’ extraneous influence on the peace negotiations even though not directly engaged therein.⁶²

This GRP internal dynamics played itself out particularly on the issue of the MILF determining, leading and managing development projects, the most contentious issue during the “diplomatic stage” so far of the peace negotiations. In seeking the modality of implementation of that agreed point, Dureza wanted to put up a development set-up which was elaborate, following a consultation process. It would have provincial development committees with tri-people representation. This would take too long. It would have a partnership concept like the Southern Philippines Council for Peace and Development (SPCPD) for the MNLF. The MILF looked at such an elaborate system with suspicion. They were looking for control and authority, as connoted by the agreed terms “determine, lead and manage,” and so rejected a consultation model. And so Afable thought of an NGO-type project implementing body, and the parties eventually settled on this, not the MILF itself directly managing development projects but an MILF-initiated NGO, the BDA. Earlier, the lawyer Dureza had argued that the MILF has no legal personality to implement projects which is part of governance. The non-lawyer Murad had countered that the agreement itself provides the legality.⁶³

⁶⁰ Ermita subsequently took over from Reyes as Defense Secretary. Under the latest (August 2004) Cabinet reorganization by President Arroyo, Ermita is Executive Secretary, Reyes is Interior and Local Governments Secretary, and Romulo is Foreign Affairs Secretary.

⁶¹ See ICG Report 9-12.

⁶² Based on several interviews by the author mainly with MILF peace negotiators but also with the GRP back-channel negotiators in 2002.

⁶³ Ibid.

Of course, the tension did not end there. Indeed, some on the MILF side viewed the management of development projects as a form of governance and sovereignty, and that the BDA has a perspective of political authority. The opposite and equal reaction from the GRP side, even from back-channeler Ermita, to this thinking is for the GRP to show that it is in control, assert its authority as a government which should not default on it to non-state entities. Thus, it pushed the implementing guideline that the ARMM shall enter into contractual relations with the BDA in the context of the ARMM as the GRP's primary implementing agency for development in its region. Significantly, only this particular *Implementing Guidelines* is also signed by the ARMM Regional Governor Dr. Parouk S. Hussin of the MNLF as a witness. This of course relates to the GRP's negotiating strategy for its envisioned final peace agreement.⁶⁴

The jury is still out, as it were, on the verdict for which was the better track for the peace process, that of the "results-oriented" GRP (and MILF) back-channel negotiators or that of the "process-oriented" GRP regular peace panel led by Dureza. To be sure, there were trade-offs. Perhaps, only practice involving the BDA will tell in time. And that practice can still be shaped. We must not forget also that the development aspect represented by the BDA is merely supportive, in the overall scheme of things, to negotiating a solution to the Bangsamoro problem. And it is for this that the peace negotiations are supposed to resume for, hopefully wiser from seven years experience and learnings.

M. Ancestral Domain and Final Peace Agreement

First on the substantive agenda, upon resumption of the GRP-MILF peace negotiations, is ancestral domain, the third of the three aspects in the framework *Tripoli Peace Agreement*. Everybody expects this agenda item to be complex, difficult and contentious.⁶⁵ One can see it already by comparing the frameworks of reference of the parties. The MILF Draft Proposal for Implementing Guidelines on the Ancestral Domain Aspect, defines Bangsamoro ancestral domain as "all lands and areas, including the environment and natural resources therein of the Bangsamoro people, established through occupation, possession and dominion since time immemorial, by cultural bond, customary law, historic rights and legal titles." It enumerates this legal and historical basis as follows: Bangsamoro treaties with Spain and other foreign powers; international law and conventions; customary *adat* law and Islamic law and jurisprudence; and other historical documents during the Philippine revolutionary and American colonial periods. Some of these show the historical sovereignty of the Moros. From the MILF perspective, Bangsamoro ancestral domain is equivalent to the Bangsamoro homeland.⁶⁶

The GRP Draft Final Peace Agreement (FPA) contains a chapter on Ancestral Domain with this key provision: "The parties agree to recognize, protect, promote and develop the ancestral domains and ancestral lands of the Bangsamoro and Lumad communities in accordance with the Indigenous Peoples Rights Act (IPRA) and other pertinent national and customary

⁶⁴ Ibid.

⁶⁵ See Lualhati M. Abreu, "Rooted in the Bangsamoro Ancestral Domain, Anchored on Customary Adat and Islamic Thinking (The Bangsamoro Continuing Past)" (Paper presented at the SEACSN [Southeast Asia Conflict Studies Network] Conference 2004 "Issues and Challenges for Peace and Conflict Resolution," Penang, Malaysia, 12-15 January 2004).

⁶⁶ Interview with Datu Michael O. Mastura and Atty. Musib M. Buat, MILF peace negotiators on 18 May 2002 in Taguig, Metro-Manila.

laws.” In this regard, one of the GRP’s anticipated outcomes of the whole negotiations is to “ensure that the concerns of the indigenous peoples of Mindanao, in cognizance of the Muslim peoples’ affinity to the indigenous peoples’ sector, are appropriately addressed in accordance with the IPRA (RA 8371).”⁶⁷

The IPRA is a progressive enough law to indigenous peoples rights advocates but the MILF considers it inappropriate or inadequate for the Bangsamoro people which is not just an indigenous people (as in ethnic tribal communities) but a people in the full sense with a right of self-determination. For example, one Moro *Shari’ah* lawyer sympathetic to the MILF was quoted as saying “IPRA is a betrayal and a great departure from the inherent sovereign right of the Bangsamoro people to their ancestral domain.”⁶⁸ One can see a collision course but the discussion can only be instructive and interesting, including where it leads to.

Itself already a complex, difficult, and contentious substantive issue (even only in the context of indigenous peoples rights), ancestral domain is made more so by its possible linkage to territorial (e.g. homeland) and governance (e.g. self-rule) aspects of the Bangsamoro problem. The ancestral domain aspect is not necessarily the last substantive agenda item for the peace talks but it could be close to that if discussed comprehensively to fast track a final peace agreement, as indicated by the GRP Draft FPA.

The thrust of the GRP Draft FPA, particularly in its political aspect and governance structure, is for an outcome “lead(ing) to the enhancement of the system of autonomous governance for the Bangsamoro peoples within the context of the Philippine Constitution” through amendments to the Organic Act of the ARMM (RA 9054), especially proposed expansion and implementation of the *Shari’ah* law, and learning from the implementation of the 1996 GRP-MNLF Peace Agreement.⁶⁹ The nominally MNLF-led ARMM is the GRP’s preferred framework for a final peace agreement with the MILF based on power-sharing between the MNLF and MILF, their unity efforts being actually a parallel negotiation.⁷⁰ An interesting new (to the discourse) principle mentioned three times in the GRP Draft FPA is the policy of “multiculturalism” though this concept is not defined therein.

The question is whether this will satisfy the MILF avowed “end in view of establishing a system of life and governance suitable and acceptable to the Bangsamoro people.” A recent analysis is that “The prospects for a settlement are murky... Ultimately, each side seeks a different kind of solution. The Philippine government views economic development as the key to long-term stability, and that this will occur naturally once the guns fall silent. The MILF’s goals are irreducibly political – but Manila will never compromise on sovereignty.”⁷¹

⁶⁷ Sec. Eduardo R. Ermita, “Role of the Bishops-Ulama Conference in the Peace Negotiation” (Paper presented to the 21st BUC General Assembly, Pasay City, 18 August 2004).

⁶⁸ Atty. Datuolut L. Dagloc, as quoted in Abreu, “Rooted in the Bangsamoro Ancestral Domain” 13. Atty. Dagloc has written papers on IPRA and ancestral domain which have been published in *Homeland*.

⁶⁹ Ermita, “Role of the Bishops-Ulama Conference.”

⁷⁰ Interview with Sec. Norberto B. Gonzales, Presidential Adviser on Special Concerns, Office of the President of the Philippines, on 6 June 2002 in Manila.

⁷¹ ICG Report 8.

We end this long part on the history and dynamics of the GRP-MILF peace negotiations but of course these dynamics are seen in and related to the domestic players around, international involvement with, and main obstacles to the negotiations, which we shall now proceed to discuss more concisely. Mindanao historian, peace advocate and GRP peace negotiator Prof. Rudy B. Rodil once said, “Monitoring the GRP-MILF peace talks is like seeing a good movie with a very complex plot and numerous sub-plots woven into each other. One is never able to tell the rise and fall of the story or what the ending of each sub-plot will be until the next one comes around.”⁷²

One difficulty or complexity of the GRP-MILF peace negotiations are the *various plots or sub-plots* running parallel and sometimes converging with or impinging on it. The post-9/11 global war on terror is just one of these, perhaps the biggest plot. Then, there is of course the long-standing dynamic of Malaysian-Philippine relations. In the Mindanao peace process, there is the parallel track with the MNLF – including the leadership split and crisis, the Misuari affair, and the MNLF-MILF unity efforts. Related to this, is a sub-plot on MNLF, MILF and even GRP positioning for observer status in the OIC. Another issue, the main one, in the OIC has been the status of the implementation of the GRP-MNLF Peace Agreement of 1996, particularly whether the first phase under it may finally be declared completed with the passage of the new Organic Act for the ARMM in February-March 2001, around the time of the first resumption of the GRP-MILF peace talks. These same plots or sub-plots would likely carry-over into the second resumption.

II. THE PARTIES AND OTHER DOMESTIC PLAYERS

A. Government of the Republic of the Philippines

The Government of the Republic of the Philippines (GRP) represents the Philippine state or the Filipino nation-state, which includes the Filipino people, the great majority of which, about 90%, are of Western-Christian orientation. This orientation goes too for the national political and economic elite which dominates Philippine government and society. Thus, the Philippine state is usually described as weak in the sense that it is not autonomous from vested interests.⁷³ “By and large, it is the weakness of the Philippine state which stands as the critical issue of stability that any political leadership in the country will have to first contend with.”⁷⁴ But when it comes to the age-old Moro problem, it suddenly becomes a strong state, showing strong political will against Moro assertions of self-determination. The national elite and the majority Christian Filipinos, and their respective counterparts in Mindanao, easily close ranks and rally to the flag against the Moros. Unified reaction to the Moro problem is easily achieved

⁷² Rudy B. Rodil, “The Saga of the GRP-MILF Peace Talks: October 15, 1996-December 30, 1997,” <www.mindanao.com/kalinaw>, website of *Kalinaw Mindanao* (Mindanao Peace). For more on that saga, see also by the same author B.R. Rodil, “The Ups and Downs of the GRP-MILF Peace Talks” in *Bantaaw*, Vol. 12 Nos. 11-12, 1999.

⁷³ See e.g. Joel Migdal, *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World* (Princeton, New Jersey: Princeton University Press, 1988).

⁷⁴ Herman Joseph S. Kraft, “International Terrorism and the Weak State in the Philippines,” *NIAS nytt* No. 3, September 2003, pp. 19, published by the Nordic Institute of Asian Studies. This is a theme issue on “Terrorism in Southeast Asia.”

by invoking the paramount considerations of national sovereignty, territorial integrity, national unity, national security and national interest.

The island region of Mindanao, which includes Muslim Mindanao or Moroland, is the third of three major island regions⁷⁵ of the Philippine archipelago, one of the three stars in the Philippine flag, part of the “imagined community”⁷⁶ which is the Filipino nation-state. Mindanao is strategic for the Philippine economy and security. It provides 25% of rice production, 67% of cattle and tuna production, and more than 50% of corn, fish, chicken and pork requirements of the Philippines. It accounts for 100% of pineapple, rubber and banana exports; more than 50% of total foreign exchange earnings; 90% of plywood, veneer and lumber; 63% of nickel reserves; 48.3% of gold reserves; 38.5% of forest area; and 38% of farm land of the Philippines.⁷⁷ Mindanao is the southern backdoor of the Philippines which is also the front door to the East ASEAN Growth Area (EAGA) of Brunei, Indonesia, Malaysia and the Philippines (BIMP) and Muslim Southeast Asia. Mindanao, especially Muslim Mindanao, is proximate to strategic sea lanes and waters like the Sulu Sea and Celebes Sea between the South China Sea and the Philippine Sea.

National sovereignty is fundamentally expressed in the Philippine Constitution and on this basis, the political and legal authority of the national government over all parts of Philippine territory. The political system is a highly centralized presidential unitary system with limited local autonomy. Various peace negotiations, not only with the MILF, have had to reckon with the Philippine constitution and political system. Aside from a powerful President and the whole executive branch under her/him, the other important government bodies are Congress (the legislature), local governments, an Autonomous Region in Muslim Mindanao (ARMM), and the Armed Forces of the Philippines (AFP). It is the President as head of state, chief executive and commander-in-chief, and the AFP as the state’s main coercive arm constitutionally mandated now as “as the protector of the people and the state... to secure the sovereignty of the state and the integrity of the national territory,”⁷⁸ who are main players in the GRP when it comes to Mindanao war and peace, but not necessarily in that order of command and control. “Some opinion makers believe [the military] are the de facto determinants of official government policy in Mindanao, exercising strong influence over Presidents.”⁷⁹ As for the GRP peace panel, it is officially an extension of the President and sometimes unofficially an extension of the military. In the case of the recently elected President Arroyo, she has a new mandate for a full six-year term, which has the advantage of substantial time to clinch on-going peace processes on the Moro front presumably uninterrupted by a new presidential administration or a military coup. Restiveness within the military, not terrorism per se, is the main cause of instability in the Philippines.⁸⁰

⁷⁵ The other two are Luzon in the north and Visayas in the center. Thus, a popular “nickname” for the Philippines is “Luzviminda” for Luzon, Visayas and Mindanao.

⁷⁶ Benedict R. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 2nd ed., 1991).

⁷⁷ These selected “tiger” data of Mindanao were provided by leading Mindanao peace advocate and federalist Rey Magno Teves to the author in 1996.

⁷⁸ 1987 Philippine Constitution, Art. II, Sec. 3.

⁷⁹ Rufa Cagoco-Guiam, “Negotiations and detours: the rocky road to peace in Mindanao” in *Accord Update Issue 6* (2003), *The Mindanao peace process*, A supplement to *Compromising on autonomy*, 1.

⁸⁰ Kraft, “International Terrorism and the Weak State in the Philippines” 19.

The Philippine state and republic is itself a successor to and bears the mark of two colonial regimes: the Spanish in the 16th to 19th centuries, and American in the first half of the 20th century. These two colonial regimes had to successively contend with small but fiercely independent sovereign nation-states in the form of sultanates of the main Moro ethno-linguistic tribes (no imagined Moro nation or *Bangsamoro* yet). It was the Americans who were finally able by force of arms to unite Christian and Muslim Filipinos under a single government and sovereignty by 1913. At that time, an American colonial official in charge of Moro affairs defined the Moro problem as the question of “method or form of administration by which the Moros... can be governed to their best interest... for their gradual advancement in culture and civilization, so that in the course of a reasonable time they can be admitted into the general government of the Philippine islands as qualified members of a republican national organization.”⁸¹ One might say that the post-colonial Philippine government’s definition of the Moro problem remains essentially the same, including in its corresponding policy solution of national integration.

From the perspective of the Moro communities in the periphery of southwestern Mindanao and Sulu, the Philippine state is distant, alien and centered on the needs and interests of the national center in “Imperial Manila” and the Christian majority. It is effectively a “Filipino colonial state.”⁸²

B. Moro Islamic Liberation Front⁸³

The Moro Islamic Liberation Front (MILF) is presently “the main standard bearer of Moro aspirations... its struggle is principally a nationalist and territorial one, although religion has certainly served as a rallying call and focal point of resistance to the central government.”⁸⁴

⁸¹ Najeeb M. Saleeby, *The Moro Problem: An Academic Discussion of the History and Solution of the Problem of the Government of the Moros of the Philippine Islands* (Manila: Press of E.C. McCollough and Co., 1913), reprinted in *Dansalan Quarterly*, Vol. V No. 1, pp. 7, 23, published by the Gowing Memorial Research Center.

⁸² Miriam Coronel Ferrer, “The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict” (Paper presented at the SEACSN [Southeast Asia Conflict Studies Network] Conference 2004 “Issues and Challenges for Peace and Conflict Resolution,” Penang, Malaysia, 12-15 January 2004).

⁸³ Some good references on the MILF are Jubair from the MILF perspective; Thomas M. McKenna, *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines* (Manila: Anvil Publishing Inc., 1998); Part Two of Marites Danguilan Vitug & Glenda Gloria, *Under the Crescent Moon: Rebellion in Mindanao* (Quezon City: Ateneo Center for Social Policy & Public Affairs, and Institute for Popular Democracy, 2000); and Chapter 9 of Eric Gutierrez, et al., *Rebels, Warlords and Ulama: A Reader on Muslim Separatism and the War in Southern Philippines* (Quezon City: Institute for Popular Democracy, 2000). The last two are also good references on the MNLF, Abu Sayyaf, and the Mindanao conflict and peace process up to 2000. A recent significant masteral thesis on the MILF is Don Ferdinand A. Daquial, *The Jihad as a Factor in the MILF’s Struggle for Independence: Its Implications for National Security* (Masters in National Security Administration thesis, National Defense College of the Philippines, 2001). Two MILF or MILF-oriented regular periodicals are the monthly *Maradika* (Official Publication of the MILF Central Committee) and the bi-monthly *Homeland* (published by the Mindanao Homeland Development, Inc.). There are also the MILF websites www.luwaran.com and www.morojihad.com. Vitug has also regularly written interview-based articles on the MILF in the bi-weekly newsmagazine *Newsbreak* which she edits.

⁸⁴ Andrew Tan, “The Indigenous Roots of Conflict in Southeast Asia: The Case of Mindanao” in Kumar Ramakrishna and See Seng Tan (eds.), *After Bali: The Threat of Terrorism in Southeast Asia* (Singapore: Institute of Defence and Strategic Studies, 2003) 112.

These Moro aspirations are stated otherwise in the “Declaration of the Second Bangsamoro People’s Consultative Assembly,” representing the MILF’s several million-strong base in Central Mindanao, in this way: “An Islamic ideological paradigm has become the framework of our vision to establish a new nation in fulfillment of the quest to reassert our right to self-determination and freedom.”⁸⁵ The maximum long-term aspiration is an independent Islamic state for the optimum practice of Islam as a way of life and governance in predominantly Muslim areas, and which is seen as the ultimate solution to the Bangsamoro problem of Philippine colonialism. The MILF tendency is to exit or separate/secede from the Philippine system rather than to access it.

This brings the MILF into frontal conflict with the GRP. Aside from the constitutional challenge it represents, the MILF is also a formidable military challenge. Though presently considered only second to the communist-led NPA as a threat to national security, the MILF has a strength (number of fighters) estimated at more than 12,000 concentrated in Central Mindanao (compared to just under 12,000 for the NPA dispersed nationwide). And this force strength has remained basically intact after being subjected to two major AFP offensives within three years time, the “all-out war” of 2000 and the “Buliok offensive” of 2003. Before the “all-out war,” the MILF had 13 major fixed camps and 33 secondary ones on which basis it was oriented to semi-conventional warfare, including positional warfare with the AFP, producing some of its weapons, notably rocket-propelled grenades (which the NPA does not have) for use against AFP armored vehicles. The MILF has since shifted to more mobile guerrilla mode with base commands still using field camps more remote or hidden unlike before.

While holding on to its guns and the armed struggle option, however, it is clear that the MILF has made a strategic (not just tactical) decision to give the peace negotiations a chance, even a maximum chance, to achieve a negotiated political settlement or solution to the Bangsamoro problem. The best evidence of this is its persistence in staying with the peace negotiations track despite what it considers two “treacherous” major AFP offensives against it while there were ongoing peace negotiations, one of which offensives contributed to the eventual demise of its beloved founder, long-time chairman and ideological-spiritual leader Salamat Hashim.⁸⁶ It has also agreed to the general mode of a ceasefire accompanying the peace talks, in contrast to the communist-led NDF’s basic position of no ceasefire during peace talks until and unless there is a negotiated political settlement because an interim ceasefire could be disadvantageous in many ways to revolutionary forces. Unlike the NDF which adheres to an armed struggle primacy line, the MILF treats armed struggle and peace negotiations (“war by

⁸⁵ “Declaration of the Second Bangsamoro People’s Consultative Assembly” (2 June 2001, Simuay, Sultan Kudarat, Maguindanao, Mindanao), cited in Ferrer, , “The Philippine State and Moro Resistance.”

⁸⁶ On his life and political thought, see Abhoud Syed Mansur Lingga, *The Political Thought of Salamat Hashim* (MA Islamic Studies thesis, Institute of Islamic Studies, University of the Philippines, 1995). Hashim’s own seminal written work which has been the MILF guidebook is Salamat Hashim, *The Bangsamoro Mujahid: His Objectives and Responsibilities* (Mindanao, Bangsamoro: Bangsamoro Publications, 1985). His more recent thoughts, including on particular issues like the peace negotiations, can be found in several publications by the Agency for Youth Affairs (AYA)-MILF edited by AYA Chairman Nu’ain bin Abdulhaqq: *Salamat Hashim: The Bangsamoro People’s Struggle Against Oppression and Colonialism* (2001); *Salamat Hashim: Referendum: Peaceful, Civilized, Diplomatic and Democratic Means of Solving the Mindanao Conflict* (2002); and Books 1, 2 and 3 of *Free the Bangsamoro: A Compendium of Essays on MILF and Interviews with Chairman Sheikh Salamat Hashim* (2000).

other means”) at par as forms of struggle, and that historically the MILF has generally been on the defensive (unlike the tactical offensive mode of the NPA).⁸⁷

Another good indication of the MILF’s sincerity in the peace negotiations is the seriousness with which it has constituted its peace panels, and the obvious thinking, deliberation, studying, strategizing and preparation that they put into the negotiations. This is best exemplified by the caliber and contributions in the peace panel of its former chairman, then MILF Vice Chairman for Military Affairs (now Chairman) Al Haj Murad Ebrahim, and panel member Datu Michael O. Mastura who is not an MILF member but is one of the most respected and articulate Muslim Filipino intellectuals. Mastura also credits the wise guidance and strategic thinking of Hashim⁸⁸ who himself was also directly involved in some back-channel moves at various phases. They are confident of their negotiating position and skills, and are aware of regional politics.⁸⁹ Two “unusual” or “unexpected” political engagements of recent years tend to show diplomatic sophistication on their part.⁹⁰ One is the MILF’s formal tactical alliance (basically to avoid confrontations in the field) with the NDF, from which the MNLF had kept some distance during its time partly because of anti-communist sentiment in the OIC and partly because of the strong Filipino nationalist and statist orientation of the NDF. More recent is the MILF’s successful approach to the U.S. for involvement in the peace process, something which the staunchly anti-imperialist NDF would never do. Mainstream Filipinos, including nationalist activities, should realize that the MILF was a different way of thinking.

The group led by Hashim which formally became the MILF in 1984 initially broke away in 1977 from the MNLF⁹¹ which was then the main standard bearer of Moro aspirations (one might say this was the case from 1968 or 1972 up to at least 1996). The split was based on differences in ideological orientation, political strategy, personality clashes and ethnic allegiances.⁹² The MILF emphasized “Islamic” in its name as its ideology and orientation (more precisely, radical Islamic revivalist)⁹³ to distinguish itself from the secular-nationalist MNLF. This is also reflected in the educational backgrounds of their respective founding chairmen, Hashim at the Al-Azhar University in Cairo and the MNLF’s Nur Misuari at the University of the Philippines in Diliman, Quezon City, which also produced the founding chairman of the

⁸⁷ Interview with Mohagher Iqbal, Chairman, MILF Peace Panel, on 8 September 2004 in Pasig City.

⁸⁸ Interview with Datu Michael O. Mastura, MILF peace panel member, on 9 September 2004 in Makati City.

⁸⁹ Interview with Abhoud Syed M. Lingga, Executive Director, Institute of Bangsamoro Studies, on 31 July 2004 in Manila.

⁹⁰ MILF peace negotiator Datu Michael O. Mastura attributes this to Maguindanaon diplomatic tradition, and refers to Ruurdje Laarhoven, *The Maguindanao Sultanate in the 17th Century: Triumph of Moro Diplomacy* (Quezon City: New Day, 1989).

⁹¹ For more on the circumstances and issues of the split from the MILF perspective, see Jubair 154-56.

⁹² For some background and comparative presentation on the MNLF and MILF, see Soliman M. Santos, Jr., “The Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF)” in *The Media and Peace Reporting* (Pasig City: Office of the Presidential Adviser on the Peace Process, 2000) 81-115. On their treatment as two Moro streams, see Soliman M. Santos, Jr., *The Moro Islamic Challenge: Constitutional Rethinking for the Mindanao Peace Process* (Quezon City: University of the Philippines Press, 2001) 39-41.

⁹³ Among the main tenets or beliefs of Islamic revival are: (1) *Din wa Dawla* (religion and state) – no separation; *Qur’an wa Sunna* (the Holy Book and the way of the Prophet Muhammad) – return to these for authentic renewal; (3) Puritanism and Social Justice – as Islamic values and practices, rejecting Western cultural values and mores as alien to Islam; (4) *Hakimiyya* (Allah’s sovereignty) and *nizam al-Islam* (Islamic order or system) – where Shariah (Islamic law) is supreme and should replace Western law; (5) Jihad (holy war or inner struggle); and (6) Although Westernization is condemned, modernization as such is accepted but subordinated to Islamic beliefs and values.

CPP. Hashim belonged to the traditional (*datu*) and religious (*ulama*) elite, while Misuari was of the secular elite.⁹⁴ They had different leadership styles, with Hashim more consultative and Misuari more centralized. The *ulama* or Islamic scholars play a significant role in the leadership of the MILF but not in the MNLF. There are also the differences in main ethnic group base, with the Maguindanaos in Central Mindanao for the MILF and the Tausugs in the Sulu area for the MNLF, reflecting the respective spheres of the historical Maguindanao and Sulu sultanates, respectively. There are Maranaos, the other major Moro ethnic group, in the leaderships of both the MILF and MNLF although their area Lanao is proximate to the Maguindanao heartland of the MILF.⁹⁵

The split in 1977 was triggered by the collapse of the GRP-MNLF peace talks for the implementation of the 1976 Tripoli Agreement on autonomy. With this collapse, Misuari wanted to revert to armed struggle for independence, thereby setting aside the Tripoli Agreement, while Hashim was for exhausting the peace process for autonomy under the Tripoli Agreement. The MILF and the MNLF have therefore from time to time alternated their positions on political strategy (armed struggle vs. peace negotiations) and objectives (independence vs. autonomy). In the current conjuncture, the MILF (and possibly the MNLF-Misuari breakaway group) represents the independence track for the Moros, while the MNLF (the officially recognized entity) represents the autonomy track. At the same time, Murad and other top leaders of the MILF like Ghazali Jaafar and Mohagher Iqbal, who have both chaired the MILF peace panel, are from the secular elite who were Moro student activists like Misuari in the late 1960s,⁹⁶ and are more pragmatic and flexible than Hashim though he is still the role model of the MILF.

C. Moro National Liberation Front

The Moro National Liberation Front (MNLF), though eclipsed by the MILF as the main standard bearer of Moro aspirations, is still recognized as “the sole legitimate representative of Muslims in Southern Philippines (Bangsamoro people)” by the OIC where it has had long-standing political support initially from Malaysia, then more sustainedly from Libya and the Office of the Secretary-General in Jeddah, Saudi Arabia. It is the signatory party to the 1976 Tripoli Agreement and 1996 Jakarta Accord achieved under the auspices of the OIC to address, if not solve, “the Question of Muslims in Southern Philippines.” Following the Jakarta Accord, the MNLF (first through Prof. Nur Misuari, then through Dr. Parouk S. Hussin) has been at the helm of the regional government of the Autonomous Region in Muslim Mindanao (ARMM) which is also the Philippine constitutional entity to address the Bangsamoro problem. Some MNLF leaders have also successfully run for local government positions (e.g. city and provincial) but not yet successfully for national positions (e.g. senator). For some time, they were also at the helm of regional development bodies like the Southern Philippines Council for Peace and Development (SPCPD) and the Southern Philippines Development Authority (SPDA) until these were abolished. Perhaps more importantly, at the ground level, are MNLF mass base

⁹⁴ W.K. *Che Man, Muslim Separatism: The Moros of Southern Philippines and the Malays of Southern Thailand* (Quezon City: Ateneo de Manila University Press, 1990) 127-29. This is one of the best references on the Moro liberation struggle and the MNLF up to the 1980s.

⁹⁵ For the Moro tribal dynamics, see Abdulsiddik A. Abbahil, “The Bangsa Moro: Their Self-Image and Inter-Group Ethnic Attitudes,” *Dansalan Quarterly*, Vol. V No. 4, 1984, pp. 197 et seq.

⁹⁶ Ferrer, “The Philippine State and Moro Resistance.”

communities which have become “peace and development communities” benefiting from livelihood, cooperative and other projects.

The MNLF now represents a Moro stream of integration into the Philippine political and economic mainstream. Of course, the established autonomy for the Muslims in the Southern Philippines is a limited one subject to the control of the Philippine constitutional system, processes and institutions of national sovereignty. Still there are gains, incremental they may be, for the Bangsamoro people from the final peace agreement and its implementation. There are gains in terms of recognition, representation, participation, access and power-sharing. To start with, there is the official recognition by all parties, including the GRP and the OIC, of the “Bangsamoro people,” which signifies a certain status. The peace agreement’s provisions on a new autonomy are strong or relatively numerous in the areas of MNLF integration into the AFP and PNP with Special Regional Security Forces; regional autonomous government (executive, legislative, and administrative); representation in the national government; education including the *madrasah* (Islamic school); and economic system. The single biggest weak area is the provision on *shari’ah* (Islamic law) courts. But the MNLF has committed itself to the peace agreement and its implementation.

The MNLF’s cause or orientation now boils down to that. It has consciously adopted the path of “Liberation through Peace and Development,” away from armed struggle. It has basically demobilized from combatant mode but has not disarmed, an arrangement that has been mutually acceptable to both sides. With MNLF integration of up to 5,750 fighters into the AFP and up to 1,500 fighters into the PNP, or a total of 7,250 integrees, at least half of whatever strength it had, one can say that the MNLF has been substantially defanged. Not completely though because some fighters, much arms and a mass base still remain. This was illustrated by the revolt of the Misuari breakaway group in November 2001 even though this was crushed by the AFP, and Misuari was eventually arrested in and repatriated by Malaysia. The strength of this group has been too conservatively estimated at 400. This is just under the estimated strength of the Abu Sayyaf which it apparently has tactical cooperation with, understandable because of common Tausug ethnic allegiances and common areas of operation in the Sulu and Zamboanga provinces. It is therefore now also a threat group like the Abu Sayyaf, MILF and NPA, in that order of increasing threat, from the national security perspective.

Misuari revolted because he was being eased out of positions of authority like the ARMM regional governorship and even the MNLF chairmanship, with Philippine and even Malaysian government complicity. The government had apparently considered him to have become a liability to the ARMM and the implementation of the peace agreement because of his failed leadership. He in turn blamed the problems of the ARMM and the implementation of the peace agreement on lack of government support, especially in terms of budgetary funds, his main cause of frustration with government. From his perspective, it is the government which has in effect “abandoned” or “abrogated” the peace agreement unilaterally by implementing it “without the MNLF.” He has started to view the peace agreement,⁹⁷ even with its gains, as a “betrayal”

⁹⁷ See also Kenneth E. Bauzon, “The Philippines: The 1996 Peace Agreement for the Southern Philippines: An Assessment,” *Ethnic Studies Report*, Vol. XVII No. 2, July 1999. This critical assessment concluded “that while the Agreement conceded little by the GRP, it traps Misuari and the MNLF apparatus into a corner where it has compromised their ability to demand greater autonomy than that spelled out in the Agreement, much less ask for

or a “chain” from which the MNLF may be better off “unchained” – to pursue a “new phase” of the “struggle for independence” but preferably in a “peaceful, democratic way” where he “need not be in the forefront anymore.” But like before, he would “wait for the last final word” of the OIC, because “we cannot afford to be isolated from the Islamic world.”⁹⁸

Misuari’s grievances are shared by other MNLF leaders who feel they are being cut off or undercut by the government for some reason. A United Nations Development Program (UNDP) Senior Regional Governance Adviser for Asia noted in late 2002 that: “Throughout the MNLF there is a generalized perception not that the peace process is being concluded, but rather that the MNLF is being marginalized from participation in the peace process. This is further reinforced by GRP engagement of MILF at the same time of disengagement from Phase One relations with MNLF. In this context the MNLF (EC-15)-MILF alliance signed in Putrajaya, Malaysia on August 7th 2001, creating the ‘Bangsmoro Solidarity Conference,’ becomes very strategic for MNLF relations with the government.”⁹⁹ The MNLF is now split into four factions were one of the dividing issues is Misuari’s leadership: the Misuari group, the anti-Misuari Executive Council of 15 (EC-15), the anti-Misuari Islamic Command Council (ICC), and the pro-Misuari group of Alvarez Isnaji. An MNLF unity process is being supported by Libya. They are unified, however, against the government’s unilateral implementation of the peace agreement and in their view of the New Organic Act for the ARMM (R.A. 9054) as violating aspects of the peace agreement such as by placing strategic minerals under the national government.¹⁰⁰

Interestingly, though perhaps not surprisingly, Misuari’s stature has risen among his Tausug mass base after his short-lived revolt, capture and during his current detention. He seems to have become again a symbol of resistance and a victim of oppression, after losing much ground to Hashim as hegemonic leader of the Moro people and struggle, which Misuari was for most of three decades. What he was before cannot be overlooked.¹⁰¹ He was the founding father of the MNLF whose early and lasting contribution was to make the name “Moro” respectable and the basis of a common identity and consciousness as a nation (*Bangsa*) of the 13 disparate ethno-linguistic groups of Muslims in their homeland of Mindanao, Sulu and Palawan (Minsupala). It burst onto the Philippine scene in the early months of martial in 1972 as the Muslim rebel group leading the armed resistance in Mindanao. Through armed struggle, Islamic diplomacy and peace negotiations, the MNLF was the main vehicle for placing the Moro cause on the national and international agenda. This cause was articulated by Misuari as one “waged primarily in defense of the *Bangsa* (nation), the homeland, and Islam.” The MILF was founded as an instrument for the liberation of the Moro nation “from the terror, oppression and tyranny of

independence or return to the battlefield.” As part of his research, Bauzon had conducted a long interview with Misuari.

⁹⁸ This paragraph is mostly based on an interview with Prof. Nur Misuari, Chairman, Moro National Liberation Front, on 20 February 2002 in Sta. Rosa, Laguna, Philippines. At that time, he was writing a book to be titled *MNLF Unchained*.

⁹⁹ Dr. Paul Oquist, “Mindanao and Beyond: Competing Policies, Protracted Peace Process and Human Security” (23 October 2002) 23. He has been UNDP Senior Regional Governance Adviser for Asia and Coordinator, UNDP Paragon Regional Governance Programme for Asia.

¹⁰⁰ Interview with Atty. Randolph C. Parcasio, Legal Counsel, MNLF, on 30 May 2003 in Makati City.

¹⁰¹ Interview with Abraham L. Iribani, Assistant Secretary, Department of the Interior and Local Government, on 18 February 2002 in Quezon City.

Filipino colonialism,” and “to secure a free and independent state for the Bangsa Moro people,” and “to see the democratization of the wealth in their homeland.”

Whatever the final result of all these peace and political processes, credit should be given to the MILF for its historical role in the Moro struggle. In practice, the accent of Misuari and the MNLF has been on the nationalist (e.g. national self-determination ranging from autonomy to independence) and territorial (based on the historical homeland of Minsupala) aspects. Less attention was given by them to the Islamic (e.g. Islamization) and democratic (e.g. economic democracy) aspects. The MNLF has also, perhaps fatally, neglected to maintain or recreate itself as an organization, whether as a politico-military liberation organization or as “a political party and/or civil society movement and/or cooperative movement and/or business group, and preferably all of the above.”¹⁰² The pacification scenario for the MNLF seems to have come to pass: concessions, cooptation, divide-and-rule, demobilization, and worse, political defeat or marginalization through its own mismanagement of the ARMM. It may almost be said that they won the war (by stalemating the AFP) but lost the peace.

D. Other Rebel Groups in Mindanao

We limit ourselves here to two other groups of particular note in Mindanao, although there are a few more Moro, communist and Lumad armed groups there.

1. Abu Sayyaf.¹⁰³ “In the Philippines, the issue of terrorism begins with the Abu Sayyaf.”¹⁰⁴ It antedated 9/11 by at least one decade. Its terrorism in the form of bombings of Christian churches and other Christian targets, deliberate attacks on the civilian population, kidnappings for ransom especially of Westerners, and beheadings of civilian hostages represent its extremist methods which have become the mark of the group. A recent assessment by regional intelligence officials and terrorism experts is that “Now, the group is returning to its Islamic roots and is using the familiar weapons of terror – bombing and assassination – in an attempt to achieve an independent Muslim republic in the southern Philippines. Abu Sayyaf already claims to be connected with al-Qaeda... National Security Adviser [Norberto] Gonzales

¹⁰² Oquist, “Mindanao and Beyond” 21.

¹⁰³ There is also growing related literature on the Abu Sayyaf. Aside from parts of the books of Vitug & Gloria, and of Gutierrez et al., there are the first-hand hostage book accounts of Jose Torres, Jr., *Into the Mountain: hostaged by the Abu Sayyaf* (Quezon City: Claretian Publications, 2001) and Gracia Burnham with Dean Merrill, *In the Presence of My Enemies* (Wheaton, Illinois: Tyndale House Publishers, Inc., 2003). Some notable academic articles or papers are Mark Turner, “Terrorism and Secession in the Southern Philippines: The Rise of the Abu Sayyaf,” *Contemporary Southeast Asia*, Vol. 17 No. 1, June 1995, pp. 1-19; Julkipli M. Wadi, “Philippine Political Islam and the Emerging Fundamentalist Strand,” *UP-CIDS Chronicle*, Vol. 3 No. 1, January-June 1998, pp. 33-42; Julkipli M. Wadi, “Abu Sayyaf Discourse: Radical Ideas of Abdurajak Janjalani Abubakar” (Research paper presented to the Mindanao Studies Program, Center for Integrative Development Studies, University of the Philippines, 1998); Julkipli Wadi, “They’ve Come This Far: the Abu Sayyaf thrives on disenchantment: They’re tenacious, too.” *Newsbreak*, January-June 2003, Special Edition on “The Faces of Mindanao: Beyond the Fog of Conflict,” pp. 16-18; Samira Ali Gutoc, “Causes of Terrorism: The Philippines Amid Southeast Asia” (Under the auspices of the Oxford University Center for Islamic Studies, May 2003); and Kit Collier, “A Carnival of Crime: The Enigma of the Abu Sayyaf” (Chapter outline for a forthcoming book). I’ve once described Wadi as “one of the few real experts on the Abu Sayyaf.”

¹⁰⁴ Kraft, “International Terrorism and the Weak State in the Philippines” 19.

describes Abu Sayyaf as ‘by far the most dangerous group in the country today.’”¹⁰⁵ Its Islamic roots are attributed to its founder Abdurajak Abubakar Janjalani whose ideological orientation may also be described as radical Islamic revivalist, similar to that of the MILF (which has however publicly criticized the Abu Sayyaf’s methods as un-Islamic). In terms of ethnic base, however, the Abu Sayyaf shares the same mainly Tausug and Yakan base of the MNLF in Sulu, Basilan and parts of Zamboanga (there have been reports of tactical battle cooperation between the Abu Sayyaf and the Misuari breakaway group in Sulu), as in fact many of the original Abu Sayyaf were disgruntled MNLF followers, especially of a younger and more radical generation. After Janjalani’s death in 1998, the Abu Sayyaf degenerated from being a movement of young Moro rebels to banditry, with a confluence of Moro, outlaw and Islamic identities.¹⁰⁶ There are now several factions though the most recognized leader is Janjalani’s younger brother Khaddafy. It is no surprise that the Abu Sayyaf has been in the U.S. list of “foreign terrorist organizations” for several years running now, and was the target of joint U.S.-Philippine “Balikatan 02-1” military exercises in 2002.

2. Communist Party of the Philippines-New People’s Army-National Democratic Front.¹⁰⁷ The CPP-NPA-NDF is the main nationwide insurgency in the Philippines, now considered the main threat to national security, with an estimated strength of under 12,000 fighters dispersed in 128 guerrilla fronts (each straddling a cluster of contiguous municipalities, about the size of a congressional district) all over the country, including in the Christian and Lumad areas of Mindanao. Like the MNLF, it reckons its founding in the year 1968, a time of student activism globally and locally. Its founder Jose Maria Sison crossed paths with MNLF founder Misuari at the University of the Philippines. Sison reestablished the CPP (there was an old communist party) on the ideological basis of Marxism-Leninism-Mao Zedong Thought (later Maoism) and laid down the national-democratic line, including a protracted people’s war strategy with armed struggle as the main form of struggle to overthrow the ruling system, seize political power and establish “national democracy.” Sison strongly criticized Misuari both when he entered into the 1976 Tripoli Agreement and then when he entered into the 1996 Jakarta Accord. Not surprisingly, also because Misuari was not sure of the CPP’s agenda, no real alliance developed between the CPP and the MNLF. The CPP line on the Moro question has been that it “upholds their right to national self-determination and seeks to integrate their struggle into the national democratic revolution. Their right to self-determination extends from

¹⁰⁵ Simon Elegant, “The Return of Abu Sayyaf,” *Time*, August 30, 2004, p. 19.

¹⁰⁶ Thus, the Abu Sayyaf “enigma” has been described in various ways like “quasi-rebel,” “quasi-bandit,” “social bandits,” “post-modern bandits” (e.g. with RayBan shades), and of course “international terrorists.”

¹⁰⁷ The related literature on the CPP-NPA-NDF is quite voluminous. Some books of note are the latest Jose Maria Sison and Ninotchka Rosca, *Jose Maria Sison: At Home in the World: Portrait of a Revolutionary* (Greensboro, North Carolina: Open Hand Publishing LLC, 2004); Jose Maria Sison with Rainer Werning, *The Philippine Revolution: The Leaders View* (New York: Crane Russak, 1989); Joel Rocamora, *Breaking Through: The Struggle within the Communist Party of the Philippines* (Manila: Anvil Publishing Co., Inc., 1994); Patricio N. Abinales, *Fellow Traveller: Essays on Filipino Communism* (Quezon City: University of the Philippines Press, 2001); Kathleen Weekley, *The Communist Party of the Philippines 1968-1993: A Story of its Theory and Practice* (Quezon City: University of the Philippines Press, 2001); Ben Reid, *Philippine Left: Political Crisis and Social Change* (Manila: Journal of Contemporary Asia Publishers, 2000); Gregg R. Jones, *Red Revolution: Inside the Philippine Guerrilla Movement* (Boulder, Colorado: Westview Press, 1989); and William Chapman, *Inside the Philippine Revolution* (New York and London: W.W. Norton Company, 1987).

the right to regional autonomy under the people's democratic state to the right to secede from an oppressive state.”¹⁰⁸

Mindanao has had a special place in CPP history because it was once the strong point of the armed struggle and mass movement but it was also the focus of an internal debate on “insurrectionism” as an alternative strategy. Another internal debate involved the an alternative analytical and operational concept called the “tri-people” approach for political work among the Moros and Lumads. In recent years, the CPP-NPA-NDF has entered into a formal tactical alliance with the MILF. The NDF has also had on-and-off peace negotiations with the GRP in 1986-87 and since 1992 with no peace talks-related ceasefire except for a brief 60-day period in 1986-87. Sison has been at the head of one of two Maoist international centers, the Maoist Internationalist Movement (MIM). Post-9/11, the CPP, NPA and Sison were included in the “terrorist” listing of the U.S., The Netherlands (where Sison is based), the U.K., Canada, Australia and the European Union. As Oquist starts to note in his UNDP Fifth Mission Assessment Report, “The peace process with the CPP-NPA-NDF must also be factored into the construction of peace [in Mindanao].”¹⁰⁹

At least two communist break-away factions with armed wings operate in parts of Mindanao and have on-going peace processes with the GRP: the *Rebolusyonaryong Partido ng Manggagawa ng Mindanao* (RPM-M, Revolutionary Workers Party of Mindanao), and the *Rebolusyonaryong Partido ng Manggagawa ng Pilipinas* (RPM-P, Revolutionary Workers Party in the Philippines). Another Moro armed group, the Pentagon Gang, is criminal (esp. kidnap-for-ransom) rather than rebel in nature but has made the U.S. “terrorist” list. In recent years, some Lumad political armed groups have emerged like the Indigenous Peoples’ Federal State Army (IPFSA) and the *Bungkatol* Liberation Front (BULIF). In the following brief sections, we survey quickly some of the other basically unarmed domestic players, not direct parties to the Moro and communist armed conflicts.

E. Moro Political and Civil Society

It has been said that “the Bangsamoro story can be said to run on the two threads of collaboration and resistance, with a lot of overlaps or cross-stitching in between.”¹¹⁰ To simplify or generalize, one might say that the MNLF, on one hand, and the MILF and Abu Sayyaf, on the other hand, represent those two threads, respectively. Moro political leaders and officials, a number of them coming from the MNLF, are also largely part of the first thread. A recent relevant development in 2003 was the formation of the Philippine Muslim Leaders Forum (PMLF) which claims to be “representing the highest and broadest spectrum of the Bangsa Moro Muslim leadership in government with the participation of the private sector.” It was spearheaded and conceptualized by the Muslim members of the 12th Congress led by Deputy

¹⁰⁸ Central Committee, Communist Party of the Philippines, “Onward to Total Victory!: Brief Review of the History of the Communist Party of the Philippines, on the Occasion of the 20th Anniversary of its Reestablishment” (December 26, 1988), *Ang Bayan*, December 1988, pp. 7.

¹⁰⁹ Oquist, “Mindanao and Beyond” 12.

¹¹⁰ Ferrer, “The Philippine State and Moro Resistance,” citing Patricio N. Abinales, *Making Mindanao: Cotabato and Davao in the Formation of the Philippine Nation-State* (Quezon City: Ateneo de Manila University Press, 2000); and Thomas M. McKenna, *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines* (Manila: Anvil Publishing Inc., 1998).

Speaker Gerry A. Salapuddin, with the support of Justice Secretary Simeon A. Datumanong, ARMM Governor Dr. Parouk S. Hussin, former Secretary and Congressmen Jamil M. Dianalan and former Sulu Governor Tupay Loong. Its Secretary General was the late Atty. Macapanton Y. Abbas, Jr. who was one of Misuari's legal counsels. The PMLF "seeks to ensure, protect, and enhance the indispensable role of the Bangsamoro people as partners of the government and of the rest of Philippine society in nation-building." In what it called the 1st Muslim Summit with the theme "Unity, Peace and Development," it passed certain resolutions on the peace process, some of which were: have only one GRP chief peace negotiator (namely Sec. Eduardo R. Ermita) with the MILF; drop all charges against MILF Chairman Salamat Hashim and other leaders; desist from labeling the MILF as "terrorist;" release MNLF Chairman Nur Misuari from detention or allow his exile to a Muslim country with certain guarantees; demilitarize the Muslim areas; implement the AFP/ARMM Command and the Regional Police Commission as provided for under R.A. 9054 (the New Organic Act for the ARMM); and activate the Southern Philippines Development Authority (SPDA) as the economic component of the 1996 Final Peace Agreement with the MNLF.¹¹¹ The PMLF, therefore, is closer to the MNLF track.

Moro civil society is not as developed as its political society. For one, there is no NGO tradition in Muslim Mindanao like there is in Christian Mindanao. It was only in 2002 that a Consortium of Bangsamoro Civil Society was formed among over 40 Muslim civil society organizations with *Kadtuntaya* Foundation, Inc. in Cotabato City as its secretariat. These organizations realized the need to bond themselves together and be in the forefront of peace and development work. Their programs in this regard are capacity building, research and advocacy.¹¹² *Kadtuntaya* undertakes relief and rehabilitation, community development, Islamic governance workshops, and conflict management activities. The consortium has linked up with six other major civil society peace networks that form the Mindanaw Peaceweavers. But in general, "Muslim civil society needs to be strengthened, in order to rectify some of the Muslim-Christian imbalances in NGOs."¹¹³

F. Mindanao Peace Advocates

The various groups, individuals and networks of Mindanao peace advocates and their activities are one of the bright spots and sources of hope for the Mindanao peace process.¹¹⁴ The

¹¹¹ The information on the PMLF is taken from its documents provided by Bonn Bryan T. Juego, Legislative Researcher, Office of the Deputy Speaker for Mindanao Gerry A. Salapuddin, House of Representatives.

¹¹² Yasmin Busran-Lao, "Peace Advocacy Among the Bangsamoro" (Paper presented to the forum "Conversation Peace" convened by the Gaston Z. Ortigas Peace Institute on November 12, 2003 at the Ateneo de Manila University, Quezon City).

¹¹³ Steven Rood, "Civil Society and Conflict Management" (Paper prepared for the "The Dynamics and Management of Internal Conflicts in Asia" Third Study Group Meeting, February 27-March 3, 2004, Washington, D.C.). This paper is being developed as one on "Civil Society and Peace in Mindanao" for a forthcoming monograph issue of *Policy Studies* of the East-West Center Washington. The paper cites in particular Rufa Cagoco-Guam, "Civil Society Organizations Among Muslim Communities in the ARMM: An Exploratory Study" (2003).

¹¹⁴ Again, there is growing related literature on this. There is at least one book, just on Mindanao peace advocacy: Karl M. Gaspar CSsR, Elpidio A. Lapad, and Ailynne J. Maravillas, *Mapagpakalinawon: A Reader for the Mindanawon Peace Advocate* (Davao City: Alternate Forum for Research in Mindanao, Inc. and Catholic Relief Services/Philippines, 2002). See also Steven Rood, "Civil Society and Conflict Management;" Carolyn O. Arguillas, "Enlarging spaces and strengthening voices for peace: civil society initiatives in Mindanao" in *Accord Update Issue 6* (2003), *The Mindanao peace process*, A supplement to *Compromising on autonomy*, 12-16; and

Mindanao peace movement is actually showing the way for the national peace movement. In 2003, seven peace networks came together to form a coalition called Mindanaw Peaceweavers: the Agung Network, Bishops-Ulama Forum (BUF), Consortium of Bangsamoro Civil Society (CBCS), Mindanao Peace Advocates' Conference (MPAC), Mindanao Peoples' Caucus (MPC), Mindanao People's Peace Movement (MPPM), Mindanao Solidarity Network (MSN), and Peace Advocates Zamboanga (PAZ). Below the relatively quiet surface of the peace constituency are the increasingly active efforts at peace advocacy, peace education, peace research, relief for evacuees, rehabilitation and development, interfaith dialogue, reconciliation and healing, women in peace-building, culture of peace, peace zone-building and other community-based peace initiatives. We highlight here only three civil society peace initiatives with more direct connection to the GRP-MILF peace negotiations and ceasefire.

To the credit of the two panels and the Malaysian secretariat, they allowed the presence of and submissions by representatives of the MPC (then the Mindanao Tripeoples Caucus) as an official observer during the second and third rounds of the formal peace talks in 2001 in Malaysia, except the actual closed-door negotiations, still a breakthrough in citizens' participation that has never happened in the GRP-NDF peace talks and only to a limited extent in the GRP-MNLF peace talks. On both occasions, one of the MPC representatives was a top Mindanao journalist who promptly filed reports about the talks to readers mainly in Mindanao.¹¹⁵ At one point during the third round, an MPC representative who is an indigenous tribal leader¹¹⁶ was granted access to the technical committee level discussions on ancestral domain.¹¹⁷ It is already conventional wisdom in conflict studies that public participation in peacemaking is important for owning the process.¹¹⁸

Another breakthrough by the MPC when it initiated, together with other civil society convenors, the grassroots-led "Bantay Ceasefire" (Ceasefire Watch) which conducted four missions in 2003 to monitor the GRP-MILF ceasefire.¹¹⁹ It not only helped to fill some gaps in the system of Local Monitoring Teams (LMTs) under the joint ceasefire committee in the official ceasefire mechanism but it also came out with useful findings and recommendations. Most importantly, it was welcomed and appreciated by both parties, especially in the joint ceasefire committee. So, on occasion, "Bantay Ceasefire" has undertaken field investigation in cooperation with the joint ceasefire committee. One field investigation of "Bantay Ceasefire: involved checking out alleged MILF training camp sites for Jemaah Islamiyah (with negative

Initiatives for International Dialogue, *Peacebuilder's Kit for Mindanao: Working for a Peaceful Mindanao* (Davao City: Initiatives for International Dialogue, 2002).

¹¹⁵ The journalist is Carolyn O. Arguillas, Editor, *Mindanews*. Her reportage on the talks can be found in the *Mindanews* website "www.mindanews.com".

¹¹⁶ Manobo Datu Ramon Bayaan from the Lumad organization *Panagtagbo*.

¹¹⁷ Based on reports and documents from the NGO Initiatives for International Dialogue (IID), Davao City, which is the secretariat for the MTC, now MPC.

¹¹⁸ See e.g. *Accord* Issue 13/2002 with the theme "Owning the process: Public participation in peacemaking." This is an international review of peace initiatives published by Conciliation Resources, London. Incidentally, two Filipinos have pieces in this issue: the Foreword by Professor Ed Garcia, Senior Conflict (now Policy) Advisor, International Alert, London; and an article on the Philippine National Unification Commission by Professor Miriam Coronel Ferrer, (then) Director, Third World Studies Center, University of the Philippines, Diliman, Quezon City.

¹¹⁹ See *Bantay Ceasefire 2003: 2003 Reports of the Grassroots-Led Missions Monitoring the Ceasefire between the Philippine Government (GRP) and the Moro Islamic Liberation Front (MILF)*, available from the Initiatives for International Dialogue (IID), secretariat for the Mindanao People's Caucus (MPC), in Davao City.

results). The very positive experience of “Bantay Ceasefire” has started to be summed up and framed in human security terms.¹²⁰ And it is already seen as a model for independent civil society monitoring of the GRP-NDF human rights and international humanitarian law agreement.

A third civil society peace initiative relevant to the substantive agenda of the peace talks is MPPM’s advocacy campaign for a UN-supervised referendum as a peaceful and democratic process of determining political options in Muslim Mindanao. Though this coincides with MILF Chairman Hashim’s position, the prime mover of the MPPM comes from the Christian sector. In the MPPM proposal, the referendum would be held in the Bangsamoro areas for them to determine their political future as either part of the Philippines or as an independent nation.¹²¹ Some Bangsamoro civil society peace advocates consider a referendum to be a political option in itself, aside from the usual general political options of autonomy, federalism and independence.¹²² But the referendum advocacy tends to work closely with the independence advocacy.¹²³ Among the political options though, it is federalism that has the most developed civil society campaign in the form of the Citizens’ Movement for a Federal Philippines (CMFP), whose motive forces include those from MPAC.¹²⁴

For the peace movement, whether of Mindanao or elsewhere, there are always two dimensions of the peace process to engage: the “vertical” one of peace negotiations at the top dealing with substantive and structural issues of the armed conflict, and the “horizontal” one of people-to-people reconciliation and healing,¹²⁵ where “peace is to be constructed barangay by barangay.”¹²⁶ The peace zone communities are among such areas.

G. Peace Zone Communities

¹²⁰ See Mary Ann M. Arnado, “Shadowing the GRP-MILF Peace Talks: Facilitating, Strengthening, Consolidating Grassroots Participation” (Paper delivered at the conference “Waging Peace in the Philippines and Asia – Facilitating Processes, Consolidating Participation,” 4-6 December 2003, Ateneo de Manila University, Quezon City); and Mary Ann M. Arnado, “Addressing Humanitarian Protection and Human Security in Mindanao: A Challenge to Civil Society” (Paper presented at the SEACSN [Southeast Asia Conflict Studies Network] Conference 2004 “Issues and Challenges for Peace and Conflict Resolution,” Penang, Malaysia, 12-15 January 2004). Atty. Arnado is the Secretary General of the MPC and Deputy Director of the Initiatives for International Dialogue (IID) in Davao City, which serves as the MPC secretariat.

¹²¹ From the primer and other papers of the MPPM provided by its Chairman Alvaro O. Senturias, Jr. of the Southern Christian College, Midsayap, Cotabato.

¹²² See Abhoud Syed M. Lingga, “Referendum: A Political Option for Mindanao” (Paper presented during the Mindanao Tripeoples Caucus on September 10-12, 2002 in Davao City).

¹²³ See Abhoud Syed M. Lingga, “Understanding Bangsamoro Independence as a Mode of Self-Determination” (Paper read during the Forum on Mindanao Peace sponsored by the University of the Philippines in Mindanao Department of Social Sciences, the Philippine Development Assistance Programme, and the Association of Mindanao State University Alumni on February 28, 2002 in Davao City), published as Abhoud Syed M. Lingga, “Understanding the Bangsamoro Dream: As a Mode of Self-Determination,” Philippines Free Press, July 19, 2003, pp. 22-24. Lingga is Chairman of the Bangsamoro Peoples Consultative Assembly (BCPA) and Executive Director of the Institute of Bangsamoro Studies (IBS) in Cotabato City.

¹²⁴ The prime mover for both the CMFP and MPAC is Rey Magno Teves, long-time Executive Director of the NGO Technical Assistance Center for the Development of Rural and Urban Poor (TACDRUP) in Davao City, where CMFP and MPAC are also headquartered.

¹²⁵ The “vertical” and “horizontal” terminology is used in Lao, “Peace Advocacy Among the Bangsamoro.”

¹²⁶ Oquist, “Mindanao and Beyond” 19.

While most civil society peace initiatives come from peace NGOs, institutes and networks, peace zones, at least those which are genuine, come from the community, usually a grassroots community caught in the life-and-death crossfire of armed conflict. Thus, this particular initiative deserves special attention and support. In a legislative bill seeking to declare a national policy on peace zones in order to safeguard their integrity, a peace zone is defined as a people-initiated, community-based arrangement in a local geographical area which residents themselves declare to be off-limits to armed conflict primarily to protect the civilians, livelihood and property there and to contribute to the more comprehensive peace process. The generic term “peace zones” shall also cover other similar people-initiated, community-based arrangements known as “zones of life,” “sanctuaries of peace,” “spaces for peace” and the like where there is a declared will of the people and a commitment of conflicting armed forces not to make their communities a battleground.¹²⁷ To the extent, that peace zones are de facto local ceasefires, they reinforce or supplement the official general ceasefire of the parties in armed conflict.

One of the first peace zones in the country was established in Bgy. Bituan, Tulunan, North Cotabato in 1989 and this was in the context of the communist insurgency. Since then a few more were established in Mindanao, in the context of both the communist and Moro insurgencies. But it was after the “all-out war” against the MILF in 2000, when various forms of peace zones began mushrooming. At least 47 communities in Maguindanao, North Cotabato and Lanao del Sur have declared themselves as “Sanctuaries of Peace” with support from the NGO Tabang Mindanaw. Several communities in Pikit, North Cotabato have declared themselves as “Spaces for Peace” with support from the local parish office. Peace zones have also been declared in about eight barangays in Maguindanao and Lanao del Sur in the vicinity of the former MILF Camp Abubakar with support from the NGO Community Organization Multiversity. Tulunan has also seen a Peace Pact in Bgy. Dungos. Local peace alternatives to ethnic conflict in Mindanao have emerged as peace zones in Bgy. Bual, Isulan, Maguindanao; Dinas, Zamboanga del Sur and Bgy. Maladeg, Sultan Gumander, Lanao del Sur. These and other peace zones, in the context of recent hostilities in Central Mindanao, show that people need not wait for top-level negotiations between the government and the rebel groups to come to terms with each other.¹²⁸ The reactions of the government and the rebel groups have been varied, and occasionally inconsistent (except for the CPP-NPA-NDF which has consistently, as a matter of policy, rejected peace zones as counter-revolutionary), partly due to the increasing variety of peace zones. Despite such variety, many peace zones have started to link up, indicating possibilities for a movement of their own.

H. Local Political and Religious Leaders

¹²⁷ House Bill No. 1867, “An Act Declaring a National Policy on Peace Zones,” introduced by Rep. Mujiv S. Hataman of Anak Mindanao (AMIN) party list group (13th Congress).

¹²⁸ Some discussion and case studies about these Mindanao peace zones are found in Parts XI and XII of B.R. Rodil, *A Story of Mindanao and Sulu in Question and Answer* (Davao City: MINCODE, 2003) 183-216; and in Chapter 5 of Gaspar, Lapad and Maravillas, *Mapagpakalinawon* 85-216. Several academic papers on peace zones, including comparatively, over the years have been written by Dr. Zosimo E. Lee, the latest being on three “Peace Zones in Mindanao” (Paper presented at the SEACSN [Southeast Asia Conflict Studies Network] Conference 2004 “Issues and Challenges for Peace and Conflict Resolution,” Penang, Malaysia, 12-15 January 2004).

Not all local officials and leaders are hospitable to peace zone initiatives and for that matter the whole peace process on the Moro front. Certain “Mindanao stakeholders” like the Lobregats of Zamboanga City, the Antoninos of General Santos City, Governor Daisy Avance-Fuentes of South Cotabato, Governor Manuel Pinol of North Cotabato, and Mayor Rodrigo Duterte of Davao City are just the most prominent local Christian political leaders who have opposed the peace processes, settlements and concessions first with the MNLF and now with the MILF. Attitudes tend to be divided along religious and ethnic lines, with Muslims/Moros generally supportive and Christians/Bisaya generally opposed, as highlighted during the controversy over the Southern Philippines Council for Peace and Development, the transitional body under Phase 1 of the 1996 GRP-MNLF Peace Agreement.¹²⁹ This would also be reflected consistently in the several referenda/plebiscites for the determination of the final geographical coverage of autonomous regions for the Muslims. Local political leaders often echo the prejudices of their constituents, just like diocesan “priests who often echo the prejudices of their parishioners.”¹³⁰

In general though, religious leaders, especially at the bishop level and the clergy from certain religious orders, have played a more positive role building peace in Mindanao. A recent survey finds that “many key initiatives, especially in interfaith dialogue, peace education, and peace process advocacy have been developed by religious leaders and institutions. Faith-based NGOs have been visible in social programs, including in the context of reconstruction of war-torn communities, and they have been a main support for community-based peace processes.”¹³¹ The aforementioned BUF, which brings together bishops and ulama, has the potential to play a domestic third-party role in the GRP-MILF peace negotiations but questions about perceived partiality to the GRP, domination by the Catholic bishops, and lack of coverage of many ulama have to be addressed.¹³²

III. MULTIPLE INTERNATIONAL INVOLVEMENT

A. Malaysia¹³³

This is so far the most important international involvement in the GRP-MILF peace negotiations because Malaysia is its principal third-party facilitator. Malaysia’s facilitation, aside from being host, usually involved the following functions: go-between conveying

¹²⁹ See Miriam Coronel Ferrer (ed.), *The Southern Philippines Council for Peace and Development: A Response to the Controversy* (Quezon City: Program on Peace, Conflict Resolution and Human Rights, and Mindanao Studies Program, UP Center for Integrative and Development Studies, 1997).

¹³⁰ Steven Rood, “Civil Society and Conflict Management.”

¹³¹ Karen N. Tanada, “Religious Leaders Building Peace in Mindanao” (Working document for consultation at the “International Consultation on Religious Building Peace” convened by International Alert from 5-6 October 2004 in London).

¹³² See Steven Rood, “Civil Society and Conflict Management.”

¹³³ The main reference for this is Soliman M. Santos, Jr., “Malaysia’s Role in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front” (26 May 2003) published as the Southeast Asian Conflict Studies Network (SEACSN) *Peace and Conflict Research Report Number 2* in 2003, and also as *Mindanao Focus* No. 2, Series of 2003. The key informants of the research were five GRP peace negotiators, seven MILF leaders and peace negotiators, and 12 Malaysians from the academe, NGOs, think-tanks, professionals, Islamic oppositionists and media, aside from official documents and statements.

positions of the parties; providing a conducive atmosphere and facilities; presence in the talks as “referee” and to witness commitments and understandings; help bridge differences by shuttling between the parties; administration of the talks; and record and keep minutes, keep details of what had actually been agreed. Facilitation is a mode of peaceful settlement of disputes between good offices and mediation, and allows dialogue to continue.¹³⁴ In other literature, facilitation, or more precisely communication-facilitation, is one of three principal strategies of mediation.¹³⁵ More recently, Malaysia is leading an International Monitoring Team (IMT) that is being deployed to monitor the ceasefire and other interim agreements. Also, it has committed to provide capability-building support to the Bangsamoro Development Agency (BDA) through its Malaysian Technical Cooperation Program (MTCP). The Malaysian secretariat for the peace talks has been the Office of the Prime Minister (OPM), particularly its “Research Department” which is actually its intelligence branch. The key Malaysian official from the very start was no less than Prime Minister Dr. Mahathir Mohamad who was approached for help by then Philippine Vice President Gloria Macapagal-Arroyo.

Malaysia’s role of facilitation is moving towards mediation, if not the case already.

Mediation includes, among others, devising or promoting a solution, loosening the tension between the parties, creating an atmosphere conducive to negotiation, being an effective channel of information, and providing the parties with suggestions.¹³⁶ Malaysia has actually suggested and promoted a certain direction for the parties for the resolution of the armed conflict. These suggestions or directions have come not during the actual negotiations but technically outside yet proximate to them, and they are quite substantive with bearing on the process, outcome and solution. These include the following political parameters: suggesting the framework of the Philippine Constitution, Tripoli Agreement and Jakarta Accord; respect for Philippine territorial integrity and sovereignty; no secession or independence; assurance of the rights of the Bangsamoro as citizens; MNLF-MILF unity may complement existing solutions; and for the Moro movement to combat radicalism and the militant tendency.

The other substantive input of Malaysia in its role as a mediator promoting a solution is its preferential approach of economic development, with itself as a model nation merging Islam and modernity. An MILF negotiator sees Malaysia as impressing a certain thesis on the MILF, that if a group of people is economically well-off, then other things will follow. For Malaysia, the bottom-line is economics, and they are also helping themselves. Malaysia has a global perspective, and wants to show that Southeast Asian countries can be as economically developed as others. The Malaysian venue for the formal peace talks is itself like an exposure tour or program for the peace negotiators. Some aspects of the Malaysian experience or polity to learn from which may be relevant to a solution of the Bangsamoro problem are: federalism, Islamic institutions, multiculturalism, the *Bhumiputra* (indigenous Malays) policy of affirmative action, and the sultanate institution.

¹³⁴ Phone interview with Ed Garcia, Senior Policy Advisor, International Alert, on 3 September 2002 in Quezon City.

¹³⁵ Jacob Bercovitch, “The Structure and Diversity of Mediation in International Relations” in Jacob Bercovitch and Jeffrey Z. Rubin (eds.), *Mediation in International Relations: Multiple Approaches to Conflict Management* (New York: St. Martin’s Press, 1992) 16-17.

¹³⁶ J.G. Merrills, *International Dispute Settlement* (Cambridge: Cambridge University Press, 2nd ed., 1993) 34-5, 41.

As for the reasons, factors and interests in Malaysia's role, the events in Southern Philippines have become part of Malaysian national interest: security concerns about piracy and kidnapping, social concerns about refugees and illegal migrants, and economic concerns about stability and investments. They seek a stable Philippines in the context of the Association of Southeast Asian Nations (ASEAN) stability to meet globalization. This represents sophisticated geopolitical strategy on the part of Malaysia, exemplified by its well-known foreign policy of "Prosper thy neighbor." Malaysian policy which underpins its mediation of the GRP-MILF peace negotiations is coherently in place and not likely to change under the new Prime Minister Abdullah Badawi other than a "kinder and gentler" touch.

Malaysia's vital interest for the Philippines to drop its Sabah claim was/is not the driving motivation behind Malaysia's role, as far as we can gather from knowledgeable informants from Malaysian civil society. They say it is not so much the Sabah claim as it is *other* Sabah issues. Sabah is so near to Mindanao, any war in Mindanao will result in the influx of refugees and illegal migrants, among other social, economic and security problems. But in the Philippines, including on the Moro side, there are persistent suspicions about this motivation or unhidden agenda.

In Malaysia where Muslim Malays play the lead role, there is genuine concern about the situation of the Muslim minority in the Philippines. But the Malaysian preferred form of helping the Muslim Filipinos is through peace initiatives that would contribute to Philippine stability, not through support for armed struggles for liberation. To the moderate Muslim Malay mind, the latter would rock the boat of economic well-being achieved by Malaysia.

As we said, one sub-plot parallel to the GRP-MILF peace negotiations is the long-standing dynamic of Malaysian-Philippine relations. A UNDP analyst has said that "The stabilization of the situation regarding Filipino nationals in Sabah (mostly Tausug and many linked to the Bangsamoro insurgency across the years) is also a pre-requisite to peace, as is the maintenance of friendly relations between Malaysia and the Philippines. The recent increase in the level of deportations of illegal immigrants from Malaysia, accusations of mistreatment of detainees by Malaysian officials, and a clamor in Filipino public opinion in this context to reopen the Philippine claim on Sabah, are all factors that must be addressed to construct peace nationally and in the sub-region."¹³⁷ And so Malaysian stability has a bearing on the Mindanao peace process, in the same way that the latter is the best way to ultimately address the main security concerns in the Malay archipelago. Malaysia is now the site of a regional anti-terrorism center.

In any case, both parties in the GRP-MILF peace negotiations consented to Malaysian involvement because they apparently viewed it as more advantageous than disadvantageous to the process and to their respective interests and desired outcomes. Whether for the regular or the back-channel, they were all high praises for the facilitation by Malaysia, no doubt made lighter by the common Malay culture and temperament of the key players. The GRP's Sec. Ermita referred to it as "very, very effective, as shown by the recent agreements."¹³⁸ The MILF's Murad referred to it as "helping a lot, not necessarily the position of the MILF but to push the

¹³⁷ Oquist, "Mindanao and Beyond" 12.

¹³⁸ Remarks of Sec. Eduardo R. Ermita, Presidential Adviser on the Peace Process, during the Senate hearing on 28 May 2002 regarding the recent agreements with the MILF.

negotiations.”¹³⁹ This was perhaps the one constant in the ups and downs, highs and lows, the rise and fall of that peace process.

B. Libya

Libya is also a recognized facilitator of the GRP-MILF peace negotiations though generally considered secondary to Malaysia’s role. Libya doesn’t look at it this way because of what it considers as a leading role arising out of the 1976 Tripoli Agreement between the GRP and the MNLF with the participation of the OIC, which is the “mother of all agreements,” including the new *Tripoli Peace Agreement* now keying the GRP-MILF negotiations.¹⁴⁰ A former Libyan ambassador to the Philippines described his role in the Ramos period of GRP-MNLF peace negotiations as “to innovate a framework that would secure peace and to have Libya absolved from this historic burden bestowed upon Tripoli as Chairman of the Quadrapartite Committee of the OIC in charge of resolving the conflict.”¹⁴¹ A key GRP peace negotiator says Libyan would not want to let go of the legacy of the Tripoli Agreement which has to do with a comprehensive settlement and a personal stake of Libyan leader Colonel Muammar Gaddafi. It will therefore assert involvement in every peace process in Mindanao.¹⁴² An MILF leader says Libya considers the Bangsamoro peace process as its “pet project.”¹⁴³

Libya thus represents a link or continuum between the GRP-MNLF and GRP-MILF peace processes. It accordingly was able to give advise to Malaysia though the latter was the one most directly handling the facilitation of the GRP-MILF peace negotiations.¹⁴⁴ Libya and Malaysia have had good working relations in this facilitation, whether the venue was in Tripoli or Kuala Lumpur. There is no more radical vs. moderate divergence. Both are working for a settlement that rationalizes the MNLF and MILF tracks.¹⁴⁵ Like some kind of division of work on this, Libya has focused on the intra-MNLF unity process, while Malaysia has focused on the MNLF-MILF unity process.¹⁴⁶ For one, the former process has resulted in the Tripoli Declaration adopted by the Unity and Solidarity Meeting of MNLF leaders held on 6 April 2003.

Libya was the host of the First Round of Formal Peace Talks in June 2001 during the “diplomatic stage” of the GRP-MILF peace negotiations. And it did this interestingly through the non-government Gaddafi International Foundation for Charitable Associations headed by Saif Al Islam Gaddafi, son of the Libyan leader. This was of course done in coordination with

¹³⁹ Email answer of Al Haj Murad Ebrahim, MILF Peace Panel Chair, received on 27 September 2002 in response to a research questionnaire.

¹⁴⁰ Interview with Salem M. Adam, Ph.D., Secretary (Ambassador to the Philippines), Libyan People’s Bureau (Embassy), on 25 August 2004 in Makati City.

¹⁴¹ Rajab Abdulaziz Azzarouq, *The National Security of the Philippines: Political Developments, Issues and Prospects in a Changing World* (Ph.D. Philippine Studies dissertation, University of the Philippines, 1998) 127.

¹⁴² Interview with Sec. Silvestre C. Afable, Head, Presidential Management Staff, Office of the President, Philippines on 25 June 2002 in Manila.

¹⁴³ Interview with Ghazali Jaafar, MILF Vice Chairman for Political Affairs and first Chairman of its Peace Panel, on 11 February 2001 in Sultan Kudarat, Maguindanao province.

¹⁴⁴ Ibid.

¹⁴⁵ Interview with Sec. Silvestre C. Afable, Head, Presidential Management Staff, Office of the President, Philippines on 25 June 2002 in Manila.

¹⁴⁶ Interview with Salem M. Adam, Ph.D., Secretary (Ambassador to the Philippines), Libyan People’s Bureau (Embassy), on 25 August 2004 in Makati City.

the Libyan foreign ministry and its ambassador to the Philippines, Salem M. Adam, who has been the Libyan focal point, especially for talks held elsewhere and for the back-channeling which was there all throughout the process of negotiations.¹⁴⁷

One substantive input of Libya into the process was to arrange for side meetings of the MILF (and MNLF) leaders/peace negotiators with the Libyan leader Col. Gaddafi. In the latter's meeting with them, he made clear Libya's position against the dismemberment of Philippine territory by an independent Islamic state. He said the Muslims should remain within the Philippines which should, however, accept them into the mainstream.¹⁴⁸

On the process side, Libya required that both GRP and MILF peace panels come mandated to commit their respective sides. It would not allow them to say they had to go back to their principals. It kept the Tripoli talks on a tight time frame and tended to bring its influence to bear on the panels without, however, dictating on them.¹⁴⁹ An MILF negotiator understood it terms of a stricter Arab culture.¹⁵⁰ Perhaps, this combined well with Malaysia's softer, more restrained approach to produce the best possible results for the negotiations.

Libyan interest in Philippine relations was not only economic (manpower needs and trade) but also political (against international isolation and U.S. sanctions). The recent thawing of its relations with the U.S., including the latter's lifting of sanctions, comes at a time when the U.S. has started to get involved with the GRP-MILF peace process where Libya is much better placed and can be a point of access.

C. Organization of the Islamic Conference

Malaysia and Libya are both leading members of the Organization of the Islamic Conference (OIC) but the GRP-MILF peace negotiations are *not* under the auspices, much less the facilitation, of the OIC.¹⁵¹ At the most so far, the OIC has made references to the MILF, to GRP-MILF armed hostilities, and to GRP-MILF ceasefire and peace agreements in its regular Resolutions on the Question of Muslims in Southern Philippines ("Bangsamoro people") during its Islamic Conferences of Foreign Ministers (ICFMs) and its Islamic Summits of Kings and Heads of States of around 52 mainly Muslim countries.

The first time the pertinent OIC resolutions explicitly mentioned the MILF was during the Sixth Islamic Summit in Dakar, Senegal in December 1991: "**Expresses** its satisfaction to the Government of the Philippines, the Moro National Liberation Front and the Moro Islamic Liberation Front for their agreement to conduct negotiations at the headquarters and under the

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Interview with Atty. Lanang S. Ali, MILF legal counsel and peace negotiator, on 11 February 2001 in Sultan Kudarat, Maguindanao province.

¹⁵¹ The latest published academic work on the OIC role in the Mindanao peace process is Mary Ann O. Arguillas, "The Non-Traditional Moro Elites and the Organization of Islamic Conference (OIC)" in (2001) 22(45) *Philippine Political Science Journal* 97-134. The latest unpublished academic work is by the Libyan Ambassador Salem M. Adam, *The Role of OIC Diplomacy in the Muslim Struggle in the Southern Philippines* (Ph.D. Philippine Studies dissertation, University of the Philippines, 2002).

auspices of the Organization of the Islamic Conference and the conference approves of the resumption of negotiations between all the parties aimed at realizing a just and comprehensive solution to the problem of Muslims in the Southern Philippines within the framework of the national sovereignty and territorial integrity of the Philippines.” [para. 3, Resolution No. 11/6-P (IS)] Though the process would eventually proceed in 1992-93 without the MILF, the resolution is also significant in indicating the OIC’s preferred framework even for the MILF, and in posing the possibility of three-cornered negotiations.¹⁵²

The next time the GRP-MILF dimension came into view again in the pertinent OIC resolutions was during the “all-out war” of April-July 2000. This was at the 27th ICFM held in Kuala Lumpur in June 2000: “**Urges** the Government of the Republic of the Philippines and the Moro Islamic Liberation Front (MILF) to immediately halt its military hostilities and reach a peaceful resolution to the existing problem in Mindanao.” (para. 15, Resolution No. 56/27-P) The Libyan Ambassador points out the two-fold importance of this resolution: “first, it sought to recognize the role and *leadership of the MILF in the Muslim struggle*, and second, it conveyed the possibility of a fresh opportunity for the OIC to pursue another peaceful resolution to the Muslim struggle *outside the peace agreement it had brokered between the GRP and the MNLF.*”¹⁵³ (italics supplied)

Subsequent pertinent OIC resolutions after that up to the latest one at the 31st ICFM held in Istanbul, Turkey in June 2004 have also invariably stated with some quaint wording: “**Welcomes** the efforts of the Great Socialist People’s Libyan Arab Jamahiriya and Malaysia for restoring peace in Southern Philippines, this improved by signing cease-fire the Agreement between the GRP and the MILF in the meeting held in Tripoli on 22.6.2001.” (para. 12, Resolution No. 2/31-MM) What is being referred to is not really a ceasefire agreement *per se* but the *Tripoli Peace Agreement* of 22 June 2001. The paragraph is recognition of the facilitator roles of Libya and Malaysia but with Libya being mentioned first probably because of the key meeting in Tripoli. The said latest pertinent OIC resolution also made a prefatory reference to the “MILF problem” as equivalent to the “Bangsamoro problem” (seventh prefatory paragraph).

In spite of all that, however, it is clear, even from the pertinent OIC resolutions that its main concern has not been the 1997-2004 GRP-MILF peace negotiations but the implementation of the 1996 GRP-MNLF Peace Agreement because it is this which is under OIC auspices. Understandably, the former tends to cast doubts on the latter as the final comprehensive solution it purports to be to the problem of Muslims in the Southern Philippines which the OIC first took official cognizance of and involvement in at the 3rd ICFM held in Jeddah, Saudi Arabia in March 1972. After more than three decades, there is some fatigue in the OIC in dealing with this problem.¹⁵⁴

¹⁵² See Nathan Gilbert Quimpo, “The Three-Cornered Diplomatic Battle in Kuala Lumpur,” *Philippine Daily Inquirer*, June 25, 2000.

¹⁵³ Adam, *The Role of OIC Diplomacy* 82.

¹⁵⁴ Interview with Yudhistiranto Sungadi, Counsellor (Political), Indonesian Embassy, Philippines on 12 April and 4 June 2002 in Makati City; and Interview with Adrian Elmer S. Cruz, Foreign Service Officer, Office of Middle East and African Affairs (OMEA), Department of Foreign Affairs, Philippines on 4 June 2002 in Pasay City.

Rather than deal with a new form or dimension of the problem (MILF problem), the sense in the OIC seems to be to close the chapter in due time on the GRP-MNLF peace agreement implementation when it can finally declare its Phase 2 (social and economic aspects) completed after having already just declared its Phase 1 (military and political aspects) completed. This is especially the sense of Indonesia which heads the Committee of the Eight charged with the GRP-MNLF peace process and whose “baby” is its final peace agreement referred to as the Jakarta Accord. Under the circumstances, it can be reasonably expected that the GRP-MILF peace negotiations will *not* come under the auspices of the OIC which seems content enough to keep tabs on it through and give its blessings to the facilitation of Malaysia and Libya (both happen to be members of the Committee of the Eight), not to mention the inclinations of the GRP and the MILF to stay with this arrangement.¹⁵⁵

One indication of this is the OIC’s not taking on the proposed OIC Monitoring Team for the GRP-MILF peace process, necessitating its modification as an International Monitoring Team led by Malaysia. Other countries requested to join the IMT are Indonesia, Libya, Saudi Arabia, Bahrain, Brunei and Japan, all OIC members except Japan. This would certainly underscore multiple international direct involvement in this process. In contrast, the GRP-MNLF peace process had OIC monitors-observers of the interim ceasefire but coming only from Indonesia.

As we said, certain OIC issues have become parallel or sub-plots to the GRP-MILF peace negotiations. We already mentioned the status of the implementation of the GRP-MNLF Peace Agreement in so far as this has bearing on the status of the Bangsamoro problem. Another sub-plot is the MNLF, MILF and even GRP positioning as sole and legitimate representative of the Bangsamoro people with observer status in the OIC.¹⁵⁶ Gaining ground, with some OIC countries and even within the MNLF, is a strong GRP bid for such observer status anchored on the ARMM as an elected regional autonomous government. There is some logic to this but there is also a big question about the GRP-created ARMM’s legitimacy (not in the legal or legalistic sense) in the eyes of the Bangsamoro people, not to mention about the credibility of Philippines elections, especially in Muslim Mindanao. This sub-plot of positioning for OIC observer status reflects the fact that the diplomatic front is a side front of the GRP-MILF peace negotiations, though to a much lesser degree than it was in the GRP-MNLF case where it was often the main front of contention and where the MNLF had a big headstart and inside track with the OIC, tilting its perception of Philippine realities.

The OIC can only exert moral suasion, such as through its resolutions, but has no real power as OIC to enforce or act on these, as shown on many issues, foremost of which is Palestine. Key members like Saudi Arabia also have their own problems to deal with. Still, the OIC has the “trust factor” for Muslims like the MNLF and MILF, and the “fear factor” for

¹⁵⁵ Ibid, and also interviews with the key GRP and MILF peace negotiators.

¹⁵⁶ Interview with Adrian Elmer S. Cruz, Foreign Service Officer, Office of Middle East and African Affairs (OMEA), Department of Foreign Affairs, Philippines on 4 June 2002 in Pasay City. See also Apolinario Cristobal, “The Journey to Peace by an Unlikely Foursome: The GRP, the MNLF, the MILF and the OIC” published in *The Daily Tribune* in August 2002.

governments like the GRP in terms of petroleum-exporting and overseas Filipino worker-employing OIC member countries.¹⁵⁷

D. United States

The real power that is the United States (U.S.) has only started to get more directly involved with the GRP-MILF peace negotiations only in 2003. Of course, the post-9/11 U.S.-led global war on terror has impinged on it ever since October 2001 when the negotiations started to slow down. We shall deal with the issue of terrorism and the peace process later in this paper. Both the GRP and the MILF approached the U.S. separately. MILF Chairman Hashim first wrote U.S. President George W. Bush in January 2003 to seek his “good offices” in rectifying a perceived historical error involving the U.S. which resulted in the continued colonization of the Bangsamoro people by the Philippine republic.¹⁵⁸ President Arroyo made a state visit to the U.S. in May 2003, in the course of which she asked President Bush for U.S. assistance with the peace process.¹⁵⁹ The visit also resulted in the U.S. declaration of the Philippines as a major non-NATO ally, bringing their historical alliance to a higher level.

By June 2003, the U.S., through a letter from Assistant Secretary of State James A. Kelley replying to a second letter from MILF Chair Hashim to President Bush in May 2003, had outlined its policies regarding its involvement in the GRP-MILF peace negotiations, as follows:

The United States Government is committed to the territorial integrity of the Philippines.

The United States recognizes that the Muslims of the southern Philippines have serious legitimate, grievances that must be addressed.

The United States wishes to see an end to the violence in the southern Philippines and is working to assist the Republic of the Philippines in addressing the root causes of that violence.

The United States is concerned about the links between the MILF and international terrorist organizations and asks that those links be severed immediately.

The United States stands ready to support, both politically and financially, a bona fide peace process between the Republic of the Philippines and the MILF.

The United States appreciates the notable work that the Government of Malaysia has performed in this connection over the last two years, and will not seek to supplant Kuala Lumpur, indeed, we seek to work with the Malaysians for a successful peace settlement.

The United States will not mediate between the Government of the Philippines, nor will it participate in the negotiations directly. We have asked the United States Institute of Peace, a respected conflict-resolution organization, to encourage the negotiation process in coordination

¹⁵⁷ Interview with Salem M. Adam, Ph.D., Secretary (Ambassador to the Philippines), Libyan People’s Bureau (Embassy), on 25 August 2004 in Makati City.

¹⁵⁸ The letter is reprinted in *Homeland*, Vol. X No. 5, September-October 2003, p. 16.

¹⁵⁹ Email message of G. Eugene Martin, Executive Director, Philippine Facilitation Project, U.S. Institute of Peace, Washington D.C., U.S.A., 20 August 2004.

with the Government of Malaysia. The USIP is ready to begin this task as soon as we have a clear signal from you as to your readiness to follow through.¹⁶⁰

The USIP Philippine Facilitation Project Executive Director says, “Our mandate is to further the peace process. Our perspective is that we would like to participate in the negotiations in a way acceptable to all parties (GRP, MILF and Malaysia) and be in a position to help implement a final peace agreement with resources for development, demobilization of combatants, livelihood projects, etc. USIP has considerable experience in other conflict areas in the areas of negotiation training, interfaith dialogue, conflict resolution in communities, and rule of law. Some if not all these areas of expertise could be of use in the GRP-MILF peace process. We have met with all the parties involved and are in the process of working out how we can best contribute... We are in the process of working out how USIP can relate to Malaysia's mediation role in the talks.”¹⁶¹ Mention might be made too of USIP’s considerable research resources if we are searching for solutions. The accent though seems to be *post-conflict* assistance in implementing an anticipated final peace agreement rather than in investing more resources that will help the process indeed get to a final peace agreement.

More interesting is his explanation for this new U.S. involvement: “The continued conflict was seen as a source of not only domestic instability but a potential threat regionally and even globally. As such, it became a part of the war on terror, although the MILF is not considered a terrorist organization. Increased military assistance to the AFP and joint exercises, like Balikatan, were focused on helping the AFP be more professional and effective against designated terrorist groups such as the NDF and Abu Sayyaf Group. But the U.S. realizes that the conflict in Mindanao with the MILF is not based on international terrorist ideology and cannot be solved by purely military means. Rather, the underlying causes - poverty, lack of development and education, and fears of cultural and religious inundation or destruction from the dominant secular and Christian culture and displacement of Muslims from ancestral lands - need to be addressed. That is why the U.S. is now involved.”¹⁶² To his or the USIP’s credit, they have a better than expected understanding of the Bangsamoro problem, certainly better than some Filipino officials who are supposed to be dealing with the problem.

The GRP and the MILF have no problems with this. But Malaysia does, at least with U.S. (presumably even USIP) direct participation in the negotiations. It is no secret that Malaysia would rather exclude non-ASEAN players, particularly the U.S. whose presence may just escalate the conflict.¹⁶³ The U.S. being the superpower that it is, it will always be the subject of theories of C.I.A. conspiracy and hidden agenda. It is hard to deny the U.S. role in the

¹⁶⁰ Macapanton Y. Abbas, Jr., “Is a Bangsa Moro State within a Federation the Solution,” *Ateneo Law Journal*, Vol. 48 No. 2, September 2003, pp. 290-368. The article also provides more details in pp. 328-33 about the exchanges leading to the clinching of U.S. involvement. The main merit of the article is its survey of several new political options for Bangsamoro self-determination. The late Attorney Abbas was a Moro legal luminary whose considerable talents were tapped at various times by the GRP, MNLF and MILF.

¹⁶¹ Email message of G. Eugene Martin, Executive Director, Philippine Facilitation Project, U.S. Institute of Peace, Washington D.C., U.S.A., 20 August 2004.

¹⁶² *Ibid.*

¹⁶³ Interview with Dr. Kamarulzaman Askandar, Coordinator, Research and Education for Peace, School of Social Sciences, Universiti Sains Malaysia (USM), and Regional Coordinator, Southeast Asian Conflict Studies Network (SEACSN), on 21 June 2002 in Penang, Malaysia.

disabling policy environment of the Philippines (the U.S.-led global war on terror being the source of the anti-terrorism syndrome which is impinging on Philippine peace processes) and the uneven negotiating field with U.S. involvement (due to its special relations with the GRP). But if even a revolutionary movement like the MILF is willing to try U.S. involvement, then who are we to say no to that. It is also undeniable that U.S. clout can play a positive role as guarantor of a just and lasting peace agreement, especially as far as GRP compliance is concerned. Just like with the recent presidential elections in Philippines, the results of the coming U.S. presidential elections are being awaited for their possible implications on the Mindanao peace process though it is not likely that there would be a radical change in the “left-hand” or soft approaches like the USIP involvement somehow with the GRP-MILF peace negotiations.

E. United Nations and Other International Organizations

The United Nations (UN) has had no institutionalized or agreed role in the GRP-MILF peace negotiations although the first framework agreement, the GFAI, in 1998 expressly mentions the UN Charter and the Universal Declaration of Human Rights in the context of the parties’ commitment to protect and respect human rights. It was only more recently, in a brief meeting in September 2003, when UN Secretary-General Kofi Annan offered President Arroyo assistance to find a comprehensive, peaceful and lasting political solution to the MILF problem. And this was noted in the pertinent OIC resolution at the 31st ICFM held in Istanbul, Turkey in June 2004 (seventh prefatory paragraph, Resolution No. 2/31-MM). On the other hand, it was reported, without much further details, in July 2004 that a group of Bangsamoro civil society organizations will seek UN assistance in resolving the Bangsamoro problem if the negotiations fail.¹⁶⁴

The UN Development Program (UNDP) has, however, been involved in the implementation of the 1996 GRP-MNLF Peace Agreement through a Multi-Donor Group Support (or Programme) for Peace and Development in Mindanao. Aside, of course, from the programme itself in so far as it bears on solving the Bangsamoro problem, what is particularly relevant to the GRP-MILF peace process is the series of six assessment missions from 1999 to 2004 led by Dr. Paul Oquist, UNDP Senior Regional Governance Adviser for Asia based in Islamabad. By the time of the Fourth Assessment Mission Report just before 9/11 in 2001, the Oquist Mission started to pay more attention to the GRP-MILF peace process, speaking of GRP partnership with the MNLF-MILF alliance for peace and development as the key to the Mindanao peace process.¹⁶⁵

But it has been the Fifth Assessment Mission Report of the Oquist Mission in October 2002 which has been the most significant on at least two counts. First, it analyzed the extreme protraction of Philippine peace processes (including now that with the NDF) and found the main reason for this in competing policy positions. Second, it proposed a move beyond the national security framework to a human security framework in addressing such matters as the

¹⁶⁴ “UN assistance sought if peace talks fail, say,” posted on 7 July 2004 in the News section of the MILF website www.luwaran.com.

¹⁶⁵ See Dr. Paul Oquist, “Critical Policy Inflection Point on Peace and Development for Mindanao” (Fourth Assessment Mission Report, Multi-Donor Group Support for Peace and Development in Mindanao, UNDP Manila, Philippines, 10 September 2001).

Bangsamoro insurgencies, the communist guerrilla movement, and violence against indigenous peoples.¹⁶⁶ And this proposal has been picked up by some important domestic players like the Catholic Church leadership and the new Presidential Adviser on the Peace Process. We shall come back more extensively to these two themes, competing policy positions and human security framework, when we get to the last two parts of this paper, on main obstacles and then recommendations, respectively, which follow shortly after this. The assessment mission reports have helped shaped “Conflict Prevention and Peacebuilding” as one of four program interventions of UNDP Philippines for 2005-09. Under this, UNDP will continue to have a significant role in the creation of the Multi-Donor Trust Fund (MDTF) for Mindanao in relation to the GRP-MILF peace process.¹⁶⁷

The World Bank (WB) has also started to get involved in the GRP-MILF peace process, with the endorsement of the parties, by leading a MDTF of the donor community in the Philippines intended in *post-peace agreement* humanitarian, rehabilitation and development of conflict-affected areas in Mindanao. The immediate phase of this is a just concluded Joint Needs Assessment (JNA) in four phases or areas of concern: human development, finance and private sector, rural development, and governance and institutions. An Oversight Committee (OC) was created headed by the WB, and with the BDA and the OPAPP as co-chairs. Other members are the Office of the Presidential Assistant for Mindanao (OPAMIN), the Office of the ARMM, Asian Development Bank, Islamic Development Bank and the UN Development Fund in the Philippines. A potential big donor is Japan which, like the U.S., has become increasingly interested in the Mindanao conflict and peace process.

Finally, as already noted from the *Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of the Tripoli Peace Agreement*, particularly regarding observance of international humanitarian law, is an explicit role for the International Committee of the Red Cross (ICRC) – something not found in the GRP-MNLF interim agreements.

All told, the GRP-MILF is turning out to be more internationalized than any other Philippine peace process so far, with multiple international involvement beyond the OIC circle.

V. MAIN OBSTACLES

A. Competing Policy Positions

¹⁶⁶ See Dr. Paul Oquist, “Mindanao and Beyond: Competing Policies, Protracted Peace Process and Human Security” (Fifth Assessment Mission Report, Multi-Donor Programme for Peace and Development in Mindanao, UNDP Manila, Philippines, 23 October 2002). See also along similar but more concise and updated lines, Dr. Paul Oquist, “From National Security to Human Security in Mindanao: Protracted Armed Conflict in National and Regional Policy Perspectives” (Paper presented at the 27th General Assembly and Annual Meeting of the Catholic Bishops Conference for Human Development, Taguig, Metro Manila, 8 July 2003). A major part of the analysis on the Philippines is a result of intensive work undertaken jointly with Alma R. Evangelista, UNDP Philippines Peace and Development Advisor.

¹⁶⁷ “UNDP: Country Programming and Related Matters: Draft Country Programme Document for the Republic of the Philippines (2005-2009)” 4-5.

We already noted the unduly long suspension of the GRP-MILF formal peace talks (March 2002- August 2004, or two years and five months) and of the negotiations itself (February 2003-September 2004, or over one and a half years). Since a final round of “exploratory/transition talks” is what is slated for October 2004, in all likelihood the re-resumption of the formal peace talks will take place in early 2005 after a recess for the Ramadhan and Christmas holiday season. We also noted that since August 1996 there have been already three series of exploratory talks, as if the negotiations keep going back to square one. From August 1996 to August 2004 is exactly eight years without formal talks on the first substantive agenda item, ancestral domain. In contrast, the GRP-MNLF peace negotiations of 1992-96 went from exploratory talks to final peace agreement in less than four and a half years. Also, the GRP-NDF peace negotiations which started with the Hague Joint Declaration in September 1992 eventually produced, despite several suspensions, a first substantive agreement on human rights and IHL, the CARHRIHL, in March 1998, or in five and a half years.

Of course, the eight years so far of the GRP-MILF peace negotiations does not look so bad when we recall that the whole set of GRP-MNLF peace negotiations actually spanned the years 1975 to 1996, or 21 years. And that the whole set of GRP-NDF peace negotiations so far have spanned the years 1986 to 2004, or 18 years and still running. Be that as it may, the negotiators and advocates of the GRP-MILF peace negotiations should be concerned about this trend. This is what Dr. Paul Oquist of UNDP calls the “extreme protraction of the peace process”¹⁶⁸ – one might say just about as protracted as the protracted people’s wars themselves. We present here mainly his analysis of this around competing policy positions which is one of the main obstacles to achieving a negotiated settlement in the GRP-MILF peace negotiations and to implementing agreements, whether interim or final.

In the Oquist analysis, there has been the existence across the years of essentially three competing policy positions in Filipino society, in the governments, in the armed forces, and in civil society at the Bangsamoro, Mindanao and national levels. The “pacification and demobilization” position consists of negotiating concessions necessary to achieve the cessation of hostilities and demobilization of rebel combatants. The “military victory” position advocates the military defeat of the MILF and NPA, the political defeat or marginalization of the MNLF, and the extermination of the Abu Sayyaf and other terrorist and kidnap-for-ransom groups. The “institutional peace-building” position advocates the short, medium and long-term construction of policies and institutions for peace in the economic, social, political, cultural and ecological spheres through participatory and consultative mechanisms.

Sometimes these positions combine in different proportions, especially the first two positions. On paper, like President Arroyo’s Executive Order No. 3 of February 2001 defining government policy for comprehensive peace efforts, it might look like an “institutional peace-building” position. But in practice or operation by the GRP peace negotiators and by the Cabinet Oversight Committee on Internal Security (COC-IS) above them, it has been mainly the “pacification and demobilization” position and sometimes the “military victory” position.

As for the dynamic among the positions, Oquist noted that all three of the competing positions are in play in the Mindanao peace process and they all have significant sources of

¹⁶⁸ Ibid.

support in civil society and government, including the AFP. None of these actors and stakeholders, including the AFP and the MILF, are monolithic in relation to these positions. The relative influence of these positions varies dynamically across time. The balance among the positions also makes possible drastic policy shifts. These shifts have occurred not only from one administration to another but also within one administration. Perhaps the best example of this in relation to the MILF front was the shift from the “all-out war” policy of President Estrada in 2000 to the “all-out peace” policy of President Arroyo in 2001 and then back again to an “all-out war” policy in 2002-03.¹⁶⁹ All-told, there is no policy consensus, coherence and consistency. Thus, the protraction of peace processes.

Oquist advances two conclusions in relation to the competing policy positions. First, peace will not come out of unilateral policy actions in Mindanao. Second, peace must come out of the interaction of forces. For that to happen, there needs to be considerable consensus-building on the cost of insecurity in Mindanao, the urgent necessity for the Philippines as a whole to commit to viable and sustainable peace with a sense of national ownership. This must take place within the State and in relation to public opinion, at both the national level and in Mindanao.

We round out this discussion on competing policy positions with the relevant conclusions of a recent study by a Filipino political scientist Miriam Coronel Ferrer on the dynamics of the persistent Mindanao conflict.¹⁷⁰ One of the six major reasons for its persistence she identifies is “incoherent peace policy and absence of peace-building leadership.” The former refers to the Philippine government, while the latter refers to both government and rebel leaders with rare exceptions, like notably President Ramos. She describes this elsewhere as the absence of a type of leadership that is committed to finding peaceful solutions and instituting lasting peace. Without this clarity in direction, there are only motions and the routine of on-and-off talks, of the fighting-while-talking mode.¹⁷¹

A second major related reason for the persistence of the Mindanao conflict identified by Ferrer is the “lack of national consensus.” No national consensus has been reached on the need to solve the Mindanao conflict through peace negotiations that could effectively redistribute political power, economic resources and social opportunities. Aside from national consensus, there is also the problem of Mindanao consensus among and within the three basic peoples (broadly, the Christians, Muslims and Lumads) there, not to mention the communist armed struggle factor. It is not just a question of consensus on the peace process but on its key substantive issues like the one coming up on ancestral domain.¹⁷²

B. Terrorism and the Peace Process¹⁷³

¹⁶⁹ See Soliman M. Santos, Jr., “All-Out War, All-Out Resistance, All-Out Peace: War of Words,” *Philippines Free Press*, December 28, 2002, pp. 20-21.

¹⁷⁰ Ferrer, “The Philippine State and Moro Resistance.”

¹⁷¹ Miriam S. Coronel-Ferrer, “The Communist Insurgency and the Peace Process” in Ed Garcia, Ed Legaspi and Karen Tanada (eds.), *Waging Peace in the Philippines: Looking Back, Moving Forward* (Quezon City: Geston Z. Ortigas Peace Institute, 2003) 71.

¹⁷² Ferrer, “The Philippine State and Moro Resistance.”

¹⁷³ With apologies to International Crisis Group, “Southern Philippines Backgrounder: Terrorism and the Peace Process” (Asia Report No. 80, ICG, Singapore/Brussels, 13 July 2004), hereinafter referred to as ICG Report.

In contrast or contraposition to the inconsistent peace policy of the Philippine government has been its overriding post-9/11 anti-terrorism policy, starting with President Arroyo's Memorandum Order No. 37 providing for a 14-pillar anti-terrorism policy in October 2001 – which was also when the GRP-MILF peace negotiations started to slow down. This is exemplified by such quoted statements of the President in December 2003 that “The government will not allow the peace process to stand in the way of the overriding fight against terrorism.”

Other similar lines of thinking show that the anti-terrorism syndrome (inspired by the U.S.-led global war on terror) is an obstacle or threat to the viability of various peace processes, including peace negotiations with rebel groups. We quote some now: “From these intelligence reports, it is very clear Jemaah Islamiyah and al-Qaeda have a solid presence in the Philippines. Yet the government, in its peace talks, continues to offer autonomy to the MILF in its stronghold.”¹⁷⁴ “And it is these bonds that now present perhaps the most serious obstacle to a peace agreement in the southern Philippines.”¹⁷⁵ “A central paradox of the southern Philippines peace process is that it presents the main short-term obstacle to rooting out the terrorist network, and an indispensable element in any long-term remedy.”¹⁷⁶ “Genuine and fully implemented autonomy for Philippine Muslims is a *sine qua non* for winning the long-term war on terror in Mindanao.”¹⁷⁷ In short, the war on terror is more important than the peace process, such that the latter should even serve and not become an obstacle to the former. It is the peace process now which is the main obstacle. In the Philippines, there is an expression for this: *baligtad na ang mundo* (the world is now upside down).

The thing with the war on terror is its overarching focus on terrorism to the neglect of other issues. It is programmed to look for and find terrorists and terrorist links, and neutralizing them is all that matters. When those links, even if peripheral, are found or strongly believed to be found based mainly on intelligence reports, with regards to a particular rebel group like the MILF negotiating peace with the government, the logic of the war on terror is to downgrade or even scrap negotiations in favor of military offensives or “all-out war.” The conventional wisdom is not to negotiate with terrorists. The militarization of the response to real terrorism (e.g. the Abu Sayyaf) is carried over to the militarization of the response to rebellion (e.g. the MILF and the NPA). Underlying this is the question of understanding the roots and nature of the rebellion in order to address it properly. And if this is not understood and operationalized, the peace process just becomes part of the collateral damage.

From the perspective of peace advocacy, it is therefore hard to go along with the view that “To date the impact of the War on Terrorism is mixed but on balance positive... the current positive international conditions”¹⁷⁸ and see it even as a “window of opportunity” for the Mindanao peace process, or that “the seminal events of 11 September 2001 appear to have given the peace process in Mindanao a boost, given the MILF's apparent reevaluation of its stand.”¹⁷⁹

¹⁷⁴ Maria A. Ressa, *Seeds of Terror: An Eyewitness Account of Al-Qaeda's Newest Center of Operations in Southeast Asia* (New York: Free Press, 2003) 140.

¹⁷⁵ ICG Report 13.

¹⁷⁶ Ibid 5.

¹⁷⁷ Ibid 26.

¹⁷⁸ Oquist, “Mindanao and Beyond” 28.

¹⁷⁹ Tan, “The Indigenous Roots of Conflict in Southeast Asia” 111.

On the contrary, “complications under the current global order” are identified by Ferrer as a third of the six major reasons for the persistence of the Mindanao conflict. She refers mainly to such current international factors or contexts as the rise of international terrorism exemplified by Al-Qaeda and the U.S.-led global war on terror, both of which create conditions that lead only to more violence and destructive policies.¹⁸⁰ To those politico-military factors, one might add the cultural factor of a self-fulfilling “clash of civilizations” between the West and Islam aggravating centuries-old Christian-Muslim cleavages in Mindanao.¹⁸¹

In the overall scheme of things, including history and current circumstances, whatever MILF-Jemaah Islamiyah (JI) links or even cooperation there may have been is *not central* to the MILF question. This should be seen in perspective. The MILF and more so its historical antecedents were there on the scene long before JI and Al-Qaeda became fashionable. One can even say that it is JI which needed the MILF more rather than the other way around. Even for its armed struggle and more so for its peace negotiations and diplomatic work, *the MILF does not need JI*, which is even a liability to it post-9/11. Given what the MILF has achieved already, it does not need JI “to bring new international urgency to solving the southern Philippines conflict”¹⁸² and “as a crucial element of a strategy to maintain military capacity and international jihadist solidarity at the same time as they negotiate.”¹⁸³ In its conduct of armed struggle, the MILF (like the NPA) has not as a policy and has not generally in practice engaged in terrorism or acts of terrorism by deliberately targeting civilians.¹⁸⁴ Whatever MILF-JI links there are should and can be addressed with the MILF, without prejudicing the peace negotiations on substantive issues to solve the historical Bangsamoro problem.

In fact, those links are already being addressed by appropriate mechanisms of the peace process for a ceasefire, other security aspects and criminal interdiction. Rather than being “the main short-term obstacle to rooting out the terrorist network,”¹⁸⁵ the peace process provides both a short-term and long-term remedy. In the short-term, “attempts to move directly against terrorists embedded in MILF-controlled or influenced territory,”¹⁸⁶ like the recent successful AFP air strike against the Pentagon gang, are best done in the context of peace process-inspired cooperation and coordination. In the long-term, “without a successful peace agreement, the region will continue as a zone of lawlessness in which terrorism can thrive,”¹⁸⁷ especially if the conditions which give rise to terrorism are not addressed. In fine and in perspective, the peace process can provide collateral benefits for the war on terror even as this is not and should not be the main objective of the peace process.

¹⁸⁰ Ferrer, “The Philippine State and Moro Resistance.”

¹⁸¹ Excellent articles on the post-9/11 global and regional contexts are found in the first section on “Regional Perspectives in Garcia, Legaspi and Tanada (eds.), *Waging Peace in the Philippines* 12-50.

¹⁸² ICG Report 8.

¹⁸³ Ibid 26.

¹⁸⁴ See Soliman M. Santos, Jr., “Terrorism: Toward a Legal Definition,” *Philippines Free Press*, December 28, 2002, pp. 28-29, with a proposed legal definition: “the systematic employment by states, groups or individuals of acts or threats of violence or use of weapons deliberately targeting the civilian population, individuals or infrastructure for the primary purpose of spreading terror or extreme fear among the civilian population in relation to some political or quasi-political objective and undertaken with an intended audience.”

¹⁸⁵ ICG Report 5

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

We adopt the conclusion of a Southeast Asian strategic studies expert that “The complex nature of the Moro rebellion and the presence of fundamental grievances point to the conclusion that in joining up the dots to uncover the Al Qaeda network in the region, it is important to bear in mind that given, not every Muslim rebel in the region is a dedicated Al Qaeda operative.”¹⁸⁸ In the case of the MILF, the overwhelmingly majority of its rank and file are simply certainly not.

C. Failed and Flawed Approaches

We deal here with failed and flawed approaches in the peace processes in Mindanao (and Philippines) in general and in the GRP-MILF peace negotiations so far in particular, as obstacles to achieving a negotiated settlement and implementing agreements. Here are some pitfalls in the Mindanao peace process so far:

1. The GRP’s *unilateralism or unilateral implementation* through the device of “constitutional processes” which the GRP always insists on. This allows the GRP’s mechanisms of “national sovereignty” (like Congress and the Supreme Court) to modify or change in implementation the peace agreements already entered into by the executive branch through the GRP peace panel or peace negotiators as approved by its/their principal, the President. This has been the long standing complaint of the MNLF with regards to the executive and legislative implementation of both the 1976 Tripoli Agreement and the 1996 Jakarta Accord. To a certain extent, this problem is also structural in the Philippine governmental system of so-called “separation of powers.”

2. The GRP’s *rigidity with the Philippine Constitution* and existing laws even if there is some room for creativity and accommodation. GRP peace panels are invariably instructed that “The formal talks shall be conducted within the mandates of the Constitution and the laws of the land.” GRP peace negotiators therefore do not dare step outside those parameters. At most, the GRP offers the enhancement through amendment of existing laws like the Organic Act for the ARMM. There is no predisposition to explore or exhaust things which can still be done within the Constitution. Of course, there are the structural and paradigmatic obstacles in the latter itself. Rigidity to it betrays a lack of understanding of the constitutional problem. It also reflects the *national elite’s reluctance to let go of its centralized control* and authority over the whole country, thus allowing only limited autonomy.

3. Political solutions are the politically correct response to political problems. But these can only go so far *without constitutional solutions*, meaning charter change of the existing structural relationship between the Bangsamoro people and the Philippine republic, which is a big part of the Bangsamoro problem. This does not necessarily mean, say for the MILF, accepting the existing constitutional framework because what is involved here is precisely a change in that framework as far as the Bangsamoro people are concerned. Political solutions which are only political accommodations of power-sharing and cooptation have proven to be ephemeral, as shown most notably by the Misuari case.

¹⁸⁸ Tan, “The Indigenous Roots of Conflict in Southeast Asia” 98.

4. The *lack of participation of other stakeholders* (e.g. other Moro groups, Lumads, Christians, and civil society) adversely affects support for and sustainability of the peace process, especially when it comes to the implementation of agreements. It also results in their issues (e.g. land rights and indigenous peoples' rights) not being factored in and addressed properly. These were major gaps in the GRP-MNLF peace process. A Muslim woman peacemaker had these critique on participation in the Mindanao peace process:

- Peace talks were top, high level and exclusive, only with the leaders of the MNLF and MILF, with the exclusion of the vast majority of Bangsamoro, Lumad and Christian settlers
- No community-based peace talks and no consensus-building
- Not fully reflective of the needs and aspirations of the affected communities and stakeholders
- No sense of ownership by the stakeholders, the vast people of Mindanao
- No sustainability of peace agreements; communities are uninformed or ignorant of agreements, hence cannot be vigilant of sustaining and protecting whatever gains therefrom¹⁸⁹

5. *Predominance of the military and military solutions, and of a narrow national security doctrine*, have impinged on the peace process long before the U.S-led global war on terror. The latter has only strengthened the hand of the “hawks” and reinforced an already dominant or hegemonic ideology of national security, particularly its thrust of counter-insurgency as the framework to address insurgency or rebellion. The peace process has become subsumed under such a national or internal security framework. The peace negotiations in particular, through the Presidential Adviser on the Peace Process (PAPP), have been subject to the Cabinet Oversight Committee on Internal Security (COC-IS) created by President Arroyo’s Executive Order No. 12 with a counter-insurgency “Strategy of Holistic Approach.”

The government’s objective for the peace process is no longer so much addressing the root causes of rebellion as it is demobilizing the rebel forces. And even before Arroyo, there has been the persistent militarist mentality of degrading the military capability of the rebels in order to be able to impose a peace settlement on them. There has also been the “military victory” temptation to try to even finish them off with U.S. anti-terrorist logistics support which also funds the AFP’s modernization aspirations.

6. It seems already standard *government negotiating strategy or practice to seek to divide-and-rule over Moro rebel groups* and their leaders. In the end, this has proven to be counter-productive. This was most blatant during the Marcos and Aquino years of the GRP-MNLF contention. But there are already indications of it in the current GRP-MILF peace negotiations. “The government also aims to divide the MILF, winning over ‘moderates’ with promises of development, as in 1996, while sustaining military pressure on ‘hardliners’ – what some observers call a ‘salami’ strategy of peeling away opposition layer-by-layer.”¹⁹⁰

7. The government’s divide-and-rule practice is made easier by *fragmentation and factionalism among Moro rebel groups* and leaders. The best negative example is still the

¹⁸⁹ Yasmin Busran-Lao, “Peace Advocacy Among the Bangsamoro” (Paper presented at the forum “Conversation Peace” on 12 November 2003 at the Ateneo de Manila University, Quezon City).

¹⁹⁰ ICG Report 8.

MNLF which split three ways during the Marcos years and which has split again four ways in more recent years. This and other failures of Moro leadership, especially Misuari/MNLF governance of the ARMM, have become arguments against Moro self-determination and self-rule. Reports of factionalism in the MILF along Maguindanaon vs. Maranao lines,¹⁹¹ however, appear to be overstated. At least, there is no such factionalism at the Central Committee level.¹⁹² Factionalism should be distinguished from problems of command and control over field units because of a shift to more mobile and autonomous guerrilla mode with a corresponding reorganization.

It is, of course, valid to say and ask: “A further difficulty for both sides in the peace process is knowing who to negotiate with. Are counterparts in full control of their forces in the ground? Can they make a deal stick against hardline opposition from within their own team?”¹⁹³

8. *On the government side, there has been lack of coordination and strategic coherence* in the GRP-MILF peace negotiations. The classic examples of these were the internal dynamics between the GRP regular panel and the GRP back-channel negotiators, and the timing of major military offensives during critical junctures of the peace negotiations.¹⁹⁴ The latter in particular has given the MILF an impression of division in the government’s political and military leadership, of the political leadership not being in full control of a military which in turn is highly politicized.¹⁹⁵

9. One major obstacle is the *high level of distrust*,¹⁹⁶ clearly seen more in the negotiations with the MILF than with the MNLF. Oquist noted and described it this way: “Some in the AFP consider that the MILF non-insistence on independence or other political demands hides a continued commitment to independence in the future. Likewise, there are elements in all of the insurgent groups that doubt the political will and good faith of the GRP in the negotiation process. There are still high levels of mistrust and lack of confidence on both sides, despite – and partly because of – all of the years of peace contacts and negotiations.”¹⁹⁷

One might say that the historical and social basis of this distrust between the negotiating parties and panels are the *deep social, cultural and religious cleavages* between the peoples they purportedly represent, the Filipino people and the Bangsamoro people. This must count as an obstacle too to the negotiations, a settlement and its implementation. It is a basic concern which cannot be addressed mainly by the negotiations but needs a broader people-to-people peace process.

10. If distrust is an obstacle of the heart, there is also an obstacle of the mind in *lack of understanding of the problem*: the Bangsamoro problem or the MILF problem, if you will. For

¹⁹¹ See ICG Report 9-12.

¹⁹² Interview with Salem M. Adam, Ph.D., Secretary (Ambassador to the Philippines), Libyan People’s Bureau (Embassy), on 25 August 2004 in Makati City.

¹⁹³ ICG Report 5.

¹⁹⁴ Guiam, “Negotiations and detours” 10.

¹⁹⁵ Interview with Al Haj Murad Ebrahim, MILF Vice Chairman for Military Affairs, on 7 April 2002 somewhere in Central Mindanao.

¹⁹⁶ Guiam, “Negotiations and detours” 10.

¹⁹⁷ Oquist, “Mindanao and Beyond” 3.

example, key government peace process officials and negotiators root it down by way of this conventional wisdom: “It’s poverty.”¹⁹⁸ And this is one valid rationale for the economic development approach in the peace process. But key peace negotiators on the other side are just as emphatic in saying that “The MILF is not poverty-driven.”¹⁹⁹ Contrary to the Clintonesque “It’s the economy, stupid,” one might say here “It’s politics, stupid.” The ICG Report is right when it says that “The MILF’s goals are irreducibly political.”²⁰⁰ But again there is politics and there is politics. The politics of power-sharing such as applied with the MNLF is not the politics which the MILF is interested in, the politics of self-determination and political Islam. And then there is culture which is often sidelined by political economy in the analysis of the problem.

It was a seminal work in 1990 comparing Muslim separatism of the Moros of Southern Philippines and the Malays of Southern Thailand which incisively noted: “Thus, while some Moro and Malay elites are gradually absorbed into the Philippine and Thai systems through the process of national integration and development, policies which seek to redress the separatist problem through socio-economic measures designed to lift the living standards of ethnic minorities fail to recognize that the ethnic protagonists perceive their conflict not in socio-economic terms but as ethnic, religious, and nationalist.”²⁰¹

D. Structural Obstacles

We go now to the hardest kind of obstacles, those arising from the existing structure or system, whether politico-economic or legal-constitutional.

1. *Pro-war interests.* This is a fourth of the six major reasons for the persistence of the Mindanao conflict identified by Ferrer. These are political and economic forces and groups which benefit from war conditions. These vested interests are “embedded” into the system and difficult to root out because they are backed up by wealth and power, including armed power, they provide employment and other benefits to a wide number of people and thus have their own patronage networks, and enjoy protection from elements of the state. Foremost among these is the military whose institutional interests benefit from a big war budget, foreign military assistance, combat-based promotions, importance in national security matters, and being a launching pad for post-retirement careers. Criminal activities also sustain war and are provided cover by war. Those engaged in arms trading, smuggling, piracy, illegal logging, trafficking in drugs, women and children, kidnap-for-ransom and bank robberies profit from conflict situations. Both government and rebel forces have been accused of complicity in such criminal activities.²⁰²

¹⁹⁸ Interview with Sec. Eduardo R. Ermita, Presidential Adviser on the Peace Process, on 4 April 2002 in Pasig City. This view is also held by the new PAPP Sec. Teresita Quintos-Deles who was previously in charge of the National Anti-Poverty Commission.

¹⁹⁹ Interview with Datu Michael O. Mastura and Atty. Musib M. Buat, MILF peace negotiators on 18 May 2002 in Taguig, Metro-Manila.

²⁰⁰ ICG Report 8.

²⁰¹ W.K. Che Man, *Muslim Separatism: The Moros of Southern Philippines and the Malays of Southern Thailand* (Quezon City: Ateneo de Manila University Press, 1990) 178.

²⁰² Ferrer, “The Philippine State and Moro Resistance.”

Also to be counted among pro-war interests are big businesses which profit from a war economy such as suppliers of military logistics and their corrupt military contacts. Then there are the landed interests, especially big landlords and agro-corporations, who feel threatened by all the peace talk about ancestral domain, agrarian-related issues and land rights.

2. *The Land Problem.* The GRP-MILF peace negotiations when it resumes will run right smack into this when discussing the ancestral domain aspect, the first substantive agenda item. In the best independent paper on this so far, the following issues related to the Bangsamoro claim to their ancestral lands are bound to crop up, if and when that claim would be enforced:

- a. Bangsamoro ancestral lands now occupied, titled or not, by Mindanao population of migrant stock (the mainstream Christian Filipinos there)
- b. Bangsamoro ancestral lands bordering with non-Moro indigenous people (Lumad) ancestral lands, especially those already recognized under the Indigenous Peoples Rights Act (IPRA)
- c. Bangsamoro ancestral domains/lands under the control of transnational agro-corporation plantations and mining companies
- d. Bangsamoro ancestral lands/domains with government infrastructure facilities like hydro-electric projects²⁰³

And within the Bangsamoro ancestral domain, there are also land rights and ownership patterns to deal with.

Oquist has also noted “that the greatest potential threat to the peace and order situation in Mindanao is conflict over land and land-related exploration and exploitation rights. There is a broad-based consensus that land is at the root of much of the armed conflict and that land must be part of a strategic, sustainable solution. Land could also be the prime source of post-conflict conflict.”²⁰⁴ It is definitely a very important *part* of the Bangsamoro problem but it is also important to bear in mind, as articulated by the MILF itself, that the key to the *whole* problem is still a *political* solution.

3. *Bad Governance (and Bad Development).* “Poor governance, patronage and continuing underdevelopment” is a fifth of the six major reasons for the persistence of the Mindanao conflict identified by Ferrer. National, regional and local governments have not brought about significant redistributive measures, like in land reform, to address the socio-

²⁰³ Abreu, “Rooted in the Bangsamoro Ancestral Domain.”

²⁰⁴ Oquist, “Mindanao and Beyond.” Over at least the last 25 years, there has been growing related literature on the Mindanao land problem. See, for instance, the seminal Rad D. Silva, *Two Hills of the Same Land: Truth Behind the Mindanao Problem* (Mindanao-Sulu: Critical Studies & Research Group, revised ed., 1979); Alternate Forum for Research in Mindanao, Inc. (AFRIM), “Concepts of Property (Land) Rights and Land Ownership Patterns Among Moro Muslims in Mindanao,” *Mindanao Focus*, Vol. 12 No. 1, 1st Quarter 1994; Myrthena L. Fianza, “Conflicting Land Use and Ownership Patterns and the ‘Moro Problem’ in Southern Philippines” in Miriam Coronel Ferrer (ed.), *Sama-Sama: Facets of Ethnic Relations in South East Asia* (Quezon City: Third World Studies Center, University of the Philippines, 1999) 21-55; *The Mindanao Forum*, Vol. XIV No. 1, June 1999, theme issue on Lumad ancestral domain claims, mainly articles of B.R. Rodil, published by the Mindanao State University-Iligan Institute of Technology; and most recently Eric Gutierrez and Saturnino M. Borrás, Jr., “The Moro Conflict: Landlessness and Misdirected State Policies,” *Policy Studies* 8, 2004, published by the East-West Center Washington. The most regular continuing studies on the Mindanao land problem have been those of AFRIM and some of these are published in its regular publications *Mindanao Focus* and *Bantaaw*.

economic roots of rebellion. Lack of coordination, patronage politics and corruption have undermined economic development and social reform measures, defeating whatever economic development approach and social reform agenda for the peace process. The highly centralized and politicized governance processes, and the center-subordinate relations among national-local political elites, have not enabled greater local and regional autonomy to fulfill their potential to institute redistribute and other reform measures at these levels. This structure is maintained by the fiscal dependence of local and regional governments on the national government.²⁰⁵

And in that arrangement, a disproportionately small share of the national allocation for regional development goes to the Muslim region and provinces,²⁰⁶ reflecting national priorities and the balance of power in the center and even in Mindanao. Even the more recent rise of reform-oriented civil society development initiatives with international funding could not overcome the inherent weakness in the development processes arising from the political and social structures. Also, the recurrent patterns of outbreaks of war between relative peace have largely shifted whatever development initiatives to relief and rehabilitation, thus stunting and even pushing back economic development.²⁰⁷ The most absurd expression of this has been a policy of “all-out war” followed immediately by a policy of “all-out rehabilitation” to pick up the pieces of collateral damage. “The military has no evacuation plan (for civilians in the battle zones); it has only military plans.”²⁰⁸

4. *Failure of the ARMM.* “Failure of the ARMM as a mechanism for peaceful political competition, good governance and quality leadership selection” is a sixth of the six major reasons for the persistence of the Mindanao conflict identified by Ferrer.²⁰⁹ This is the regional expression of the national structural obstacle of bad governance. But what makes this particularly crucial is that at the helm of the ARMM is a Moro leadership, with the last two regional governors coming from the MNLF. On one hand, the failure of the ARMM can be and has been used as an argument against autonomy and for more radical solutions like federalism and independence. On the other hand, it can and has been also used as an argument against Moro self-determination and self-rule because of the failure of Moro leadership and governance.

The failure of the ARMM must, therefore, be analyzed properly, so that the right insights might be drawn from this. According to a new book that is “the most comprehensive analysis to date of what ails the ARMM,”²¹⁰ such failure arises mainly from the timidity of the leaders of the ARMM to use its vast powers to promote the common good, the ignorance and insensitivity of national leaders to the spirit and letter of the autonomy laws by clinging on to powers already transferred by law to the ARMM, and the “resources trap” where the national government and the ARMM endlessly blame each other for the mess the ARMM is in around the issues of

²⁰⁵ Ferrer, “The Philippine State and Moro Resistance.”

²⁰⁶ Guiam, “Negotiations and detours” 11.

²⁰⁷ Ferrer, “The Philippine State and Moro Resistance.”

²⁰⁸ Dona Z. Pazzibugan, “RM awardee bashes gov’ts approach to peace,” *Philippine Daily Inquirer*, August 29, 2004, p. A6, quoting Ramon Magsaysay awardee for emergent leadership Benjamin Abadiano of the Philippines from his lecture on 27 August 2004 at the Ramon Magsaysay Center in Manila.

²⁰⁹ Ibid.

²¹⁰ Hatimil E. Hassan, “Foreword” in Benedicto R. Bacani, *Beyond Paper Autonomy: The Challenge in Southern Philippines* (Cotabato City: Center for Autonomy and Governance, Notre Dame University College of Law; and Konrad Adenauer Stiftung, 2004).

budgetary support and fund management, respectively.²¹¹ Though the book posits that the failure of the ARMM does not lie in the autonomous region as a political structure, it is precisely this structure, as part of the national political structure, which limits the fulfillment of certain Bangsamoro aspirations that are represented by the MILF. And that national political structure is embedded in the Constitution.

5. *Opposing Constitutional Paradigms*. In the final analysis, the GRP and the MILF will have to reckon with their opposing constitutional paradigms which might be likened to a situation where an “irresistible force” meets an “immovable object,” respectively:

- a. Constitution vs. Qur’an
- b. Sovereignty of the People vs. Sovereignty of Allah (*hakimiyya*)
- c. Separation of Church & State vs. Integration of Religion & Politics/State
(*din wa dawla*)
- d. Autonomous Regions of a Unitary State vs. Independent Islamic State
- e. National Territory vs. Bangsamoro Homeland
- f. Philippine Flag vs. Moro Islamic Symbols²¹²

These represent two different systems, a Western-type liberal democratic system and a Moro Islamic system. The MILF believes that the Philippine system itself is the problem because it is not “a system of life and governance suitable and acceptable to the Bangsamoro people,” if given a real choice. It therefore wants out, to separate, from that system. The GRP will not agree to it or allow it. But can the majority system allow and find enough space for the minority system to fully operate as a complete system in its own right in the country? Even so, will the Bangsamoro people accept this? Will the Filipino people accept this? Can they and their *two systems* coexist in *one country*? The answers will depend much on the progress from hereon of the GRP-MILF peace negotiations for which we now proffer some recommendations.

VI. RECOMMENDATIONS

When one considers the obstacles, especially the structural obstacles, to a negotiated political settlement between the GRP and MILF, including its implementation, one might be tempted to give up. Ferrer says, “In the final analysis, the peaceful settlement of the conflict in Mindanao cannot be detached from or is integral to the national democratization process which includes social restructuring, cleaning up of the military and police, combating corruption, poverty alleviation, healing and reconstruction of war-weary communities, and the transformation of the Philippine state to make it more autonomous from private interests, efficient, inclusive and development... Failure of the democratization process to move forward substantially can only mean a prolonged life span to the violent armed conflicts...”²¹³ Such a democratization process must be undertaken but it looks like it can be just as protracted as the people’s wars and peace processes currently ongoing. It is almost like saying we must solve the

²¹¹ Bacani, *Beyond Paper Autonomy* 4-5.

²¹² See Soliman M. Santos, Jr., *The Moro Islamic Challenge: Constitutional Rethinking for the Mindanao Peace Process* (Quezon City: University of the Philippines Press, 2001) 13-23.

²¹³ Ferrer, “The Philippine State and Moro Resistance.”

problems of the Philippines first before we can solve the problems of Mindanao. It is probably easier to think the other way around, that solving the Mindanao or Moro problem will help solve some of the many problems of the Philippines.

1. *The fiscal crisis as impetus for peace.* Now that it is has dawned on all concerned that the Philippines is in fiscal crisis due to its public sector deficit and debts, facing economic collapse in two years,²¹⁴ this should be impetus to prioritize the successful and expeditious conduct of the Mindanao peace process. Let this be another kind of economic development approach to the Bangsamoro/MILF problem. The usual economic development approach on which there is tripartite (GRP-MILF-Malaysia) confluence refers to economic development inputs into areas affected by the armed conflict going hand in hand with peace negotiations so as to already bring in some peace dividends, including economic development. The fiscal crisis-based approach simply means for the GRP to keep the peace process on track and avoid war with the big spending this entails because this will only sink it deeper into the deepening crisis. As it is, the GRP cannot avoid war on the NPA front where there is no ceasefire and the NPA will surely take advantage of the crisis to intensify its guerrilla warfare and tactical offensives. For the MILF to stick with the peace process and ceasefire, notwithstanding its tactical alliance with the NDF and possible favorable conditions for the armed struggle, would be a test of the MILF's sincerity in the peace process or "a strong indicator of political will for peace."²¹⁵ "In sum, a very powerful strategy in the Philippines for combined economic reactivation, poverty reduction, human security and sustainable human development policy is peace."²¹⁶

2. *Make up your mind about the MILF (and the peace process).* It has been said that the new MILF Chairman Al Haj Murad Ebrahim "faces a stark choice – either steer the MILF back to its nationalist roots or drive it into the arms of international terrorist groups like Al Qaeda." To which the GRP Peace Panel Chairman Sec. Silvestre C. Afable, Jr. has been quoted as saying "I think he's prepared to have a negotiated settlement with the government, and has decided that the MILF will have nothing to do with terrorists."²¹⁷ But the signals are mixed from the government side that says "The government will not allow the peace process to stand in the way of the overriding fight against terrorism." It seems that it also faces a stark choice in understanding and determining, after all these years, the nature of the MILF (and for that matter the NPA) – is it rebellion or is it terrorism? Is the main motivation political, ideological or religious, or none of these? Is there a clear and consistent pattern, practice or policy of deliberately targeting civilians to spread terror for some political or quasi-political objective? Are they, or are they not? It's time this issue be resolved once and for all. If needed, a rapid field appraisal of the matter might be undertaken by a credible, competent and independent organization, institution or fact-finding mission, not just by 9/11-oriented military and police intelligence. *What is essentially rebellion should not be treated as terrorism.* Rebellion should be properly addressed by the paths of peace negotiation and substantive reform which both address its root causes. The government should *reestablish the primacy of peace negotiations*

²¹⁴ See Juan V. Sarmiento, Jr, "UP economists warn of RP crash in 2 years," Philippine Daily Inquirer, August 23, 2004, pp. A1, A20, based on the paper "The Deepening Crisis: The Real Score on Deficits and the Public Debt" by Dr. Emmanuel S. de Dios and 10 other professors of the University of the Philippines School of Economics.

²¹⁵ Oquist, "Mindanao and Beyond" 17.

²¹⁶ Ibid 4.

²¹⁷ Joe Cochrane, "The Road to Peace," *Newsweek*, September 13, 2004, p. 29.

over military action in dealing with rebellion provided the rebel group concerned reciprocates accordingly. Whatever MILF-Jemaah Islamiyah links there are should and can be addressed with the MILF in the context of the peace process but without prejudicing or distracting the negotiations on substantive issues to solve the Bangsamoro problem.

3. *Get on with the substantive agenda and lay out a road map.* Seven years without discussion of the substantive agenda is too protracted. There must be some middle ground between the MILF's gradualist incremental approach and the GRP's fast-track to a final peace agreement. True, from the MILF perspective, it is not good to rush things because what is at stake here is a just, lasting and comprehensive solution to an extremely complex, difficult and contentious problem. But the extreme protraction of the peace negotiations can be counter-productive in terms of loss of momentum and public interest as well as vulnerability to sabotage. "We cannot keep on going back to the table only for more discussions on procedures and mechanisms. The substantive agenda must take precedence in peace negotiations which have been too long protracted and this necessitates alternatives, creative and inspired, to address root causes of conflict."²¹⁸ As it is, even the "mother" framework *Tripoli Peace Agreement* of 2001 does not lay down what follows after the first substantive agenda item on ancestral domain. What about the eight other items in the early (1997) nine-point agenda, subsequently six clustered agenda items (2000)? What about the all-important bottom-line political solution? How and when are these to be tackled?

It would be good if the negotiations itself has a *road map* which indicates locations, directions, routes, stop-over points and final destination. It would be most ideal if the GRP-MILF peace negotiations road map could somehow relate with a road map for the broader Mindanao peace process which includes the other tracks (implementation of the GRP-MNLF Peace Agreement, the people-to-people or tri-people peace process, the Lumad indigenous people's agenda, and the economic development of Mindanao) with immediate, intermediate, medium-term and long-term "destinations" and timelines.²¹⁹ Timelines have some value in pacing the work, as long as the pace is reasonable – the MILF should consider this, even as its aversion to deadlines in the peace negotiations is understandable. One scenario might be relatively early agreement on a final settlement, say within President Arroyo's current six-year term, but providing sufficient time for transition, social preparation and information-education especially where there will be a referendum and then phased implementation.

One approach to the substantive agenda, if we go by the MILF mode of first looking at the problem, dissecting it to its roots, then seeing where the discussion leads in terms of a solution, is to *structure the negotiations like an educational course on the Bangsamoro problem* to be taken up over a number of semesters with the agenda items or clustered agenda items treated like course subjects. The last two subjects should probably be on the political solution and then a comprehensive review to tie everything together. The usual college course is four years with two semesters per year with semestral breaks and a summer break or classes.

²¹⁸ Secretary Teresita Quintos-Deles, "The Peace Process under the Macapagal-Arroyo Presidency" (Paper delivered for the University of the Philippines Public Lecture Series on 20 February 2004 at U.P. Diliman, Quezon City).

²¹⁹ An initial attempt at such a road map is a "Framework for Peaceful Resolution of the Mindanao Conflict, and for Political, Cultural and Economic Development in Mindanao" with a time frame of up to 6+ years, produced by the Mindanao Experts Option Workshop held on 7-9 August 2003 under the auspices of The Asia Foundation-Manila.

The course can also be accelerated by a trimester system,²²⁰ or by different study groups tackling different subjects simultaneously. The collective term-paper outputs for each subject can then be put together in a unifying thesis (a final peace agreement) at the end of the course. The whole process can indeed be very educational for those who will be involved in it, but of course we hope not just educational but also productive, producing results, solutions to the problem.

The GRP-MILF peace negotiations should *consider adopting some of the applicable positive aspects of the process and structure of the GRP-MNLF peace negotiations* which conducted and concluded substantive discussions from 1993 to 1996, or only three years. The latter process featured three levels of talks. Five support committees divided the technical work on the nine substantive issues²²¹ left for further discussion by the 1976 Tripoli Agreement. The results of their work were consolidated by the Mixed Committee. This in turn submitted substantive consensus points for interim then final agreement by the negotiating panels at the formal talks. There was also an Ad Hoc Working Group on the transitional implementing structure and mechanism which also submitted its output to the negotiating panels. All meetings at these three levels were facilitated by a diplomat from Indonesia as chair of the OIC Ministerial Committee of Six.²²² Such a process and a structure necessitated the involvement of many more persons than just those in the negotiating panels. On the MNLF side, a number came from the ranks of Moro professionals and civil society, thus engendering some public participation in the peace process, aside from public consultations.

4. *Determine well your key negotiators who should have the time for the negotiations.* “In order to change the nature of peace settlements and their implementation, the dynamics of the peace process need to change. This means a change in what happens at the negotiating table and who is at the table. If you change what happens at the table, you will change the process, the impact of that process on the security situation that follows it, and ultimately the sustainability of the peace.”²²³ It has already been suggested to the government side regarding its chief peace negotiator: “This person should have the full trust and confidence of the President and the mandate, high-sounding though it may be, to work for an end to the war. He/she should be credible, firm as well as flexible, and be armed with excellent negotiating skills. He/she should be able to make quick and critical decisions that will not be reversed by Malacanang and effectively coordinate with the Armed Forces, civilian agencies of the government, the ceasefire monitoring team, and local officials.”²²⁴ Well, that person sounds like the current GRP Peace

²²⁰ Like they have at De La Salle University in Manila.

²²¹ These were: (1) national defense; (2) regional security force; (3) education; (4) economic and financial system; (5) mines and minerals; (6) administrative system; (7) representation in national government; (8) legislative assembly and executive council; and (9) *shari'ah* and judiciary.

²²² For more on this process and structure, see Libyan Ambassador Salem M. Adam, *The Role of OIC Diplomacy in the Muslim Struggle in the Southern Philippines* (Ph.D. Philippine Studies dissertation, University of the Philippines, 2002) 107-110.

²²³ Recommendations from the conference “A World of Women for World Peace” held on 9 May 2002 at the U.S. Library of Congress, cited in Lao, “The Mindanao Peace Process.”

²²⁴ Marites Danguilan Vitug, “Moving Forward in Mindanao,” *Newsbreak*, June 23, 2003, p. 15. This article had six suggestions for immediate steps the President can take, most of which are reflected in this paper and some of which are already being addressed: (1) Appoint a negotiator; (2) Implement a ceasefire with more stringent terms; (3) Keep Malaysia as facilitator/mediator but ask them to do more; (4) Keep lines open to foreign NGOs which have experience in conflict mediation; (5) Once and for all, the issue of whether the MILF espouses terrorism or has links

Panel Chairman Sec. Silvestre. But does he have the time, especially now as head of the new Office of the Communications Director (OCD) under the Office of the President (OP)? He should be freed up for the peace negotiations. There are many others in the President's team who can do communications direction, there are few who can do peace negotiations, and the one with the MILF is crucial. The chief peace negotiator need not be a Mindanaoan and without military background, as has been demanded by some Mindanao peace advocates, following the model of President Arroyo's first appointed all-Mindanaoan and all-civilian GRP peace panel. After all, the entity being represented is the GRP, not Mindanao. And being Mindanaoan does not automatically translate into having an understanding of the Mindanao problem or more precisely the Bangsamoro problem.

Already, the MILF negotiators have complained about the rapid turnover of their GRP counterparts who seem to have other priorities. Thus, it has also been already suggested that: "The government negotiating panel needs greater continuity and diplomatic status... a full-time, permanent peace panel should be appointed and provided with sufficient staff resources to liaise and build consensus with key stakeholders in the Philippine Congress, the military and police, and among local politicians and civil society groups. This would build resilience into the peace process and lay the groundwork for sustainable implementation of any eventual agreement."²²⁵ And going back to the chief peace negotiator, "The President should not undermine this person by sending other personalities or politicians to deal with the MILF."²²⁶ The dissonant dynamics between the regular peace panel and the back-channel negotiators which came to a head in 2002 should not be repeated. ***There should be proper balance in the interplay between regular and back-channel talks.*** Otherwise, just appoint the back-channel negotiators who were the real negotiators anyway to become the regular peace panel.

5. ***The security and rehabilitation aspects are crucial in the meantime.*** The MILF's Murad has a point in preferring to wait longer (this was in 2002) for a ripe time to discuss political issues as the right atmosphere for it had yet to be created. He was referring to first having some implementation on the ground, especially on rehabilitation and development, so that people will feel good something is happening and this would lessen tensions in the discussion of political issues. Subject to what we said about avoiding a counter-productive extreme protraction of the negotiations before it gets to the core political issues, this is where atmosphere-building through implementation of the interim agreements on the security and rehabilitation aspects come in. This is also a matter of confidence-building between the parties. The new Presidential Adviser on the Peace Process Sec. Teresita Quintos-Deles shares this key insight, among several others: "we have to close the gap between agreements and implementation... the gap needs to be bridged between what happens at the negotiating table and what happens on the ground."²²⁷ And *especially if the substantive negotiations are taking some time and start to become protracted*, then at least something good should be happening on the ground, at least some peace dividends should already be felt and enjoyed, to also retain confidence and

with terrorist organizations should be resolved; and (6) Development aid and programs should run parallel to the peace talks.

²²⁵ ICG Report 26.

²²⁶ Vitug, "Moving Forward in Mindanao."

²²⁷ Deles, "The Peace Process under the Macapagal-Arroyo Presidency."

momentum in the peace process. ***Basically, the ceasefire must hold, and rehabilitation and development projects must take off.***

“In the short-term, the imperative is to prevent another eruption of the conflict similar to 2000 and 2003.”²²⁸ The *experience with the ceasefire since 1997 should be summed up* well in order to learn lessons and account for the pattern of recurrent hostilities despite increasing mechanisms. There are or will be sufficient mechanisms to implement and monitor the ceasefire as well as criminal interdiction, including against terrorists. The existing GRP-MILF Joint CCCH and LMTs will soon be reinforced by the Malaysian-led IMT and the GRP-MILF AHJAG for criminal interdiction, in addition to the already functional civil society initiative “Bantay Ceasefire.” For the rehabilitation and development aspect, there are also already functioning mechanisms, particularly the MILF implementing agency, the BDA, and counterpart GRP structures like the IATWG. But these would be meaningless without any projects on the ground. This is one particular area where the GRP can show “a strong indicator of political will for peace” by putting its money where its mouth is and *where it is really needed even (in fact, more so) in a time of fiscal crisis*. Of course, with more than a little help from friends of the peace process, whether in terms of official development assistance or private business investments. The BDA cautions though that “*The Bangsamoro needs a development strategy that is in conformity with their way of life*. Attempts to develop them without considering this will no doubt end in failure. Islamic ideals must take the lead role in determining their development and should put much emphasis on regaining their strength and confidence as a people.”²²⁹ (italics supplied) The other point here is that since there are/will be sufficient bodies to oversee the security and rehabilitation aspects, this should free up and not distract the peace panels from focusing on the substantive agenda.

7. Maximize and rationalize the multiple international involvement. There should be clear role definition and designated contributions of the multiple international players around the GRP-MILF peace negotiations so that the “specializations” or comparative advantages of these players are maximized for the good of the process. **Malaysia** as the main third-party facilitator should continue to step up its role not only in the mediation of the negotiations but also in supporting the implementation and monitoring of the ceasefire and of development projects. This bigger role can eventually approximate that of Indonesia on behalf of the OIC in the GRP-MNLF peace negotiations.²³⁰ For this bigger role and in view of the multiple international involvement, Malaysia should consider upgrading its secretariat for the peace talks to bring in expertise from the relevant line ministries especially the Ministry of Foreign Affairs, with a more significant role for its Embassy in Manila beyond serving as a communication point. Its regional

²²⁸ ICG Report 26.

²²⁹ Juanday, “Human Development and Peace Building.” He speaks of a development strategy of two phases of the Islamic way: the “*Makkah*” phase where the most important task and activity is education to build the people before building the structures of development in the “*Madina*” phase.

²³⁰ For a study of the roles of the OIC and Indonesia in the GRP-MNLF peace negotiations, see Soliman M. Santos, Jr., “The Philippines-Muslims Dispute: International Aspects from Origins to Resolution,” (Jan.-Apr. 2000) 16 (1-2) *World Bulletin* 1-43; also published as “The Muslim Dispute in the Southern Philippines: A Case of Islamic Conference Mediation,” (2001) *Australian International Law Journal* 35-65. The role of the OIC and Indonesia might be described as “mediation +++” with these additional elements: enquiry, good offices, consultation, regional arrangements (e.g. through ASEAN), quasi-negotiation (OIC-GRP, OIC-MNLF), hosting, facilitation, ceasefire monitoring, post-settlement monitoring, and international support generation.

anti-terrorism center should already weigh in its own views and intelligence on the issue of alleged MILF terrorism or terrorist links. *Libya* has an important continuing role as the bridge between the GRP-MNLF and GRP-MILF peace processes. Its considerable resources can help jumpstart the rehabilitation aspect of the *Tripoli Peace Agreement* of 2001. There is a possible further role here for the Libyan NGO, Gaddafi International Foundation for Charitable Associations. The Libyan Ambassador also has some good advice for the foreign players: they must have “no other motivation”²³¹ than the good of the talks, in effect saying, against conventional wisdom, that issues of national interest should not be a motivation or should be sidelined.

The *OIC* should start, pardon the expression, “getting real” about the Bangsamoro situation, the impact of the GRP-MNLF Peace Agreement and its implementation on the solution of the Bangsamoro problem, and the leadership of the MNLF as “sole legitimate representative of the Bangsamoro people.” It should, for the foreseeable future, not grant that status as observer to the GRP because of conflict of interest with the Muslim minority. The best it can do in the near future is to also put its money where its mouth is in terms of its perennial but unanswered urgings to Islamic entities “to extend medical, humanitarian, economic, financial and technical assistance for the development and rehabilitation of Southern Philippines.” The OIC should be ashamed that the *UN* system, particularly the UNDP, has done a better job in marshalling multi-donor assistance for peace and development in Mindanao. UNDP-Manila should continue coordinating this so that the coming multiple international involvement in Mindanao development is not uncoordinated and does not transgress the Islamic way of life in Muslim areas. It should continue the regular Oquist mission assessment reports on the Mindanao conflict and peace process, and step up its promotion of human development, human security and the rights-based approach to governance especially as applied to Mindanao peace and development. The *World Bank-led Mindanao Trust Fund* (MTF) of the multi-donor community should *not* be contingent upon a final peace agreement because that may still take some time, if at all, and because, in the meantime, the need for rehabilitation and development assistance has long been there.

Finally, the *U.S.*, through the U.S. Institute of Peace, should learn to find its proper place around the GRP-MILF peace negotiations mediated by Malaysia and Libya. U.S. power is not necessarily an asset for access here, and in fact is problematic for the main mediator. In following the homely adage “Speak softly and carry a big stick,” the U.S. should most definitely accentuate the first part of it in this particular engagement. Former U.S. ambassador to the Philippines and president emeritus of the Asia Society Nicholas Platt recently gave some good thoughtful advice to his government: “Rather than dwelling on recent disagreements, the United States should seek quiet advice from the Malaysians on the nature of an engaged and constructive U.S. role in the Mindanao talks. Aid funds to support rural development and refugee settlement in Mindanao should be allocated to support the negotiations.”²³² Yes, now, *not* post-peace agreement, if and when that comes. Then, Platt said something where the USIP has a comparative specialist advantage of potential contribution: “As all sides take a fresh look at the negotiations, there is an important job ahead for the foreign-policy research community.

²³¹ Interview with Salem M. Adam, Ph.D., Secretary (Ambassador to the Philippines), Libyan People’s Bureau (Embassy), on 25 August 2004 in Makati City.

²³² Nicholas Platt, “It’s time to get together again,” *International Herald Tribune*, September 7, 2004.

We need to understand in greater depth the critical issues for the Bangsamoro people...²³³ The point, however, is not simply to understand the issues but to solve them. The research should be more on solutions because this is what the parties need (more on this point below).

7. ***The MILF-MNLF unity process should be sustained***, as with the MNLF unity process. “It is difficult to imagine an experiment in Islamic self-determination succeeding against a backdrop of Moro disunity. While such disunity may have been instigated by Manila’s imperial governments in the past, no amount of constitutional accommodation by the center can solve this now for Muslim Mindanao. Self-determination now requires that the Bangsamoro people imagine themselves as one nation.”²³⁴ The MILF-MNLF unity process, which is strategic in that context, is seen by some in the GRP as “being actually a parallel negotiation” to that of the GRP-MILF. The GRP expects this “parallel negotiation” to steer the MILF towards the MNLF track represented now by the ARMM. Instead, it might steer the MNLF towards the MILF track of independence, because this aspiration resonates from the origin of the MNLF. But if the GRP is put into a three-cornered equation (GRP-MNLF-MILF), then things could settle anywhere between the existing ARMM and independence. A Filipino political scientist once wrote about the need for a three-cornered “GRP-MNLF/MILF peace process” leading to “a new peace agreement involving the GRP, MNLF and MILF.”²³⁵ Since the GRP-MNLF peace negotiations have already been concluded with a GRP-MNLF Peace Agreement, anything new will have to come from the pending GRP-MILF peace negotiations which are only about to enter the substantive phase.

On one hand, the MILF should not just sweep aside and lay to waste the gains from the MNLF track because these also reflect some of the true sentiments and aspirations of the Bangsamoro people. There must be a way of preserving these gains, building on them while also addressing some gaps as regards their aspirations for an Islamic way of life and self-rule represented by the MILF track. *On the other hand, the GRP* should realize that the MILF did not split from the MNLF in 1977, and continue to wage its own armed struggle, Islamic diplomacy and peace negotiations, only to end up with mere enhancement of the ARMM which would still be basically same terms of settlement imposed earlier on the MNLF. It has to be qualitatively and substantially better than that. As the ICG rightly recommends (even if for mainly anti-terrorist reasons), “But perhaps the most important step Manila can take in terms of building a lasting peace is to ensure that a workable autonomy package is offered to the MILF. Should a peace deal be struck, Murad’s ability to bring his commanders on board would depend crucially on their perception that there would be no repeat of the unsuccessful 1996 Jakarta agreement with the MNLF.”²³⁶

MILF-MNLF unity or at least interface, because it covers two key streams or sets of aspirations among the Bangsamoro people, should be seen in the context of *finally completing the solution* to the Bangsamoro problem. If all their *aspirations*, at least the most important

²³³ Ibid.

²³⁴ Randy David, “A Columnists Commentary” under a section on Comments in Santos, *The Moro Islamic Challenge* 184.

²³⁵ Nathan Gilbert Quimpo, “Three-cornered Diplomatic Battle in Kuala Lumpur,” *Philippine Daily Inquirer*, June 25, 2000.

²³⁶ ICG Report 26.

ones, are addressed or solved, then there should be no more social basis or firm ground for another, new Moro rebellion.

8. ***More work, including research, on solutions are needed.*** There has been more than enough analysis to the point of “paralysis by analysis.” The Moro problem has been analyzed to death – the key conflict actors, conflict causes, conflict dynamics, the complicating factors, and so on and so forth in the related literature. After all is said and done, what is to be done? How do you solve a problem like Mindanao? These are the questions to which the parties and the people really need answers.²³⁷ As far as options for political solutions are concerned, the possible answers are often simplified as a multiple choice among autonomy, federalism and independence in order of presumed increasing degree of self-determination. There is a need already to go beyond these labels, as “in most cases, discussions on these general issues end up in sloganeering and useless generalizations.”²³⁸ There is need to go into more details “where the devil is.” For example, it turns out that there is a *higher* degree of self-determination in the ARMM under the New Organic Act (R.A. 9054) than for a Bangsamoro state as one of 11 constituent states in the Draft Constitution for a Federal Republic of the Philippines.²³⁹ In Mindanao, there is also a tendency to dismiss autonomy because of the failure of the ARMM, as if this were the only possible form of autonomy, and as if the real choices have been narrowed down to federalism and independence (or even to “Federal Philippines or Independent Mindanao?”). We would be missing out on the best that has been created by humanity in terms of autonomy (a generic concept which includes federalism) as flexible solutions to ethnic conflicts.²⁴⁰ We should ***keep all options open to study***, including negotiated secession or independence.²⁴¹

On solutions, it may be apropos to mention here some two-cents worth of words from the late MILF Chairman Salamat Hashim, may he rest in peace: “...the solutions are so simple. For the MILF and MNLF, the solution is referendum. For the NDF, just recognize it as a legal political party. Let them participate in the elections at all levels so that they can share in governing the country.”²⁴² We may or may not agree with this but there is some simple wisdom here to pursue. Hashim had been working on the Bangsamoro problem since his student activist days in Cairo around 1962 till his death in 2003, about four decades. Thus, the 2001 *Tripoli Peace Agreement*’s provision to ***“open new formulas that permanently respond to the***

²³⁷ The author, for his part, attempts an answer in the form of a compromise constitutional solution developed in Santos, *The Moro Islamic Challenge*.

²³⁸ Bacani, *Beyond Paper Autonomy* 5.

²³⁹ Ibid 127-34.

²⁴⁰ See Ruth Lapidoth, *Autonomy: Flexible Solutions to Ethnic Conflicts* (Washington, D.C.: United States Institute of Peace Press, 1996); Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights* (Philadelphia: University of Pennsylvania Press, revised ed., 1996); and Yash Gai (ed.), *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-ethnic States* (Cambridge, U.K.: Cambridge University Press, 2000).

²⁴¹ Two recent serious independent efforts to gather and synthesize expert inputs for various political options to address the Mindanao/Bangsamoro problem were the “Mindanao Experts Options Workshop” held in Cebu City in August 2003 sponsored by The Asia Foundation-Manila, and the “ARMM Roundtable Series” held in Cotabato City from October to December 2003 sponsored by the Center for Autonomy and Governance, College of Law, Notre Dame University, Cotabato City and the Konrad Adenauer Stiftung-Manila.

²⁴² Written research questionnaire response from Salamat Hashim, Chairman, MILF (written answers) on 25 August 2002 from the “Islamic Center,” Bgy. Buliok, Pagalungan, Maguindanao.

aspirations of the Bangsamoro people for freedom” is even overdue and cannot be emphasized enough. New formulas require new thinking or rethinking or “thinking out of the box” of old formulas. Since the problem has not been solved, despite four decades of efforts, including three decades of on-and-off peace negotiations since 1975 with the MNLF, then something must be wrong in the approaches used so far and there may already be the need to *throw out all that past baggage, re-start afresh with a new radical approach*, otherwise we may just be repeating ourselves for another four decades.²⁴³ This point applies to both sides.

The search for solutions usually involves the search for commonalities. To cite just one, as early as the 1998 GRP-MILF General Framework of Agreement of Intent, one of key identified commonalities was human rights. Much has already been said about the potential of this, as in fact it can already be considered a first substantive point of agreement (even before the ancestral domain aspect), especially since the 2002 *Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects* contains an Article IV on Respect for Human Rights and Observance of International Humanitarian Laws (these were the very subjects of the first GRP-NDF substantive agreement). What has not yet been said is the need to explore and *study the possibilities of the human rights-based approach (RBA) being applied to the peace negotiations*,²⁴⁴ considering that it is being applied to governance and development, notably by UNDP-Manila and the Philippine Commission on Human Rights (CHR). As it is, a human rights approach to self-determination has already been articulated.²⁴⁵ One merit of human rights is its comprehensiveness and being holistic – civil, political, economic, social, cultural and more. A political solution of self-determination may be the key to the Bangsamoro problem but it is not the only kind of solution needed. Human rights remind us about this and provide some standards that may be useful in crafting a peace agreement. It could also help to resolve contradictions among the tri-peoples, especially between the Moros and Lumads on ancestral domain.

9. Go for a negotiated political settlement which is also a negotiated constitutional settlement. As we already said, political solutions can only go so far without constitutional solutions, meaning charter change of the existing structural relationship between the Bangsamoro people and the Philippine republic, which is a big part of the Bangsamoro problem. This does not mean, for the MILF, accepting the existing constitutional framework because what is involved here is precisely a change in that framework as far as the Bangsamoro people are concerned. For the GRP, it should not forget that the Constitution itself allows amendments and revisions and that in the GRP-NDF peace negotiations it had agreed to the substantive agenda item of constitutional reforms. There has to be charter change for any political solution beyond the existing constitutional framework of the ARMM, whether this political solution be a qualitatively higher form of autonomy, federalism, free association, protectorate, or negotiated secession/independence. Other than the constitutional provisions on autonomous regions, there

²⁴³ From a conversation with A. Karim Sidri, former long-time administrator, Southern Philippines Development Authority, on 23 September 2004 in Quezon City.

²⁴⁴ The author thought of this idea while responding to a research questionnaire of Atty. Jose Manuel S. Mamauag, CHR Regional Director for Region IX, for his coming Masters in National Security Administration thesis *Rights-Based Approach (RBA) as a Tool in Evaluating the Socio-Political Dimensions of the Peace Process with the MILF* at the National Defense College of the Philippines.

²⁴⁵ Robert McCorquodale, “Self-Determination: A Human Rights Approach,” *International and Comparative Law Quarterly*, Vol. 43, 1994, pp. 857 et seq.

are other constitutional obstacles to a Moro Islamic system, notably the inviolability of the separation of Church and State, or the non-establishment of religion, that will have to be addressed if such a system of life and governance is to be provided constitutional space to exist and flourish. ***The GRP-MILF peace negotiations should be refashioned as constitutional negotiations*** sooner or later because only constitutional negotiations can result in mutually agreed new constitutional arrangements of association between two nations/peoples.

The constitutional solution is emphasized here as a *negotiated* one, i.e. the result of the peace negotiations. It is *not* a referendum per se or constitutional convention/constituent assembly which should determine the constitutional solution. It is the peace negotiations that should determine this, to be validated only by a referendum. The premise is that the MILF conducts regular consultations (*shura*) with the Bangsamoro people in the process of developing and advancing a negotiating position on a political solution, among other options. In that way, the MILF proposed political solution in the negotiations is seen as their own by the Bangsamoro people. And so, if such a political solution is eventually agreed upon by both parties, then the referendum afterwards among the Bangsamoro people is more for validation and formalization. The determination of a political solution cannot just be left open-ended to a referendum. It is the negotiations which provide the substantive details of the political solution from a process which involves both parties themselves in the armed conflict which is sought to be resolved. It is the output of this process which might then be brought to a constitutional convention, a constituent assembly or some other mechanism for charter change, and ultimately to the people, whether Filipino or Bangsamoro. The referendum should be on whether to accept or reject the negotiated political settlement, not a multiple choice of political options – this should have already been threshed out in a prior process of parallel negotiations and consultations.

10. ***The Lumad indigenous peoples agenda deserves its own track in the broader Mindanao peace process.*** The Lumad are found not only in Muslim Mindanao but also in Christian Mindanao, and in fact most of them are Christianized as Protestants (compared to the mainly Catholic migrant settlers). “There are understandably doubts how well a Moro organization can promote and defend non-Moro, *lumad* interests.”²⁴⁶ Be that as it may, the GRP-MILF peace negotiations and the MILF in particular should show sensitivity to the Lumad ancestral domain aspirations which may not need charter change, at least consciously avoid prejudicing them and better still serve as a catalyst for the proper handling of this issue. If this can be done, as well as the linking up with community-level peace building, the MNLF track and economic development, then ***the GRP-MILF peace negotiations can fulfill its potential to be a linchpin for a broader Mindanao peace process which finally gets it right this time around.***

11. ***Further develop Mindanao/Bangsamoro civil society participation in the peace negotiations and ceasefire as part of a broader Mindanao peace process and a strategy of peace constituency/ movement building at the Mindanao and national levels with international links.*** This is a task mainly for the Mindanao/Bangsamoro peace movement itself but the other key players, both domestic and international, can contribute to this in many ways. The work of the Mindanao Peoples’ Caucus and “Bantay Ceasefire” in engaging or “accompanying” the GRP-MILF peace negotiations and the ceasefire, respectively, should be sustained and supported, as it continues to serve as a model for similar initiatives on the CPP-NPA-NDF front

²⁴⁶ Ferrer, “The Philippine State and Moro Resistance.”

which includes Mindanao. Here the *proper balance* will have to be learned by all concerned regarding results, speed, confidentiality and necessary secrecy, on one hand, and process, consultations, consensus-building and transparency, on the other hand. On one hand, negotiations cannot be conducted in public; on the other hand, public participation in peace making is important for owning the process. Of course, there is the related question: who are the real “Mindanao stakeholders”?

Peace advocates must also always remind themselves and others that the comprehensive peace process is more than just the peace negotiations which deal with the substantive agenda and issues. The broader Mindanao peace process also includes the people-to-people or tri-people peace process which deals with sentiments and relationships. Inter-faith dialogue, culture of peace, and peace education should not only continue and expand but also more purposively linked to the peace negotiations and ceasefire so as to reinforce these. These efforts as well as the peace zone communities can be part of a strategy of peace constituency/movement building at the Mindanao and national levels. Oquist speaks of the need for a “broad-based alliance for peace, human rights and democracy in Mindanao” but also a “national movement that provides the social base and political support necessary to construct peace in the short, medium and long terms” and a “vigorous civil society presence in the form of a peace movement that articulates the consolidation of various citizens’ peace initiatives.”²⁴⁷ He describes this task as “probably medium-term.” This is a good time frame of mind for the peace movement to be guided by a *strategic orientation and its own road map* to enable it to be more proactive. This strategic peace movement, with a “high-level Peace Council of notable citizens” as possible rallying point, is basically the critical mass needed to make the institutional peace-building policy position politically and operationally feasible. The Mindanao peace movement cannot be insular; it too must link to a national movement and have allies in “Imperial Manila” because “the powers to decide on war rests in Metro Manila with people who have not, and will not feel the consequences of their decisions.”²⁴⁸ In fact, the whole Philippine peace movement cannot be insular. It must relate to international and regional developments and initiatives in the spirit of learning from and helping each other.

12. *Legislate a national peace policy of institutional peace-building, adopt human security in lieu of national security as the security framework, and properly deal with the real threats of terrorism.* Peace policy should no longer be embodied just in executive orders that can be easily changed or ignored in every change of presidential administration. A national peace policy and a Mindanao peace policy should be elevated to the level of law,²⁴⁹ if not the Constitution. This would also signify the elevation of peace policy to the highest policy-making body under the Constitution which is Congress with its powers not only of legislation but also of

²⁴⁷ Oquist, “Mindanao and Beyond” 12-13.

²⁴⁸ Carolyn O. Arguillas, “Enlarging spaces and strengthening voices for peace: civil society initiatives in Mindanao” in *Accord Update Issue 6* (2003), *The Mindanao peace process*, A supplement to *Compromising on autonomy*, 16.

²⁴⁹ Bills on a National Peace Policy Act were Senate Bill No. 1451 of Sen. Gregorio B. Honasan II in the 12th Congress and House Bill No. 11751 of Rep. Jaime D. Jacob (2nd District, Camarines Sur) in the 11th Congress. A bill proving for a policy framework for Mindanao peace and development was House Bill No. 2677 of Rep. Mujiv S. Hataman of Anak Mindanao (AMIN) party list group in the 13th Congress.

oversight over the executive department's implementation of policy.²⁵⁰ But this must be a peace policy of institutional peace-building, i.e. the short, medium and long-term construction of institutions for peace. The "Six Paths to Peace"²⁵¹ framework embodied in Executive Orders Nos. 125 (under President Ramos in 1993) and 3 (under President Arroyo in 2001) is a good starting point for legislative policy formulation, though it "must be informed and enriched by the experiences of the past ten years,"²⁵² considering also some recent critique of it as still loaded with a mainstream Filipino Christian perspective.²⁵³ Some other frameworks for addressing internal armed conflict and rebellion are human rights (as mentioned in Point 8), human security, peace and development (a Ramos theme for the MNLF track), conflict-resolution and peace-building, and conflict transformation. Any of the above would be better than a national security framework concerned mainly with overcoming the insurgency than with removing the unjust structures and situations that foment conflict.

At the same, "a new National Peace Policy must address head-on the issue of SECURITY. It can no longer remain silent on this issue – it define this concept and how it relates to peace."²⁵⁴ A good alternative framework is the *human security* which addresses security in a way which contributes to a just and lasting peace. Its essence is safety for the people from violent and non-violent threats to the "vital core" of human life: freedom from fear, from want and from humiliation. It is a broad concept of human rights, human development and state security. It does not supplant but complements state security while it also enhances human rights and human development. It takes into account all security aspects, national security included but as one form of security among many, all of which need to be compatibilized to guarantee rights and services to the people. This interlocking synergism is the most effective formula to address rebellion.²⁵⁵

Finally, in the context of human security and even the peace process, the real threat of terrorism must be properly dealt with. The systematic and deliberate targeting of civilians to spread terror for some political objective has caused great loss of human life and constitute grave violations of human rights or international humanitarian law, among the principles upheld in

²⁵⁰ For a fuller discussion of the role of Congress in war and peace, see Rep. Jaime D. Jacob "Congress Should Step In to Stop the War" (June 7, 2000 Privilege Speech) in Patricio P. Diaz, *Understanding Mindanao Conflict* (Davao City: MindaNews Publication, 2003) 356-60.

²⁵¹ These are: (1) pursuit of social, economic and political reforms; (2) consensus-building and empowerment for peace; (3) peaceful, negotiated settlement with the different rebel groups; (4) programs for reconciliation, reintegration into mainstream society, and rehabilitation; (5) addressing concerns arising from the continuing armed hostilities; and (6) building and nurturing a climate conducive to peace.

²⁵² M.L. Palm-Dalupan, "Some Imperatives for a National Peace Policy" (Discussion paper prepared for a workshop on national peace policy at the Conference on "Waging Peace in the Philippines and Asia: Facilitating Processes, Consolidating Participation," 4-6 December 2003, Ateneo de Manila University, Quezon City).

²⁵³ See Guiam, "Negotiations and detours" 10.

²⁵⁴ Palm-Dalupan, "Some Imperatives for a National Peace Policy."

²⁵⁵ For more on human security and on its possible application to Mindanao, see Oquist, "From National Security to Human Security in Mindanao;" Dr. Paul Oquist, "Human Security: Issues and Policy Options for the 21st Century" (n.d.); Howard Q. Dee, "The Human Security Framework of Tabang Mindanaw with the Bishops of Mindanao working for Peace and Just Development of the Indigenous Peoples Communities and Relief and Rehabilitation of Evacuees" (Prepared for the Bishops Businessmen's Annual Assembly, 8 July 2003); and Commission on Human Security, *Human Security Now* (New York: Commission on Human Security, 2003). For the relationship between human rights and human security, see Bertrand Ramcharan, *Human Rights and Human Security* (The Hague: Kluwer Law International, 2002).

some peace agreements. Based on a clear and good definition of terrorism, the problem should be addressed in an all-sided way, both tactically and strategically. Military solutions “will only treat the symptom, not the disease... military solutions in counter-terrorism should be carefully targeted and efficiently, and democratically monitored: the use of counter-terrorism as a legitimation for human rights violations could make the medicine more deadly than the disease.”²⁵⁶ Counter-terrorism should not be misused by government to target political opposition. Since the late MILF Chairman Salamat Hashim authoritatively rejected terrorism as un-Islamic, then this should be a further ground of commonality which can help advance the GRP-MILF peace negotiations. Addressing the root causes of rebellion in Mindanao would in a large way also address the root causes of terrorism there. Strategically, the best counter-terrorism in Mindanao and the Philippines would be a just, lasting and comprehensive peace.

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Atty. Soliman M. Santos, Jr.
18 Mariposa St., Cubao,
Quezon City, PHILIPPINES
Tel. (+632) 7252153
Fax (+632) 4138821
Mob. (+63920) 2903602
Email: gavroche@info.com.ph

²⁵⁶ Ruben Thorning, “Terrorism and Counter-Terrorism in Southeast Asia: Which is the Greater Threat?,” *NIAS nytt* No. 3, September 2003, pp. 10, 18.