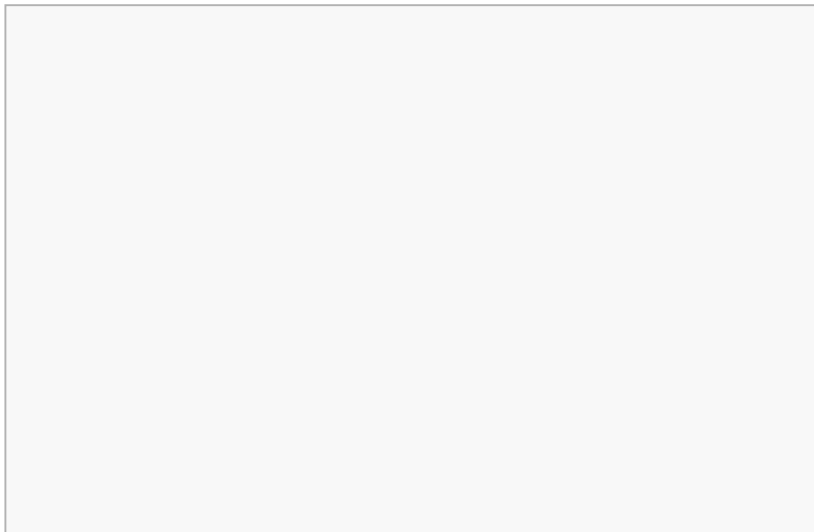


No. 3, January 2005

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between the Philippine Government
and the Moro Islamic Liberation
Front: Causes and Prescriptions**

Soliman M. Santos, Jr.



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Contact Information:

East-West Center Washington
1819 L Street, NW, Suite 200
Washington, D.C. 20036
Tel: (202) 293-3995
Fax: (202) 293-1402
Washington@eastwestcenter.org

Soliman M. Santos, Jr. is a Filipino human rights lawyer, peace advocate, and legal scholar, who is a Peace Fellow at the Gaston Z. Ortigas Peace Institute

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Delays in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front: Causes and Prescriptions

The Government of the Republic of the Philippines (GRP)-Moro Islamic Liberation Front (MILF) peace negotiations have spanned the years 1996 to 2004 (this study covers up to September) and have not yet been concluded. In the last quarter of 2004, the negotiations are at a critical juncture on the eve of a second resumption in early 2005 after an unusually long second suspension. There are concerns about this delay and the overall protracted negotiations. After a brief background on the Moro problem and the peace processes with the Moro National Liberation Front (MNLF) and then the MILF, this paper analyzes the causes of these delays, some gains and basis for moving forward, discusses the prospects after re-resumption, and offers several detailed prescriptions for “deliberate haste” with a view to achieving a just and lasting peace.

In answering why these negotiations have stalled or made little progress, this paper presents and discusses five reasons or causes ranging from tactical or short-term to strategic

or long-term, from factors inside to outside the negotiations. These are: various disruptions mainly due to the dynamics between and within the two conflicting parties; competing policy positions, especially within the government side; impingement of the “global war on terror” on the peace process; different negotiating strategies and objectives; and intractable structural obstacles.

In answering what can be done to hasten the negotiations with a view to achieving a durable settlement, this paper offers five specific and elaborated recommendations with implications for the short-term to long-term: substantive negotiations and a road map; the time allotment for and structure of the negotiations; interim ceasefire and development projects; more work on possible solutions; and peace policy and peace movement building.

Brief Background

The Moro Problem

The contemporary armed conflict on the Moro front is the sharpest expression of the Moro or Bangsamoro problem. This problem is the historical and systematic marginalization and minoritization of the Islamized ethno-linguistic groups, collectively called Moros, in their own homeland in the Mindanao islands. This was first by colonial powers Spain from the 16th to the 19th centuries, then by the U.S. during the first half of the 20th century, and since formal independence in 1946, by successor Philippine governments dominated by an elite with a Christian-Western orientation. It is the cutting edge of the broader Mindanao problem of relationships among the three main peoples there (the majority Christian settlers/migrants and their descendants, the Moros or Muslims, and the indigenous highlander tribes or Lumads), and with the central Philippine government. The problem thus has both horizontal (people-to-people) and vertical (people-to-government) dimensions. Though we are more concerned here with the vertical conflict between the Philippine government and the main Moro rebel groups, the even longer-standing horizontal conflict between Christians and Muslims in Mindanao will also be touched.

A Filipino Muslim academic has summed up quite succinctly the historical roots and contemporary causes of the Moro problem.¹ First, he points to ten foundational causes from 1898 to 1972: (1) Forcible/illegal annexation of Moroland to the Philippines under the Treaty of Paris in 1898; (2) Military pacification; (3) Imposition of confiscatory land laws; (4) Indioization (or Filipinization) of public administration in Moroland and the destruction of traditional political institutions; (5) Government-financed/induced land settlement and migration to Moroland; (6) Land grabbing/conflicts; (7) Cultural inroads against the Moros; (8) Jabidah Massacre in 1968 (during the first Marcos administration);

(9) Ilaga (Christian vigilante) and military atrocities in 1970–72 (during the second Marcos administration); and (10) Government neglect of and inaction on Moro protests and grievances.

On these bases, the six key elements of the Moro problem are: (1) Economic marginalization and destitution; (2) Political domination and inferiorization; (3) Physical insecurity; (4) Threatened Moro and Islamic identity; (5) Perception that government is the principal party to blame; and (6) Perception of hopelessness under the present set-up. The triggering event of the contemporary Moro armed struggle was President Ferdinand E. Marcos' declaration of martial law on September 21, 1972. An Indian Scholar who studied the revolt in Mindanao once said, "The theories that run the gamut from religion to misgovernment were relevant only in do far as they were all pieces of an enormously complex jigsaw. To pick any one of them as the outstanding cause of the upheaval would be a hindrance to understanding the total picture."² In other others, the Moro problem has to be seen holistically. It is not only multi-dimensional but also evolving, with different dimensions coming to the fore at different times.

The main standard bearer of the contemporary Moro armed struggle has been the Moro National Liberation Front (MNLF), at least from 1972 to 1996, after which the Moro Islamic Liberation Front (MILF) took over that role. The MNLF was founded by its long-time Chairman Nur Misuari as an instrument for the liberation of the Moro nation "from the terror, oppression and tyranny of Filipino colonialism" and "to secure a free and independent state for the Bangsa Moro people."³ 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. Misuari articulated this cause as one "waged primarily in defense of the Bangsa (nation), the homeland, and Islam."⁴ The MNLF's early and lasting

contribution was to make the name “Moro” respectable and the basis of a common identity and consciousness as a nation of the 13 disparate ethno-linguistic groups of Muslims in their historical homeland of Mindanao, Sulu and Palawan (Minsupala). In practice, the MNLF tended to project the nationalist (national self-determination) and territorial (homeland) dimension more than the Islamic one. It led the armed resistance in Mindanao against the Marcos martial law regime starting in 1972. The fighting that ensued was considered the most serious threat to the security of the state (“we nearly lost Mindanao”), with the MNLF displaying all the earmarks of a military operation by an organized army. The mainly conventional and positional war saw the bloodiest fighting in the Philippines since World War II. It reached its peak and a stalemate in 1975.

By this time, the Organization of the Islamic Conference (OIC), in a crucial resolution at the 5th ICFM in Kuala Lumpur, Malaysia, officially mentioned the MNLF. It urged the Philippine government “to find a political and peaceful solution through negotiation with Muslim leaders, particularly with the representatives of the MNLF” “within the framework of the national sovereignty and territorial integrity of the Philippines.”⁵ These developments clinched the OIC’s international influence and mediation role in the conflict and peace process between the GRP and the MNLF, which the OIC recognized as “the sole and legitimate representative of the Bangsamoro people.”

The GRP-MNLF Peace Negotiations⁶

There have been basically three episodes of the GRP-MNLF peace negotiations corresponding to three successive Philippine presidents: Ferdinand Marcos, Corazon Aquino and Fidel Ramos. Between negotiations, there was a “no war, no peace” situation, with occasional resumption of hostilities, especially under Marcos,

notwithstanding ceasefire agreements during each episode.

Peace negotiations under Marcos were held from 1975 to 1977 in Jeddah, Saudi Arabia and Tripoli, Libya. The high point was the *Tripoli Agreement* of December 23, 1976 on Muslim autonomy. Its implementation bogged down in 1977 when Marcos unilaterally issued Proclamation No. 1628 (followed up in 1979 by Presidential Decree No. 1618) which resulted in the creation of two autonomous governments for Regions IX (Central Mindanao) and XII (Western Mindanao) which the MNLF rejected.

Peace negotiations under Aquino were held in 1986 and 1987 in Jolo, Sulu (where she met with Misuari), Jeddah (resulting in the inconsequential *Jeddah Accord* of January 3, 1987), and in several places in the Philippines. These negotiations were overtaken by the ratification of the 1987 Philippine Constitution, which provided for the creation of an autonomous region in Muslim Mindanao, over the MNLF’s objections against the unilateralism of the GRP. This eventually led to the enactment of Republic Act (RA) No. 6734, the Organic Act for the Autonomous Region in Muslim Mindanao (ARMM) in 1989 and the establishment of its first regional government in 1990.

Peace negotiations under Ramos were held from 1992 to 1996, with exploratory talks in Tripoli and Cipanas, Indonesia, four rounds of formal talks in Jakarta, and nine Mixed Committee meetings mainly in the southern Philippines. It resulted in the GRP-MNLF Final Peace Agreement, also known as the *Jakarta Accord* of September 2, 1996.

The most significant juncture in the whole GRP-MNLF peace process was still the 1976 *Tripoli Agreement* because it changed the dispute issue from independence to autonomy. It became the main term of reference between the GRP and the MNLF for the next 20 years. It provided for the establishment of autonomy for the Muslims in the southern Philippines within Philippine sovereignty and territorial integrity. The areas

of autonomy were 13 provinces and all the cities and villagers therein, but these would be subject to the plebiscitary consent of the people there. Foreign policy, national defense, and mines and mineral resources would be under the central government, but nine substantive issues would be tabled for later discussion and would be detailed in a final agreement. It was agreed to establish a provisional government to be appointed by the President. The Philippine government was to take all necessary constitutional processes to implement the agreement.

But the implementation of the Tripoli Agreement was immediately problematic. The ensuing failure of negotiations on this led to some frustration, differences of opinion, and an eventual split in the MNLF. A group led by Salamat Hashim broke away from the main group of Misuari in September–December 1977, initially calling itself the “New MNLF Leadership” (eventually the MILF in 1984). With the collapse of the talks, 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 (e.g. armed struggle vs. peace negotiations) and objectives (independence vs. autonomy). The split was also based more fundamentally in ideological orientation (secular-nationalist vs. Islamic revivalist), leadership styles (centralized vs. consultative), and ethnic allegiances (Tausug vs. Maguindanao). This split would eventually shape the later course of the Mindanao conflict and peace process. But it also indicated the weakness of fragmentation or factionalism among Moro groups and leaders, even on the rebel side.

The 1996 *Jakarta Accord* was deemed the final and full implementation of the Tripoli Agreement although this was actually deviated from. The agreed upon formula came from the GRP. It conceptualized a transitional implementing structure and mechanism in

lieu of the MNLF-desired provisional government, which the GRP could or would not accommodate. Phase 1 consisted mainly of a three-year extendible transitional Southern Philippines Council for Peace and Development (SPCPD), under the Office of the President, to give the MNLF the necessary exposure and chance to prove itself over a now 14-province Special Zone of Peace and Development (SZOPAD), and thereby prepare the ground for a new autonomous region and government with presumably expanded powers and territory but subject to specified constitutional processes. These entities (SZOPAD and SPCPD) would be established by Executive Order No. 371 in October 1996.

Then, there was to be Congressional action on a new organic act incorporating the Peace Agreement on the substance of the autonomy (to replace that of the existing ARMM) and then a plebiscite thereon to determine the final territory. The operation of the new Regional Autonomous Government would mark Phase 2 of the peace formula. In the meantime, in addition to this formula inside the Peace Agreement, outside it was the GRP offer accepted by the MNLF for a politico-electoral alliance with the Ramos ruling party, which enabled the MNLF to gain control over the existing ARMM through elections with all-out administration support. Indeed, Misuari successfully ran unopposed for ARMM Regional Governor barely a week after the Peace Agreement, also in September 1996.

Implementation of the GRP-MNLF Peace Agreement

The implementation of the GRP-MNLF Peace Agreement since 1996 represents one track of the current Mindanao peace process, which might be referred to simply as the “MNLF track.” It represents a Moro stream of integration into the Philippine political and economic mainstream. Although the established autonomy for the Muslims in the southern Philippines is a limited one, still there are gains to be had for the Bangsamoro

people from the final peace agreement and its implementation. These are gains in terms of recognition, representation, participation, access, and power sharing. The MNLF 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 Armed Forces of the Philippines (AFP) and up to 1,500 fighters into the Philippine National Police (PNP), for a total of 7,250 integratees, at least half of whatever force strength it had, one can say that the MNLF has been substantially defanged. Not completely though because some fighters, many arms and a mass base still remain. The MNLF counts some 80,000 ex-combatants.

For two successive terms from 1996 to the present, the MNLF (first through Misuari, then through Dr. Parouk S. Hussin) has been at the helm of the regional government of the ARMM. Some MNLF leaders have also successfully run for local government positions but not yet successfully for national positions. Invariably, they have found out that it is harder to run a government than to rebel against it. For some time, they were also at the helm of special regional development bodies like the SPCPD and the Southern Philippines Development Authority (SPDA) until these were abolished. At the ground level, there are MNLF mass base communities, which have become "peace and development communities" benefiting from livelihood, cooperative, and other projects with main funding support from international and foreign development agencies and organizations.

On the other hand, the MNLF feels that the peace process with them, particularly Phase 1, is being concluded by the GRP unilaterally without completely and satisfactorily implementing the important socio-economic development requirements of the process, including a verbal commitment to

a so-called "Mini-Marshall Plan" for the SZOPAD. The MNLF blames the government for not having, generating or providing the resources for this component, in the face of the economic needs of its ex-combatants, not to mention the non-MNLF poor in their areas. As for Phase 2, which was signaled by the New Organic Act for the ARMM, Republic Act No. 9054, to start with, the MNLF sees this as violating or not including aspects of the peace agreement, one particular aspect of contention being strategic minerals. They view the new, expanded ARMM (Basilan province and Marawi City added) as too weak to address even the basic human development needs like health and education of five of the six poorest ARMM provinces in the country. All told, there is a general perception in the MNLF of its being marginalized from participation in the peace process, with some leaders who feel they are being cut off or undercut by the government for some reason.⁷

This was, of course, most exemplified in the case of Misuari who revolted because he was being eased out of his positions of authority in the ARMM and MNLF. The government considered him to have become a liability to the ARMM and the implementation of the peace agreement because of his failed leadership. But from his perspective, it is the government, which has in effect "abandoned" or "abrogated" the peace agreement unilaterally by implementing it "without the MNLF." Misuari has started to view the peace agreement,⁸ even with its gains, as a "betrayal" 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." This brings him closer to the MILF position. 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."⁹

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. A Filipino Muslim scholar has, however, astutely described the complementarity of the two Moro liberation fronts this way: "The MNLF and the MILF are separated ideologically, they are like security guards with shifting schedules. When one takes a nap, the other takes over."¹⁰

The GRP-MILF Peace Negotiations

The GRP-MILF peace negotiations represent a second track of the Mindanao peace process, which might be referred to simply as the "MILF Track."¹¹ The Ramos administration pursued peace talks with the MILF even as it had just clinched the final peace agreement with the MNLF in 1996. The latter agreement was found wanting by the MILF. They saw it not only as a deviation from the framework of the Tripoli Agreement. More importantly, they found it not to be the solution to the Bangsamoro problem.

With the unraveling of Misuari, the MNLF, the peace agreement implementation, and the ARMM, the MILF has emerged as "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...."¹² 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 or share power in 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 New People's Army (NPA) as a threat to national security, the MILF has a force strength estimated at more than 12,000 concentrated in Central Mindanao (compared to just under 12,000 for the NPA dispersed nationwide). Before the "all-out war" in 2000, 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 a more mobile guerrilla mode with base commands using field camps more remote or hidden unlike before.

Since 1997, the GRP-MILF peace negotiations have been held in two stages: a "domestic stage" from January 1997 to June 2000 and a "diplomatic stage" with Malaysian mediation from March 2001 to February 2003."¹³ The important phases of these two stages may be outlined as follows for a better overview of the ebb and flow of it:

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–December 2004)

In the "domestic stage," the highlights were the presentation of the MILF talking point and agenda, recurrent hostilities, the *Agreement for General Cessation of Hostilities*, the *General Framework of Agreement of Intent*, the

two *Joint Acknowledgements* of seven major MILF camps, the opening and three rounds of formal peace talks, the GRP proposed political package, and the “all-out war.”

In the “diplomatic stage,” the highlights were the third-party role of Malaysia, the *Agreement on the General Framework for the Resumption of Peace Talks*, another three rounds of formal peace talks, the framework *Tripoli Peace Agreement*, two *Implementing Guidelines* on the Security Aspect and on the Humanitarian, Rehabilitation and Development Aspects, the prominence and predominance of back channel talks, a *Joint Communique on Criminal Interdiction*, the four Congressional hearings on these recent agreements, the MILF-MNLF unity process, the GRP Draft Final Peace Agreement, and the “Buliok offensive.

The two suspensions, first from June 2000 to March 2001, and second from February 2003 to at least December 2004, were the direct results of the AFP’s “all-out war” and “Buliok offensive,” respectively, which had both targeted the capture of MILF camps, which was the most contentious issue of the talks. And so the pattern of recurrent hostilities has continued although this appears to have been broken since the mutual ceasefire agreed in July 2003 and will probably be consolidated with the support of both international and civil society mechanisms for ceasefire monitoring.

This security aspect is being complemented by a rehabilitation and development aspect, with the MILF supposed to determine, lead, and manage projects through its implementing NGO called the Bangsamoro Development Agency (BDA), another bone of contention. The novel idea here is having a truce not only for negotiations but also for development, and for rehabilitation and development to go hand in hand with the negotiations. This is also supposed to create the right ground conditions by the time the talks come to discussion of the upcoming contentious issues

of ancestral domain and then political solution to the Bangsamoro problem.

There is now the unduly long suspension of the GRP-MILF formal peace talks (March 2002–December 2004, or two years and nine months) and of the negotiations itself (February 2003–December 2004, or one year and ten months). The re-resumption of the formal peace talks has already been announced for early 2005. Since August 1996, there have been already three series of exploratory talks. It is as if the negotiations keep going back to square one. From August 1996 to August 2004 was already 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 international humanitarian law in March 1998, or in five and a half years.

Of course, the eight years 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”¹⁴ – one might say just about as protracted as the protracted people’s wars themselves.

Causes of the Delays in the Negotiations

Why have the GRP-MILF peace negotiations stalled or made little progress? This section

presents and discusses five reasons or causes: various disruptions mainly due to the dynamics between and within the two conflicting parties; competing policy positions, especially within the government side; impingement of the “global war on terror” on the peace process; different negotiating strategies and objectives; and intractable structural obstacles. These causes range from tactical or short-term to strategic or long-term, and from factors inside to outside the negotiations.

Various Disruptions Due to Dynamics

Most immediately and most obviously, the GRP-MILF peace negotiations have stalled or made little progress due to various disruptions mainly due to the dynamics between and within the two conflicting parties. There were of course also some disruptions, transitions, and lulls, which were unavoidable, excusable, or not attributable to the will of the parties or other forces.

Most obvious in terms of disruptions were the major eruptions of hostilities that each time resulted in a long suspension of the peace negotiations when these were nearing discussion of substantive issues: President Estrada’s “all-out war” against the MILF to capture all its fixed camps in April–July 2000, and the AFP’s “Buliok offensive” to capture the MILF’s new headquarters in February 2003. As a consequence of these, a major stage in the GRP-MILF peace negotiations ended, the complexion of the negotiations and even some substantive agenda items changed. It is ironic that the two major eruptions of hostilities are perhaps of even more watershed nature in the negotiations than the landmark agreements and changes in presidential administration.

In addition were other less major hostilities, especially during the “Domestic Stage” of the negotiations: 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. 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 from 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,¹⁵ 16 had mainly to do with ceasefires (including mechanisms, repositioning, return of evacuees, and safety and security guarantees), 13 had to do general directions, framework, and substantive issues, 6 with procedural matters, and 4 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. But this also had the effect of diverting the attention of the negotiating panels away from the substantive agenda.

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.

According to one recent analysis, “Throughout 1997–99, 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."¹⁶

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.¹⁷ This in turn led to the MILF Chairman Hashim's call for *jihad*, as the peace process entered a phase of suspension.

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." The "Buliok offensive" of February 2003 targetted the "Islamic Center," new headquarters of the MILF and its then Chairman Hashim himself who was based there. This offensive came some time after the controversy regarding the most contentious issue of the "diplomatic stage" under the Arroyo administration so far: 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..." This issue, like that on the acknowledgement of MILF camps, had

sovereignty and territory implications for both sides, even if to a lesser degree. But the dynamics between the MILF and GRP on this was aggravated by internal dynamics within the GRP, including between its regular peace panel and the back-channel negotiators. The latter dynamics was a classic example of the government's lack of coordination and strategic coherence in the GRP-MILF peace negotiations.

GRP peace panel Chair Jesus G. 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 to "determine, lead and manage," and so rejected a consultation model. And so GRP back-channel negotiator Silvestre C. Afable, Jr. 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.¹⁸ All told, this issue occupied the parties for about seven months from October 2001 to May 2002 when it was resolved at the negotiation level after President Arroyo suspended the regular panel in favor of the back-channel negotiators.

If we look at current second suspension of more than one and a half years as of from February 2003 to September 2004, 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 March–April 2003 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 how can it be expected to do so when it comes to big agreements on substantive issues.¹⁹ Compliance with the two demands was finally completed in August–September 2004. But still, the negotiations did not resume in the last quarter of 2004, indicating there must be other bottlenecks (the ball was now with Malaysia) or unfinished business, e.g. the phasing in of the Malaysian-led International Monitoring Team (IMT) and the formation of the Ad Hoc Joint Action Group (AHJAG) on criminal interdiction to fully secure the ceasefire.

The GRP for its part also wants proof of the MILF's avowed renunciation of terrorism and terrorist links, a major concern of the GRP²⁰ 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's help in the war on terror is its intelligence cooperation with the 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.²¹ But doubts about the MILF's terrorist links persist, mainly from some military and police intelligence quarters.

One major obstacle is the high level of distrust,²² 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."²³

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. In a vicious cycle, every outbreak of hostility and disruption in the negotiations reinforce the high distrust and the deep cleavages.

At the same time, some disruptions, transitions and lulls during the current second suspension were unavoidable, excusable, or not attributable to the will of the parties or other forces. To be sure, certain transitional developments involving all key players unavoidably contributed to extended suspension: the U.S. entry into the negotiations scene in May 2003, the demise of long-time MILF Chairman Hashim in July 2003, the retirement of Malaysian Prime Minister Dr. Mahathir Mohamad in October 2003, the long Philippine election period from campaigning to proclamation spanning the first half of 2004 followed by at least two full months (July–August 2004) spent reorganizing the government's political departments, and the wait for the outcome of the U.S. presidential elections in November 2004. At least the main cast is in place before the New Year. As it is, the usual non-negotiation periods of *Ramadan* and the Christmas season have also unavoidably intervened in late 2004.

But from the longer view, since the start of the GRP-MILF peace negotiations in 1996, the various disruptions were still mainly due to the dynamics between and within the parties, especially on the government side. These dynamics have their roots in competing policy positions.

Competing Policy Positions

I present here mainly Dr. Oquist's analysis of the "extreme protraction of the peace process" due to competing policy positions,²⁴ 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 government, in the armed forces, and in civil society at the Bangsamoro, Mindanao and national levels.

The "pacification and demobilization" position consists of negotiating concessions (maximum from adversary, minimum from one's own side) necessary to achieve the cessation of hostilities and demobilization of rebel combatants, basically to end the insurgency. This can lead to a pragmatic approach in relation to tactical objectives on both sides rather than the achievement of strategic, durable peace. These fast, quick fixes always have appeal but may not lead to construction of viable, sustainable peace, fall short of it, and are too superficial.

The "military victory" position seeks defeat of the adversary without concessions. Specifically in the Philippines, it advocates the military defeat of the MILF and the NPA, the political defeat or marginalization of the MNLF, and the extermination of the Abu Sayyaf and other terrorist and kidnap-for-ransom groups. Negotiations are useful only for tactical advantages, including those related to public relations. Divide-and-rule is a common tactic. Extremes can easily disrupt ground situations. But it has never really

worked in achieving lasting peace in Philippine history.

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. It has high levels of long-term commitment and motivation of its supporters. It is a long-term endeavor, which needs policy coherence based on national consensus and an integral, holistic policy framework.

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. And post-9/11, this has been further dominated by an all-out anti-terrorism position, itself a policy matter.

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 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 about 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.

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 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 2002–03.²⁵ All told, there is no policy consensus, coherence, or 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.

I 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.²⁶ 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, 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 leadership, there are only the motions and routines of on-and-off talks, of the fighting-while-talking mode.²⁷

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.²⁸

The lack of national or Mindanao consensus is partly due to the lack of participation of other stakeholders (e.g. other Moro groups, Lumads, Christians, and civil society), and 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 critiques of 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 therefrom²⁹

Impingement of the “Global War on Terror”

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.”³⁰ “And it is these bonds that now present perhaps the most serious obstacle to a peace agreement in the southern Philippines.”³¹ “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.”³² “Genuine and fully implemented autonomy for Philippine Muslims is a *sine qua non* for winning the long-term war on terror in Mindanao.”³³ 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”³⁴ and see it even as a “window of

opportunity” for the Mindanao peace process, or that “the seminal events of September 11, 2001 appear to have given the peace process in Mindanao a boost, given the MILF’s apparent reevaluation of its stand.”³⁵ 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.³⁶ 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.³⁷

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”³⁸ and “as a crucial element of a strategy to maintain military capacity and international jihadist solidarity at the same time as they negotiate.”³⁹ 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.⁴⁰ 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,”⁴¹ 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,”⁴² like the successful AFP air strike against the Pentagon gang in August 2004, 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,”⁴³ especially if the conditions which give rise to terrorism are not addressed. 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.

I 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 the fact that not every Muslim rebel in the region is a dedicated Al Qaeda operative.”⁴⁴ In the case of the MILF, the overwhelming majority of its rank and file are certainly not.

Different Negotiating Strategies and Objectives

The delays in the GRP-MILF peace negotiations are also caused by the different negotiating strategies and objectives of the parties. One major factor is the MILF’s gradualist incremental approach. In fact, the MILF has managed to get this recognized in the *Tripoli Peace Agreement* with its references to “the incremental characteristics of the peace process” (Part A, opening paragraph) and then the “progressive resolution of the

Bangsamoro problem.” (Part A, paragraph 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 represents a small and cumulative step forward.”⁴⁵ For the MILF, this is drawn from the Islamic principle of *tadrij* (gradualism).⁴⁶ 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.

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.⁴⁷

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 June 14, 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, in the end the latter 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.

Aware of the sensitivity of such political issues to all concerned, then MILF Peace Panel Chairman Murad in 2002 didn’t mind waiting longer for a ripe time to discuss the political issues. The idea was to create the right atmosphere to discuss them. 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 lessen tensions in the discussion of political issues.⁴⁸ Yet, there is also the impression that one or the other side, or both sides, are not really ready to tackle the hard stuff like ancestral domain, and so procrastinate about this. There are too many preliminaries; something like what in the vernacular is called *pasakalye* (introductory bars before an actual song). There is also this syndrome of having implementing guidelines for everything, the latest move along this line being for the *Terms of Reference of the International Monitoring Team (IMT)* dated September 8, 2004. As it is already stated therein, the IMT's objective is to monitor the implementation of the *Tripoli Peace Agreement* and its two *Implementing Guidelines*. Before we know it, we might have "Implementing Guidelines on the Implementing Guidelines."

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."⁴⁹ This was best illustrated during the formal peace talks phase of the "domestic stage," 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 April 27, 2000.

This quick settlement strategy is further shown in the last joint communique of the "domestic stage," on June 1, 2000 when, "At the meeting, the GRP panel presented its proposal for meaningful autonomy as embodied in H.B. [House Bill No.] 7883. In view of the June 30, 2000 deadline set by the President... The two panels will meet in Cotabato City on June 28, 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 June 30, 2000 deadline for a final peace agreement. Earlier, on June 15, 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.

According to a recent analysis, "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."⁵⁰ The clue to the MILF's goals is the last sentence of its 1997 elaboration of its single talking point "To solve 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.*"⁵¹ (italics supplied)

The last phrase 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 system 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 neither this nor any of those three words, for that matter is 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.

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. Based on these, independent statehood or secession of the Bangsamoro is understandably non-negotiable for the GRP.

Still, the GRP's rigidity with the *Philippine Constitution* and existing laws, even if there is some room for creativity and accommodation, has been a problem. 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.

Finally, it seems already standard government negotiating strategy or practice to their leaders. In the end, this has proven to be counterproductive seek to divide-and-rule over Moro rebel groups and. 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."⁵²

Intractable 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.

Pro-war interests

This is the fourth of 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 and 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.⁵³

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.

The Land Problem

The GRP-MILF peace negotiations when they resume 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 projects⁵⁴

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.”⁵⁵ 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.

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-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.⁵⁶

And in that arrangement, a disproportionately small share of the national allocation for regional development goes to the Muslim region and provinces,⁵⁷ 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.⁵⁸ 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.”⁵⁹

Failure of the ARMM

“Failure of the ARMM as a mechanism for peaceful political competition, good governance and quality leadership selection” is a sixth and final major reason for the persistence of the Mindanao conflict identified by Ferrer.⁶⁰ 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,”⁶¹ 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 budgetary support and fund management, respectively.⁶² 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.

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 Symbols⁶³

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 to separate itself 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 after re-resumption of the GRP-MILF peace negotiations. But is there basis for the negotiations to progress?

Some Gains and Basis for Advance

Notwithstanding the delays and little progress in the GRP-MILF peace negotiations, still there have been some gains and with this, basis to move forward. These are: survival of the negotiations and lower-level momentum; initial frameworks and terms of reference; reinforced ceasefire mechanisms; international third-party facilitation; and growing civil society participation. These will also help place the situation of the negotiations in better perspective because the picture is not all negative.

Staying Alive, Keeping Momentum

That the negotiations have survived two wars is a testament to its secure place in the whole peace process. In the particular case of the MILF, which was in the receiving end of those wars, this is the best evidence of its sincerity in the negotiations by persisting in its strategic (not just tactical) decision to give peace a maximum chance. On the part of the government, after several flip-flops in policy, there appears to be renewed resolve by the new six-year term (2004–10) Arroyo administration for the continuation of peace talks and conclusion of a final peace agreement with the MILF although the matter will be reviewed with regards to the NDF.

Even the current suspension phase, while overly long and tortured,⁶⁴ 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 CCCH⁶⁵ 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 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 2003.⁶⁶ This best exemplifies growing civil society participation in the GRP-MILF peace process. Together with the Malaysian-led IMT, this should consolidate an effective ceasefire.⁶⁷

What have 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. 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.⁶⁸

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. In his appeal to Mindanao peace advocates impatient over the non-resumption of the negotiations, current MILF Peace Panel

chairperson Iqbal said, “It is better to be cautious and meticulous rather than to rush up things only to repent later,” adding that the hard lessons from the MNLF experience are enough to teach the MILF that it does not pay to cut corners and act in haste.⁶⁹

Framework-Building

Perhaps the most important gain of the negotiations is in the building of frameworks and terms of reference, which lay the basis for substantial progress therein.

An important but often overlooked⁷⁰ early framework agreement, the *General Framework of Agreement of Intent* (GFAI) dated August 27, 1998, 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”⁷¹ 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.

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

Then 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 next significant agreement was the *Tripoli Peace Agreement* of June 22, 2001, not a final peace agreement but also a framework agreement and referred to as the “mother agreement” of so far two implementing guidelines.⁷² It provided a framework of three aspects: (a) security, (b) rehabilitation, and (c) ancestral domain. There are several significant references and formulations, some prefatory and some under the security aspect, which have framework implications. There is here first-time acceptance by the MILF of 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 part of the “Frameworks Document” for a negotiated political solution.⁷³

There is 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,⁷⁴ 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.⁷⁵

Then, there are 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, paragraph 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. This is a particularly important term of reference with great potential that has yet to be tapped.

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, paragraph 4). This was referred to by GRP Peace Panel Chairman 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.

Though the relevant part of the *Tripoli Peace Agreement* is titled only "Rehabilitation Aspect," the four paragraphs under it actually also cover 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.

First, "Observance of international humanitarian law and respect for internationally recognized human rights instruments"⁷⁶ (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.

Second, "Protection of evacuees and displaced persons,"⁷⁷ followed by the strange phrase "in the conduct of their relations." Protection connotes security rather than relief and rehabilitation.

And third, "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-determination⁷⁸ (RSD), the key concept (more than ancestral domain) for approaching the Bangsamoro question.

Reinforced Ceasefire Mechanisms

The *Agreement for General Cessation of Hostilities* (AGCH) dated July 18, 1997 was the first major agreement in the GRP-MILF peace negotiations, early on during the low-level negotiations phase of the "domestic stage." It "became, together with its implementing guidelines, the anchor reference for all subsequent accords."⁷⁹ The *Implementing Operational Guidelines* (November 14, 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. As we know, this led to the controversial acknowledgement of MILF camps.

During the formal phase of the “diplomatic stage,” the parties produced implementing instruments on the security aspect: the *Implementing Guidelines on the Security Aspect of the Tripoli Peace Agreement* dated August 7, 2001, and the *Manual of Instructions for CCCH and LMTs* dated October 18, 2001. Then in the next back-channel phase, additional security measures were the *Joint Communique on Criminal Interdiction* dated May 6, 2002, and some provisions in the *Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of the Tripoli Peace Agreement* dated May 7, 2002. All told, the thrust has been to strengthen the old existing general ceasefire agreement through several mechanisms.

First is the OIC Monitoring Team, which more recently would take the form of the Malaysian-led International Monitoring Team (IMT). 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. Its Terms of Reference were signed in September 2004.

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

Third, the Local Monitoring Teams (LMTs) now performing the functions of the defunct Independent Fact Finding Committee and Quick Response Team, mainly conduct

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.

Fourth, 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.

And fifth, 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. This has already happened with the Mindanao People’s Caucus’ “Bantay Ceasefire” (Ceasefire Watch) in 2003. 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.

International Third-Party Facilitation

The GRP-MILF peace negotiations now have the benefit of international third-party facilitation. This started with Malaysia as third-party facilitator to open the second or “diplomatic stage” of the suspended negotiations in March 2001.⁸⁰ Not only has that role of Malaysia since expanded, but also other countries have come into the picture of multiple international involvement: Libya, the Organization of the Islamic Conference, the United States, the United Nations, and other international organizations.

Malaysia’s facilitation, aside from being host, usually involved the following functions: go-between conveying 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, to detail what had actually been agreed upon. 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 BDA through its Malaysian Technical Cooperation Program (MTCP). 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 by a “kinder and gentler” touch.

Malaysia

Malaysia’s role of facilitation is moving towards mediation, if not the case already. Malaysia has actually suggested and promoted a certain direction for the parties for the resolution of the armed conflict. 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 towards economic development, with itself as a model nation merging Islam and modernity.

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. 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 Secretary Ermita referred to it as “very, very effective, as shown

by the recent agreements.”⁸¹ The MILF’s Murad referred to it as “helping a lot, not necessarily the position of the MILF but to push the negotiations.”⁸² This was perhaps the one constant in the ups and downs, highs and lows, and rise and fall of that peace process. This process can continue only with Malaysian mediation. Yet this third-party involvement has its limitations, at least under previous arrangements, which did not prevent the “Buliok offensive,” the current suspension and its prolongation.

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 2001 *Tripoli Peace Agreement* now keying the GRP-MILF negotiations.⁸³ 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.⁸⁴ Both are working for a settlement that rationalizes the MNLF and MILF tracks.⁸⁵ 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.⁸⁶ For one, the former process has resulted in the *Tripoli Declaration* adopted by the Unity and Solidarity Meeting of MNLF leaders held on April 6, 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 Colonel Muamar

Gaddafi. 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. 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.⁸⁷

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.⁸⁸ 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.

In spite of all that, however, it is clear, even from the pertinent OIC resolutions that its main concern has not been the 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.⁸⁹ The OIC which seems content enough to keep tabs on the GRP-MILF peace negotiations and give its blessings to the facilitation of Malaysia and Libya, not to mention the inclinations of the GRP and the MILF to stay with this arrangement.⁹⁰

But certain OIC issues have become parallel or sub-plots to the GRP-MILF peace negotiations. One is 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.⁹¹ 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.

The United States

The U.S. started to get more directly involved with the GRP-MILF peace negotiations only in 2003. 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 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.⁹²

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.⁹³ The U.S., being the superpower that it is, will always be the subject of theories of C.I.A. conspiracy and hidden agendas. It is hard to deny the U.S. role in the 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 Philippines, now a “major non-NATO ally”). 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.

The United Nations

The 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.⁹⁴ 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 for Peace and Development in Mindanao. Under a “Conflict Prevention and Peacebuilding” program of UNDP Philippines for 2005–09, it 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.⁹⁵

The World Bank

The World Bank 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 was a 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 was created headed by the World

Bank, 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.

Growing Civil Society Participation

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.⁹⁶ The 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 *Mindanao Peaceweavers*: the Agong Network, Bishops-Ulama Forum (BUF), Consortium of Bangsamoro Civil Society (CBCS), Mindanao Peace Advocates' Conference (MPAC), Mindanao Peoples' Caucus (MPC), Mindanao Peoples' 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. I 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, except during the closed-door negotiations, the presence of and submissions by representatives of the *Mindanao Peoples' Caucus* (then the Mindanao Tripeoples Caucus) as an official observer during the second and third rounds of the formal peace talks in 2001 in Malaysia, was allowed, 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.⁹⁷ At one point during the third round, an MPC representative who is an indigenous tribal leader⁹⁸ was granted access to the technical committee level discussions on ancestral domain.⁹⁹ It is already conventional wisdom in conflict studies that public participation in peacemaking is important for owning the process.¹⁰⁰

Another breakthrough by the MPC was when, together with other civil society convenors, it initiated the grassroots-led "*Bantay Ceasefire*" (Ceasefire Watch), which conducted four missions in 2003 to monitor the GRP-MILF ceasefire.¹⁰¹ 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 campsites for Jemaah Islamiyah (with negative results). The very positive

experience of “Bantay Ceasefire” has started to be summed up and framed in human security terms.¹⁰² 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 Mindanao Peoples’ Peace Movement’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.¹⁰³ 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.¹⁰⁴ But the referendum advocacy tends to work closely with the independence advocacy.¹⁰⁵ 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.¹⁰⁶ A referendum for independence is a Bangsamoro agenda, while federalism is mainly a Mindanaoan (or Mindanawon) agenda.

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,¹⁰⁷ where “peace is to be constructed barangay by barangay [village by village].”¹⁰⁸

Prospects after Re-resumptions

First on the substantive agenda, upon re-resumption of the GRP-MILF peace negotiations, is ancestral domain, the third of the three aspects in the framework of the *Tripoli Peace Agreement*. Everybody expects this agenda item to be complex, difficult, and contentious.¹⁰⁹ 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.¹¹⁰

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 laws.” In this regard, one of the GRP’s anticipated outcomes of the entire negotiation process 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).”¹¹¹

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 to 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."¹¹² One can see a collision course but the discussion, including where it leads to will be nothing more than instructive.

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. MILF Chairman Murad only recently, in his first major press conference and statement in October 2004, announced that "There are only two substantive issues remaining in the agenda of the GRP-MILF Peace Talks. One is Ancestral Domain... and the other is finding the very political solution to the Moro Problem. And the GRP and MILF have already agreed to discuss Ancestral Domain once the formal talks resume and then proceed directly to tackle the political solution to this problem."¹¹³

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.¹¹⁴ 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.¹¹⁵ 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." Murad, in his recent press statement, said that "we will not compromise our people's right of self-determination, as enunciated in the Charter of the United Nations..."¹¹⁶ And then he referred to the particular provision in the *Tripoli Peace Agreement* on "consultations with the Bangsamoro people" and "new formulas that would permanently respond to the aspirations of the Bangsamoro people for freedom." If this means holding a referendum for independence, there is no way the GRP can be expected to agree to it. Thus, Murad's statement that "peace is within our grasp in Mindanao" may be overestimating it. He himself "expect(s) lengthy, arduous, and even heated deliberations on both issues," i.e. ancestral domain and political solution. Based on the track record of the negotiations both with the MNLF and MILF, we are talking here of years, not months, and we would be extremely lucky to get a good final peace agreement before the end of President Arroyo's term in 2010. But at least this is something to target for.

The complexity now is not only in terms of the issues but also in terms of the players, the multiple players, both domestic and international, relevant to the GRP-MILF peace negotiations. Multiple international involvement is on the whole positive for the process, including in pushing for the best possible non-independence compromise solution, but it could also carry some complications, especially in the event of a more aggressive U.S. role and the problems this might pose for the principal mediator Malaysia. On the domestic front, the danger is in the event that things come to a head with an MNLF disaffected by the flawed or failed

implementation of its own peace agreement, with an Abu Sayyaf which keeps on returning with more intense terror, and with a Communist Party of the Philippines-New People's Army-National Democratic Front (CPP-NPA-NDF) which has been regaining ground nationwide including in Mindanao where it is in tactical alliance with the MILF.

In fact, because of the multiple players now, one further 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. The main issue 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.

Mindanao historian, peace advocate, and GRP peace negotiator Professor 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."¹¹⁷ Or it could just as well be a bad movie with no script and no director, or rather, multiple actor-directors. The GRP-MILF peace negotiations are entering a new, more challenging, and exacting stage of engagement for all concerned. Now comes the proverbial "What is to be done?"

Prescriptions for "Deliberate Haste"

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...."¹¹⁸ Such a democratization process must be undertaken, but it looks like it can be just as protracted as the ongoing wars and peace processes. It is almost like saying we must solve the 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.

To start with, what can be done to hasten the GRP-MILF peace negotiations with a view to achieving a durable settlement? I offer five areas of specific and elaborated recommendations for "deliberate haste:" on substantive negotiations and a road map; on the time allotment for and structure of the negotiations; on interim ceasefire and development projects; on more work on possible solutions; and on peace policy and peace movement building. These, likewise range in implications from short-term (the "haste") to long-term (the "deliberate"), with the first three being of immediate nature. These are mainly addressed to the negotiating parties but other domestic and international

players can play their respective roles in helping make these happen. The premise of all these is political will for the negotiations and to properly treat this as a strategic, not merely tactical, vehicle to resolve their armed conflict and attain a just and lasting peace.

On Substantive Negotiations and 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."¹¹⁹ 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.¹²⁰ 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 over a number of semesters and 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. The course can also be accelerated by a trimester system,¹²¹ 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, i.e. producing results, solutions to the problem.

Time Allotment for and Structure of the Negotiations

Determine that your key negotiators will have 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.”¹²² It has already been suggested to the government side regarding its chief peace negotiator that: “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.”¹²³

Well, that person sounds like the current GRP Peace Panel Chairman Secretary Silvestre C. Afable, Jr. But does he have the time, especially now as head of the new Office of the Communications Director under the Office of the President? 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.”¹²⁴

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.”¹²⁵ 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.

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 issues¹²⁶ 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.¹²⁷ 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.

Interim Ceasefire and Development Projects

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 that something is happening. 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 Secretary 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."¹²⁸ 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 the very least some peace dividends should already be felt and enjoyed, to also retain confidence and momentum in the peace process. Basically, the ceasefire must hold, and rehabilitation and development projects must take off. In fact, for some communities, even if it is only the ceasefire that happens, they would not mind the protraction of the peace

process because it would still be better than any resumption of hostilities.¹²⁹

"In the short-term, the imperative is to prevent another eruption of the conflict similar to 2000 and 2003."¹³⁰ The experience with the ceasefire since 1997 should be summed up well in order to learn lessons from, account for and prevent 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 are being reinforced by the Malaysian-led IMT and a still-to-be-formed GRP-MILF AHJAG for criminal interdiction, in addition to the already functional civil society initiative "Bantay Ceasefire." The armies of both sides, i.e. the AFP and the MILF's Bangsamoro Islamic Armed Forces, can see and seize this as an opportunity for military training or reorientation in the peacekeeping mode and operations to keep themselves from being rusty on top of doing it for a good cause.

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.”¹³¹ (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 to solve the Bangsamoro problem.

More Work on Possible Solutions

More work, including research, on solutions is 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.¹³² 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.”¹³³ 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.¹³⁴ 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.¹³⁵ We should

study all options, including negotiated secession or independence.¹³⁶

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.”¹³⁷ 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 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.¹³⁸ This point applies to both sides.

The search for solutions usually involves the search for commonalities.¹³⁹ 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 being applied to the peace negotiations,¹⁴⁰ considering that it is being applied to governance and development, notably by UNDP-Manila and the Philippine Commission on Human Rights. As it is, a human rights approach to self-determination has already been articulated.¹⁴¹ 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.

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.”¹⁴² 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 they should 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.

Go for a negotiated political settlement that is also a negotiated constitutional settlement. 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 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 that 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.

Peace Policy and Peace Movement Building

In the Oquist analysis, the antidote to the problem of competing policy positions which is the main cause of the extreme protraction of the peace process consists of two components: an integrated, holistic policy framework for a national peace policy; and a peace constituency to create a demand for peace and policy consensus.

Legislate a national peace policy of institutional peacebuilding, 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,¹⁴³ 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 oversight over the executive department's implementation of policy.¹⁴⁴ But this must be a peace policy of institutional peacebuilding, i.e. the short, medium, and long-term construction of institutions for peace.

The "Six Paths to Peace"¹⁴⁵ 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,"¹⁴⁶ considering also some recent critique of it as still loaded with a mainstream Filipino Christian perspective.¹⁴⁷ Some other frameworks for addressing internal armed conflict and rebellion are human rights (as mentioned earlier), 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 time, "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."¹⁴⁸ A good alternative framework is the human security, which addresses security in a way that 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.¹⁴⁹

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 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.”¹⁵⁰ 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.

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 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.”¹⁵¹ He describes this task as “probably medium-term.”

This is a good time 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."¹⁵² 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.

ENDNOTES

¹ See Macapado Abaton Muslim, *The Moro Armed Struggle in the Philippines: The Nonviolent Autonomy Alternative* (Marawi City, Philippines: Office of the President and College of Public Affairs, Mindanao State University, 1994), 52–133.

² T.J.S. George, *Revolt in Mindanao: The Rise of Islam in Philippine Politics* (Kuala Lumpur: Oxford University Press, 1980) ____.

³ Hajji Nur Misuari, Chairman, Central Committee, Moro National Liberation Front, “The Manifesto of the Moro National Liberation Front: Establishment of the Bangsa Moro Republik,” Bangsa Moro Homeland, April 28, 1974, Appendix 3 of 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), 189–90. This book is one of the best references on the Moro liberation struggle and the MNLF up to the 1980s.

⁴ Nur Misuari, “The Rise and Fall of Moro Statehood” in *Philippine Development Forum*, Vol. 6 No. 2, 1992, 1–41.

⁵ OIC, 5th ICFM, Kuala Lumpur, Malaysia, June 21–25, 1974, Resolution No. 18, “Resolution on the Plight of the Filipino Muslims.”

⁶ 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, 1992–96: 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.

⁷ Interview with Hatimil E. Hassan, new Chairman of the MNLF, on October 6, 2004 in Cotabato City; MNLF Maj. Gen. Abdul Sahrin, Message to the Bangsamoro National People’s Congress, December 23, 2003, Davao City, reprinted in *The Bangsamoro Parsugpatan*, Vol. 2 No. 1, March 2004, 21, 30; and Dr. Paul Oquist, “Mindanao and Beyond: Competing Policies, Protracted Peace Process and Human Security” (October 23, 2002), 23. Dr. Oquist is the UNDP Senior Regional Governance Adviser for Asia and Coordinator, UNDP Paragon Regional Governance Programme for Asia based at UNDP/Islamabad.

⁸ 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 independence or return to the battlefield.”

⁹ This paragraph is mostly based on an interview with Prof. Nur Misuari, long-time MNLF Chairman, on February 20, 2002 in Sta. Rosa, Laguna, Philippines.

¹⁰ Julkipli M. Wadi, “Radical Islamic movements complicate Moro struggle,” *Philippine Daily Inquirer*, February 14, 1999, 10.

¹¹ Some good references on the MILF are Salah Jubair, *Bangsamoro: A Nation Under Endless Tyranny* (Kuala Lumpur: IQ Marin SDN BHD, 3rd ed., 1999) 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.

¹² 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.

¹³ Interview with Datu Michael O. Mastura and Atty. Musib M. Buat, MILF peace negotiators on May 18, 2002 in Taguig, Metro-Manila.

¹⁴ 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, October 23, 2002).

¹⁵ From a compilation of “GRP-MILF Peace Negotiations Signed Documents (January 27, 1997–June 15, 2000)” provided by the GRP panel secretariat.

¹⁶ International Crisis Group, “Southern Philippines Backgrounder: Terrorism and the Peace Process” (Asia Report No. 80, ICG, Singapore/Brussels, July 13, 2004), 6, hereinafter referred to as ICG Report.

¹⁷ 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.

¹⁸ Based on interviews by the author with several MILF peace negotiators and GRP back-channel negotiators in 2002.

¹⁹ Interview with Abhoud Syed M. Lingga, Executive Director, Institute of Bangsamoro Studies, on July 31, 2004 in Manila.

²⁰ 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, 28.

²¹ 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*, August 14, 2004, A1, A20.

²² 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*, 10.

²³ Oquist, “Mindanao and Beyond,” 3.

²⁴ 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, October 23, 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, July 8, 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.

²⁵ See Soliman M. Santos, Jr., “All-Out War, All-Out Resistance, All-Out Peace: War of Words,” *Philippines Free Press*, December 28, 2002, 20–21.

²⁶ 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, January 12–15, 2004).

²⁷ 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: Gaston Z. Ortigas Peace Institute, 2003), 71.

²⁸ Ferrer, “The Philippine State and Moro Resistance.”

²⁹ Yasmin Busran-Lao, “Peace Advocacy Among the Bangsamoro” (Paper presented at the forum “Conversation Peace” on November 12, 2003 at the Ateneo de Manila University, Quezon City).

³⁰ 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.

³¹ ICG Report 13.

³² Ibid 5.

³³ Ibid 26.

³⁴ Oquist, "Mindanao and Beyond," 28.

³⁵ Tan, "The Indigenous Roots of Conflict in Southeast Asia," 111.

³⁶ Ferrer, "The Philippine State and Moro Resistance."

³⁷ 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.

³⁸ ICG Report 8.

³⁹ Ibid 26.

⁴⁰ See Soliman M. Santos, Jr., "Terrorism: Toward a Legal Definition," *Philippines Free Press*, December 28, 2002, 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."

⁴¹ ICG Report 5

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Tan, "The Indigenous Roots of Conflict in Southeast Asia," 98.

⁴⁵ ICG Report 6.

⁴⁶ SMS message of Datu Michael O. Mastura, MILF peace negotiator, on September 7, 2004.

⁴⁷ 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.

⁴⁸ Interview with Al Haj Murad Ebrahim, MILF Vice Chairman for Military Affairs and Peace Panel Chair, on September 18 and 20, 2002 in Geneva.

⁴⁹ 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.

⁵⁰ ICG Report 8.

⁵¹ MILF Technical Committee on Agenda Setting, "Agenda" (February 25, 1997).

⁵² ICG Report 8.

⁵³ Ferrer, "The Philippine State and Moro Resistance."

⁵⁴ Lualthati 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, January 12–15, 2004).

⁵⁵ 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*.

⁵⁶ Ferrer, "The Philippine State and Moro Resistance."

⁵⁷ Guiam, "Negotiations and detours," 11.

⁵⁸ Ferrer, "The Philippine State and Moro Resistance."

⁵⁹ Dona Z. Pazzibugan, "RM awardee bashes gov'ts approach to peace," *Philippine Daily Inquirer*, August 29, 2004, A6, quoting Ramon Magsaysay awardee for emergent leadership Benjamin Abadiano of the Philippines from his lecture on August 27, 2004 at the Ramon Magsaysay Center in Manila.

⁶⁰ Ferrer, "The Philippine State and Moro Resistance."

⁶¹ 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).

⁶² Bacani, *Beyond Paper Autonomy*, 4–5.

⁶³ 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.

⁶⁴ 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.

⁶⁵ 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.

⁶⁶ 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.

⁶⁷ See Froilan Gallardo, "Guardians of Peace: Local and international monitors want to make this work this time," *Newsbreak*, May 10, 2004, 32; and Marites Danguilan Vitug, "New Tack in Peace Talks: Malaysia plays 'strongest role' as peacemaker," *Newsbreak*, May 10, 2004, 29–30.

⁶⁸ See Vitug, "New Tack in Peace Talks."

⁶⁹ "Peace talks is alive and kicking, MILF says," *Maradika*, Vol. XXIV No. 10, October 2004, 1, 4.

⁷⁰ Overlooked even by MILF negotiator in the next "diplomatic stage," Datu Michael O. Mastura, in his paper "Just Peace: Understanding the Frameworks Document" (July 8, 2003).

⁷¹ Patterned after the "Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law" (CARHRIHL) of March 16, 1998 between the GRP and the National Democratic Front (NDF) of the Philippines, which is considered a substantive agreement.

⁷² 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" (May 27, 2002).

⁷³ Michael O. Mastura, "Just Peace: Understanding the Frameworks Document" (July 8, 2003).

⁷⁴ See Adam Rudkin, Initiatives for International Dialogue, "The Politics of Identity in Mindanao: 'Tri-people' and its Limitations" (n.d.).

⁷⁵ In the provision for three SPCPD Deputies for Muslims, Christians and cultural communities (paragraph 4), and in an educational provision on Muslim, Christian and indigenous cultures (paragraph 103).

⁷⁶ 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.

⁷⁷ Relevant to this is international refugee law which has lately been treated as distinct from international human rights law. There is also an emerging international law on internally displaced persons.

⁷⁸ 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.

⁷⁹ ICG Report 6.

⁸⁰ For more on the information here on Malaysia's role, see Soliman M. Santos, Jr., "Malaysia's Role in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front" (May 26, 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.

⁸¹ 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.

⁸² Email answer of Al Haj Murad Ebrahim, MILF Peace Panel Chair, received on September 27, 2002 in response to a research questionnaire.

⁸³ Interview with Salem M. Adam, Ph.D., Secretary (Ambassador to the Philippines), Libyan People's Bureau (Embassy), on August 25, 2004 in Makati City.

⁸⁴ Ibid.

⁸⁵ Interview with Sec. Silvestre C. Afable, Head, Presidential Management Staff, Office of the President, Philippines on June 25, 2002 in Manila.

⁸⁶ Interview with Salem M. Adam, Ph.D., Secretary (Ambassador to the Philippines), Libyan People's Bureau (Embassy), on August 25, 2004 in Makati City.

⁸⁷ Ibid.

⁸⁸ 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).

⁸⁹ Interview with Yudhistiranto Sungadi, Counsellor (Political), Indonesian Embassy, Philippines on April 12 and June 4, 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 June 4, 2002 in Pasay City.

⁹⁰ Ibid, and also interviews with the key GRP and MILF peace negotiators.

⁹¹ Interview with Adrian Elmer S. Cruz, Foreign Service Officer, Office of Middle East and African Affairs (OMEA), Department of Foreign Affairs, Philippines on June 4, 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.

⁹² Macapanton Y. Abbas, Jr., "Is a Bangsa Moro State within a Federation the Solution," *Ateneo Law Journal*, Vol. 48 No. 2, September 2003, 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.

⁹³ 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 June 21, 2002 in Penang, Malaysia.

⁹⁴ "UN assistance sought if peace talks fail, say," posted on July 7, 2004 in the News section of the MILF website www.luwaran.com.

⁹⁵ "UNDP: Country Programming and Related Matters: Draft Country Programme Document for the Republic of the Philippines (2005-2009)," 4–5.

⁹⁶ 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 Initiatives for International Dialogue, *Peacebuilder's Kit for Mindanao: Working for a Peaceful Mindanao* (Davao City: Initiatives for International Dialogue, 2002).

⁹⁷ The journalist is Carolyn O. Arguillas, Editor, *Mindanews*. Her reportage on the talks can be found in the *Mindanews* website "www.mindanews.com".

⁹⁸ Manobo Datu Ramon Bayaan from the Lumad organization *Panagtagbo*.

⁹⁹ Based on reports and documents from the NGO Initiatives for International Dialogue (IID), Davao City, which is the secretariat for the MTC, now MPC.

¹⁰⁰ 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.

¹⁰¹ 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.

¹⁰² 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," December 4–6, 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, January 12–15, 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.

¹⁰³ From the primer and other papers of the MPPM provided by its Chairman Alvaro O. Senturias, Jr. of the Southern Christian College, Midsayap, Cotabato.

¹⁰⁴ 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).

¹⁰⁵ 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, 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.

¹⁰⁶ 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.

¹⁰⁷ The "vertical" and "horizontal" terminology is used in Lao, "Peace Advocacy Among the Bangsamoro."

¹⁰⁸ Oquist, "Mindanao and Beyond," 19.

¹⁰⁹ See Abreu, "Rooted in the Bangsamoro Ancestral Domain."

¹¹⁰ Interview with Datu Michael O. Mastura and Atty. Musib M. Buat, MILF peace negotiators on May 18, 2002 in Taguig, Metro-Manila.

¹¹¹ Sec. Eduardo R. Ermita, "Role of the Bishops-Ulama Conference in the Peace Negotiation" (Paper presented to the 21st BUC General Assembly, Pasay City, August 18, 2004).

¹¹² Atty. Datucolul 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*.

¹¹³ Al Haj Murad Ebrahim, Chairman, Central Committee, Moro Islamic Liberation Front, Press Statement "Peace is within grasp in Mindanao" (October 9, 2004).

¹¹⁴ Ermita, "Role of the Bishops-Ulama Conference."

¹¹⁵ Interview with Sec. Norberto B. Gonzales, Presidential Adviser on Special Concerns, Office of the President of the Philippines, on June 6, 2002 in Manila.

¹¹⁶ Murad, Press Statement (October 9, 2004).

¹¹⁷ 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.

¹¹⁸ Ferrer, "The Philippine State and Moro Resistance."

¹¹⁹ Secretary Teresita Quintos-Deles, "The Peace Process under the Macapagal-Arroyo Presidency" (Paper delivered for the University of the Philippines Public Lecture Series on February 20, 2004 at U.P. Diliman, Quezon City).

¹²⁰ 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 August 7–9, 2003 under the auspices of The Asia Foundation-Manila.

¹²¹ Like they have at De La Salle University in Manila.

¹²² Recommendations from the conference “A World of Women for World Peace” held on May 9, 2002 at the U.S. Library of Congress, cited in Lao, “The Mindanao Peace Process.”

¹²³ Marites Danguilan Vitug, “Moving Forward in Mindanao,” *Newsbreak*, June 23, 2003, 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 with terrorist organizations should be resolved; and (6) Development aid and programs should run parallel to the peace talks.

¹²⁴ ICG Report 26.

¹²⁵ Vitug, “Moving Forward in Mindanao.”

¹²⁶ 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.

¹²⁷ 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), 107–10.

¹²⁸ Deles, “The Peace Process under the Macapagal-Arroyo Presidency.”

¹²⁹ This view was expressed by Fr. Roberto C. Layson, OMI, Parish Priest of Pikit, North Cotabato during the “Lets Talk Peace 1” Forum on Peace Talks and Conflict Prevention on October 4, 2004 at Notre Dame University, Cotabato City. Pikit experienced four wars within six years, in 1997, 2000, 2001 and 2003. See Fr. Roberto C. Layson, OMI, *In War, The Real Enemy Is War Itself* (Davao City: Initiatives for International Dialogue, 2003).

¹³⁰ ICG Report 26.

¹³¹ 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, January 12–15, 2004). Dr. Juanday is the Executive Director of the BDA. 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.

¹³² The author, for his part, attempts an answer in the form of a compromise constitutional solution developed in Santos, *The Moro Islamic Challenge*.

¹³³ Bacani, *Beyond Paper Autonomy* 5.

¹³⁴ *Ibid* 127–34.

¹³⁵ 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).

¹³⁶ 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.

¹³⁷ Written research questionnaire response from Salamat Hashim, Chairman, MILF (written answers) on August 25, 2002 from the “Islamic Center,” Bgy. Buliok, Pagalungan, Maguindanao.

¹³⁸ From a conversation with A. Karim Sidri, former long-time administrator, Southern Philippines Development Authority, on September 23, 2004 in Quezon City.

¹³⁹ See Florangel Rosario-Braid (ed.), *Muslim and Christian Cultures: In Search of Commonalities* (San Juan, Metro Manila: Asian Institute of Journalism and Communication, and UNESCO-National Commission of the Philippines, 2002).

¹⁴⁰ 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 Masters in National Security Administration 2004 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. This is to be distinguished from another “rights-based approach” in conflict resolution whereby the parties try to determine who is right according to some standard which is usually international law. For that approach in relation to a power-based approach and an interest-based approach, see Connie Peck, *The United Nations as a Dispute Settlement System* (The Hague: Kluwer Law International, 1996), 10–11.

¹⁴¹ Robert McCorquodale, “Self-Determination: A Human Rights Approach,” *International and Comparative Law Quarterly*, Vol. 43, 1994, 857 et seq.

¹⁴² Ferrer, “The Philippine State and Moro Resistance.”

¹⁴³ 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 providing 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.

¹⁴⁴ 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.

¹⁴⁵ 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.

¹⁴⁶ 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,” December 4–6, 2003, Ateneo de Manila University, Quezon City).

¹⁴⁷ See Guiam, “Negotiations and detours,” 10.

¹⁴⁸ Palm-Dalupan, “Some Imperatives for a National Peace Policy.”

¹⁴⁹ 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, July 8, 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).

¹⁵⁰ Ruben Thorning, “Terrorism and Counter-Terrorism in Southeast Asia: Which is the Greater Threat?,” *NIAS nytt* No. 3, September 2003, 10, 18.

¹⁵¹ Oquist, “Mindanao and Beyond,” 12–13.

¹⁵² 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.

Background Information

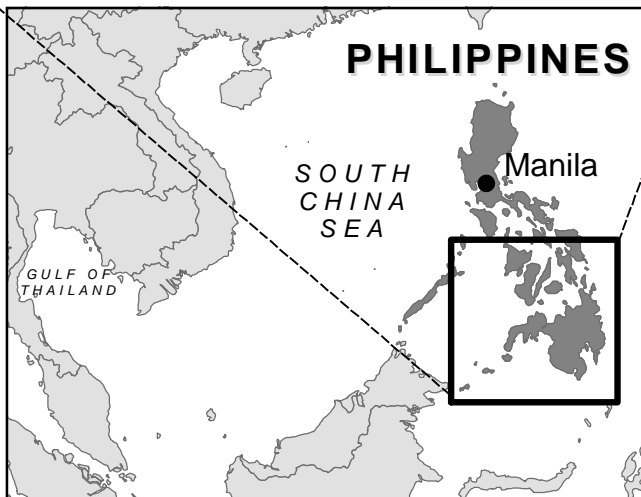
Background of the Moro Conflict

The Philippines traces its unique status as Asia's sole Christian-majority state to more than three centuries of Spanish colonial rule (1565–1898). Ninety percent of the country's 82 million people profess Christianity today, but in the southwestern provinces of the Sulu archipelago and western Mindanao, where Spanish control came late and remained tenuous, indigenous state formation proceeded much further than anywhere else in the country, undergirding a tradition of resistance to alien rule. Muslim sultanates in Sulu (from about 1450), Cotabato (c.1515) and Lanao (c.1600) retained varying degrees of independence well into the nineteenth century, only becoming fully incorporated into the Philippines under the aegis of American colonialism (1898–1946), and giving rise to a transcendent, multi-tribal “Moro” identity. In the final decades of U.S. rule, and accelerating through the 1950s and 1960s, mass migration from the Christian North to the Mindanao frontier fundamentally altered the demographic balance in the South, today leaving Muslim majorities in only five of the region's twenty-five provinces. This shift coincided with a revival of Islamic consciousness beginning in the 1950s.

Intensifying electoral competition in the newly vote-rich South between 1967–71, combined with proliferating land disputes and armed militias, led to a spiral of sectarian polarization. Beginning in Cotabato province, at the forefront of postwar Christian in-migration, in early 1970, militia skirmishes spread rapidly to Lanao in 1971 and Zamboanga in early 1972. President Ferdinand Marcos, facing the end of his final term in office, cited this disorder in imposing martial law on the country in September 1972 and overthrowing the constitutional system. By December, the armed forces were locked in full-scale civil war with the secessionist Moro National Liberation Front (MNLF) on the island of Jolo, and by early 1973, mainland Mindanao was also at war. The intercession of the Organization of the Islamic Conference, lead by Libya, helped bring about a cease-fire and autonomy agreement in Tripoli in December 1976, but the subsequent splintering of the MNLF into a number of contending factions, and disputes over Tripoli's implementation, have continued to draw the conflict out. To date, possibly 120,000 have died in the fighting, and millions have been displaced.

A “final” autonomy agreement mediated by Jakarta in 1996 now embraces all five Muslim-majority provinces, but has failed to satisfy popular expectations, or the demands of three main armed factions. The Moro Islamic Liberation Front (MILF), which broke away from the MNLF after Tripoli, commands widespread support among Maguindanao and Maranao Muslims in the Cotabato and Lanao regions, and is engaged in a fragile peace process supported by Malaysia and the United States. An MNLF faction lead by imprisoned founding chairman Nur Misuari is strongest in Sulu. The Abu Sayyaf Group (ASG), centered on the Sulu and Basilan islands, is far smaller, but highly mobile, and draws on kinship ties with MNLF and MILF members to seek refuge from government forces. At other times ASG and government elements may act in collusion. Further complicating this volatile situation are transnational terrorist networks linked to Jemaah Islamiyah and al-Qaeda, which view the southern Philippines as a key front in their wider regional and global *jihād*.

Map of Mindanao, Philippines



- Cities
- Camp Abu Bakr
- ⚡ District Boundaries

Note: Tawi Tawi, Sulu, Basilan and Camiguin all have district status.

Note: Map boundaries and locations are approximate. Geographic features and their names do not imply official endorsement or recognition by the UN.

Project Information

The Dynamics and Management of Internal Conflicts in Asia

Project Rationale, Purpose and Outline

Project Director: Muthiah Alagappa
Principal Researchers: Edward Aspinall (Aceh)
Danilyn Rutherford (Papua)
Christopher Collier (southern Philippines)
Gardner Bovington (Xinjiang)
Elliot Sperling (Tibet)

Rationale

Internal conflicts have been a prominent feature of the Asian political landscape since 1945. Asia has witnessed numerous civil wars, armed insurgencies, coups d'état, regional rebellions, and revolutions. Many have been protracted; several have far reaching domestic and international consequences. The civil war in Pakistan led to the break up of that country in 1971; separatist struggles challenge the political and territorial integrity of China, India, Indonesia, Burma, the Philippines, Thailand, and Sri Lanka; political uprisings in Thailand (1973 and 1991), the Philippines (1986), South Korea (1986), Taiwan, Bangladesh (1991), and Indonesia (1998) resulted in dramatic political change in those countries; although the political uprisings in Burma (1988) and China (1989) were suppressed, the political systems in these countries as well as in Vietnam continue to confront problems of political legitimacy that could become acute; and radical Islam poses serious challenges to stability in Pakistan, Indonesia, Malaysia, and India. In all, millions of people have been killed in the internal conflicts, and tens of millions have been displaced. And the involvement of external powers in a competitive manner (especially during the Cold War) in several of these conflicts had negative consequences for domestic and regional security.

Internal conflicts in Asia (as elsewhere) can be traced to three issues—national identity, political legitimacy (the title to rule), and distributive justice—that are often interconnected. With the bankruptcy of the socialist model and the transitions to democracy in several countries, the number of internal conflicts over the legitimacy of political system has declined in Asia. However, political legitimacy of certain governments continues to be contested from time to time and the legitimacy of the remaining communist and authoritarian systems is likely to confront challenges in due course. The project deals with internal conflicts arising from the process of constructing national identity with specific focus on conflicts rooted in the relationship of minority communities to the nation-state. Here too many Asian states have made considerable progress in constructing national communities but several states including some major ones still confront serious problems that have degenerated into violent conflict. By affecting the political and territorial integrity of the state as well as the physical, cultural, economic, and political security of individuals and groups, these conflicts have great potential to affect domestic and international stability.

Purpose

The project investigates the dynamics and management of five key internal conflicts in Asia—Aceh and Papua in Indonesia, the Moro conflict in the southern Philippines, and the conflicts pertaining to Tibet and Xinjiang in China. Specifically it investigates the following:

1. Why (on what basis), how (in what form), and when does group differentiation and political consciousness emerge?
2. What are the specific issues of contention in such conflicts? Are these of the instrumental or cognitive type? If both, what is the relationship between them? Have the issues of contention altered over time? Are the conflicts likely to undergo further redefinition?
3. When, why, and under what circumstances can such contentions lead to violent conflict? Under what circumstances have they not led to violent conflict?
4. How can the conflicts be managed, settled, and eventually resolved? What are policy choices? Do options such as national self-determination, autonomy, federalism, electoral design, and consociationalism exhaust the list of choices available to meet the aspirations of minority communities? Are there innovative ways of thinking about identity and sovereignty that can meet the aspirations of the minority communities without creating new sovereign nation-states?
5. What is the role of the regional and international communities in the protection of minority communities?
6. How and when does a policy choice become relevant?

Design

A study group has been organized for each of the five conflicts investigated in the study. With a principal researcher each, the study groups comprise practitioners and scholars from the respective Asian countries including the region or province that is the focus of the conflict, the United States, and Australia. For composition of study groups please see the participants list.

All five study-groups met jointly for the first time in Washington, D.C. from September 29 through October 3, 2002. Over a period of four days, participants engaged in intensive discussion of a wide range of issues pertaining to the five conflicts investigated in the project. In addition to identifying key issues for research and publication, the meeting facilitated the development of cross country perspectives and interaction among scholars who had not previously worked together. Based on discussion at the meeting five research monograph length studies (one per conflict) and twenty policy papers (four per conflict) were commissioned.

Study groups met separately for the second meeting. The Aceh and Papua study group meetings were held in Bali on June 16–17, the southern Philippines study group met in Manila on June 23, and the Tibet and Xinjiang study groups were held in Honolulu on August 20–22, 2003. The third meeting of all study groups was held in Washington, D.C. from February 28 to March 2, 2004. These meetings reviewed recent developments relating to the conflicts, critically reviewed the first drafts of the policy papers prepared for the project, reviewed the book proposals by the principal researchers, and identified new topics for research.

Publications

The project will result in five research monographs (book length studies) and about twenty policy papers.

Research Monographs. To be authored by the principal researchers, these monographs present a book-length study of the key issues pertaining to each of the five conflicts. Subject to satisfactory peer review, the monographs will appear in the East-West Center Washington series *Asian Security*, and the East-West Center series *Contemporary Issues in the Asia Pacific*, both published by the Stanford University Press.

Policy Papers. The policy papers provide a detailed study of particular aspects of each conflict. Subject to satisfactory peer review, these 15,000- to 25,000-word essays will be published in the East-West Center Washington *Policy Studies* series, and be circulated widely to key personnel and institutions in the policy and intellectual communities and the media in the respective Asian countries, United States, and other relevant countries.

Public Forums

To engage the informed public and to disseminate the findings of the project to a wide audience, public forums have been organized in conjunction with study group meetings.

Two public forums were organized in Washington, D.C. in conjunction with the first study group meeting. The first forum, cosponsored by the United States-Indonesia Society, discussed the Aceh and Papua conflicts. The second forum, cosponsored by the United States Institute of Peace, the Asia Program of the Woodrow Wilson International Center, and the Sigur Center of The George Washington University, discussed the Tibet and Xinjiang conflicts.

Public forums were also organized in Jakarta and Manila in conjunction with the second study group meetings. The Jakarta public forum on Aceh and Papua, cosponsored by the Center for Strategic and International Studies in Jakarta, and the southern Philippines public forum cosponsored by the Policy Center of the Asian Institute of Management attracted key persons from government, media, think tanks, activist groups, diplomatic community, and the public.

In conjunction with the third study group meetings, also held in Washington, D.C., three public forums were offered. The first forum, cosponsored by the United States-Indonesia Society, addressed the conflicts in Aceh and Papua. The second forum, cosponsored by the Sigur Center of The George Washington University, discussed the conflicts in Tibet and Xinjiang. A third forum was held to discuss the conflict in the southern Philippines. This forum was cosponsored by the United States Institute of Peace.

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Project Director

Muthiah Alagappa

East-West Center Washington

Aceh Study Group

Edward Aspinall

University of Sydney

Principal Researcher

Saifuddin Bantasyam

Human Rights Forum, Banda Aceh

Harold Crouch

Australian National University

Ahmad Humam Hamid

Care Human Rights, Banda Aceh

Bob Hadiwinata

University of Parahyangan, Indonesia

Konrad Huber

USAID, Washington, D.C.

Sidney Jones

International Crisis Group, Jakarta

T. Mulya Lubis

Lubis, Santosa and Maulana, Jakarta

Marcus Meitzner

USAID, Jakarta

Kelli Muddell

International Center for Transitional Justice,
New York

Michael Ross

University of California, Los Angeles

Kirsten E. Schulze

London School of Economics

Rizal Sukma

CSIS, Jakarta

Paul Van Zyl

International Center for Transitional Justice,
New York

Agus Widjojo

Former Chief of Staff for Territorial Affairs,
Government of Indonesia

Sastrohandoyo Wiryono

Chief Negotiator for the Government of
Indonesia in the peace talks with the Free Aceh
Movement

Daniel Ziv

USAID, Jakarta

Papua Study Group

Danilyn Rutherford

University of Chicago

Principal Researcher

Ikrar Nusa Bhakti

Indonesian Institute of Sciences (LIPI), Jakarta

Richard Chauvel

Victoria University, Melbourne

Benny Giay

The Institute for Human Rights Study and
Advocacy, Jayapura

Barbara Harvey

Former Deputy Chief of Mission for the U.S.
Embassy in Indonesia

Rodd McGibbon

USAID, Jakarta

Octavianus Mote

Yale University

Samsu Rizal Panggabean
Gadjah Mada University, Yogyakarta

John Rumbiak
ELS-HAM, Jayapura

Barnabas Suebu
Former Governor of Irian Jaya

Agus Sumule
Universitas Negeri Papua, Amban

Southern Philippines Study Group

Christopher Collier
Australian National University
Principal Researcher

Robert F. Barnes
USAID, Philippines

Noemi Bautista
USAID, Philippines

Saturnino M. Borras, Jr.
Institute of Social Studies, The Hague

Jesus Dureza
Presidential Assistant for Mindanao, Philippines

Alma Evangelista
United Nations Development Programme, Manila

Eric Gutierrez
WaterAid, United Kingdom

Carolina Hernandez
Institute for Strategic and Development Studies,
Manila

Abraham S. Iribani
Assistant Secretary, Department of the Interior
and Local Government
Government of the Philippines, Manila

Mary Judd
The World Bank, Philippines

Macapado Muslim
Mindanao State University
Fatima, General Santos City

Amina Rasul-Bernardo
Asian Institute of Management, Manila

Steven Rood
The Asia Foundation, Philippines

David Timberman
USAID, Washington, D.C.

Michael Yates
USAID, Philippines

Tibet Study Group

Elliot Sperling
Indiana University, Bloomington
Principal Researcher

Allen Carlson
Cornell University

Shulong Chu
Tsinghua University, Beijing

Yongbin Du
Chinese Center for Tibet Studies, Beijing

Marc D. Koehler
U.S. Department of State

Carole McGranahan
University of Colorado at Boulder

Warren W. Smith, Jr.
Radio Free Asia

Tashi Rabgey
Harvard University

Tseten Wangchuk
Voice of America

Xinjiang Study Group

Gardner Bovington

Indiana University, Bloomington
Principal Researcher

Jay Dautcher

University of Pennsylvania

Arienne Dwyer

University of Kansas

Talant Mawkanuli

Indiana University, Bloomington

James Millward

Georgetown University

Susan Shirk

University of California, San Diego

Stan Toops

Miami University

Nury Turkel

American University

Nabijan Tursun

Radio Free Asia

Shengmin Yang

Central University for Nationalities, Beijing

Other Participants

Allen Choate

Asia Foundation, Hong Kong

Chester Crocker

Georgetown University

Stephen Del Rosso, Jr.

Carnegie Corporation of New York

Pauline Kerr

Australian National University

Federico M. Macaranas

Asian Institute of Management, Manila

Christopher McNally

East-West Center

Charles Morrison

East-West Center

Holly Morrow

U.S. Department of State

Hadi Soesastro

CSIS, Jakarta

Sheila Smith

East-West Center

Arun Swamy

East-West Center

Barbara Walter

University of California, San Diego

Working Papers

Previous Publications

Working Paper Number 1, May 2004

Demographics and Development in Xinjiang after 1949
Stanley Toops

Working Paper Number 2, October 2004

China's Policy on Tibetan Autonomy
Warren W. Smith