



Peace at Last in Southern Philippines? The Framework Agreement on the Bangsamoro





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- Network of East Asian Think Tanks (NEAT); and
- Pacific Economic Cooperation Council (PECC).

It is also a partner institute of the World Economic Forum (WEF).

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PRAXIS: A REVIEW OF POLICY PRACTICE*

Peace at Last in Southern Philippines? The Framework Agreement on the Bangsamoro

After more than a decade of negotiations, the Philippines' government (GRP or GPH) and the Moro Islamic Liberation Front (MILF) signed a Framework Agreement on the Bangsamoro on October 15, 2012. The Framework, among others, establishes the Bangsamoro as a new political entity and provides for a legal and political *modus vivendi* between Manila and the Bangsamoro. The welcome peace in Mindanao is susceptible to a relapse if the Framework does not bring immediate and tangible "peace dividends" and material change on the ground. What are the important milestones? What are the "triggers" that may derail the spirit of goodwill and cooperation between Manila and the Bangsamoro? What is the role of external parties — government and nongovernment — in the Mindanao peace-building process?

With these questions in mind, the 27th Asia-Pacific Roundtable (APR) on June 5, 2013, convened a high-level panel that was appropriately titled, "Will Peace Hold in Mindanao?" to analyze the dynamics of the post-Framework Agreement situation. The panel was funded and supported by the United Kingdom's Foreign and Commonwealth Office (FCO).

The three principals of the Framework Agreement — MILF Chairman **Al-Haj Murad Ebrahim**, Peace Adviser to the Philippine President, **Secretary Teresita Quintos Deles**, and Malaysian facilitator of the negotiations **Tengku Dato Abdul Ghafar bin Mohamed** — led the discussion, which was moderated by **Dr. Michael Vatikiotis** of the Centre for Humanitarian Dialogue. Their three papers are published in *Praxis* with the courtesy and cooperation of the Institute of Strategic and International Studies (ISIS) Malaysia. The views presented in the papers are personal and do not reflect the official position of the authors' respective affiliations.

The APR is organized by ISIS Malaysia, on behalf of the ASEAN-Institutes of Strategic and International Studies (ASEAN-ISIS). Held in Kuala Lumpur, Malaysia, annually in late May/early June, the APR is Asia-Pacific's premier and longest running Track 2 security conference and brings together more than 300 of the region's senior policymakers, academics, and thought leaders to deliberate and discuss the region's security challenges and issues.

Asian Politics & Policy features these papers as part of its interest in peace and conflict resolution in the region. The papers have only been slightly edited to conform with journal standards. APP acknowledges the kind assistance of Dr. Tang Siew Mun, Director of Foreign Policy and Security Studies of ISIS Malaysia, APR's convenor, and member of the APP Editorial Board, in helping us bring these issues before you.

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Will Peace Hold in Mindanao?

Brief Historical Glimpses of the Bangsamoro Struggle

An Australian author describes the Bangsamoro Homeland in this manner: "Southwest of Japan is a large island called Mindanao that has Indonesia and Malaysia close to it southwesterly and the island of Luzon and the Visayas north of it. About the size of Greece, 18 to 20 million people live here." The land is fertile. Its seas, rivers, lakes, and marshes abound with aquatic resources and the climate is good, and very rarely visited by typhoons that the islands of Luzon and the Visayas frequently experience. It has abundant deposits, oil, and gas and used to have a lush rainforest cover that has now shrunk to critical levels, due to the abusive and irresponsible activities of greedy logging concessionaires.

Contact with Mindanao by Muslim traders, travelers, Sufis, and Muslim missionaries from today's Indonesia and Malaysia long predated the arrival of the Spaniards in the 16th century and was responsible for the reversion to Islam of its inhabitants, and the formation of the Muslim Sultanates of Maguindanao and Sulu, among others. Spain subdued the northern island of Luzon (where Manila is located) and most of the "in-between" islands of the Visayas, converting most of the inhabitants to Catholicism, but never succeeded in controlling Mindanao. The Muslim Sultanates had well-organized administrative and political systems and determined Moro warriors that enabled them to put up effective defense against adventurers and to survive centuries of military campaigns by Western colonizers.

Bangsamoro ("Moro nation") is the generic name for the 13 ethnolinguistic Muslim tribes that constitute a quarter of the population in Mindanao. They number from 9 to 10 million (this number is contested) and are found in every major island of the country. They have a distinct culture, speak different dialects, and are varied in their social formation but share a common belief in Islam.



Al-Haj Murad Ebrahim is the Chairman of the Moro Islamic Liberation Front (MILF). Before becoming a full-time Revolutionary Leader, and Chairman of the MILF, a leading movement for liberation and self-determination of the Bangsamoro in the south of the Philippines, he was a senior civil engineering student and scholar. Receiving his military training in the early 1970s, he was designated a Moro National Liberation Front (MNLF) Zone Commander in 1972, covering 10 municipalities. He was also the MNLF Military Chairman and the overall Chairman for the Kutawato Region in Mindanao. On the diplomatic front, he served as Chairman of the MILF Peace Panel for negotiation with the Philippine government (2001-2003). He has represented the MILF in several international forums, including the Organization of Islamic Cooperation (OIC) (until 2011, known as Organization of Islamic Conference).

Of the 13, there are three major groups on the basis of population size and their leadership. These are the *Maguindanaons* ("people of the flooded plains") of central and western Mindanao, the *Maranaos* ("people of the lake") of the two Lanao provinces, and the *Tausugs* ("people of the current") of Sulu and Tawi-Tawi. Only with the arrival of the Americans at the turn of the 20th century and after the end of the Philippine-American War was most of the island brought under central control, although hostility and conflict remained endemic. In 1905, Dr. Najeeb M. Saleeby wrote in the book *Studies in Moro History, Law and Religion* that "the Moros are a law-abiding people, provided, however, they feel that the government that rules them is their

own. They do not regard the present government as their own."

More than a hundred years on, the same sentiments persist, with the majority of the Bangsamoro people and their resolve for self-determination surviving to date despite the impact of Spanish colonization, American imperialism, Japanese invasion, and Philippine neocolonialism. The core issue of the problem therefore is the continuing assertion of the Bangsamoro people for the restoration of their historical independence. Problems of land ownership, mass poverty, neglect and underdevelopment, and other social inequities are just consequences of their lost freedom, oppression, and injustice. These are compelling reasons why the issue of the political relationship of the Bangsamoro people with the Philippine government deserves serious and immediate attention.

The conflict in Mindanao in contemporary times has largely been concentrated in the Muslim-majority areas of central and southwestern Mindanao. Although the Bangsamoro have been engaged in hostilities with various foreign and Philippine administrations at various times in history, it took the imposition of martial law by President Ferdinand Marcos in September 1972, citing Muslim secessionists as one of the biggest threats to national security, to act as a catalyst for an "organized" resistance by the Muslims of Southern Philippines.

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However, Marcos deliberately concealed that the true reason for Muslim unrest, especially since the time of Philippine independence (notwithstanding the earlier anti-Moro Spanish

attitude) was the systematic minoritization and marginalization of the Bangsamoro in Southern Philippines achieved through Western education, discriminatory land laws, and Christian migration from Northern Philippines. While the percentage of Muslims in the Philippines has remained virtually static, the demographic ratio of non-Muslim to Muslim in the Southern Philippines has risen ominously and suspiciously, which some observers rightfully refer to as "statistical genocide."

Jabidah Massacre and Resurgence of the "Ilaga" Movement

March 18, 1968, was a day which signaled to the Bangsamoro just how expendable the Moro youth were to further the aspirations of then President Ferdinand Edralin Marcos. This day saw the murder of dozens of young Muslim army recruits in Corregidor Island in Luzon. This heinous event, better remembered as the Jabidah Massacre, will remain in the annals of Philippine history as monumental evidence of government's exploitation of the Moros. These young Muslim recruits discovered all too late that their true mission in training was to fight fellow Muslims in Sabah (North Borneo), which would have involved killing their own Tausug and Sama relatives living there.

Sanctioned by the military and President Marcos, the Christians, mostly Ilonggo political leaders, organized a fanatical semi-cultist group called the "Ilaga" (who were given the moniker Ilonggo Land Grabbers Association). More violence against Muslims happened in massacres at Upi, Ampatuan, Manili, Kulong-Kulong, Malisbong, and Buldon in mainland Mindanao perpetrated by the "Ilaga" as well as soldiers. President Marcos controlled local elections in Cotabato in order to wrest power from the incumbent Muslim local executive and thereafter installed a Christian military officer, Colonel Carlos Cajelo, as governor. Christian oligarchs and politicians combined with government military forces to plunder and demolish the political base of Muslim politicians in the province of Cotabato.

Later, Cotabato Province was gerrymandered by President Marcos into three unevenly divided provinces, namely, Maguindanao, Sultan Kudarat, and North Cotabato. Pushed to the brink of annihilation and painfully watching Muslim villages go up in smoke, their women raped in military detention centers by soldiers, villagers killed mercilessly and waylaid in the killing fields, even the most cowardly of the Bangsamoro were willing to take up arms and confront the marauding Ilagas. All these criminalities and atrocities against them gave the Bangsamoro no alternative but to resist and fight back with organized paramilitary action, or otherwise continue to live in shame and humiliation.

The Jabidah Massacre and the succeeding series of mass killings of innocent Bangsamoro largely perpetuated by the "Haga" Christian fanatics and the Armed Forces of the Philippines (AFP) was widely recognized as the catalyst for the 1969 formation of the MNLF, with Nur Misuari, a lecturer at the University of the Philippines, as its first chairman.

Martial Law

On September 21, 1972, citing Muslim secessionists as one of the two biggest threats to national security and quoting themes of communist conspiracy, President Ferdinand Marcos, through the expedience of presidential proclamation, imposed martial law. It was a masterful move of President Marcos to remain as president. Instead of suppressing the Bangsamoro movement, however, martial law had the opposite effect. Martial law had the catalytic effect of inflaming the pride and honor of the Muslims, particularly the youth sector. In no time, support for the anti-government movement spread to other southern Philippine provinces such as Zamboanga del Norte, Zamboanga del Sur, Sulu, and Tawi-Tawi.

By December 1974, the majority of the AFP strength was fielded in Mindanao to fight the Bangsamoro guerillas. Carnage and mayhem

perpetrated by the Philippine government forces and government paramilitary forces were widespread and extensive. The estimated casualty was somewhere between 150,000 and 200,000 lives lost. About a million Muslim civilians who were displaced from their homes and farms had to put up with difficulties and sufferings in ill-managed refugee camps and wherever they could find shelter. An estimated 200,000 evacuees sought refuge in Sabah, Malaysia.

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GRP-MNLF Negotiations

Faced with international pressure and growing military casualties, Marcos reluctantly agreed to negotiate with representatives of the MNLF, and moreover to allow representatives of the then Organization of Islamic Conference (OIC) to act as interlocutors and mediators. In December 1976, a peace agreement between the Government of the Republic of the Philippines (GRP) and the MNLF was signed in Tripoli, Libya — what is known as the 1976 Tripoli Agreement. In this formal written document, the Philippine government recognized the Bangsamoro's right to self-determination. The agreement was aimed at providing guidelines for a negotiated political settlement of the so-called Moro problem through the grant of autonomy to the Muslims in Southern Philippines.

The Philippine government insisted on a plebiscite to settle the territorial boundaries of the autonomous government as provided for in the agreement. The MNLF refused adamantly to recognize the result of the plebiscite, which was in fact a major setback in the implementation of the agreement. In the meantime, Marcos won over to the government side many of the MNLF commanders through various forms of attraction,

ranging from political amnesty to luxurious government posts and promises of a better economic life. He then pursued unilaterally the creation of two administrative autonomous regions. He also created the Muslim Affairs Office directly under the Office of the President. All these were meant to appease the Moro people.

Amid all these government programs, the armed struggle continued. Eventually, Marcos was removed from power during the Epifanio delos Santos Avenue (EDSA) revolution in February 1986. EDSA, a main thoroughfare in Manila, was the venue for the "people power" revolution led by Corazon "Cory" Aquino, the wife of the assassinated prominent opposition leader to the Marcos regime. A massive assembly of millions of Filipinos from all walks of life fearlessly faced government military tanks and armed soldiers and incessantly demanded the ouster of President Marcos. At the end of five days, the United States facilitated the flight of President Marcos and his family's departure for Hawaii, USA.

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President Corazon C. Aquino assumed the presidency in 1986 after the departure of President Marcos. Her government initiated a revival of the peace talks with the MNLF, which resulted in the signing of the Jeddah Accord on January 3-4, 1987, where the two parties agreed to continue discussions of the proposal for the grant of full autonomy. However, the two parties failed to reconcile their differing and conflicting proposals. In 1987, the government adapted a new Constitution which supplanted the 1935 Constitution. Among the salient provisions of the

1987 Constitution is the setting up of autonomous regions in Muslim Mindanao and the Cordilleras. With this constitutional mandate, President Corazon Aquino unilaterally proceeded to establish the Autonomous Region in Muslim Mindanao (ARMM).

It was under the presidency of Fidel V. Ramos, the former military general and Armed Forces Vice-Chief of Staff under Marcos, who succeeded President Aquino, that the final agreement between the Philippine government and the MNLF was reached with the active mediation of Indonesia. The 1996 Peace Agreement was to be implemented in two phases. During Phase 1 of the agreement, the Special Zone of Peace and Development (SPCPD) and the Consultative Assembly were to be established, covering the provinces mentioned in the Tripoli Agreement.

The differences between the Philippine government and the MNLF did not end with the signing of the final peace agreement, because both parties could not agree on the modalities of the implementation of the accord. The MNLF continued to accuse the government of flagrant violation and non-implementation of some vital provisions of the peace agreement. On the other hand, the government maintained that it had faithfully implemented the accord.

Fragmentation of the MNLF

Throughout the gamut of Moro history, no group or organization had ever caused nationwide political and security "tremor" but the MNLF. During the embryonic stage of the MNLF, every Moro youth would leave school and sacrifice his education to join the MNLF. They saw the MNLF as the way and the opportunity to turn their youthful and rightful vengeance against an oppressive regime into jihad and offer their lives for Islam and the homeland. Any Moro family was ready to share the last cup of rice in their kitchen with the mujahedeen, believing that every grain of rice contributed to the MNLF fighters would

entitle them to countless blessings. Such was the mood and enthusiasm of the fighters and the masses. What ignited the jihad spirit of the Bangsamoro?

Martial law left a deep scar in the economy, landscape, and mindscape of the Bangsamoro

Going to the warpath in the name of jihad was inevitable in the face of unabated atrocities and oppression against them throughout the length and breadth of the homeland: massacres of civilian Muslims in Manili, Carmen, inside a mosque; massacres in Tacub, Lanao del Norte, in Kulong-Kulong, Palembang, Sultan Kudarat, where evacuees were herded like cattle in barbed-wire-fenced open-field detention areas, and where women were raped by soldiers at will, where hundreds of MNLF supporters were massacred by government soldiers. Mass arrests of Muslims in almost all provinces were a daily occurrence.

The clouds that loomed over the Bangsamoro homeland became darker with the full consequences of martial law felt in every town and barangay. Such was the grim specter of events under the martial law regime of President Marcos. Martial law left a deep scar in the economy, landscape, and mindscape of the Bangsamoro. Rehabilitation and rebuilding of the Moro provinces to raise their economic condition and to be on par with neighboring provinces would entail decades of reconstruction work that could only happen in an atmosphere of trust, hope, mutual understanding, and reassuring peace. On the positive side of things, martial law was an eye-opener to the Muslims, a clarion call. Because of martial law, the MNLF did not find it hard to entice the Muslim youth and masses to support the rebellion against the government.

However, such momentum was not sustained for long. After the Philippines pursued

its strategy to dismember the MNLF, top officers of the front started to fall. Very early on, no less than the vice chairman of Misuari jumped over to the other side of the fence in 1973. The succeeding vice chairman also accepted the government in the early 1980s, which significantly weakened the MNLF. Also in the early 1980s, the most serious threat to the leadership of Misuari was the breaking away of Ustadz Salamat Hashim, supported by more than 70% of the field commanders of the MNLF.

The Salamat faction of the MNLF later morphed into what is now the MILF. Much later, in recent years, the Council of 15, a group of MNLF leaders and members of the Central Committee who believed that Misuari failed to serve effectively the MNLF cause, banded together, ousted Misuari as MNLF chairman and installed Muslimin Serna — an elected mayor of Cotabato City at the time — as their new chairman. Misuari's claim to MNLF leadership is now belied by recent events, and his insistence on the implementation of some provisions of his peace agreement with President Ramos simply deserves everyone's sympathy.

The MILF: Salamat's Legacy

After the collapse of the 1976 Tripoli Talks and the nonimplementation of the Tripoli Agreement, there was a sweeping feeling of dismay over the leadership of Misuari. Feeling betrayed by events and the inevitable bitter in-fighting among the rank and file, more than 70% of MNLF field commanders from Maguindanao, Lanao del Sur, Basilan, Sulu, Tawi-Tawi, Davao, Zamboanga, and other areas of Mindanao called for the ouster of Misuari. A formal petition was then filed with the OIC secretariat endorsing Ustadz Salamat Hashim to replace Misuari.

The petition was in plain terms a vote of confidence for Salamat Hashim's leadership and a withdrawal of support for and trust in Misuari. Salamat for a time continued to stay within the umbrella of the MNLF but maintained control of

his breakaway group, which observers recognized as the "Salamat faction." In 1982, the Central Committee of the MNLF New Leadership under Salamat Hashim ultimately decided to declare that the group shall henceforth be known as the MILF.

MILF Peace Negotiation

The MILF, on its part, did not want to complicate or scuttle the GRP-MNLF peace talks. In an official statement circulated by the MILF, Chairman Salamat Hashim said, "The MILF is maintaining a consistent policy toward the peace process. We will reject any attempt by the Philippine government to open separate negotiations with the MILF unless the GRP-MNLF talk is finally concluded." When the Philippine government was sure that a final agreement with the MNLF would be forthcoming, it then sent feelers to the MILF.

Initially, an emissary was commissioned to meet the MILF chairman at the latter's office at Camp Abubakar, bringing the message that President Ramos wanted a peaceful political settlement of the Mindanao problem. After continuous exchanges of communications, the technical committees of both parties were organized. The GRP and MILF technical committees met on January 7, 1997, at the Da'wah Center, Sultan Kudarat, Maguindanao, marking the beginning of the official negotiations between the government and the MILF.

On June 17, 1997, in gross violation of existing peace agreements, the AFP launched massive military operations in the municipalities of Pagalungan and Sultan sa Barongis in Maguindanao and Pikit in Cotabato Province. A pattern of government treachery in the peace process was becoming obvious to the MILF.

Subsequent meetings of the GRP-MILF technical committees were focused on the cessation of hostilities. Agreements were mainly on the operational guidelines for the general cessation of hostilities, administrative procedures,

monitoring mechanisms, and identification and acknowledgment of MILF positions and camps.

After 20 months, more or less, of negotiations at the technical committee level, the formal negotiation on the panel level was inaugurated on October 25, 1999, at the Da'wah Center, Crossing Simuay, Sultan Kudarat, Maguindanao. With this milestone in the GRP-MILF peace process, the MILF has thereby laid the most important predicate in the history of the negotiations — MILF as the official bargaining representative of the Bangsamoro — regardless of the end result of the peace talks.

A pattern of government treachery in the peace process was becoming obvious to the MILF

Estrada's All-Out War

President Joseph Estrada, who succeeded President Fidel Ramos, had a vague policy on the peace process with the MILF. His public pronouncements, while supposedly pursuing the peace process, were less than conciliatory. His "hawkish" propensity was later confirmed by what was dubbed as "all-out war" against the MILF stronghold. Estrada executed a 180-degree turnaround from peace negotiation to a shooting war using the full might of the Armed Forces, with the sole objective of "pulverizing, reducing to ashes Camp Abubakar" and annihilating MILF forces and decapitating the MILF of its leadership. President Estrada and his military strategists then shared a simplistic view that if Abubakar fell, the MILF would consequently fall. But Camp Abubakar is just a physical manifestation of the real strength of the MILF, which is Islam, embedded and entrenched in the hearts and minds of the Bangsamoro mujahideen.

EDSA 2

In January 2001, in EDSA, millions of people assembled for the second time and once again in the political history of the Philippines, by sheer "people power" President Estrada was forced to leave Malacanang Palace. He was the second Philippine president to be deposed in the annals of Philippine political history through a massive public assembly of protesters. Vice-President Gloria Macapagal Arroyo was immediately sworn into office as president. Estrada was eventually detained at Sta. Lucia, Laguna, but he was later pardoned by President Arroyo after some months of detention.

...the Tripoli Agreement on Peace of 2001 ... called for the discussion of three issues: security (cease-fire), rehabilitation and development of conflict-affected areas, and ancestral domain

Pursuing the road to peace, President Arroyo sought the assistance of Malaysian Prime Minister Mahathir Mohammad to help convince the MILF to go back to the negotiation table. Prime Minister Mahathir sent his top aides to talk to MILF Chairman Salamat Hashim. After a series of trips by the Malaysian emissaries to the Islamic Center in Buliok, Pikit, North Cotabato, Ustadz Salamat agreed to resume talks with the Philippine government through the facilitation of Malaysia. Subsequently, the MILF declared the Suspension of Offensive Military Action (SOMA) against AFP forces on April 3, 2001, to reciprocate the Philippine government declaration of Suspension of Offensive Military Operations (SOMO) against the MILF forces. Satisfied that its conditions were met, the MILF Central Committee agreed to the resumption of the negotiations and reconstituted the members of its negotiating panel.

Tripoli, Libya, was chosen as the venue for the resumption of the negotiations. The meeting on June 19-22, 2001, resulted in the signing of the Agreement on Peace between the Government of the Republic of the Philippines and the MILF, otherwise known as the Tripoli Agreement on Peace of 2001. The agreement called for the discussion of three issues: security (cease-fire), rehabilitation and development of conflict-affected areas, and ancestral domain.

A significant provision of the agreement is the recognition by the government of the distinct identity of the Bangsamoro as a people occupying a definite territory, referred to in the document as the Bangsamoro homeland, and the inherent right of the Bangsamoro people over their ancestral domain. It also acknowledged the fundamental right of the Bangsamoro to determine and pursue their future political aspirations. A series of exploratory talks followed, with the following results:

- The Implementing Guidelines for the Security Aspect of the GRP-MILF Tripoli Agreement on Peace of 2001 was signed on August 7, 2001, at Putrajaya, Malaysia.
- The Manual of Instructions for the Coordinating Committees on the Cessation of Hostilities (CCCH) and local monitoring teams (LMT) was signed on October 18, 2001, at Mines Resort, Selangor, Malaysia.
- An agreement that provided for the respect of human rights and observance of international humanitarian laws was signed on May 7, 2002. This agreement authorized the MILF to determine, lead, and manage relief, rehabilitation, and development in the conflict-affected areas of Mindanao through a project-implementing body that it would organize. The agreement also stipulated that the Philippine government would provide reparations for properties lost in the conflict. Pursuant to this agreement, the MILF Central Committee passed a resolution creating the Bangsamoro Development Agency on June 2, 2002, with Dr. Abas A. Candao as chairman of the board.

Ancestral domain was the third issue to be discussed, but the talks were not resumed after the May 7 meeting when unfortunate events supervened. An armed offensive launched by Philippine government forces on MILF positions in Pikit, North Cotabato, and Pagalungan, Maguindanao, on February 11, 2003, at the time the Muslims were praying in celebration of Eid ul Adha ("feast of sacrifice") derailed once again the resumption of negotiations.

...for the first time it was agreed that AFP and MILF armed regulars would establish joint monitoring outposts in several conflict-prone areas

The GRP and the MILF met for the fourth round of exploratory talks on September 5-6, 2003, in Kuala Lumpur. The parties agreed to research and revisit the issue of ancestral domain before the next round of talks. Significantly, the MILF agreed to the suggestion by the GRP that the World Bank (WB) be approached for assistance to rebuild the conflict-affected areas in Mindanao, in the likely event of a signed final peace agreement. (The WB approved this request on October 7, 2003.)

The Fifth GRP-MILF Exploratory Talks: February 2004

February 19-20, 2004, saw the fifth round of GRP-MILF exploratory talks held in Kuala Lumpur. Both parties supported the WB's Multi-Donor Trust Fund, which would be used to rebuild war-torn areas of Mindanao in the future. It was at this meeting that the parties, upon the insistence of the MILF, formed an international monitoring team (IMT) to observe and enhance the implementation of the cease-fire agreement. Initially, the IMT consisted of military and civilian personnel from Malaysia, Brunei, and Libya. Later

Japan, Norway, the European Union (EU), and Indonesia joined in.

The sixth GRP-MILF exploratory talks held on December 20-21, 2005, were also significant in that for the first time it was agreed that AFP and MILF armed regulars would establish joint monitoring outposts in several conflict-prone areas. The MILF placed on record at these talks its complete opposition to terrorism and criminality by agreeing to the formation of an ad hoc joint action group (AHJAG) with the GRP for the interdiction of criminal elements in its area of control.

MOA-AD

The Memorandum of Agreement on Ancestral Domain (MOA-AD) debacle is a historic lesson in negotiation strategy. The Philippine government showed the whole world that it was ready, willing, and able to sign the MOA-AD earlier initialed by the two negotiating panels in Kuala Lumpur, Malaysia. The stage was set, complete with media coverage, and foreign dignitaries — including U.S. Ambassador to the Philippines Kristie Kenny — were invited to lend grace and importance to the occasion. At the 11th hour before the ceremonial signing of the MOA-AD, exploding like an unexpected time bomb, was the news from the Philippines that the Supreme Court had issued a temporary restraining order (TRO) to stop the signing of the MOA-AD. At the end of the day, the Supreme Court upheld the petition and declared the MOA-AD unconstitutional for lack of consultations. Political analysts observing closely the way MOA-AD was mis-handled by the Solicitor General say that Malacanang was halfhearted in defending the government's position during the hearing.

Politically, two major stumbling blocks have hampered the peace process. First, successive regimes in Manila have followed a pattern of political strategy characterized by unilateral implementation of accords accompanied by the co-optation or involvement

of individual members of insurgent groups and other Moro leaders into government offices. Such strategies of divide and rule intensified internal divisions within the Moro fronts. Ramos's selection of Misuari to lead the ARMM is a classic example of dividing the Moro fronts. While often successful in the short term at reducing hostilities, this has ultimately undermined the peace process by generating distrust within the Moro community and a general sense of disillusionment toward their own leaders, dimming the prospects for an equitable negotiated settlement. Nur Misuari's ineffective term as head of ARMM and the subsequent dismemberment of the MNLF epitomized this process.

Second, the peace process in Mindanao has become something of a political football in Manila. On the one hand, for presidents facing other disconcerting political problems, a renewed armed offensive in Mindanao has often provided effective distraction of public attention. Marcos's initial declaration of emergency that enabled him to remain in power for another 14 years was legitimated in part by the violence in the South, while both Estrada and Arroyo launched new offensives when their popularity was sinking. On the other hand, however, for opponents of incumbent presidents, peace negotiations have occasionally provided opportunities to score points against sitting presidents by depicting them as betraying the territorial unity of the Philippines.

MILF-GPH Framework Agreement on Bangsamoro

Last October 15, 2012, the Philippine government and the MILF, representing the Bangsamoro people, sealed the Framework Agreement on the Bangsamoro. The agreement redefined the totality of the relationship between the Bangsamoro people and the Philippine government, which is described as asymmetric. The relationship preserves the territory of the Philippines from disintegration, yet at the same time gives the Bangsamoro people the power to

govern themselves with less interference from the central government.

The Bangsamoro people for centuries constituted an independent nation; only when the colonial powers handed them over to a newly created Philippine state did they lose their independent status. That was the reason why the Bangsamoro liberation fronts, including the MILF, following the trend of the liberation movements in the early part of the last century, defined their goal as political independence for the Bangsamoro people.

...strategies of divide and rule intensified internal divisions within the Moro fronts

While separation from the Philippine state is the ideal on the part of the Bangsamoro, and integration is desirable on the part of the Philippine government, the MILF and the Philippine government are also conscious of the changing trend toward accommodation. In the Framework Agreement, the central government recognizes Bangsamoro as the identity of our people and they remain citizens of the Philippines. A new form of government that is ministerial shall be established, which will be different from the unitary system of the central government, in a defined territory. Powers are allocated to the central government and the Bangsamoro government, respectively, and then there are powers that both have to share.

The Framework Agreement not only solves the armed conflict in Mindanao but also opens opportunities for the central government, the Bangsamoro people, and the Muslim world.

With peace that the Framework Agreement will bring to the country, foreign and domestic investments are expected to increase. A

successful peace deal with the Bangsamoro will certainly encourage other armed groups to pursue peace negotiations with the government, contributing to the stability of the country. A successful Bangsamoro ministerial government will provide lessons for other regions to learn. And the savings that the government can generate from the absence of war will tremendously increase government capacity to deliver basic services to the Filipino people, like education and health.

The Framework Agreement opens opportunities for the Bangsamoro people to govern themselves and rebuild their economy. The Basic Law will be drafted by the Transition Commission and will be transmitted to the Philippine Congress for legislative action. After it is passed in Congress and approved by the Philippine president, the Basic Law will be submitted to the people of the territory for ratification, and then a new government will be established starting with the Transition Authority and then a regular government after the election in 2016.

For those who have been in the struggle since the early 1970s and for those who have been in the frontline of peace negotiations under several Philippine presidents, they say that the Framework Agreement is by far the best that could have been achieved. This, in fact, is understood by the fighters and the Bangsamoro masses. Buntings and streamers, deep green in color, proudly decorated homes and indented highways, signifying popular support for the peace agreement.

Support of the international community (e.g., the United States, the EU, International Contact Group [ICG], OIC, and other foreign supporters) has been profuse and unrelenting for the ongoing GPH-MILF peace talks. But what, one may ask, is the Framework Agreement on Peace signed on October 15 at Malacanang Palace? In a nutshell, it outlines the issues and points of agreement, the details of which the negotiating panels will discuss in succeeding panel meetings to

flesh out the framework. There are three contentious issues that the panels have yet to resolve, namely, wealth sharing, power sharing, and normalization. More significantly, the "buck does not stop" at the negotiating table.

Congressional imprimatur is indispensable in the passage of the Basic Law, which the Transition Commission is mandated to draft. Congressional support of the Basic Law and other phases of the talks hinges heavily on President Aquino's hold on Congress and the Senate. The recent outcome of the Philippine 2013 midterm election wherein the allies of President Aquino in both the House of Representatives and Senate dominated is seen as a positive and encouraging development. The greatest fear of observers is an opposition-dominated Congress and Senate in 2013, which may serve as an obstacle in the passage of a drafted Basic Law.

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Will Peace Hold in Mindanao?

The MILF, as an Islamic revolutionary organization, is always guided by the teachings of Islam in its policies and activities. The late chairman and founder of the MILF, Salamat Hashim, always emphasized that negotiation is the most civilized and practical solution to the Bangsamoro question. He presented the leadership of the MILF and the entire membership the same line of principle. We have always believed that honest and sincere dialogue — premised on inclusivity, sensitivity, open-mindedness, and a conciliatory attitude, sense of justice and fairness, and the recognition of the historical injustices,

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minoritization, and marginalization of the Bangsamoro, considering the dynamics of the present conflict situation — conducted in a conducive atmosphere of international facilitation, support, mediation, and monitoring that is reinforced by a strong political will, can result in mutually agreed solutions for a lasting peace, inshaAllah.

Significantly, a large segment of Philippine society, from the indigenous groups from way up in Northern Philippines to way down south in Mindanao, civil society groups, the Philippine military, religious groups and politicians, the academe as well as international nongovernmental organizations and funding institutions, foreign countries, and observers are united in their clamor for peace in Mindanao.

...this is the first time the international community has taken an open and unequivocal stand in support of the ongoing GPH-MILF peace talks

Under the present administration of President Benigno Aquino III, optimism of both government and MILF negotiating panels to reach a final and conclusive agreement is at a high level. The government of Malaysia, acting as facilitator, has been performing creditably to the satisfaction of both the government of the Philippines and the MILF. Going by the records of all previous negotiations between the government and the MNLF and subsequently the MILF, this is the first time the international community, including the United States of America, has taken an open and unequivocal stand in support of the ongoing GPH-MILF peace talks.

A group of powerful countries in Europe, the Middle East, and Asia banded together as ICG to support the peace process. The popular leadership of President Noyonoy Aquino stands out

to be a big plus factor in galvanizing the positive response of the international community to the peace process.

The Marcos era is long gone. Many of our youth of today have little or no memory at all of the atrocities and oppression that we had suffered in the hands of the government. Now the prevailing sentiment of both young and old among the Muslims is thankfulness to Allah and relief and joy over the GPH-MILF Framework Agreement on Bangsamoro (FAB). At present, political and security conditions are a far cry from the martial law days, and our people look forward to a better life.

Civil conflict always destroys much more than physical plants and infrastructure. The core of the damage is done to the fabric of society, to the stock of social capital. Social capital is essentially trust capital, which, unlike physical capital, grows as it is used. Thus, the process of peace negotiations and cooperative implementation of an agreed framework — with the affirmative involvement of the international donor community — could gradually replace the vicious historical cycle of dispossession, resistance, and mistrust in Mindanao with a positive dynamic.

There is at this juncture a unique confluence of internal political evolution in the Philippines, conflict fatigue on both sides, and the international political and security concerns emerging after September 11, 2001. This confluence offers a historic opportunity to finally come to terms with the reality of pluralism in the Southern Philippines and reach a final settlement to this second-oldest civil conflict on the planet.

The human and economic benefits would be massive, not only for the Bangsamoro and other inhabitants of the directly affected conflict areas, but also for the Christian majority areas of Mindanao and the Philippines as a whole. In time, the impact of the settlement of the conflict in the Philippines could even extend to other countries

in Southeast Asia, through a positive demonstration effect on other civil and political conflicts in the region and elsewhere, and an improvement in the international image of the region as a whole.

We are fully aware of the colossal weight of the problem that we carry upon our shoulders, but at the same time we appreciate those who believe that peace in Mindanao cannot be the responsibility of just a chosen few. Truly, it must be understood and realized that sustaining peace in Mindanao is a collective responsibility of the people of Mindanao, the Philippines, and even the international community.

***... the FAB.....does not by itself
constitute the final or
comprehensive peace agreement,
still needing four Annexes
to be completed***

Indeed, Allah (s.w.t.) said "people" and not "person" must "change what is in themselves" before Allah (s.w.t.) "will change their condition." Love of God, love of neighbor, tolerance, understanding, unity in diversity, sensitivity, and a sense of justice and fairness — these are noble and lofty universal values that, inshaAllah, are strong enough to make us initiate that "change within ourselves." Allah said in the Holy Qur'an, Surah Al-Hujurat, verse 13: "O mankind! Lo We have created you male and female, and have made you into nations and tribes that ye may know each other (not despise each other). Lo! The noblest of you, in the sight of Allah, is the best in conduct. Lo! Allah is Knower, Aware."



Secretary Teresita Quintos Deles has been the Presidential Adviser on the Peace Process (PAPP) since July 2010. The Office of the Presidential Adviser on the Peace Process (OPAPP) is mandated to oversee, coordinate, and integrate the implementation of the comprehensive peace process in the Philippines. Under her leadership as PAPP, the Philippines became the first country in Asia-Pacific to implement a National Action Plan on UNSCR 1325 (Women, Peace, and Security). She was recently designated by the president as the Permanent Representative of the Philippines to the Advisory Board of the ASEAN Institute for Peace and Reconciliation (AIPR) for a term of three years. *Secretary Deles has always been at the forefront of peace initiatives, whether as a civil society member or a public servant. She is one of the 27 nominees from the Philippines among the 1000 Women for Peace nominated for the 2005 Nobel Peace Prize.*

Will Peace Hold in Mindanao?

The question which has been posed before our panel this afternoon is, Will peace hold in Mindanao? Last October 2012, the Philippine government (GPH) and the Moro Islamic Liberation Front (MILF) signed the Framework Agreement on the Bangsamoro (FAB). While the FAB, as indicated in its title, does not by itself constitute the final or comprehensive peace agreement, still needing four Annexes to be completed, its signing was welcomed with high hopes and enthusiasm, not only in the areas which have been directly affected by the armed conflict,

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nor just in Mindanao, but indeed, throughout the country and even in many parts of the globe.

Today, the ground remains stable with the cease-fire firmly holding through the careful watch of the two parties and both local and international partners with responsibilities delineated through well-developed, multilayered, operational cease-fire mechanisms. Elements of the road map laid out in the FAB have been put into place even while negotiations continue on three remaining Annexes; one Annex — on Transitional Arrangements and Modalities — was signed last March. Communities on the ground and decision makers at the highest levels of both sides of the peace process remain hopeful and committed in traversing and fully implementing the road map for peace in Mindanao.

Elements of the road map laid out in the FAB have been put into place even while negotiations continue on three remaining Annexes

But will the peace hold? It is a fair question to ask in a country which has seen too many cycles of recurring violence and displacement despite the many peace agreements which have been signed and short-lived cease-fires installed in the past. The current Aquino administration had recognized this concern from the start. Soon after this administration took office in June 2010, President Aquino issued a clear Letter of Instructions (LOI) to the newly constituted peace negotiating panel of the government of the Philippines for peace talks with the MILF. The LOI laid out concrete parameters for the conduct of peace talks by the panel, as follows:

- The Constitution, inclusive of its flexibilities — The GPH Panel is bound to negotiate within the framework and provisions of the Philippine Constitution, but also with full

recognition of the open spaces and flexibilities contained in its provisions.

- The experience and lessons learned from past peace negotiations and with the implementation of the peace agreement with the MNLF — There are many lessons, which include bad practices, which must be avoided.
- Government's ability to deliver — legally, politically, economically, and socially — commitments that will be made and agreed upon — I have said many times that I believe that this will be the hallmark of the present Aquino administration: We will not sign any agreement we cannot implement; or, put another way — we will implement every agreement that we sign; the government is compelled to deliver every commitment that it makes. This needed to be said because, as can be gleaned from Chairman Murad's written account, this has not always been the case.
- Inclusiveness and transparency with the sentiment of the general public to be considered as far as practicable, with the aim to restore full confidence and trust in the peace process — this guideline was imperative following the outcome of the failed Memorandum of Agreement on Ancestral Domain in 2008. In compliance, the GPH Panel had conducted more than 70 consultations, including closed-door briefings with local government executives both within and outside the region as well as meetings with security sector officials down to the battalion level, before the FAB was signed, which consultative process continues till now.

So — will the peace hold? Let me start by highlighting some features of the FAB which I believe make a sharp difference from situations we have faced in the past. First of all, especially for those who have not seen the document, it is important to understand that the FAB lays out a clear road map with concrete milestones for completing the political settlement before the end of the Aquino administration in June 2016. The Framework Agreement envisions a new

autonomous political entity whose name, Bangsamoro (which is also the name of the area and its people), has been characterized by President Aquino as a name that "symbolizes and honors the struggles of our forebears in Mindanao" and "celebrates the history and character of that part of our nation."

The new political entity will be enacted by law and will replace the government in the existing Autonomous Region of Muslim Mindanao (ARMM), which is widely considered today as a failed experiment. Unlike the present and past Organic Acts, which created and then expanded the ARMM, the new Basic Law will not be initiated from above; it will not be drafted by the Philippine Congress nor by a national consultative commission, in which bodies the Bangsamoro have always constituted a minority. Instead it will be drafted by a Transition Commission, the full membership of which comes from the Bangsamoro, thus satisfying the aspiration that the new political arrangement not be an imposition of the central government but be birthed by the Bangsamoro themselves.

Upon its completion, the draft organic law will be certified by the president as an urgent bill for deliberation and passage by Congress and thereafter ratified by plebiscite in the identified core areas of coverage. Upon its ratification, the new law will establish the MILF-led Bangsamoro Transition Authority, which will ensure the continuing functioning of the government as well as manage the smooth transition to a fully functioning Bangsamoro government upon the election of its first set of officials in 2016, together with the election of the next administration.

With elections as the final political commitment contained in the FAB, the two panels, together with the Malaysian facilitator and the Third Party Monitoring Team, will convene for a final review and assessment of the implementation of all agreements and the progress of the transition. On this basis, the parties may sign an "Exit Document" officially

terminating peace negotiations before President Aquino steps down from the presidency. The intention is that there will be no unfinished business to be passed on to the next administration.

The FAB furthermore highlights the "asymmetric" relationship of the central government with the Bangsamoro government. The stated asymmetry fully embodies the constitutional mandate of regional autonomy which establishes another level of government between the central and the local governments, requiring a differentiated allocation of powers as well as wealth-sharing arrangements, which are the subject of two of the still-pending Annexes. But perhaps an even more telling feature of this asymmetry is the fact that the Bangsamoro shall follow a ministerial form of government instead of the presidential form of the rest of the Philippine state.

***...the new Basic Law...
...will be drafted by a Transition
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Bangsamoro***

It is said that the ministerial form of government is more attuned to the Islamic practice of *shura*. It will also provide fairer representation between and among the different ethnic groups within the Bangsamoro, especially those from the island provinces but also including the non-Islamized indigenous peoples and the minority Christian population in the covered territory. The Aquino government, which persists in restoring the path of good governance in the country, furthermore welcomes the opening it gives to cut what had too often in the past become a toxic relationship between national and regional political leaders, especially as this played out during elections.

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Another important aspect of the FAB is the section on normalization. To quote the document, "It is through normalization that communities can return to conditions where they can achieve their desired quality of life, which includes the pursuit of sustainable livelihoods and political participation within a peaceful deliberative society." While past agreements the GPH has signed with different armed parties have contained provisions for the integration of former combatants into the government, military or police, it is the first time that an agreement provides a comprehensive view of the different tracks needed for combatants and their communities to resume normal life in a transformed and peaceful environment.

It is through normalization that communities can return to conditions where they can achieve their desired quality of life

The process involves three major aspects: (1) security, (2) socioeconomic development, and (3) transitional justice and reconciliation. Security measures will require, among others, an interfacing of concurrent separate and joint actions whereby the cease-fire is strengthened; the police is reformed and strengthened; the Armed Forces of the Philippines (AFP) is repositioned for external defense; the MILF is decommissioned until their forces and weapons, in the words of the FAB, "are put beyond use;" other armed groups are disbanded and loose firearms eradicated — all these processes timed with the delivery of the political commitments laid out in the FAB. These processes are the subject of the third remaining Annex.

Both sides had hoped that the four Annexes would be completed and signed by the end of 2012, as stated in the FAB. So far, only the

Annex on transition modalities has been signed. Particularly for government, the perceived delay has been due to the need to undertake utmost due diligence on some very difficult issues, their implications, and the political and legal aspects of matters like taxation, budgetary appropriation, and revenues from natural resources.

The president's instruction has not waned: We will implement everything that we sign; GPH will deliver whatever we commit to legally, politically, and in all ways necessary — no false promises, no blind commitments, no agreement that will cause problems further down the road or bring harm to other areas of governance and reform which we will not be able to resolve and defend, especially when challenged before the court, but in other arenas as well. It has taken more time to craft the creative and technically viable solutions to enable the Bangsamoro to achieve the needed political and fiscal autonomy for its sustainable development and durable peace, but we are surely getting there.

It is taking more time, but we are confident that the FAB and all its Annexes, as carefully crafted as they are, will be able to pass the crucial tests of implementation. The whole of government has been working to ensure clarity in how some of the new fiscal and power-sharing arrangements will be implemented, especially those which will have to be enacted into law. Within the government, we have achieved a level of common understanding and cooperation with the concerned Cabinet clusters, particularly on fiscal management and security, which have been unprecedented in our long years in the peace process.

We thank the MILF leadership for their patience, even absent information on the causes of the delay. We assure everyone who has worried that the process has not moved fast enough that the delay was never about opting out of our commitments to the FAB; rather, it has always been about moving to ensure a more

doable and durable peace. In the face of the delay over the Annexes, we remain very positive over the elements of the road map that have been put into place and which continue to move forward.

We refer to the cease-fire that I mentioned earlier. As well, the Transition Commission has been duly constituted under the leadership of the MILF. It has convened en banc and has held a couple of workshops for the members to organize themselves and to adopt their rules and procedures for work, in which they adopted consensus building as their primary mode of decision making. They may begin their substantive work on the issues which need no further elaboration in any Annex, such as on the specifics of the ministerial form of government.

Last February, in the presence of both the president and Chair Murad, the *Sajahatra Bangsamoro* program was jointly launched by the two parties. *Sajahatra Bangsamoro* is the development program immediately bringing socioeconomic projects, led by health and education services, to MILF combatants and their families. It is conceived as a joint undertaking by the two parties to bring the message to the MILF rank and file that the peace process is for them, that the political settlement brings peace dividends for their families and communities, especially the children. This situation is unlike what happened when the GPH signed the Final Peace Agreement with the Moro National Liberation Front (MNLF) in 1996, when the MNLF chair assumed concurrent positions in government while nothing happened on the ground and no one took care of the combatants.

In more ways than one, the *Sajahatra Bangsamoro* is likely to become a building block in the normalization track under the FAB. For the more massive and long-term reconstruction and rehabilitation of the entire region, the national government is prepared to do its part to the utmost of its capability, with its much improved fiscal capacity, and with faithfulness to the spirit of partnership that it is seeking to forge and

strengthen with the MILF. In this, we are already assured of the support of the international community.

With the positive results of the congressional elections last May, another building block has been put in place. With a strengthened majority win by the administration coalition in both houses of Congress, especially with the victory of nine out of the 12 handpicked candidates of Team PNoy for the Senate, we are assured of increased support for the passage of the Bangsamoro Basic Law at least one year before the 2016 elections. Already, the emerging leadership in both houses of Congress has echoed the president's intent that the Bangsamoro Basic Law count among the top three legislations which the next Congress will need to pass.

Sajahatra Bangsamoro is the development program immediately bringing socioeconomic projects to MILF combatants and their families

We are assured by the now duly elected leadership of governor Mujiv Hataman of the Autonomous Regional Government of Muslim Mindanao that he will continue to push the needed reforms; he has publicly announced his commitment to step down to make way for the Transition Authority once the Bangsamoro Basic Law is passed and ratified.

Still, the challenges that lie ahead remain formidable. Stewarding the process of legislation, from its drafting to its passage by Congress to its ratification in the identified core area within the requisite time frame will require utmost vigilance and political will and savvy. The normalization process, with its multiple tracks and with no need for legislation, will need to be pushed with new

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capacities and immense trust and goodwill on both sides. Development services must be delivered in ways that elude elite capture and will not cause new conflicts or grievances among the population. The spirit of inclusiveness must be demonstrated not just in word but, more importantly, in deed by the leadership of all concerned stakeholders. In law and beyond the law, legitimate institutions need to be built, reformed, and strengthened that will guarantee inclusive growth, increase participation in political and economic decision making, as well as guard against interests that are inimical to social, political, and economic empowerment.

We see and laud the wisdom and maturity of the MILF to push forward the discourse on how it will participate in the 2016 elections, with the possibility of party building for the electoral contest, for which the same direction needs to be pursued by all groups in the Bangsamoro who have been working for reform all this time. It will be necessary to increase the voice of those among the Bangsamoro who have been champions of reform but have not been able to engage the politics of reform.

The FAB lays the groundwork for a future of democratic choice, not perpetual political entitlement. The process laid out in the FAB leading to 2016 is not an easy one. Many things can go wrong. Those who prefer the status quo, which the FAB rejected, are determined to find ways to derail this process. The traditional powerbrokers are still very much entrenched, and it will be a challenge how to engage them rather than totally reject them.

Thus, here, I wish to echo the metaphor which was used by our president, President Benigno Aquino III, when he launched the *Sajahatra Bangsamoro* last February, together with Chairman Murad — a metaphor that gains more poignancy and meaning in light of the recent bombing in Boston. In his speech then, President Aquino, whose family had lived in Boston for a few years during martial law before his father's return

to, and assassination in, Manila, recalled this major feature of the Boston Marathon. He said that, just as the runner approaches the end of the race, with barely one last mile to go when one can almost catch a glimpse of the finish line, suddenly the road goes uphill. Instead of an easy slide to the end of the route, the runner is compelled to draw on all his remaining energy and will to make it up the hill and to the finish line.

This is the most difficult part of the race. The runner faces the question: Do I still have it in me? Do I still have a heart? After having overcome so many obstacles along the way, do I still have anything left to give? President Aquino told the audience this is where we are now in the peace process between government and the MILF. The last remaining issues will be the most contentious. Those who oppose the peace process will surely use all their wiles and resources for a final effort to derail the process. It is imperative that we don't give up.

Those who oppose the peace process will surely use all their wiles and resources for a final effort to derail the process

From the standpoint of the government and with the determination — indeed, the stubbornness — of our president, failure is not an option. No way will we go back to the ways of war. We cannot afford the human costs of another round of violent conflict fought among Filipinos.

Every moment provides us with an opportunity to bring peace in our country. With the FAB, the partnership between the GPH and the MILF allows us to break through decades of division and violence. We stand at the dawn of a new era of peace and development in Mindanao and the entire country. But much remains to be done. As always, we will need to depend on each other. As always, we will need to have a resolve

that will carry us through the challenging times, a spirit that allows us to imagine a future different from the past, and the courage to believe that peace is truly within our reach.

Thank you and good afternoon.

The Role of Preventive Diplomacy and Inter-State Cooperation in ASEAN

Since its formation in 1967, the Association of Southeast Asian Nations (ASEAN) has been one of the most successful multilateral organizations to prevent inter-state conflict from the time of the Cold War to the present. Cognizant of the fact that most of the Southeast Asian countries emerged at the height of the tensions between the Eastern and Western blocs, ASEAN has endeavored to prevent conflict developing between member-states and within the region. For its first three decades, the prevailing objectives of ASEAN were to prevent the spread of revolutionary militant Communism across the region and to ensure that Southeast Asia would not be dragged into the Cold War. Since the 2000s, however, ASEAN has had to face numerous nontraditional security threats and challenges, including religious extremism, terrorism, militancy, piracy, smuggling, illegal immigration, and pandemics like SARS.

Moreover, for some members of the ASEAN, there have been instances of internal conflict, often arising from secessionist demands made by political armed groups who yearned for autonomy or independence: In Indonesia, conflicts have occurred in North Sumatra, Kalimantan, and Irian Jaya (West Papua); in Thailand, there has been an upsurge of violence in the volatile southern provinces; and in the Philippines, there has been conflict in the southern island province of Mindanao.

The conflict in Mindanao has been seen by other ASEAN states as a primarily local problem. The ASEAN practices the norm of noninterference, and therefore, has not interceded in what are considered to be local disputes. This norm is



Tengku Dato Abdul Ghafar bin Mohamed is the Malaysian Facilitator for the Mindanao Peace Process and the former Director-General of the National Security Division at the Prime Minister's Department. He served the government and people of Malaysia with distinction for more than 32 years. Tengku Ghafar played an instrumental role in brokering the peace talks between the Moro Islamic Liberation Front (MILF) and the Philippine government, and was commended by President Benigno Aquino and Prime Minister Mohd Najib Tun Razak for his role in facilitating the Framework Agreement on the Bangsamoro. Tengku Ghafar was also the Secretary of the National Security Council of Malaysia.

largely for the sake of maintaining and respecting the political authority of the respective governments of each country, and respecting their territorial integrity. However, there are instances (such as in the southern regions of Thailand and the Philippines) where conflicts involving local movements may have a spillover effect on neighboring countries in terms of the proliferation of arms, weakening of border controls, illegal movement of migrants and refugees, etc. Malaysia is one country that has been adversely affected by the crisis in Mindanao; since the 1970s, the East Malaysian territories had to deal with an influx of Muslim Filipino refugees, including women and children, who were displaced by the violence in the region.

It was with the intention of containing the spillover effects of the conflict and providing

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necessary support to the Philippine government that Malaysia has sought to be proactive in its efforts as peacemaker in the region and facilitator in the Philippine conflict in Mindanao. After three decades of hosting Filipino refugees and even settling many of them, Malaysia was keen to see an end to the conflict in the Philippines. The primary actors in the mediation process were the government of the Philippines, the leaders of the MILF, and Malaysia as a third-party facilitator.

The landmark Framework Agreement on the Bangsamoro (FAB) was signed on October 15, 2012, and it was lauded by both domestic stakeholders as well as the international community as the benchmark toward achieving just and lasting peace in Muslim Mindanao. However, the parties need to work out details of the asymmetric relationship (as agreed in the FAB) into Annexes which cover governance, power sharing, wealth sharing, and the normalization process before the final Comprehensive Compact Peace Agreement (CCPA) can be signed. As experienced in many countries and other areas of conflict, the durable peace can only be achieved if the peace agreement can be implemented and its commitments and principles can be translated into sociopolitical realities.

... Malaysia has sought to be proactive in its efforts as peacemaker in the region and facilitator in the Philippine conflict in Mindanao

Learning from the peace process between the Philippine government and the Moro National Liberation Front (MNLF), the FAB was crafted, taking into consideration the need to eventually address the manifold issues associated with a multilayered conflict. These issues include the evident lack of trust, especially due to the problematic implementation of previous peace

agreements; poor record of local governance; and long-standing issues such as marginalization and the existing and unaddressed problem of poverty, among others.

More importantly, the FAB recognized the need to redress the more complex roots of a multilayered conflict and the failed attempts in solving the decades-old conflict in the Muslim Mindanao. These involve the presence of various armed groups and private armies (many of whom remain active and heavily armed), the historical injustice brought about after hundreds of years of Spanish colonialism and the subsequent American annexation of the Philippines, the legacy of martial law that seemed to continue with oppressive practices harnessing social injustices and social ills, and which distorted the process of socio-political education for the masses and thus failed to create accountable and representative public institutions for local governance.

The Muslims of Mindanao have for decades been fighting for and claiming their ancestral domain and political recognition. The FAB was not only expected to answer the aspirations of the Muslims in Mindanao; more importantly, it acknowledges the grievances of the populations in the areas, and establishes the Bangsamoro identity and a determined geographical entity.

In addition, parties recognized that the current state of affairs or the status quo of the Autonomous Region of Muslim Mindanao (ARMM) needed to be changed. This recognition is very essential toward achieving a true and meaningful autonomy in Muslim Mindanao, a prerequisite for peace and prosperity in the area.

The FAB is based on inclusivity, pluralism, and equity; it has undergone a process of consultation and public engagement at national and grassroots levels. The parties continue to hold public consultations on the FAB. While the FAB is an agreement signed by the MILF and GPH, it also recognizes the basic rights of the indigenous

people and other minorities. The MILF has publicly expressed that they are not merely representing their organization but support inclusion of all in the area as prescribed in the FAB.

The asymmetric relationship is set to establish a ministerial form of government that is closer to the heart of the Muslims and can adequately respond to the desires of a heterogeneous population with diverse needs and interests. Once implemented, this would be a long-overdue and much-needed step in allowing the Muslims of Southern Philippines to feel that they have a real, tangible stake in their own homeland and would mean that they are being given the opportunity to have control over their political lives for the first time.

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The FAB also lays out the processes and platform in addressing the pressing issue of the ancestral domain claimed by Muslims, which is reflected in granting them political and financial autonomy with an area to be created for the new entity called Bangsamoro. Hence, another feature of the FAB is that the government would now recognize the identity of the people in the area as Bangsamoro. This recognition would open up new dimensions for the people in Bangsamoro to explore.

The ethnic diversity in Mindanao has caused deep divisions, and there is a need to unite as a nation if the peace agreement is to be successfully implemented. The concept of Bangsamoro identity could be a galvanizing factor in bringing the people of Bangsamoro together in

unity. This is very important, especially during the process of the drafting of the Basic Law and the conduct of a plebiscite to determine the passage of the law and the areas for the new entity.

In the long term, the acceptance of the concept of Bangsamoro will open the possibility for the reduction of ethnic tensions.

One of the key milestones of the FAB is the creation of the Bangsamoro Transition Commission (TC), which allows for public participation in the writing of the Basic Law and in determining the area that will be called the Bangsamoro. This marks the first step toward genuine and representative popular self-determination and self-government. The Basic Law making also needs to undergo a legal and political due process under the supervision of the Third Party Monitoring Team, and a plebiscite for its approval. This would be a challenge, but this framework is centered on the reflections and promise by President Aquino that "he is willing to invest in peace but within his ability to deliver"; and Chairman Murad, saying, "don't give reasons for the Muslims to call for independence."

As mentioned earlier, crafting of the Basic Law by the TC will be another milestone on the road leading to peace in Mindanao. Muslims are not homogenous; they are divided along ethnic and linguistic lines, very clannish, and territorial. Among them, there are those who are in the national mainstream and have enjoyed economic and political benefits. This group of people will be a possible source of challenge to the agreement, the MILF leadership, and the government. In this regard, the TC has to come up with a document that takes into consideration the needs of every sector in Mindanao, including Christians, indigenous people, and other minority groups.

If not consulted properly and engaged during the drafting process, these interest groups may become spoilers and a direct threat to the political transition, even going as far as resisting the establishment of Bangsamoro. The Basic Law,

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therefore, has to be inclusive, reflecting the needs and aspirations of a broad base of the population, to avoid marginalizing some groups and to prevent creating new problems that would culminate in ethnic conflicts.

In any post-conflict scenario, one of most important elements is the process of normalization. A properly conceived and designed normalization process not only helps to prepare the groundwork but also strengthens the final implementation of the peace treaty. The FAB recognizes this, and it therefore provides the much needed provisions and mechanisms for the normalization process. It is important to note that the MILF is ready to undergo the phased decommissioning of its armed component and to transfer law enforcement from the military to the police force while the Philippine armed forces is to undertake a gradual reduction of its forces in the conflict zones.

Moreover, there is a call to establish joint action by the parties to control and reduce the proliferation of firearms and to disband private armed groups. There is also a provision for Transitional Justice which aims to correct historical wrongs of the past and to reconcile the people for their common future. Implementation of this key provision is important to create stability in Mindanao, the Philippines, and the ASEAN region. As was seen in the process of normalization in other conflict-affected countries such as Northern Ireland, the normalization process cannot succeed if other armed groups and private armies continue to exist, no matter how small, and if they possess arms and remain willing to use them. The disarmament of the whole of Mindanao is therefore crucial to the success of the FAB and sustainable peace, but can only proceed from the basis of trust on both sides.

As a prerequisite to lasting peace, it is imperative that Mindanao be free from firearms proliferation and from armed groups or private armies. The multitude of armed groups in

Mindanao will pose the most direct challenge to the implementation of the Comprehensive Peace Agreement and the legitimacy and credulity of MILF and even the national government.

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The MNLF, Abu Sayyaf Group (ASG), and the Bangsamoro Islamic Freedom Movement (BIFM), a splinter group of the MILF, could be dealt with on the grounds of ideology and strength, but there are so many private armies of Muslim warlords that the parties have to contend with. These local clan and political leaders who frequently wield enormous political and economic influence could find ways and means to undermine the agreement if they feel that their position is threatened. This is where the MILF should be inclusive, magnanimous, and statesmanlike so as to be able to prevent these groups from becoming spoilers to the peace process.

At present, the FAB is still a framework of agreed principles and the parties have yet to finalize the FAB's Annexes on power sharing, wealth sharing, and normalization. Until the parties are able to agree on the details of the said Annexes, the chances for the signing of the Comprehensive Peace Agreement between the government and the MILF will remain slim. Parties must work fast and hard and perhaps jointly, in order to settle the remaining issues in a timely manner and to avoid a situation of impasse.

A breakdown in the talks at this crucial junction would create a political vacuum, and henceforth will further heighten the perception of injustice among the Muslims, especially those of the MILF forces; and it might lead to a deeper

distrust between parties. A failure at this stage may also develop into resumption of a full-scale conflict in the areas that have been affected by the violence of the past three decades. This would negate all the gains that parties have achieved in the last 12 years of hard-fought negotiations. On the ground level, the people's expectations are very high and most of them are looking forward to peace in the region.

The road to peace in Muslim Mindanao is still long and full of uncertainties, but these are not insurmountable. Politically there has been evident resolve demonstrated in the signing of the FAB. Subsequently, the president has signed the executive order for the creation of the TC and the Joint Congress and Senate has passed a resolution in support of creating the body. The TC is now operational, but without the Annexes and the Comprehensive Compact Agreements, the process is yet to begin.

Notwithstanding the above, even if the Annexes have been agreed upon, the process is still vulnerable to legal challenges and political hurdles caused by spoilers of the peace process in Muslim Mindanao. These legal challenges should be met with due diligence, such as that which the Philippine government has employed in crafting the FAB. To foster the spirit of partnership and collaborative problem solving, perhaps the parties should conduct a joint exercise to review the Annexes and its contents to ensure implementation without hiccups.

So far, the government is going the extra mile before reaching decisions on the Annexes, which explains the current delay. The government feels that the Annexes need to be able to withstand any legal challenge so as to avoid a repeat of the Memorandum of Agreement on Ancestral Domain (MOA-AD) being rejected, the consequence of which was armed confrontation between the government forces and a certain breakaway group of the MILF forces. This resulted in thousands of people being displaced. It took the government a year to convince the MILF to return to the negotiation table.

In the past, the Philippine government was rather skeptical about granting more power to the ARMM, claiming that it has not been able to govern the area well, that it has been plagued with corruption, injustice, and an inability to respond to local needs. If this feeling continues to exist, it will always create the distrust that the autonomous government is not capable of governing. Human development indicators show that the Muslim region is the poorest in the Philippines and has enormous socio-economic needs.

There are debates at the national level as to whether the new agreement with the MILF will bring about much needed changes and produce better results. Muslims in the South, too, perceive that as long as the political landscape in the region continues to be under the current political system, which is considered to be "Manila-centric," their province will never grow and develop.

The ghosts of the past will continue to haunt the Muslims, and their plights and grievances will remain unanswered. This will be a major constraint for the future Bangsamoro government in its relations with the national government. In the case of the FAB, there is a provision for the creation of an intergovernmental body as a contact point between them. No matter how strong these perceptions may be, however, they can only be dispelled if and when a concerted attempt at a lasting peace resolution is made and when both sides are able to expand their level of trust and minimize their level of pessimism.

Expectations after the signing of the FAB are high among the MILF fighters and Muslims at large. What they expect to gain from the agreement and the peace process is a working model for long-term Muslim self-governance, representation, and accountability. There is also the question of the peace dividend, and the premium for laying down their arms will have to be managed. For more than 40 years, the Muslim guerillas have been in military fatigues and

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fighting for a cause. This has created not only a culture of acceptance of violence, but also a distrust of civilian institutions and civil options for conflict resolution and social management. It will be hard at first to create a generation of skilled technocrats, efficient administrators, and committed public servants in a region that has not known peace or a functioning representative democracy for decades. These people now have to be readjusted to the new way of life as civilians.

These will be the greatest of challenges to the MILF leadership and the government — to ensure that the fighters are not left behind or abandoned, as has happened to the MNLF fighters after the signing of the Jakarta Accord in 1986. Without such assurance, the MILF will be challenged and the national government might soon be facing other new armed groups. The expectations of the general population in the conflict areas are equally high, and they may even demand immediate changes and benefits, as a dividend of peace.

However, two other great challenges to the peace process are the timeline and the need for continuity in terms of support from the national government after the term of President Aquino ends in 2016. Touching on the timeline, the whole package of the peace process must be completed within the next three years and before the May 2016 presidential elections. By then, the Bangsamoro elected government will be in place and expected to be able to govern by itself. The current administration is putting in all efforts to ensure that the peace process will push through before 2016.

The MILF continues to maintain their strong commitment toward achieving peace through political negotiations as well as respect and holds the president in high regard, giving him their complete trust. But critics are saying that the next president who comes into office in 2016 may not be as supportive of the agreement, and as the case of any new administration, it may not have the feeling of ownership and responsibility and therefore may roll parts of it back. For the MILF, it is imperative that there is some semblance of

permanency of the agreements signed between parties.

Because of this reason, the MILF has demanded that there must be a constitutional change or amendments in the Constitution to give allowances for the Basic Law to be entrenched in the country's charter. Entrenchment of peace agreements and/or laws governing asymmetric autonomies is a measure which has been successfully applied in many countries. The results of the May 13, 2013, midterm elections will be an early test case. The president needs strong and continued support in the House of Representatives and the Senate to finalize his peace agenda, especially the passage of the Basic Law that will eventually lead to the realization of real and meaningful autonomy for the Bangsamoro.

Optimism entails windows of opportunity and openings for peaceful resolution of conflicts that can continue to be worked out. The framework and the foundation have been set. Above all, both President Aquino and Haj Murad, the MILF's chairman, are very committed toward this political solution to the Muslim Mindanao question. The FAB was crafted under very advantageous circumstances — a popular and committed Philippine president, a well-established peace architecture, and strong support from the international community. The parties, too, have come to recognize that they are not adversaries embroiled in conflict but rather partners searching for a political solution to the Muslim question. On this score, I see no reason as to why a final agreement cannot be reached. Once the Annexes are finalized, the parties shall need to move fast to operationalize the various agreed bodies and mechanisms in the FAB.

NOTE

Recently the Philippine government changed the official abbreviation for "Philippines" from RP to PH. Thus, the earlier talks of the MNLF and MILF were with the GRP (Government of the Republic of the Philippines), while in more recent times the reference has been to GPH.

NOTES



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