

27TH ASIA-PACIFIC ROUNDTABLE

3 - 5 June 2013 • KUALA LUMPUR, MALAYSIA



STRATEGISING CHANGE IN ASIA

A large, stylized graphic of a globe composed of several thick, curved green and white bands, positioned behind the text 'CHANGE IN ASIA'.

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PLENARY SESSION EIGHT
5 JUNE 2013

WILL PEACE HOLD IN MINDANAO?

by

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Presented at the 27th **Asia-Pacific Roundtable (APR)** organized by the Institute of Strategic and International Studies (ISIS) Malaysia held in Kuala Lumpur

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5 June 2013

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

Today, the ground remains stable with the ceasefire firmly holding through the careful watch of the two parties and both local and international partners with responsibilities delineated through well-developed, multi-layered, operational ceasefire mechanisms. Elements of the roadmap 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 on the highest levels of both sides of the peace process remain hopeful and committed in traversing and fully implementing the roadmap for peace in Mindanao.

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 ceasefires installed in the past.

The current Aquino administration has recognized this concern from the start. Soon after this administration took office in June, 2010, President Aquino issued clear Letter of Instructions to the newly constituted peace negotiating panel of the Government of the Philippines (GPH) 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 worse 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 from the start 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 and 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 roadmap 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 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 come 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.

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 has too often in the past become a toxic relationship between national and regional political leaders, especially as this played out during elections.

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 which 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 gives a comprehensive view of the different tracks needed for combatants and their communities to resume normal life in a transformed and peaceful environment.

The process involves three major aspects: (1) Security, (2) Socio-economic development, and (3) Transitional justice and reconciliation. Security measures will require, among others, an interfacing of concurrent separate and joint actions whereby the ceasefire is strengthened; the police is reformed and strengthened; the 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 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 that has 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 roadmap that have been put into place and which continue to move forward. We refer to the ceasefire that I already 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 socio-economic 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 become a building block in the Normalization track under the FAB. For the more massive and longterm 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 twelve 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 legislation which the next Congress will need to pass.

While, at the helm of the current regional government of the Autonomous Regional Government of Muslim Mindanao, we are assured of the continuing, now duly elected leadership of incumbent OIC regional governor to continue to push the needed reforms and who has public 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 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 the 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, which 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 ground 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 – which metaphor 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 one's 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.

From the standpoint of the government and with the determination – indeed, the stubbornness of our President, P.Noy, 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 Framework Agreement on the Bangsamoro, 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.