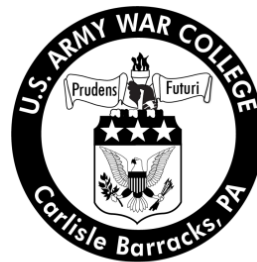


The Search for Peace in Mindanao: Resolving a “Wicked Problem”

by

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Class of 2012

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by

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ABSTRACT

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For 50 years the Government of the Republic of the Philippines (GRP) has been confronted with a Muslim insurgency in Mindanao. The grievances which underpin this insurgency and the insurgents’ political objective of independence are deep rooted, extending back into the Spanish Colonial Period. The Marcos Administration launched a complex web of initiatives to defeat this insurgency. As variations of these efforts persistently failed over several decades across a succession of presidential administrations, many observers contend that this insurgency is a “wicked problem” that cannot be solved – only managed. This Strategy Research Project (SRP) considers new strategic opportunities pursued by the current GRP for the purpose of forging a fair, just and lasting resolution to the Mindanao Muslim Insurgency. This paper argues that this long standing conflict is “ripe for resolution” and provides substantive recommendations to advance the GRP-MILF Peace Process towards a successful conclusion.

THE SEARCH FOR PEACE IN MINDANAO: RESOLVING A “WICKED PROBLEM”

It is a very serious attempt to balance national sovereignty and Bangsamoro aspirations for self-determination and freedom. For this reason, I believe that the MOA-AD can bring lasting peace.¹

—Bishop Orlando Quevedo
08 August 2008

Introduction

For 50 years the Government of the Republic of the Philippines (GRP) has been confronting a Muslim insurgency in Mindanao. However, the grievances of the Filipino Muslims, or the Moros, which underpin their struggle for secession, can be traced back to the era of colonization and into the post-independence period. The Moros' social alienation and usurpation of their ancestral lands prompted them to choose U.S rule rather than to live under a Filipino-Christian government. In 1924, Moro leaders proposed to the US Congress that Mindanao, Sulu and Palawan be made a territory of the US. In 1935, Moro leaders petitioned President Franklin D. Roosevelt:

We do not want to be included in the Philippine independence...because from time immemorial [Filipino Christians and Muslims] have not lived harmoniously.²

The Moros initially mobilized for a revolutionary armed struggle during the dictatorial rule of former President Ferdinand E. Marcos. The 1968 Jabidah Massacre, during which almost 200 Moros who were training to occupy Sabah were killed, triggered the Moro rebellion.³ The Moro insurgency was then led by the Moro National Liberation Front (MNLF). However, due to ideological differences, ethnic cleavages, and leadership issues, the Moro Islamic Liberation Front (MILF) split from the MNLF in 1977. The MILF formally emerged in its current form in 1984.⁴

Although the MNLF signed two peace agreements with the GRP - the controversial 1976 Tripoli Agreement and the 1996 Final Peace Accord (FPA) - it was not until 1997 that the government paid serious attention to the MILF, when the Ramos Administration agreed to a ceasefire with the MILF. Since then, the GRP-MILF peace process has made little progress and indeed it has suffered devastating setbacks, particularly as a result of former President Joseph Estrada's launching an all-out war against the MILF in 2000. When former President Gloria Macapagal-Arroyo assumed power in 2001 after the overthrow of President Estrada, she initiated a policy of "all-out peace". Then during her administration the peace process with the MILF began to make progress.

The GRP-MILF Peace Process Redefined

One of President Arroyo's first directives was to resume peace negotiations with the MILF. Among her first achievements as a result of this policy was the signing of the Agreement of Peace in Tripoli, Libya in June 2001.⁵ This agreement facilitated peace negotiations by segmenting them into three definable phases: Security, Development, and Ancestral Domain.

Two previous agreements fortified the June 2001 Tripoli Agreement. The first supporting accord was the Agreement for General Cessation of Hostilities of 21 June 1997.⁶ This agreement between the GRP and the MILF established the framework for the security component of future negotiations.⁷ It contained key ceasefire-related mechanisms, such as the Joint Coordinating Committees on the Cessation of Hostilities (JCCCH), the International Monitoring Team (IMT), and the Ad Hoc Joint Action Group (AHJAG).

Established in 2004, the IMT monitors the ceasefire as well as implementation of the development provisions of the peace agreement. Led by Malaysia, the IMT includes around 60 members --10 members from Brunei, nine from Libya and one from Japan.⁸ The AHJAG was activated in 2005 in response to a 2003 Armed Forces of the Philippines (AFP) incursion into the MILF's camp in Buliok complex, North Cotabato. The AFP's pursuit of kidnap-for-ransom groups (KFRGs) led to this incursion. The AHJAG facilitated a decision to grant MILF the authority to interdict such criminal activities in areas where the MILF is strong.⁹ This decision established fixed AFP and MILF jurisdiction and reduced potential conflicts.

The second supporting agreement between the GRP and MILF addressed issues of development; it provided Implementing Guidelines for Humanitarian, Rehabilitation, and Development initiatives. Signed on 7 May 2002, this agreement established the framework for the development component of the 2001 Tripoli Agreement on Peace.¹⁰ It also formalized the commitment of both the GRP and MILF to respect human rights and to provide assistance, rehabilitation, and development to conflict-affected communities. This agreement identified key developmental mechanisms:¹¹ The World Bank-administered Mindanao Trust Fund-Reconstruction and Development Program; capacity-building programs for the personnel of the Bangsamoro Development Agency (BDA)¹² through the Bangsamoro Leadership and Management Institute (BLMI); and the Japanese-funded Socio-Economic Reconstruction and Development of Conflict Areas in Mindanao.

Using this three-phase approach, the Arroyo Administration was able to substantially advance the peace process through the strategic application of

agreements and mechanisms which were already in place. However, despite its success in addressing the security and development phases established in the 2001 Tripoli Agreement, negotiations on the Ancestral Domain have persisted as a sticky part of the peace process.

In 2006, the negotiating panels returned from the 13th exploratory talks in Malaysia without an agreement on Ancestral Domain. The government had offered official recognition of over 600 predominantly Muslim villages, but the MILF demanded recognition of more than 1,000 villages, including Christian areas in Mindanao.¹³ This represented a reduction of earlier demands submitted during the 9th exploratory talks in September 2005, when the MILF claimed 3,798 villages encompassing more than half of Mindanao.¹⁴ Even so, because of the disparity in the claims of the two parties, the negotiations deadlocked. As the 13th exploratory talks wound down, the parties went back to their drawing boards.

Memorandum of Agreement on Ancestral Domain (MOA-AD)

Then in her July 2008 State of the Nation Address (SONA), President Arroyo announced that key issues relating to the Ancestral Domain had been resolved.¹⁵ The public was surprised to learn that the government was about to finalize a peace agreement with the MILF in Malaysia on 05 August 2008. However, North Cotabato Vice-Governor Emmanuel Piñol, was well aware of the controversial MOA-AD. Piñol petitioned the Supreme Court (SC) on 02 August 2008 to declare the MOA-AD as unconstitutional.¹⁶ What began as a singular concern of a Mindanao-based local executive quickly turned public opinion against the MOA-AD - which came to be viewed as tantamount to giving all of Mindanao to the MILF. The Supreme Court issued a Temporary Restraining Order on the signing of the MOA-AD on 04 August 2008,

despite the fact that the negotiating panels and representatives of the diplomatic community were already in Kuala Lumpur to witness the signing of the agreement.¹⁷

In reaction to the collapse of the MOA-AD, base commands of the MILF's Bangsamoro Islamic Armed Forces – led by Ameril Umbra Kato, Aleem Solaiman Pangalian, and Commander Bravo – wrought havoc on Christian villages in Lanao del Norte.¹⁸ The MILF attacks and associated violence left 286 killed and injured,¹⁹ and approximately 700,000 civilians were displaced. This violence also intensified the Christian majority's demands that the GRP abandon the MOA-AD.

In response to the Supreme Court's Temporary Restraining Order and public reaction, the government abandoned the MOA-AD. Even before the Court's oral arguments on the constitutionality of the agreement had begun, government lawyer Agnes Devanadera announced on 29 August 2008 that the government would no longer sign the MOA-AD.²⁰ In an attempt to preserve the credibility of President Arroyo, she added that the President did not even know the contents of the MOA-AD, since the panels refused to present it to the President until after it was finalized.²¹ To further show the government's intent to disavow the agreement, the negotiating panel, led by retired General Rodolfo C. Garcia, was dissolved on 4 September 2008.²² Finally, on 14 October 2011, the Supreme Court ruled the MOA-AD unconstitutional because it was crafted without sufficient consultation with all interested parties.²³

To this day, there is much speculation as to whether the public really understood the substance of MOA-AD. Many were swayed by the fierce opposition of local Christian officials in Mindanao and senators whose constituencies included the Visayas, who feared that the agreement would eventually return their holdings to the Muslims. Peace

advocates repeatedly explained that the MOA-AD was not the sole agreement with the MILF, but a culmination of a series of peace talks between the government and the MILF since 2001.²⁴ It was intended to be the third interim agreement that would resolve the final issue of the 2001 Tripoli Agreement.

The consensus reached by the peace panels²⁵ in the MOA-AD was a far cry from the original position of the MILF. Initially, only 735 Barangays were subjected to accession to the conceptual Bangsamoro Juridical Entity (BJE).²⁶ The BJE includes villages adjacent to the current Autonomous Region of Muslim Mindanao (ARMM), located in Sultan Kudarat, Lanao del Norte, North Cotabato, Cotabato City, Iligan City and Isabela City. However, their accession to the BJE was dependent upon the results of plebiscites.²⁷ Since the BJE was envisioned to be an empowered ARMM, the 1987 Philippine Constitution had to be amended to provide for a quasi-federal relationship between the BJE and the Central Government. The government peace panel emphasized that since the plebiscites and amendment to the Philippine Constitution should take place before the MOA-AD was certified as a Comprehensive Compact, the whole peace process would necessarily be subject to legal and democratic processes. The negotiations were conducted secretly to minimize interference from highly partisan groups. At the same time, however, there was an imperative to expedite the process based on an order from the Office of the President.²⁸ This order was issued to hasten an acceptable accord prior to the impending withdrawal of Malaysia from the IMT on 31 August 2008.

Unfortunately, the Arroyo Administration was perceived to be harbouring a different agenda – to amend the Constitution in order to extend President Arroyo's term

of office. President Arroyo's appointment of one of her favorite generals, former AFP Chief of Staff Hermogenes C. Esperon, Jr., as the Presidential Adviser on the Peace Process (PAPP) at such a critical time only reinforced speculation that there was an ulterior political motive behind the peace agreement. Thus, it seemed that the collapse of the MOA-AD and the peace talks was caused by President Arroyo's machinations. Ultimately, the collapse of the GRP-MILF peace process was a casualty of her administration's lack of credibility.²⁹

The Current Peace Process – A New Direction

Like his predecessor, President Benigno S. Aquino III regards the Mindanao peace process as one of his administration's top priorities. Among his first appointments was that of Teresita Quintos-Deles to be the Presidential Assistant for the Peace Process. She had previously held this position in 2003. The President also appointed Marvic Leonen, Dean of the University of the Philippines (UP) College of Law, as the new Chairman of the Government of the Republic of the Philippines (GRP) Negotiating Panel for Talks with the MILF. Also appointed to the GRP panel were peace activist UP Professor Miriam Coronel-Ferrer; former Agriculture Secretary Senen Bacani; Vice Mayor of Upi, Maguindanao Ramon Piang; and Muslim theologian Dr. Hamid Barra.

In his inaugural address on 30 June 2010, President Aquino stated that his administration would deal in good faith with the peoples of Mindanao.³⁰ He further promised that his administration was "committed to a peaceful and just settlement of conflicts, inclusive of the interests of all – may they be Lumads, Bangsamoro or Christians."³¹ In his first State of the Nation Address (SONA) in July 2011, President Aquino reiterated his commitment and issued his first policy statement on his vision for the Mindanao peace process:

We will learn from the mistakes of the past administration, that suddenly announced an agreement reached without consultations from all concerned. We are not blind to the fact that it was done with political motivation, and that the interest behind it was not that of the people.³²

The MILF responded positively to the President's approach. The MILF formed its negotiating panel, still led by Mohagher Iqbal, but with new members such as Professor Abhoud Syed Linga and Datu Antonio Kinoc of B'laan tribe. Drawing from the lessons of the MOA-AD controversy, especially on the need for consultation, the MILF also established a board of consultants composed of indigenous peoples, theologians, and women.³³ For the first time, Muslim women were given a voice in the peace process. In their congratulatory message to the President, the MILF expressed optimism, noting that President Aquino's parents were supportive of Moro interests. The late Senator Benigno "Ninoy" Aquino, Jr. had exposed the Jabidah Massacre in 1968. And the late former President Corazon "Cory" C. Aquino ensured the provision for Moro autonomy in the 1987 Philippine Constitution.³⁴

Next, the administration laid out its comprehensive peace program, the "Payapa at Masaganang Pamayanan" (PAMANA) Program. This six-year interagency program would be spearheaded by the Office of the Presidential Adviser on the Peace Process (OPAPP). Its purpose was threefold: Set the foundation for peace; establish resilient communities; and address regional development. The strategic endstate of the program was a real and sustainable peace through:

reduction of poverty and vulnerability through community infrastructure and focused delivery of social services; improvement in governance through partnerships with national and local institutions, building capacities for governance, and enhancement of transparency and accountability mechanisms; and empowerment of communities and strengthening of their capacity to address issues of peace through activities that ensure participation and inclusion.³⁵

Unfortunately, the MILF viewed PAMANA as a “systematic counterinsurgency strategy”³⁶ because it focused on establishing conditions that would eventually render the insurgency irrelevant.

Despite this “cool” reception, formal negotiations between the GRP and MILF resumed on 09 February 2011.³⁷ At the outset, the MILF presented their revised proposal for the creation of a sub-state in Mindanao.³⁸ In turn, to demonstrate his commitment to the peace process, President Aquino, in an unprecedented move, met personally with MILF Chairman Murad Ibrahim in Tokyo, Japan, on 04 August 2011. During this meeting, President Aquino and Chairman Murad affirmed their commitment to the peace process and agreed to “fast-track” it.³⁹

During the 22nd exploratory talks on 22 August 2011, the GRP presented a proposal dubbed “3 for 1.” This proposal contained three components for one solution to the Bangsamoro problem: “massive economic development; political settlement with the MILF; and cultural-historical acknowledgment.”⁴⁰ However, this proposal, which was the product of the GRP’s extensive consultations with various stakeholders in Mindanao, was not accepted by the MILF.⁴¹ Then the parties met informally on 03 November 2011 to “clear out issues” and agreed to “move forward with the substantive agenda.”⁴² The panels met again on 07 December 2011 and set the date for the next round of talks in January 2012.⁴³

The Way Ahead: Prospects and Challenges for Peace

The Aquino Administration recrafted the GRP-MILF peace process with the objectives of seizing five key opportunities. First, as President Aquino stated in his first SONA, his administration would be guided by the lessons on how the previous administration handled the peace process. Accordingly, his administration’s approach

ensured that stakeholders were consulted in the drafting of the GRP's first proposal in the new process.

Second, the MILF seemed to have invested a significant amount of trust and goodwill not only in the panel but also generally in the Aquino presidency. The MILF believed that as the son of the late Senator Ninoy Aquino and the late President Cory Aquino, President Benigno Aquino would address Moro interests fairly and honestly. Notably, the previous administration's bold proposal met with a long stalemate, but the new MILF panel did not respond to the current GRP proposal by abandoning the talks.

Third, despite the MOA-AD debacle, the GRP-MILF peace process continues to enjoy both international support and domestic support. In November 2010, the International Contact Group (ICG) made up of the United Kingdom, New Zealand, European Union, United States, Singapore, and Japan renewed their support for the peace process and to development projects in Mindanao. The ICG, which was created in September 2009 to "sustain the interest of the parties,"⁴⁴ recently welcomed its newest member-state, the Kingdom of Saudi Arabia. Other members of the ICG are Japan, UK, Turkey and international organizations such as the Washington-based Asia Foundation, the Geneva-based Centre for Humanitarian Dialogue; Jakarta's Muhammadiyah; and London's Conciliation Resources.⁴⁵ Local civil society organizations (CSOs) have also relentlessly promoted the peace process. On June 1, 2011, 16 CSOs were given the opportunity to discuss the Mindanao peace process with the GRP panel.⁴⁶

Fourth, the present administration enjoys overwhelming public support. Unlike his predecessor who won her last term under questionable circumstances, President

Aquino enjoys an unquestionably legitimate mandate based on 15 million votes garnered in the 2010 elections. Since he assumed office, President Aquino has also enjoyed a high “trust rating.” His popularity ratings dipped to 75% in November 2011,⁴⁷ but he still gained the highest trust rating ever recorded by a Philippine President – 85% in July 2010 according to a Pulse Asia survey.⁴⁸ Given his political capital and his declaration that he will not run for public office in 2016,⁴⁹ President Aquino is well positioned to gain peace through a constitutional change without being suspected of harboring special interests or hidden agendas.

Finally, the military has also shown support for the Mindanao peace process by launching its Internal Peace and Security Plan (IPSP), “Bayanihan.” The IPSP declares that military operations should be conducted to “win the peace,” not just defeat the enemy. The military has pledged to adhere to human rights standards based on International Humanitarian Law, national rule of law, and the standards of all stakeholders. The IPSP also upholds the primacy of the peace process and supports a negotiated political settlement with the MILF within the “bounds of the Philippine constitution, to attain the conditions for a just and lasting peace in Mindanao.”⁵⁰

Despite the substantial efforts of the current administration to support the peace process, roadblocks remain. On 18 October 2011, 19 Special Forces (SFs) troops were killed by MILF forces in Al-Barka, Basilan. Allegedly, the troops were approaching an MILF “area of temporary stay” when the encounter occurred. The soldiers were overwhelmed as the number of MILF fighters quickly swelled from 10 to 400 in nine hours.⁵¹ The government demanded the surrender of MILF Commander Dan Laksaw Asnawi, who was blamed for killing the 19 Special Forces soldiers as well as the

beheading of 10 Marines in 2007 – which also occurred in Al-Barka. The MILF refused to accede to this demand claiming that the government violated the ceasefire and that Asnawi had been cleared of charges regarding the 2007 incident.⁵² Amidst these allegations, it was clear that ceasefire mechanisms, such as the AHJAG, even in the current peace process did not hold.

The AFP could not be blamed for suspecting the MILF of terrorism. The MILF has known links with the Basilan-based Abu Sayyaf Group (ASG), Jemaah Islamiyah (JI), and Al Qaeda. The GRP had information indicating that the MILF received funds from charitable institutions operated by Mohammed Jamal Khalifa, Osama Bin Laden's brother-in-law.⁵³ The MILF has provided sanctuary and training facilities to JI since 1996.⁵⁴ This was confirmed by government troops when it captured the MILF's former stronghold, Camp Abubakar in 2000. JI influence with the MILF seems to persist. JI bomb expert, Abdul Basit Usman, was reported to have joined forces with Umbra Kato, one of the MILF's "renegade" commanders.⁵⁵ Kato, who led an MILF command that harassed Christian communities following the collapse of the MOA-AD, formed his own splinter group, the Bangsamoro Islamic Freedom Fighters (BIFF).⁵⁶ From January to August 2011, the BIFF had instigated seventeen "rido" or clan wars.⁵⁷

The MILF's ties with terrorist organizations, dramatized in Kato's rampage and the ruthless killings of the SF soldiers in Al-Barka, drew outrage from the public. While the public were calling for an "all-out-war" against the MILF, news of a five million pesos grant from the Philippine government to the Bangsamoro Leadership Management Institute (BMLI), a school for young Moro leaders, heightened public condemnation even further. PAPP chair Teresita Deles explained that the grant was pledged during

the 14th exploratory talks in November 2007. She defended the President's decision to execute the five million pesos grant to the BMLI:

it was made on the basis not only of it being an agreement that the Government is bound to uphold, but also because President Aquino personally believes that this is an investment worth taking if there will be a shift in paradigm, from a culture of war to a culture of peace, cooperation and good governance among the Bangsamoro.⁵⁸

Regardless of these unwelcome developments, GRP Chairman Marvic Leonen expects a negotiated political settlement in the first quarter of 2012.⁵⁹ The President concurs, claiming that what remains to be settled is merely “a question of semantics.”⁶⁰

The Challenges of a Lasting Peace

In 2005, Benedicto Bacani suggested that the peace process was ripe for resolution. Bacani believed that peace negotiations had matured to the extent that both sides saw more advantage in ending the conflict than in continuing it. Specifically, there was an emerging consensus that the military approach by itself would not work. Seven years later, a negotiated settlement has become even more important for economic reasons. President Aquino's administration has accepted that a reconciliation with the MILF will require considerable accommodation of Islam. Further, the emergence of new MILF leaders has reinvigorated the peace talks. Additionally, the MILF has become amenable to political endstates short of independence. Finally, increasing international attention on the peace process has enhanced opportunities to resolve the conflict.⁶¹

According to William Zartman, the three required conditions for “ripeness for resolution” include a Mutually Hurting Stalemate (MHS); a Mutually Perceived Way Out (MPWO); and a Valid Spokesperson (VS).⁶² A MHS refers to a situation wherein both sides realize they are in a costly deadlock. A MPWO is achieved when both sides see an acceptable negotiated solution. A VS represents the interests of all parties and

assures all interested parties that a forthcoming agreement does not jeopardize the interest of any one party.⁶³

In mid-2007, a MHS was achieved following the killing of the 10 Marines in Al-Barka, Basilan. An analysis of the incident cited the lack of coordination between the MILF and the AFP on efforts to rescue the kidnapped priest, Father Giancarlo Bossi. Disregarding ceasefire mechanisms, combined AFP and police forces launched massive but uncoordinated operations in Basilan.⁶⁴ It was also reported that even before the collapse of the MOA-AD, Ameril Umbra Kato's command had been harassing villages in North Cotabato since July 2008.⁶⁵

Years of negotiation produced a baseline level of mutual trust and respect between the GRP and MILF panels, so there was a high probability of achieving a MPWO in 2008. The panels were able to bridge positions when the MILF conceded to accept the legal framework and reduce the BJE's sphere and, more importantly, when both parties exhibited the confidence and optimism that a negotiated political settlement was within reach. As a demonstration of the good will, Chairman Murad commended former GRP panel Chairperson Garcia and PAPP Esperon for initialing the MOA-AD.⁶⁶ Unfortunately, the panels' close relationship was perceived as being inimical to the national interest by the military and the hawks in the Cabinet. These dissenters viewed the agreement as compromising territorial integrity. They questioned the validity of MOA-AD because it was heavily influenced by Malaysia, with whom the Philippines had an ongoing territorial dispute.

Although conditions of MHS and MPWO had been achieved in 2008, the fact that the government quickly turned its back on the peace process demonstrated that the

GRP panel was not genuinely empowered to negotiate. Thus the GRP panel could not serve as the government's Valid Spokesperson. The same was true regarding the public view of the government: The Arroyo administration had lost its credibility due to charges of corruption. Also, MILF leaders' failure to rein in renegade commands posed questions regarding their actual level of influence and control over MILF forces.

The situation is different now. The Aquino government and the current GRP panel constitute a VS because the public has a high level of trust in the President. The President likewise has confidence in the panel. His Administration has also made a substantial effort to ensure that all key stakeholders were consulted before presenting its proposal, thereby maximizing public support. As mentioned earlier, President Aquino's substantial political capital can make many things happen. He seems well-positioned to solidify negotiated political settlement with the MILF.

The peace process has also gained the right footing to achieve a condition of MPWO. The President "walked the extra mile" to meet Chairman Murad to demonstrate his commitment; he also has announced on several occasions that the Mindanao peace process is a top priority of his administration. Both sides exhibit considerable optimism and trust. The MILF remains engaged in negotiations although the GRP proposals are far from what they expected. GRP panel Chairman Marvic Leonen is very confident that a positive solution to the Bangsamoro problem will be reached early in 2012.

Until September 2011, there seemed no urgency for a negotiated resolution since there was no costly deadlock. Then came the killing of Special Forces in Al-Barka, Basilan, in October 2011. The Aquino Administration's response to the Al-Barka incident was confusing. While the President was declaring he would not launch "all-out

war” but instead “all-out-justice,” the military launched its first airstrikes in three years on MILF camps in Basilan and Zamboanga Sibugay.⁶⁷ The MILF condemned this AFP action; the AFP accused the MILF of coddling Asnawi. Regardless of who violated the ceasefire first, two issues seem relevant: First, the deadlock in the peace negotiations may have contributed to the outbreak of hostilities. Second, the hostilities created a condition of MHS. It all adds up to an imperative for a negotiated settlement.

In contrast to the 2008 scenario, all conditions for “ripeness for resolution” remain. The Aquino Administration still has an opportunity to cement a real and sustainable peace in 2012. Significantly, amidst condemnations and allegations from both sides on the Al-Barka incident and the ensuing military operations, the panels were able to return to the negotiating table in November and December 2011. More interestingly, despite the Al-Barka incident, the GRP panel and the President are still very optimistic that an agreement can soon be reached.

Recommendations

To ensure the success of the peace process, the GRP should consider the following recommendations. First, the OPAPP should continue consultations and craft a strategic communication strategy that highlights the merits of the GRP-MILF peace process, not only for Mindanao, but also for the entire nation. The Filipino people should understand why the government must forge a peace agreement with the MILF despite previous setbacks in the peace process. They should also know that no agreement will be perfect: Expect future challenge.

Second, the GRP panel should remain engaged with the MILF panel. As observed in the 2007 and in the 2011 Al-Barka incidents, peace negotiations had ground to standstill when renegade MILF commands clashed with government forces.

The MILF still has control over the majority of its forces. Hence, continuous engagement with them in the peace process could save the country from unnecessary and costly armed conflict in Mindanao.

Third, the military should be compelled to remain true to the spirit of its IPSP and uphold the primacy of the peace process in its operational and tactical decisions. It should not disregard existing ceasefire mechanisms, such as the JCCCH, AHJAG and IMT, even if it strongly suspects MILF elements are involved in or supportive of lawless acts. The military should allow the MILF to discipline its own ranks.

Finally, CSOs and international NGOs should be enjoined to proactively engage in the peace process in matters of conflict prevention, peace-building, and peace education. Over past decades, regardless of the administration, these organizations have tirelessly promoted peace in Mindanao in many ways. They will not refuse a government that requests their support. This is because peace in Mindanao is their avowed mission and reason for being in the Philippines.

Conclusion

The probability the GRP-MILF peace process will result in a substantive peace agreement is better now than ever before. Hence, conditions are indeed “ripe for a resolution.” A 15-year old negotiation has been substantively reinvigorated. Positive and conclusive signs include events in the initial 15 months of President Aquino’s administration. The peace panels on both sides should be lauded for moving the peace talks forward, notwithstanding spoilers such as the massacre of the Special Forces soldiers in Basilan and the deadlock on the “3-in-1” proposal. The President’s political capital is a significant contributing factor to the progress of the peace process – his administration learned much from the lessons of the past as it rebuilt peace

mechanisms. President Aquino's bold move to meet the MILF Chairman, over significant objections, demonstrated more than anything else his commitment to peace and to the process for achieving it.

Following through on the President's successes is a different matter altogether. The administration should seize the momentum and capitalize on the President's popularity. Within the first six months of 2012, a peace agreement must be forged with the MILF, especially since empowering Bangsamoro authority requires a constitutional amendment. So far, the public believes that President Aquino is not interested in pursuing political power after his current term. So when he promotes a constitutional change, the public will likely believe in his sincere intentions. As demonstrated in the earlier collapse of the MOA-AD, public support and public perception is crucial to the success of the peace process.

Endnotes

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⁶ Lualhati M. Abreu, "40 Years of Revolutionary Struggle," in Bobby M. Tuazon (Ed) *Rethinking the Bangsamoro Crucible: A Reader* (Quezon City: CenPeg Publications), 2008, p. 136.

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¹¹ Esperon.

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¹⁵ Amita Legaspi and Johanna Camille Sisante, "President Arroyo Has not Read the MOA-AD: Devanadera to SC," *GMA News Online*, 29 August 2008, accessed 22 December 2011 from <http://www.gmanetwork.com/news/story/117004/news/nation/president-arroyo-has-not-read-moa-ad-devanadera-to-sc>.

¹⁶ Then Presidential Adviser on the Peace Process Hermogenes C. Esperon Jr., who was also former Armed Forces of the Philippines Chief of Staff, supposedly leaked a copy of the Memorandum of Agreement on Ancestral Domain to his friend, North Cotabato Emmanuel Piñol. Wikileaks reported that Esperon purportedly leaked the document to stop its signing, as ordered by the Arroyo administration, having assessed that the United States (US) would greatly benefit from the agreement. The MILF was reported to have sought the help of the US government in drafting the MOA-AD (See Gil Cabacungan Jr., "Wikileaks: US Backed MILF," *Philippine Daily Inquirer*, 08 September 2011).

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²⁴ Bobby M. Tuazon, "MOA on Ancestral Domain: It's not Over Yet," *Issue Analysis*, No. 8 Series of 2008, Center for People Empowerment in Governance.

²⁵ The Government Peace Negotiation Panel for Talks with the MILF was headed at that time by Secretary Rodolfo C. Garcia, former AFP Vice Chief of Staff and Chairperson, Joint Coordinating Committee on Cessation of Hostilities, and composed of historian Prof. Rudy Rodil, Agrarian Reform Secretary Nasser Pangandaman, civil society leader Sylvia Paraguya, and Assistant Chief State Prosecutor Leah Armamento. The MILF Peace Panel was led by Chairperson Mohagher Iqbal, and joined by three lawyers, Atty. Michael Mastura from Maguindanao, Atty. Lanang Ali from Sultan Kudarat, Atty. Musib Buat from Cotabato; and one historian, Dr. Maulana "Bobby" Alonto, from Lanao del Sur. The peace panels were given relative autonomy to negotiate and craft the interim agreements with respect to the GRP-MILF peace process; however, there was a general understanding that the political leadership they represented was aware of the proceedings of the peace negotiations.

²⁶ The Bangsamoro Juridical Entity (BJE) is the neutral term used to describe the Moro government or authority that was envisioned to be the outcome of the peace process between the government and the MILF. Considering the powers that were proposed to be provided to it and the consistent mention of the Central Government, the BJE is akin to a federal state. The BJE will adopt its proper name after the ratification of the the Comprehensive Peace Compact.

²⁷ Esperon.

²⁸ Tuazon.

²⁹ Marites Danguilan-Vitug, "Analysis: Peace Process, a Casualty of Public's Low Trust in GMA," *Newsbreak*, 14 August 2008, accessed 20 December 2011 from <http://www.newsbreak.ph/2008/08/14/analysis-peace-process-a-casualty-of-public%E2%80%99s-low-trust-in-gma/>.

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