



# Peace Monitor

ALTERNATE FORUM FOR RESEARCH IN MINDANAO, INC.

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## The unending fuss and exchanging of woes



The 14<sup>th</sup> exploratory talks set by the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) on 15-17 December 2007 in Kuala Lumpur, Malaysia was again aborted. Prior to the exploratory talks, each panel drew up a draft memorandum of agreement (MOA) on the ancestral domain (AD) aspect integrating all the consensus points and other agreements by both panels in their previous talks. The MILF panel members decided not to show up in the scheduled meeting because, they say, the draft MOA submitted by the GRP contained provisions that were not included in the 59 consensus points on the AD strand. Again, the GRP insisted to use the Philippine Constitution as a framework of the negotiations (Luwaran, 2008a).

However, the MILF as understood is not necessarily adverse on using the phrase “constitutional process” but it should be construed as seeing that the Philippine government appropriate legal steps by revising or amending the Philippine Constitution or the passing of legislation by Congress after both parties had entered into a comprehensive peace pact during the transition period of the proposed Bangsamoro Juridical Entity (Buat, 2008). As explained also by Mohaqer Iqbal, the Chair of the MILF peace panel in a statement “the issue on constitutional process properly belongs to the implementation stage and not on the discussion of ancestral domain aspect” (Remollino, 2008).

But still, the MILF is firm in its stand that “the Philippine government can undertake all constitutional processes it wants, provided that they do not go beyond what the Parties jointly crafted, agreed, and signed in the past negotiations in the presence of their third party facilitator” (Luwaran, 2008a).

On the part of the GRP panel members, they performed their assignment dutifully but they also seek approval from their principal, President Gloria Arroyo, whose decisions reflect the advices of her cabinet members and security cluster. They were mandated to negotiate with the MILF but their agreements with the other negotiating party can be easily revoked by the President. They not only need

to negotiate their positions to the MILF panel but also to their principal and her advisers as well. They had difficulty in advancing their positions considering their principal and her cabinets' hard stance in handling the negotiations with the MILF.

Two months after stalled talks, hard statements coming from President Arroyo's cabinet circle have been more pronounced which aggravated the situation. Most of these were contrary to what the negotiating panels have discussed in the previous talks. These sweeping statements affect in one way or another the gains of the peace process as they sow distrust and hostility among members of both the GRP and MILF peace panels and their officials:

a. Executive Secretary Eduardo Ermita was quoted saying that "He hopes the Muslim rebel group will not violate the Constitution" (Samonte, 2008). It was refuted by the MILF saying that "How can it violate the Philippine Constitution which it does not accept as a framework of the peace negotiations?" (Buat, 2008). There are also reports that Ermita had once told a group of NGO workers in Mindanao that the Arroyo administration policy on the peace talks is "just to play around". This is exactly what Davao City Mayor Rodrigo Duterte also thinks of the reason of the aborted peace talks with the MILF (Moroland, 2008).

b. Interior Secretary Ronaldo Puno also commented that "The government should not give in to MILF's demand for a Bangsamoro Juridical Entity (BJE) without a plebiscite. The government should stop pursuing a peace agreement with the MILF if the means to achieve this objective is unconstitutional..." These statements underestimate the GRP panel's capacities and competence to negotiate and tantamount to saying that there should be no peace with the MILF at all (Bas, 2008).

c. Even worse, Puno said that "if MILF's demands are too much and contradict said laws, the GRP must prepare itself to go back to war". This statement was totally in conflict with the "all-out peace policy" of Arroyo. The act of Puno is not a surprise to the MILF because they recall him as among those who ordered the all-out war in Mindanao in 2003 (Maitem and Fernandez, 2008a).

d. Vice Chief of the Armed Forces of the Philippines, Lt. Gen. Antonio Romero was also quoted saying that, "peace talks would not continue without disarming the MILF". If disarmament would then be one of the requirements prior to any negotiation between the GRP and the MILF, one can doubt if the latter would agree to negotiate in the first place (Makalay/Mindanews, 2008).

e. AFP Chief Hermogenes Esperon also declared in a report that "... rogue members of the MILF were planning to bomb

establishments in Metro Manila." According to MILF peace panel chair Iqbal, this statement a virtual invitation for war and a serious pronouncement that violates the essence of the peace process (Maitem, 2008a).

Overall, these irresponsible utterances of cabinet security cluster contradict the efforts of the GRP and MILF panel members, the "all-out peace policy for Mindanao of the Arroyo administration and its order to the AFP to uphold the primacy of the peace process.

### **Constitutional amendment to accommodate Bangsamoro federal state**

Aside from sweeping statements of the President's security cluster, offers on how to revive the talks also abound. The Philippine government was considering the creation of a Bangsamoro federal state for the Moro people just to give the peace talks another chance. This was rejected by the MILF leadership saying that this is again a deceptive offer from the Philippine government in which tricks could be easily seen behind it. An MILF official added that the MILF is already tired of this kind of tactics and endless manipulations. For them, the symbols are deceptive and only the content or parts of the offers can uncover their true nature (Maitem, 2008b).

Even if the MILF had rejected the offer in principle, there are reports that President Arroyo will request Congress to amend the Constitution to accommodate the creation of this proposed federal state. The government sees this move as a key step to get the peace talks back on track (PDI, 2008).

But the MILF and some critics of the Arroyo government say that this proposal is tainted because the Moro rebellion was being used to pursue campaign for Charter Change. Jesus Dureza, the Presidential Adviser on the Peace Process vehemently denied this speculation saying that the government is proposing that the subject for amendment is only the setting up of the Bangsamoro federal state. According to Dureza, this can be done by both Houses of Congress if they decide. They may convene as a constituent assembly and pass an enabling resolution specifying amendments to the Constitution that deal exclusively on the issue of Bangsamoro federal state. Malacañang also even pledges that it will not pursue the Charter Change if other issues are included (Maitem and Fernandez, 2008b).

### **Arroyo urged to try new approaches in conflict resolution**

The MILF urged President Arroyo to resolve the Mindanao problem during her term and not to pass this to her predecessor. Instead of proposing for a federal state, the MILF said that there are several approaches now in global conflict resolutions that are favorable to the MILF especially for sovereignty-based conflicts like that of Sudan, Northern Ireland, Bougainville,

Kosovo and Western Sahara. The MILF favors the kind of approaches used in the resolution of conflicts in these countries because there were international guarantees which is good for both negotiating parties (Luwaran, 2008b).

The MILF specifically described the Kosovo independence as the one that broke the unwritten rule in the United Nations (UN); that it is prohibited for geographical areas of member-states to become an independent state. This taboo has been shattered and it cannot anymore be argued by any state that secession or independence is not within the rules of the UN. Kosovo is a former province of the Republic of Serbia and Montenegro, with more than 90 percent Albanian and mostly Muslim population (GMANews.TV, 2008).

When asked if the MILF will follow the Kosovo experience, an MILF official said that based on their present negotiations with the Philippine government, the issue of independence is not included in the agenda of the peace talks. It has been known that right at the start of the peace negotiations, both the MILF and the government agreed that the former will not raise the issue of independence and the latter will not also use the Philippine Constitution as the basis of the talks (GMANews.TV, 2008).

But even without resorting to conflict resolution models used globally, an MILF official said that President Arroyo can still use some approaches to implement the peace pact. He enumerated steps which are unilateral to the Philippine government and where the MILF is not a party. But the latter would not object if the results are for the implementation of the comprehensive peace agreement. The proposed approaches are: 1) By amendment of the Philippine Constitution in respect of the agreements between parties; 2) By joint resolution of both Houses of Congress to approve the Philippine government's commitment to implement the peace agreement; 3) By recognizing the peace pact between both parties as a binding treaty and/or as an international peace agreement (Luwaran, 2008b).

### **Arroyo's sincerity and credibility put to test**

President Arroyo's commitment to help resolve the Bangsamoro problem was again put to test. In her speech during the Local Peace and Security Assembly in Tagum City, she reiterated her "2010 timeline to end armed rebellion" in Mindanao without mentioning the GRP-MILF peace process as one of the main components. An MILF official said that this gesture of President Arroyo only shows that she is not committed to solve the Bangsamoro problem through a negotiated political solution. Arroyo said that her "peace formula for Mindanao is the unique combination of soft and hard power to promote peace coupled with the increase in the military budget". For the MILF, this indicates that the GRP-MILF peace process is only a component of the government's

counter-insurgency program in the country (Luwaran, 2008c). Relatedly, the recent political scandals and bickering, and unsolved human rights violations in the country had challenged the credibility of President Arroyo and alarmed the foundation of her administration. The most highlighted was the expose of star witness Rodolfo Noel Lozada, Jr. on the huge kickbacks of COMELEC Commissioner Benjamin Abalos and First Gentleman Mike Arroyo on the National Broadband Network-ZTE deal. In view of these scandals which created political unrest in the country, an MILF official wanted to ask the Arroyo administration, "who is more divided as a nation, the Moros or the Filipinos?" For the MILF, it is their answer to government officials particularly Executive Secretary Eduardo Ermita who constantly accused the MILF as highly divided and gives the government difficulty to sign a peace agreement (Luwaran, 2008d).

An MILF official also lamented that with these scandals, 'falsehood was almost real in the Philippines in which truth is almost indistinguishable'. Liars are even awarded with praises, gifts and positions which encourage them to lie more. The accuser and the accused almost speak with the same air of confidence. This is the reason why the Bangsamoro people should be given the right to be the master of their destiny (Luwaran, 2008e).

### **Building broader peace constituencies**

In pursuing for the resumption of peace talks and in pushing for the implementation of a comprehensive peace agreement, both the MILF and the Philippine government need to rebuild a stronger and broader support coming from their respective constituencies.

On the part of the government, the sweeping statements and allegations made by members of Arroyo's cabinet are result of these officials' paradigm that a "hawkish approach and not diplomacy is the key to resolve the conflict in Mindanao". And this is where the political will of President Arroyo challenged, on how to transform these hardliners in the government to believe and participate in the GRP's ongoing negotiations with the MILF.

Aside from "hawkish" government officials, the GRP also need to encourage elite families in the country whose political clout and economic power might be threatened by any political settlement with the MILF. Among them are political leaders and groups who had economic interests in armed conflicts in Mindanao (Bacani, 2005).

The GRP should also consider getting the full support of political leaders of non-Moro dominated areas especially in Mindanao, government heads and lawmakers. There are reports before that some political leaders will agree on the implementation of a peace agreement only if it is exclusive to the Moros and the existing autonomous region; and that this

agreement will not demand any of the areas dominated by settlers. But this kind of attitude will not help resolve the Bangsamoro problem. One of the reasons for the failure of the 1996 Final Peace Agreement with the MNLF is the lack of support from non-Moro national and local leaders in the government (Bacani, 2005).

Aside from non-Moro political leaders, support from non-Moro communities must also be harnessed in Mindanao. They must become part of the solution, not just an onlooker and should not see the peace process as an exclusive issue for the Bangsamoro.

For the MILF, the need to initiate talks with the MNLF has been recognized. But also, there is a need for them to reach out to other Moro groups, Moro traditional leaders and Moro government officials who have been aligned with the Philippine government after assuming political positions through the Autonomous Region in Muslim Mindanao.

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## Peace Monitor

A monthly analyses on the updates of the peace negotiations between the GRP and the MILF. It also contains issues involving efforts of the government and the civil society towards peace and development in Mindanao.

### Alternate Forum for Research in Mindanao (AFRIM), Inc.

**Address** : Unit 1H Anda Corp. Centre,  
F. Iñigo St., Davao City  
**Phone** : (082) 226-4592  
**Fax** : (082) 226-3932  
**Email Add** : info@afrim.org.ph  
**Website** : <http://www.afrim.org.ph>