

THE MINDANAO THINK TANK

PERSPECTIVES, ISSUES, AND CONCERNS ON THE MINDANAO PEACE PROCESS

Monograph 4 of 4

A Project Supported by

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Centre for
Humanitarian
Dialogue

Mediation for peace

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I. Introduction

The Mindanao Think Tank comprises the following individuals:

*1. Hon. Linda Ampatuan
Cotabato City Councilor*

*2. Hon. Anwar Malang
Cotabato City Councilor*

*3. Mrs. Tarhata Maglangit
Executive Director of the
Bangsamoro Women's Solidarity
Forum*

*4. Mr. Rodel Manara
Chairman of the Regional
Agriculture and Fisheries Council,
Former Mayor of Cotabato City*

*5. Prof. Reydan Lacson
Director of the Notre Dame
University Peace Center*

*6. Fr. Jonathan Domingo, OMI
Chief Executive Officer of the
Mindanao Cross weekly newspaper*

*7. Ustadz Esmael Ebrahim
Director of the Halal Certification
Board*

The Mindanao Think Tank (MTT) is supported by the Centre for Humanitarian Dialogue, and is meant to contribute to addressing the need for greater engagement between and among the actors and stakeholders to the peace process in Mindanao. This helps ensure that the process is acceptable to the parties and as many of the stakeholders as possible, and that it truly addresses the relevant issues surrounding the conflict. To share the results and findings of the MTT, this series of publications was produced, and through it the HD Centre and its partner stakeholders hope that the work of the Mindanao Think Tank will be able to act both as a catalyst and a venue for greater stakeholder participation and involvement in the quest for peace in Mindanao.

Reading this Report

This 4th monograph in the series of publications from the Mindanao Think Tank puts together the different perspectives, issues, and concerns arising from the interviews, consultations, workshops and roundtable discussions of the MTT, which were not discussed in the first three monographs. These issues should undoubtedly find their place in the peace dialogue because as discovered throughout the MTT's work, they have proven to be critical in the successes and failures of the Mindanao peace process.

Just about the time that the MTT was proceeding with its work which began in June 2009, clear gains were attained in the GRP-MILF peace process. After nearly a year of intense fighting on the ground and displacement of more than 650,000 people, unilateral ceasefires were declared in June 2009 by both parties and immediately, some of the displaced were allowed to return home. From 2008 to 2009, the HD Centre worked closely with the two parties and Malaysian Third Party Facilitator in putting together the International Contact Group (ICG) as a mechanism for buttressing the peace process. In the fourth quarter of 2009 the ICG was formally established.

In December 2009, after over a year of impasse in the peace talks, the first round of the reconvened GRP-MILF formal talks took place and immediately on the agenda was the re-establishment of the International Monitoring Team, this time with a Civilian Protection Component added. Two more rounds of formal talks, and two rounds of informal talks took place just prior to the May 2010 Elections. During these talks the process tried to arrive at a comprehensive compact or final peace agreement, however the positions of the parties necessitated a longer process of dialogue and so an interim agreement was instead targeted.

An interim agreement could not be reached before the end of the term of President Gloria Macapagal Arroyo, and a Declaration of Continuity for Peace Negotiations was instead arrived at in June 2010. This came with the hope that the process will just be as vigorously pursued in the new Administration of President Benigno Simeon C. Aquino III.

An in-depth overview of the process is contained in Part II of this monograph.

It would not be fair to just gloss over the gains of the Mindanao peace process in the past two years. There have been some successes and challenges that surfaced in the course of pursuing the peace process as observed by the Mindanao Think Tank. Three members of the MTT core group: Professor Abhoud Syed Lingga, Professor Rey Dan Lacson, and Atty. Ishak Mastura, wrote about some of these challenges. In addition to this, a guest resource person of the MTT during one of its workshops and roundtable discussions, then GRP peace panel member Dr. Ronald Adamat, delivered a presentation explaining the GRP perspective of the peace negotiations during the time his panel was engaged in talks. As will be seen from the subsequent open-forum discussions, the positions of the GRP at these talks meant that much work was needed to facilitate and mediate between the parties, given their positions. These are included in Part III.

Part IV of this monograph is about the aspirations of seven major sectors consulted. The first concerns the Indigenous Peoples (IPs) and for this the result of the MILF's Moro-IP Peace Assembly are discussed. This was organized and conducted by the MILF with the active support and participation of the HD Centre and the Mindanao Think Tank. The second concerns the Local Government Units (LGUs) for which the results of the GRP's consultations with LGUs are discussed. This was also organized and conducted with the active support and participation of the HD Centre and the MTT. Sectoral Consultations were then conducted to get the views of youth, women, clergy, media, and Internally Displaced Persons, on how each of them believe the Mindanao peace process should proceed.

8. Mr. Edtami Mansayagan
Lumad Leader and Former
Commissioner of the National
Commission on Indigenous Peoples

9. Ms. Hyriah Candao
Leading member of the United Youth
for Peace and Development

10. Prof. Moner Bajunaid
Director of the MIND Center and
Commissioner of the National
Commission on Filipino Muslims

11. Mr. Guiamel Alim
Chairman of the Consortium of
Bangsamoro Civil Society and
Executive Director of Kadtuntaya
Foundation

12. Prof. Abhoud Syed Lingga
Director of the Institute of
Bangsamoro Studies

13. Atty. Ishak Mastura
Chairman of the ARMM-Board of
Investments

14. Dir. Diamadel Dumagay
Director of the Regional Planning
and Development Office-ARMM

II. The Peace Process from July 2009 to June 2010

The peace negotiations between the GRP and the MILF collapsed with the failure of the signing of the MOA-AD in August of 2008. Fortunately, in late 2009 the process resumed with renewed vigor and new mechanisms to support it.

The updates provided by this monograph look at the Mindanao peace process from 2009 to 2010 during the last months of the Arroyo administration.

In July 2009, after nearly a year of impasse in the GRP-MILF peace process, the parties under the auspices of the Malaysian third party facilitator conducted a two-day Special Meeting in Kuala Lumpur, Malaysia. Here the parties agreed on the following:

1. A mutual effort to sustain both the Government's Suspension of Military Offensives (SOMO) and the MILF's Suspension of Military Actions (SOMA);
2. Acknowledgement of the MOA-AD as an unsigned and yet initialed document, and commitment by both parties to reframe the consensus points with the end in view of moving towards the comprehensive compact to bring about a negotiated political settlement;
3. Work for a framework agreement on the establishment of a mechanism on the protection of non-combatants in armed conflict;
4. Work for a framework agreement on the establishment of an International Contact Group (ICG) composed of states and non-state organizations to accompany and mobilize international support for the peace process.

In September 2009, with the ceasefire holding, the parties again met in Kuala

Lumpur and agreed on a framework for the International Contact Group (*see Pages 1 and 2, below and opposite page*).

The ICG is a clear manifestation of the concern and support of the international community for the peace process in Mindanao. The group, which includes the Governments of Japan, the United Kingdom and Turkey, and international Non-Governmental Organizations Centre for Humanitarian Dialogue, The Asia Foundation, Conciliation Resources, and Muhamadiyah, has attended all formal and informal meetings.

FRAMEWORK AGREEMENT ON THE FORMATION OF THE INTERNATIONAL CONTACT GROUP FOR THE GRP-MILF PEACE PROCESS

The Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) (hereafter referred to as "the Parties")

Committed to ending conflict in Mindanao through peaceful negotiations;

Dedicated to the successful outcome of the GRP-MILF Peace Process;

Recognizing the role that interested countries and international non-government organizations (INGO) can play in supporting the success of the GRP-MILF peace process

hereby adopt this Framework on the Formation of the International Contact Group (ICG) for the GRP-MILF Peace Process (hereafter referred to as the "Framework"):

Section 1. Mandate of the ICG. - The ICG is ad-hoc in nature and issue-specific in its engagement consistent with an international dimension in aid of the consensus that will effectively enable them to exert proper leverage and to sustain the interest of the Parties as well as maintain a level of comfort that restores mutual trust. The ICG draws its mandate from both Negotiating Peace Panels and the Third Party Facilitation:

1.1. To implement the mutually-agreed approaches during the negotiation on a regular and consistent basis, taking into consideration the mission-specific strategies and security arrangements in cooperation with both Parties;

1.2. To determine their mode of operation, including funding, as well as the adoption of their own internal rules consistent with its mandate, function and role; and

1.3. To continue its role and function in ensuring the successful implementation of signed agreements.

Section 2. Composition. - The ICG will consist of interested countries accompanying the peace process preferably drawn from the Organization of the Islamic Conference (OIC) and the European Union (EU) as well as accredited INGO to be invited by the Parties in consultation with the Third Party Facilitator.

Section 3. Functions. - The Parties have signed this Framework to engage the function of the ICG in the context herein stated. In connection with its mandate, the ICG will perform the following functions:

3.1. To attend and observe the face-to-face negotiations upon invitation by the Parties with the concurrence of the Facilitator;

3.2. To conduct visits, exchange views, and give advice on discreet basis in coordination with the Parties and the Facilitator;

3.3. To seek out the assistance of recognized experts, resource persons or groups on specific issues in order to support the Parties; and

3.4. To meet upon request by any of the Parties at various levels to help resolve substantive issues based on agreed agenda.

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On 9 December 2009, the peace negotiating panels of the GRP and the MILF, the Malaysian third-party facilitator, and the ICG met for the **16th Exploratory Talks** (first round of the reconvened formal talks) in Kuala Lumpur. The parties agreed in earnest to begin negotiations on a comprehensive compact, and to continue creating an enabling environment for the negotiations by renewing the Terms of Reference (TOR) for the International Monitoring Team.

On 27-28 January 2010 the parties, the Malaysian facilitator and the ICG met for the **17th Exploratory Talks** (second round of the reconvened formal talks). The main objective of this meeting was to exchange draft text proposals on a comprehensive compact or final peace agreement, to review each other's texts, and to exchange views on them. The ICG helped prevent a walk-out from the talks by the MILF because of the wide gap between the drafts put forward by the two parties.

While the MILF laid-out a 40-page list of their desires and aspirations for the Bangsamoro, the 8-page GRP draft seemed confined to what could only be delivered within the remaining months of the Arroyo Administration. This included Executive 'doables', Legislative proposals, and proposals for other policy changes (*a presentation on this was delivered by then GRP peace panel member, Dr. Ronald Adamat, see Annex of publication monograph number 3 entitled, "The Mindanao Think Tank - Strengthening the Peace Process by Facilitating Dialogue with Stakeholders"*). The MILF saw this as renegeing on previous understandings on what the peace talks should cover. Shuttle diplomacy and proximity talks persuaded the parties to return to their principals for further study of the two drafts.

A more positive outcome of these talks was the parties' announcement of the deployment of the International Monitoring Team in February, and the formal establishment of its Civilian Protection Component.

Section 4. Participation of the OIC, EU and Eminent Persons. - The ICG shall invite and engage the OIC, the EU and eminent persons to participate in its activities.

Section 5. Participation of INGO. - Mindful of the interests of the stakeholders to benefit from and expect significant peace dividends from the ICG mission, the Parties will designate INGO that will be accredited along with their named local NGO partners. In relation to the functions of the ICG, the INGO will perform the following roles:

- 5.1. To engage and act as a bridge between the Parties, ICG, Facilitator and their local partners and civil society in support of the peace process;
- 5.2. To exchange views, provide research inputs, give feedback and advice to the Parties in coordination with the Facilitator; and
- 5.3. To establish communication channels in furtherance of peace process advocacy.

Section 6. Relationship with the Facilitator. - The ICG shall coordinate and work closely with the Facilitator. The coordination between the ICG and the Facilitator will be carried out by the representative designated by the former.

Section 7. Confidentiality. - All information, data or opinion generated or exchanged in connection with the work of the ICG shall be strictly privileged and confidential.

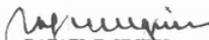
Section 8. Safety and Security Guarantees. - The Parties hereby agree to extend the applicability of the GRP-MILF Agreement on Safety and Security Guarantees dated March 9, 2000 to the ICG herein set up.

Section 9. Special Provision. - This Framework shall be subject to revision upon signing of the Comprehensive Compact to extend the function and role of the ICG in the implementation phase.

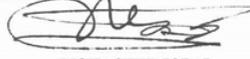
Section 10. Effectivity. - This Framework shall come into force on the date of its signature.

Done this 15th of September 2009 in Kuala Lumpur, Malaysia.

FOR THE GRP:


RAFAEL E. SEGUIS
GRP Panel Chairman

FOR THE MILF:


MOHAGHER IQBAL
MILF Panel Chairman

SIGNED IN THE PRESENCE OF:


DATUK OTHMAN BIN ABDUL RAZAK
Malaysian Government Facilitator

In February 2010 the Malaysian facilitator and the ICG held bilateral informal meetings with the parties to get more clarity on their positions and identify how to move forward with the drafts. A 'Q & A' (Question and Answer) session was organized for March between the parties to clarify their positions. At the meeting, most questions centered on whether the MILF proposal could be carried out by the Executive branch of the government. The MILF argued that the Executive could and should, but were open to amendments. The MILF also focused on 'pre-interim' parts of their proposal as the most 'doable'. It was a helpful exchange and the GRP prepared a counter proposal.

Between March and late April, the ICG again held informal meetings with the parties to discuss new drafts on interim agreements. On 21 April 2010 the parties, the facilitator and the ICG met for the **18th Exploratory Talks**. The parties first looked into the return of remaining IDPs, finalized the TOR for the Civilian Protection Component, and developed guidelines on the clearing of landmines and unexploded ordnance. They also expressed support for the Bangsamoro Leadership and Management Institute and reviewed the Coordinating Committees on the Cessation of Hostilities and the Ad Hoc Joint Action Group.

Although the parties failed to find common ground on an interim agreement, they agreed to revive talks before the elections.

The ICG wanted to ensure a soft landing to the peace process and a smooth take off for the next administration. During preparatory meetings with the GRP prior to those talks, the GRP was very clear on their desire to achieve at least a joint statement before the end of President Arroyo's term, and requested the ICG's assistance to encourage the MILF and the Malaysian Facilitator to achieve this.

Unfortunately, during the talks on 5 May the GRP was unable to sign a Joint Statement without first consulting with stakeholders. Those talks ended without any signing as it appeared the talks would not resume until a new administration came into office. The parties were resigned to the fact that there was nothing in place to preserve the gains of the peace process and ensure a soft landing into the next administration.

This would change in June when the parties would surprisingly meet. This time a Declaration for Continuity of Peace Negotiations between the GRP and MILF would be signed (*see Pages 1 and 2, on this page and opposite page*).

Observers saw this last minute effort by the GRP Panel as reflective of outgoing President Arroyo's desire to achieve something before she left office. The ICG questioned the timing, and the fact that it could have complicated the peace process with the new administration as it simply appeared to be a midnight deal with a lame duck administration.

Today, under the new Aquino Administration, the process is just about to restart. The previous GRP peace panel headed by Foreign Affairs Undersecretary, Ambassador Rafael Seguis, has been dissolved and in his place University of the Philippines College of Law Dean, Attorney Marvic Leonen has been appointed. As of the moment, joining Chairman Leonen in the peace panel are University of the Philippines Professor Miriam Coronel Ferrer, former Agriculture Secretary Senen Bacani and former three-term Mayor, and now Vice Mayor of North Upi, Maguindanao, Ramon Piang Sr.

IN THE NAME OF GOD
THE BENEFICENT, THE MERCIFUL

DECLARATION OF CONTINUITY FOR PEACE NEGOTIATION BETWEEN THE
GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE MORO ISLAMIC
LIBERATION FRONT

The Government of the Republic of the Philippines and the Moro Islamic Liberation Front (hereafter "the Parties") through their respective negotiating panels having resumed Peace Talks under the facilitation of Malaysian Third Party Facilitator in Kuala Lumpur, Malaysia, have decided to embody the results of their work in an instrument:

The Parties met under an atmosphere of cordiality and candor, determined to continue engaging with each other in the GRP-MILF Peace Process until they finally conclude and reach a comprehensive compact;

The Parties took note of the agreements on the Terms of Reference of the Civilian Protection Component of the IMT and the Implementing Guidelines of the project on the clearing of landmines and unexploded ordnance signed on the 5th of May as part of the overall gains since 1997 related to their determination to build on previous achievements and intended to move the GRP-MILF Peace Process forward into the next steps to bring about a political settlement;

The Parties welcomed the participation of the European Union (EU) as the Coordinator of the Humanitarian, Rehabilitation and Development Component of the IMT and accepted the guidelines proposed by the EU. The Parties also welcomed the participation of Norway in the IMT Security Component.

The Parties discussed points of consensus on an Interim Agreement with a view of moving towards the Comprehensive Compact to bring a negotiated political settlement. The Parties considered the following:

- New formulas that permanently respond to the legitimate aspirations of the Bangsamoro people for just peace, freedom founded on parity of esteem, equal treatment for their identity, ethos, and rights and for the Bangsamoro as a whole to exercise self-governance on the basis of consent in accordance to an agreed framework which shall be negotiated and adopted by the Parties;
- In good faith, building on prior consensus points achieved, these negotiations and their results will proceed on the basis of consent and courses of action free of any imposition in order to provide the parties definitive commitment to their success for peace settlement;
- The ultimate goals of the talks is to consider new modalities to end the armed hostilities with responsibility to protect and for human security, in addition to resolve the legitimate grievances and claims for the people of Moro ancestry and origin;

Much is expected of these individuals. Chairman Leonen has been a regular speaker at various fora on the Mindanao peace process where his liberal positions on the Constitution have been welcomed by those who believe that Philippine Laws should adjust alongside the changes of an evolving and dynamic multi-ethnic state such as the Philippine Republic. Professor Ferrer has also been constantly present in gatherings discussing issues of peace and conflict in Mindanao, and is one of its leading scholars. Former Secretary Bacani is engaged in big businesses in Mindanao, in particular the ARMM where he co-established and now heads a big banana plantation in Datu Paglas, Maguindanao that has benefitted many former rebel combatants who have opted to return to the mainstream. This has lead to the transformation of the municipality from a conflict area to a progressive and peaceful community. Ramon Piang Sr is among the most admired and respected Local Government officials today. He is credited for the progress and development, and peace and order in his municipality of North Upi, Maguindanao.

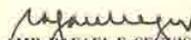
- In reframing the consensus points on Ancestral Domain, respect the existing property and community rights taking into account in particular the rights of indigenous people in accordance with the UN Declaration on the Rights of Indigenous Peoples;
- As a general principle indigenous peoples who originally inhabit particular constituent units shall receive protection and enjoy equal rights similar to those enjoyed by the Moro's taking into account in addition to economic and geographical criteria, their individual and communal property rights, cultural integrity, customary beliefs, historical and community traditions;
- Agreed upon texts and signed instruments on the cessation of hostilities and security arrangements guidelines and development initiatives and rehabilitation guidelines to be subsequently incorporated in a comprehensive text of the compact agreement.

Both Parties acknowledge the important contribution of the international community through the Malaysian Facilitator acting impartially together with the International Contact Group, the International Monitoring Team and its Civilian Protection Component.

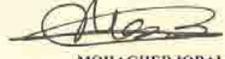
The Parties expressed their gratitude to President Gloria Macapagal-Arroyo and to Malaysian Prime Minister Dato' Sri Mohd. Najib bin Tun Haji Abdul Razak for their generous and steadfast support and assistance to the pursuit of these goals.

Done this 3rd day of June 2010 in Kuala Lumpur, Malaysia.

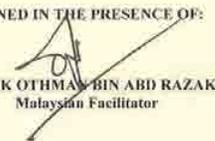
FOR THE GRP:


MR. RAFAEL E. SEGUIS
GRP Panel Chairman

FOR THE MILF:


MOHAGHER IQBAL
MILF Panel Chairman

SIGNED IN THE PRESENCE OF:


DATUK OTHMAN BIN ABD RAZAK
Malaysian Facilitator

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Heading the Office of the Presidential Adviser on the Peace Process (OPAPP) which assists the GRP panel and coordinates Government's peace efforts, is the returning PAPP, Secretary Teresita Quintos-Deles. Seeing the possible fall-out of the last-minute developments from the previous administration, the HD Centre and the ICG have conferred with Secretary Deles. Fortunately, her deep knowledge of the peace process in Mindanao and her civil society background led her to thoroughly understand and grasp the issues surrounding the GRP-MILF process. OPAPP and the GRP panel are currently reviewing all of the previous meetings and agreements entered-into by the parties, working on its gains, ahead of talks after the Ramadan month of 2010.

The GRP-MNLF Peace Process

In addition to the GRP-MILF process, the Mindanao peace process must also take into consideration the further implementation of the 1996 Peace Agreement between the

GRP and the MNLF, since the MNLF is still a concern. Moreover, since the ARMM was expanded through Republic Act 9054 in response to the 1996 Agreement, the success of the autonomy experience today will be a major factor in the acceptability and 'implementability' of any future GRP-MILF comprehensive compact.

The GRP-MNLF-OIC tripartite process reviewing the implementation of the 1996 Agreement had developments in the past year, more significantly in the last few months. In April, the parties signed a Memorandum of Understanding (MOU) that calls for its transformation into a legal form of common proposals on amendments to R.A. 9054 adopted by the parties' joint legal panels. These would be submitted to the President for referral to the Philippine Congress.

The MOU also calls for the setting up of a new development body and securing additional development funds for Mindanao from the OIC and OIC member countries.

Finally, the MOU calls for the establishment of a tripartite implementation and monitoring mechanism. The signing ceremony for this MOU took place on 20 April 2010 in Tripoli.

By the end of May 2010 the parties traveled to Surabaya to follow up on the MOU. Both parties discussed the Bangsamoro Development Fund (BDF) and the creation of local monitoring operations in one of the Bangsamoro's most troublesome areas, Sulu Province. Some progress was made on the BDF but the MNLF insistence on a role for the OIC Secretariat in the monitoring body was not approved. The meeting was also plagued by continued divisions within the MNLF.

Some observers argue that these developments muddle the GRP-MILF peace process, resulting more in negative impact than positive for the overall attainment of peace in Mindanao. It will be interesting to see how the parties in both processes deal with the simultaneous processes. Hopefully some progress on this can come out of the OIC ICFM meeting in Dushanbe where MILF Chairman Al Haj Murad and MNLF Chairman Nur Misuari agreed to put together a coordination plan.

III. Perspectives on the Peace Process in Mindanao

A. Reasons Behind the Non-Signing of the MOA-AD

By Professor Abhoud Syed Lingga

B. Thoughts on Spoilers of Peace and Post MOA-AD Discourse

By Professor Reydan Lacson

C. Whatever Happened to the Mindanao Peace Process?

By Atty. Ishak V. Mastura

A. Reasons Behind the Non-Signing of the MOA-AD

By Professor Abhoud Syed Lingga

Background: The GRP-MILF Negotiations

After Chairman Nur Misuari of the Moro National Liberation Front (MNLF) acceded to the wishes of the Organization of Islamic Conference (OIC) to drop the front's bid for independence and instead settle for autonomy, a faction led by then Vice Chairman Salamat Hashim broke away from the MNLF in 1977 and formed the Moro Islamic Liberation Front (MILF) to continue the struggle to regain Bangsamoro freedom and independence. The MILF organized its own political machinery and armed forces separate from the MNLF.

Although the MILF was as strong a force as the MNLF, the national government confined negotiations with the MNLF until a peace accord was signed in 1996. Peace overtures with the MILF were limited to informal contacts. This was because the MNLF was the signatory to the Tripoli Agreement of 1976, not the MILF. In addition, the OIC recognized the MNLF as the sole representative organization of the Muslims in southern Philippines. For its part, the MILF did not want to complicate the GRP-MNLF peace talks. MILF chairman Salamat Hashim said: "The MILF is maintaining a consistent policy towards 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 GRP was certain that a final agreement with the MNLF would be reached, it contacted the MILF. On August 3, 1996, Executive Secretary Ruben Torres met MILF vice chairman for political affairs Ghazali Jaafar in Davao City and relayed the desire of the Philippine government to enter into formal negotiations with the MILF. Vice Chairman Jaafar and Secretary Torres met again on September 9-10 at Cagayan de Oro City to discuss the cessation of hostilities and the creation by both parties of their respective technical committees, which would draw the talking points and the guidelines of the proposed ceasefire. After exchanges of communications, the technical committees of both parties were organized. The GRP and MILF technical committees

met on January 7, 1997. This meeting marked the beginning of the official negotiations between the two parties.

But before the second meeting was convened, armed confrontations between the two protagonists erupted in Buldon, Maguindanao from January 16 to 27, 1997, when the AFP attempted to intrude into what the MILF claimed as the perimeter defense of Camp Abubakar. To prevent the fighting from spilling over to other areas, the GRP-MILF Technical Committees on Cessation of Hostilities met on January 27 and signed an agreement for an interim cessation of hostilities in Buldon. On June 17, 1997 the AFP launched massive military operations in Pagalungan, Sultan sa Barongis and Pikit. Consequently, the MILF refused to return to the negotiation table until the situation in the area normalized.

The worsening situation prompted Vice Chairman Jaafar and Secretary Torres with their respective parties to meet in Cagayan de Oro City on July 17-18, 1997. At the end of that meeting, an agreement for general cessation of hostilities was signed. The two parties agreed, among others, "to commit the armed forces of the GRP and MILF to a General Cessation of Hostilities." On the same day, another agreement was signed, which provided that the Armed Forces of the Philippines would withdraw from Rajahmuda in Pikit on July 23 and the MILF committed not to reoccupy the area in order to normalize the situation. Upon the request of the government, the second agreement was not released to the media.

Subsequent meetings of the GRP-MILF Technical Committees were focused on the cessation of hostilities. Agreements were mainly on the operational guidelines of the general cessation of hostilities, administrative procedures, monitoring mechanism and identification and acknowledgment of MILF positions/camps.

After the assumption of President Joseph E. Estrada to office, an agreement was signed on August 27, 1998 that reiterated the commitment of both parties to pursue peace negotiations, to implement the joint agreements/arrangements previously signed, and to protect and respect human rights.

On the identification and acknowledgment of MILF positions/camps, out of 46 major and satellite camps submitted by the MILF for recognition, only Camp Abubakar as-Sidique, Camp Bushra, Camp Darapanan, Camp Omar, Camp Badre, Camp Rajahmuda and Camp Bilal were acknowledged. The other 39 camps were scheduled for verification and acknowledgment before the end of December 1999.

After twenty months of negotiations at the level of technical committees, the formal negotiations on the panel level was inaugurated on October 25, 1999. Then on December 17, 1999, both peace panels met and agreed on the rules and procedures on the conduct of the formal peace talks. Substantive issues were tabled for discussion, but these were not tackled seriously because of reported ceasefire violations in Maguindanao, Cotabato, Sultan Kudarat and Lanao del Norte Provinces.

The peace panels met on April 27, 2000 in Cotabato City and before midnight signed an Aide Memoire enumerating what steps they would take to defuse the tensions, but at dawn the AFP launched an attack against Camp Abubakar, marking the start of the Philippine government's all-out war against the MILF.

In response to the call of civil society to save the peace process, a meeting between the two peace panels took place on June 1, 2000, but no agreement was reached. After the meeting of the Technical Committees on June 15, 2000, the MILF central committee decided to withdraw from the talks and disbanded its negotiating panel.

After President Gloria Macapagal-Arroyo assumed office in 2001, she sought the assistance of Malaysian Prime Minister Mahathir Mohammad and Indonesian President Abdul Rahman Wahid to 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 Camp Rajahmuda, Salamat agreed to resume talks with the government. He sent his top deputy Al-Haj Murad Ebrahim, the MILF Vice Chairman for Military Affairs and Chief of Staff of the Bangsamoro Islamic Armed Forces (BIAF) to Kuala Lumpur to meet the Philippine Presidential Adviser on the Peace Process Eduardo Ermita. The meeting was kept secret, with even Presidential Assistant for Mindanao Jesus Dureza, the chairman of the new Philippine peace panel, not informed. On March 24, 2001 Murad and Ermita signed an agreement for the resumption of the talks.

The Murad-Ermita agreement provided for the resumption of the peace negotiations and stated that the peace process would "continue the same from where it had stopped before April 27, 2000 until the parties shall have reached a negotiated political settlement of the Bangsamoro problem."

It also made a commitment "to honor, respect and implement all past agreements and other supplementary agreements signed by them." Both parties agreed to undertake "relief and rehabilitation measures for evacuees, and joint development projects in the conflict-affected areas."

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 Moro Islamic Liberation Front, otherwise known as the Tripoli Agreement on Peace of 2001.

The agreement called for discussion of three issues: (1) security (ceasefire); (2) rehabilitation and development of conflict-affected areas; and (3) ancestral domain. The agreement recognized the distinct identity of the Bangsamoro as a people occupying a definite territory, which is 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 people to determine their future and political status, in effect acknowledging that the problem is political in nature and needs a comprehensive, just and lasting political settlement through negotiations. The agreement also acknowledged that negotiations and a peaceful resolution of the conflict should involve consultations with the Bangsamoro people, free of any imposition. It called for evacuees to be awarded reparation for their properties lost or destroyed by reason of the conflict. While previous agreements do not mention the participation of the OIC, this time the MILF and the GRP wanted it to act as observer and to monitor implementation of all agreements, not just the ceasefire agreement.

The second round of the resumed talks in Kuala Lumpur focused on the implementing guidelines of the ceasefire. At the end of the meeting, agreement on the Implementing Guidelines on the Security Aspect of the GRP-MILF Tripoli Agreement of Peace of 2001 was signed on August 7, 2001 at Putrajaya, Malaysia.

The third round was supposed to tackle the issue of the rehabilitation of evacuees and development of conflict-affected areas, but the two panels could not agree on details. To avert a breakdown of the negotiations, the GRP panel presented the Manual of Instruction for the Coordinating Committees on the Cessation of Hostilities (CCCH) and Local Monitoring Teams (LMT) for consideration. The contents of the manual were culled from provisions of previous agreements. It was signed on October 18, 2001 at Mines Resort, Selangor, Malaysia.

Then the talks were suspended. Malacañang announced the negotiations would still continue through back channels with Secretary Norberto Gonzales, the Presidential Assistant on Special Concerns, representing the government. After months of back channel contacts the talks resumed on May 7, 2002 in Putrajaya, Malaysia. Instead of the Dureza panel representing the government, Secretary Norberto Gonzales and Secretary Eduardo Ermita went to Kuala Lumpur to talk to the MILF. They signed the version of the agreement that Secretary Dureza had declined to sign.

The agreement reached by the two parties provided for the respect of human rights and observance of international humanitarian laws. It authorized the MILF to determine, lead and manage rehabilitation and development projects through a project implementing body that it would organize. The agreement also provided that the GRP should award reparation for the properties lost or destroyed by reasons of the conflict. A day before, a joint communiqué was signed that provided for the establishment of GRP-MILF Ad Hoc Joint Action Group against criminal elements.

But the peace talks were discontinued once again after government forces attacked the MILF positions in Pikit and Pagalungan on February 11, 2003, at a time the Muslims were celebrating 'id el adha (feast of sacrifice). The pullout of the MILF from the negotiations resulted in the suspension of the negotiations. To keep contact between the two parties and continue discussions on pending issues, the Malaysian facilitator introduced a creative approach called exploratory talks. Initially it was designed as informal discussions involving a few representatives of both panels for the purpose of exploring ways to resume negotiations, but later whole panels and technical working groups of both parties participated in discussing substantive issues. The first exploratory talks were held on March 27-28, 2003 in Kuala Lumpur.

To sustain the ceasefire between the forces of the Philippine Government and the MILF, the International Monitoring Team (IMT) composed of contingents from Malaysia, Brunei and Libya was deployed starting October 10, 2004. On July 23, 2006 Japan joined the IMT in monitoring socio-economic aspects of the GRP-MILF agreements. The IMT works in tandem with the GRP and MILF Coordinating Committees on Cessation of Hostilities (CCCH).

The issue of ancestral domain, which was divided into four strands – concept, territory, resources and governance – has been tackled in the exploratory talks.

Concept, territory and resources were discussed during the 7th exploratory talks (April 18-20, 2005), and the issue of governance during the 8th exploratory talks (September 15-16, 2005). A consensus on the four strands, which will form the framework within which the panels would be crafting the memorandum of agreement on ancestral domain, was reached.

The consensus points include the “entrenchment of the Bangsamoro homeland as a territorial space aims to secure the identity and posterity of the Bangsamoro people, protect their proprietary rights and resources and establish a system of governance suitable and acceptable as a distinct and dominant people.” The birthright of the Bangsamoro people to identify themselves as Bangsamoro was recognized, however, non-Muslim indigenous tribes were given free choice to be part of the Bangsamoro entity or not. Both parties agreed on ARMM as part of the core of the Bangsamoro homeland and inclusion of other areas to be discussed later. There was also agreement on the establishment of a constitutional commission to write the organic charter of the Bangsamoro juridical entity. The consensus points also include empowering the Bangsamoro juridical entity to legislate, administer and allocate revenues, and to establish government institutions with defined executive, legislative and judicial powers and functions. To determine future political status of the Bangsamoro people, the GRP and MILF agreed on popular consultation leading to a referendum. The details of this modality shall be contained in future agreement.

The snag during the 13th exploratory talks (September 6-7, 2006) was on the delimitation and delineation of territory. The two parties could not agree on the extent of territory of the proposed Bangsamoro Juridical Entity (BJE) and on the matter of constitutional process.

To break the impasse, the GRP offered the MILF recognition of the Bangsamoro right to self-determination and the conduct of referendum to provide the Bangsamoro people the opportunity to determine their political status. Secretary Silvestre C. Afable, Jr., Chairman of the Government Peace Negotiating Panel in the talks with the MILF, wrote on November 9, 2006 Mohagher Iqbal, Chairman of the MILF Peace Negotiating Panel which stated that the GRP would like to explore with the MILF “the grant of self-determination and self-rule to the Bangsamoro people based on an Organic Charter to be drafted by representatives of the Bangsamoro people.” In Tokyo in May 2007, he reiterated the Philippine government position: “On the negotiating table, we have offered a political settlement based on self-determination that strives to unify the Bangsamoro people rather than divide them, for them to finally live in a homeland rather than a rented territory paid for in blood and suffering. We are crossing bridges of understanding that others have never ventured to do in the past.”

To keep the talks moving while the GRP did “due diligence” studies, the Malaysian facilitator continued shuttle diplomacy between Manila and the MILF Camp Darapanan. Through the efforts of the facilitator the two negotiating panels were able to hammer a compromise and initialed the final draft of the Memorandum of Agreement on Ancestral Domain (MOA-AD) in July 2008. The signing of the agreement was scheduled on August 5, 2008 but a day before the signing the Supreme Court issued a temporary restraining order (TRO) directing the GRP peace panel to cease and desist from signing the MOA-AD. Subsequently, the Supreme Court declared the initialed MOA-AD as “CONTRARY TO LAW AND THE CONSTITUTION” on October 14, 2008.

With the Supreme Court decision, the MOA-AD could no longer be used, as far as government is concerned, as basis of resolving the problematic relationship between the government and the Bangsamoro people.

The MOA-AD Debacle

The MOA-AD is supposed to be the framework in crafting the comprehensive compact that will define the relationship between the Bangsamoro people and the central government. Since it is just a framework many issues remain vague because the details will be spelled out in the comprehensive compact.

What led to its non-signing are confluence of factors. One, there are issues which are conveniently used by the opposition to the MOA-AD. Two, there are fears of some sectors that made them reluctant to support the MOA-AD. And third, fear of government that the Bangsamoro people will secede.

1. The issue initially raised was that of lack of consultation. The complaint comes from government constituents. In fairness to government, there were dialogues and consultations made but probably there were not enough.

The expansion of the area of the Autonomous Region in Muslim Mindanao as the core area of the proposed BJE was also questioned. Although this would be through a plebiscite but the opposition manipulated information on category A and category B of the proposed area of the BJE that led to confusion.

The interest of Indigenous People (IP) was also raised as an issue. The MOA-AD was categorical that the IP have the right of choice. This is a valid issue but it should not be limited within the proposed area of the BJE because only a small fraction of the whole population of IPs in Mindanao will be under the BJE. The discussion on their interest shall be focused more on the central government policies and programs to protect and promote the interest of the IPs because more than three fourths of them are under the rule of the central government.

2. There are sectoral groups in Mindanao that because of their fears opposed the MOA-AD and others became reluctant to support it. There are also groups because of their interest openly challenged the MOA-AD. Some of these groups are:

- **The politicians** - Generally political leaders in Mindanao are not against the MOA-AD. The general attitude is they are not openly against but they are not openly supportive.
- **The migrants** - The migrant communities were afraid of losing their lands. Those who acquired their lands through fraud are more fearful, and openly against the MOA-AD. The few who were openly against have either political or economic interests. A couple of these local leaders use the MOA-AD as election issues to generate support from Christian constituencies.
- **Landlords** - Landlords are fearful of the future of their landholdings. The MOA-AD is not clear of any guarantee that there will be no confiscation of lands.
- **Business groups** - The concern of the business sector is on the uncertainty of investment opportunities in the proposed BJE. Those who have business interests in the proposed BJE are worried over their businesses.
- **Military** - The military is supportive of the peace process but it expects the negotiations to “put a stop to the armed conflict in Mindanao.” That is why the military wants a DDR provision in a GRP-MILF comprehensive compact. In the negotiations between the GRP and the MILF the military deems three areas non-negotiable, defense, foreign affairs, and currency. The think tank of the Armed Forces of the Philippines is opened to adjustments on powers and rights that maybe given to the Bangsamoro entity. “... the government has enough elbowroom for adjustments on all other powers and rights it deems appropriate for Muslim Mindanao to achieve full autonomy as long as defense, currency, and foreign affairs remain exclusively with the national government.”
- **Church** - The Catholic Church reaction to the MOA-AD was varied. There are bishops who were sympathetic but there were also bishops who were openly against. There is no united stand of the Church on the issue. On the parish level, the parish priest is greatly influenced by the attitude of the parishioners.

What led to the non-signing of the MOA-AD:

1. Issues conveniently used by the opposition to the MOA-AD

2. Fears of some sectors that made them reluctant to support the MOA-AD

3. Fear of government that the Bangsamoro people will secede

The Supreme Court intervention was a last resort attempt after the GRP peace panel failed to get written commitment from the MILF to abandon independence as an option ... The MILF argued that it was not necessary because nothing in any of its proposals call for the establishment of an independent Bangsamoro state.

3. Fear of the Government

The failure of government to allay the fears of interest groups was because government had its own fear of the MOA-AD. The fear is giving an opening for the Bangsamoro people to separate from the Philippines.

Although what was contemplated in an associative relationship between the proposed Bangsamoro Juridical Entity and the central government is not an independent Bangsamoro state, the Supreme Court declared the concept as unconstitutional because the “concept presupposes that the associated entity is a state and implies that the same is on its way to independence.”

Ismael G. Khan Jr., the past spokesman of the Supreme Court, explaining why the Supreme Court had to issue the temporary restraining order, said: “Viewed against the backdrop of contemporary political events around the world, there is little question that had the Supreme Court not issued its TRO when it did, an inexorable chain of events would have been set in motion culminating in the secession of the Bangsamoro Juridical Entity from the Republic of the Philippines.”

Khan elaborated further that fear in the following words:

The GRP negotiators’ gratuitous description of the Bangsamoro as the “First Nation” with “a defined territory and with a system of government having entered into treaties of amity and commerce with foreign nations” would have had the effect of making it difficult for other countries, especially unfriendly ones, not to recognize it as an independent state once the MILF intensified its war of “liberation” against a “central government” that had, in the first place, already declared that its relationship with the BJE “shall be associative, and characterized by shared authority and responsibility.”

The Supreme Court intervention was a last resort attempt after the GRP peace panel failed to get written commitment from the MILF to abandon independence as an option. Sometime in December 2007, the GRP peace panel proposed a provision in the agreement that the MILF will not pursue independence. If the commitment will not be part of any agreement it can be a separate document that can be kept secret. The MILF argued that it was not necessary because nothing in any of its proposals call for the establishment of an independent Bangsamoro state.

The Supreme Court decision is an attempt to prevent the government to make any concession with the Bangsamoro people that the latter can use to pursue further their struggle for liberation. That is why in the post MOA-AD formulations of the GRP peace panel the Supreme Court decision is always invoked.

Conclusion and Recommendations

The oppositionists to the MOA-AD were government constituents. The failure of government to bring them on board the MOA-AD was because government has its own fear of the MOA-AD. The government has to overcome its own fears that the Bangsamoro people will secede. If the Bangsamoro people are given the opportunity to exercise their fundamental right to determine their political status, and their welfare and security are guaranteed, the option for separation will be closed. The experience with the 1976 Tripoli Agreement and 1996 peace accord is instructive that to water down the expression of their right to self-determination will not stop the Bangsamoro in their quest for freedom and justice.

With the Supreme Court decision on the MOA-AD it is now difficult, if not impossible, to resolve the problematic relationship between the Bangsamoro people and the Philippine government. To resolve the problem other than the independence option is to redefine the relationship between the Bangsamoro and the central government but any political arrangement outside the autonomy defined in the constitution is not possible.

The way forward is to amend the constitution and introduce provisions that will allow for a power sharing arrangement between the Bangsamoro entity and the central government as contemplated in the MOA-AD. To allay fears of those who are against constitutional change amendments, it should be done only on specific provisions, or append the agreement between the GRP and MILF as an appendage to the constitution.

It will be helpful for the government and the MILF to engage the public in a discourse on issues being discussed in the negotiations. The government and the MILF have to dialogue with their respective constituencies from time to time. These processes will certainly be helpful in educating the public on the issues of the negotiations.

The way forward is to amend the constitution and introduce provisions that will allow for a power sharing arrangement between the Bangsamoro entity and the central government as contemplated in the MOA-AD.

B. Thoughts on Spoilers of Peace and Post MOA-AD Discourse

By Professor Reydan Lacson

In a more general sense, the label (on those accused of spoiling what could have been the pivotal juncture to the GRP-MILF peace overture) packs a resounding accusation pointing to the spoilers as anti-peace.

What developed into segments of explosive armed confrontations between the government army and the MILF forces in 2008 – 2009, has now come down in the discursive evolution of side talks as the “MOA-AD debacle”. While this thesis cries for clearer exposition of numerous assumptions; material space may not allow us liberty for such, as of the moment. Given the limitation, import of the discussion herein presented, rather privileges the development of the discourse engendered by the MOA-AD – being itself the parent discourse. Analyses have been drawn already from the various theoretical angles and projections towards which worriers of peace fixed their attention and curiosities. Here’s one to add in the cocktail of ideas.

Genealogy of “Spoilers of Peace”

Among other things, the “MOA-AD debacle” also engendered the unique and specific birthing of the “spoilers of peace” discourse within the conceptual province of the peace process where it grew out of a generic label into the breathing and living utterance in the day-to-day MOA-AD mother discourse. It includes the MOA being vaunted as a landmark peace component and crowning jewel to the 11 years of painstaking peace negotiations between the government and the MILF. There are actually two assertive positionalities which heuristically constitute it as a lively knowledge package. On the one side, it started as a label to mark those who have been known to vehemently oppose the signing of the MOA-AD as anti-peace. On the other, the discourse was also the starting point to deliberately mark the position of those who supported the MOA-AD as pro-peace.

In the beginning, what initially came out as a general description referring to those faceless groups and individuals who harbor deep-seated opposition to the peace process, later anthropomorphized into real persons who go by the names of Ermita, Puno, Gonzales, Drilon, Roxas, Piñol, Lobregat, and Cruz - the outspoken and outright antagonists to the signing of the document.

Specifically Piñol and cohorts were accused of spoiling the peace process for filing a cease-and-desist petition with the Supreme Court thereby stopping the signing in the nick of time. He is accused of spoiling what could have been the pivotal juncture to the long-playing GRP-MILF peace overture.

In a more general sense, the label packs a resounding accusation pointing to the spoilers as the anti-peace. Over time, the term became a byword in roundtable discussions, seminars, consultation meetings, focus group discussions, radio programs, and including the ubiquitous chat rooms of the internet social networks. Having gained a life of its own, the label eventually installed upon those unhallowed countenances the aura of the infamous spoilers of peace.

On the other side of the contest, those who have been initially labeled as spoilers of peace instantaneously threw back the same label to their accusers. The reaction appeared as a natural reflex to equally flaunt their positionality as the real pro-peace sector; back-to-back the position of the MOA-AD advocates. First, they alleged deception and treachery in the process leading to the crafting and initialing of the document citing its lack of transparency and consultation among communities who would be directly affected by the agreement. Further, they accused the MILF of failing to control and prevent its men and rogue members from attacking innocent civilians. Piñol's radio programs and provincial website bear telltale media dispatches and broadcasts pointing to a lack of a fair evaluation and judgment of the real issues among the proponents of the MOA-AD. He reacted sternly to the inclusion of several towns and barangays of North Cotabato to the proposed Bangsamoro Juridical Entity (BJE) despite these being not part of the ARMM and not Muslim dominated localities. On these accounts, he therefore charged the MOA-AD supporters as anti-peace. Viewed from a distance, these declarations constituted the mounting countervailing drive to propel their side of the discourse towards the position of power and prominence. As a result, the emergent issue hinged for a while around the question of who were on the pro-peace side and who were otherwise.

Let us take note with prudence and resilient sense of intellectual balance, of the fact that each of the generators of the label is positioned on one side in the pro-MOA and anti-MOA debate. Despite their antagonisms, both the label-er and the labeled are participants and performers in the lively, albeit conflictual, concert sustaining the performance of the “spoilers of peace” discourse. Nonetheless, there appears a conceptual agreement on both sides in terms of meaning and understanding of the “spoilers of peace” - i.e. groups and or influential politicians, traditional political actors, armed groups (lawless or legitimate), and significant interest groups who mustered all available means - foul or fair - at their disposal to scuttle the processes for a peaceful and just resolution of pertinent issues of Mindanao. The MOA-AD debacle which resulted in further polarization of communities, among others, serves the functional stage where each camp accuses and smears each other with the “spoilers of peace” smudges.

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... Further, they accused the MILF of failing to control and prevent its men and rogue members from attacking innocent civilians.

There appeared two tracks of dissenting voices as regards the community consultations.

... On the one hand, the anti-MOA-AD groups alleged that the organizers simply wanted to fill the consultations gap stated in the TRO.

... Another dissenting voice declared that the community consultations were part of the government's design for constructing people's consent to its proposal in the formal talks.

Voices of Dissent to Community Consultations

A series of massive community consultations were undertaken after the MOA-AD debacle. Specifically, these took the form of ostentatious conducts of hundreds of Focus Group Discussions (FGD) by parties to the peace negotiations. The various community consultations and the differing dent on issues crafted by each party is one large module of the MOA-AD discourse – or at least, the explanations about which the same consultations were advertised and launched. The community consultations were undertaken with clear objectives:

Konsult Mindanaw:

1. Expand the constituency of peace, to reach the grassroots communities and the diverse sectors of Mindanao society;
2. Draw out a vision of peace in Mindanao and enkindle personal commitment to its realization;
3. Generate new ideas on the peace talks and other initiatives toward a meaningful peace in Mindanao;
4. Learn more lessons that can enrich continuing peace education and communication.

Dialogue Mindanaw:

1. Engage the people at all levels by informing them about the issues being discussed in the GRP-MILF peace talks and by securing their honest feedback on the issues
2. Create a space where people can express their sentiments on the issues
3. Create interest and participation in the ongoing GRP-MILF Peace Talks

On the first instance, those set of objectives imply massive efforts to encourage comprehensive participation of people and to generate a broad range of peace issues on Mindanao. However, an observation during the actual conducts of FGD points to the general tendency of participants to put more weight on the Moro issue, despite the wide array of discussion points presented through the guide questions. It is no surprise therefore when not a few articulate individuals and groups insist that the series of community consultations were a direct response to arrest the charge against the MOA-AD. It can be recalled that the MOA-AD was charged with a lack of transparency, consultation, and constituency – reasons around which the Supreme Court declared it as unconstitutional.

There appeared two tracks of dissenting voices as regards the community consultations. On the one hand, the anti-MOA-AD groups alleged that the organizers simply wanted to fill the consultation gap stated in the Temporary Restraining Order (TRO) by the Supreme Court. They allege further that the MOA-AD proponents still hope that after the satisfaction of the consultation requirement, the document could be declared valid and the aborted formal signing consummated. On this consideration, the dissenters openly declared non-participation to the consultations fearing that their signatures in the attendance sheet would provide the imprimatur and thus give the impression of their official consent to the activity and to the MOA-AD.

Another dissenting voice declared that the community consultations were part of the government's design for constructing people's consent to its proposal in the formal talks. Meaning, it is deliberately building a one-sided rhetoric which jeopardizes the position and the cause of the other party, as well as the whole peace negotiations. By engaging in the act of construction of consent, the government deliberately sets off track the direction of the formal talks away from the core issues of minority – majority relations, and restorative justice. In this case, it is cooking up a sinister plan to kill whatever agreement that may be reached through the formal negotiations. It also reveals that the government is not really serious about solving the real issues of the Moros in Mindanao. The community consultations are active participants to the MOA-AD discourse.

Summing up the foregoing discussion, there appears to be a blurring of boundaries between the pro-peace and the anti-peace debate as the discourse develops. The proffered question which asks who are the spoilers and who are not, does not demand a premium on the determination of whose side is correct and whose camp is misled. In fact, it does not demand for an answer in the categorical sense. Rather, the center of contestation is one which concerns the building and construction of people's agreement and support. In this arena, only the stronger discourse captures the public's opinion and the public's heart and eventually cloaks it with an aura of factuality and correctness. It is towards this end that a heightened struggle ensues and is readily observable. In the case of Central Mindanao, the results of the recent elections may have placed a punctuation mark on the contest – more a comma than a period though. Suffice it to say here that the “Spoilers of Peace” thus far remains a dynamic, snowballing, and self-generating discourse.

The proffered question which asks who are the spoilers and who are not, does not demand for an answer in the categorical sense.

... Rather, the center of contestation is one which concerns the building and construction of people's agreement and support.

... In this arena, only the stronger discourse captures the public's opinion and the public's heart and eventually cloaks it with an aura of factuality and correctness.

C. Whatever Happened to the Mindanao Peace Process?

By Atty. Ishak V. Mastura

Christian and state chauvinism have minoritized the position of Moro ethnicity, creating it as the 'other' of the national self, an 'othering' based on ethnicity and religion.

The Peace Research Institute Frankfurt in a 2005 comparative study of conflicts in Sri Lanka, Philippines and Malaysia noted the Filipino conflict perspective in the Mindanao (Moro) Conflict;

1... is zero-sum oriented and basically unilateral, insofar as it centres on a language similar to the colonial concept of "white man's burden" in order to legitimise state action. This cognitive concept reduces the other to an inferior person, unable to face you at an equal level;

2... differentiates sharply between political rhetoric and practice. Time and again the rhetoric seemed to substantiate the fact that the political intentions were good. However, social practice showed completely different patterns;

3... is centred on coupling continuous discussion with social and political action. Whereas the first is destined to guarantee that the critics comply with the rules of the

game and continue to voice their grievances within the liberal-democratic arena, the disconnected social and political action normally aims at maximising the interests of the dominant players and undermining the chances of protest and rebellion. Repeatedly new factual situations – always more to the disadvantage of the minority – were created by "spontaneous" local action, which had to be debated afterwards. As the debates drag on, new facts are created on the ground. The coupling of perpetual discussion and negotiation with seemingly disconnected aggressive local action created a system of diminishing returns for the Moros. In effect, the system of perpetual discussion of grievances without consequences results in a fundamental democratic disempowerment of protest (Kreuzer, P. and Weiberg, M., "Framing Violence: Nation- and State-Building", Peace Research Institute Frankfurt Reports No. 72, 2005).

If you look closely at no. 3, this precisely explains what happened to the peace process in Mindanao due to the aborted signing of the Memorandum of Agreement on Ancestral Domain between the Philippine government and the Moro Islamic Liberation Front on August 2008.

Despite significant breakthroughs in the negotiation, the peace talks were reduced to a forum for discussion of grievances by the Moro revolutionary groups with the government since in the meantime new factual situations on the ground in the form of a Supreme Court Temporary Restraining Order (now made into a pronouncement of unconstitutionality) and protests by Christian settlers in Mindanao to the MOA-AD, which facts disadvantaged the minority Moro position, erupted "spontaneously", eventually halting the momentum of the peace talks and the effects of which are now being debated. As validated in the study, the peace process has been merely the stage for perpetual discussion and negotiation coupled with seemingly disconnected aggressive local action, which has created a system of diminishing returns for the Moros. In effect, the peace talks itself has become part of the system of perpetual discussion of grievances without consequences, which results ultimately in a fundamental democratic disempowerment of protest by the minority Moros.

Basically, the problem that the peace process encountered is the majority Filipino mindset itself. As even one Filipino academic recognized "Christian and state chauvinism have minoritized the position of Moro ethnicity, creating it as the 'other' of the national self, an 'othering' based on ethnicity and religion." As such, "national politics emplaces the Muslim conflict as something induced by the Muslims themselves, for not wanting to integrate into the body of national politics that purports cultural and religious tolerance. In obfuscating class from Moro ethnicity,

Christian and state chauvinism have washed off their own crucial role in minoritizing the Moro. Difference is posed in terms of religion and ethnicity, all redeemable within the nation-state's developmental objectives." (Tolentino, R., "Piracy and Its Regulation: The Filipino's Historical Response to Globalization", University of the Philippines Film Institute, November 26, 2006).

Contrary to what was harped extensively in the media and even among Filipino commentators and academics, that the lack of meaningful consultation with the wider public doomed the peace process, it was really not the lack of consultation that spelled disaster but the lack of technical know how and understanding of peace processes by the government. Institutional expertise on mediation and facilitation of peace processes is now established in international centers studying conflict resolution and yet the government failed to take lessons from this institutionalized knowledge on conflict resolution, mediation and facilitation in peace processes. Accordingly, "while experience shows that no peace process is the same, 'no size fits all' there is nevertheless an increasing standardization of peace processes." (Mason, S., "Mediation and Facilitation in Peace Processes", Center for Security Studies, ETH Zurich, 2007).

For example, it is widely acknowledged that mediation and negotiation typically occurs between a few elite people who represent groups with divergent interests. However, since violent conflict impacts every individual in the broader society engaging the public and broader society to accept and work with a settlement negotiated by the elite is often a key challenge (Ibid). If this does not occur, however, any settlement will lack legitimacy and will find limited acceptance by the larger populations. Having said that, it is important to recognize that "peace agreements are not democratically legitimized, thus the need for elections and institutional reform during the post peace agreement phase." (Ibid). From the beginning, there should have been awareness as one study put it that: "Peace agreements often form the conceptual basis for the subsequent governance structures and stipulate the specific division of power, resources, representation or autonomy that will be built into the emerging governance and institutional structures of societies. These peace agreements and interim arrangements, however, often lack democratic legitimacy, yet they are important in paving the way to these more definitive constitutional and institutional set-ups." (Ibid).

... it was really not the lack of consultation that spelled disaster (for the peace process) but the lack of technical know how and understanding of peace processes by the government.

Instead of treating the Constitution as an obstacle in the peace negotiations we can take the view put by the same study that "the creation of a constitution is a key component [in peace agreements]. Constitutions 'define the polity, they set the rules of the relationship between the state and its citizens; they fix and reflect the social contract that underpins the functioning of an organized society.' (Ibid).

What this seems to be saying is that in order for successful implementation of a peace agreement, the minority population or minority peoples have to be accommodated in a constitution's political and social order on their own terms and not upon the majority dictates, as for example in the present Philippine Constitution.

The study also recognized that there seems to be a trend from long-lasting constitutions, to those that are more frequently amended. Often there is also a need for interim arrangements between the peace agreement and the 'final' constitution. Indeed, in the Bougainville peace settlement, the Papua New Guinea constitution was specifically amended to accommodate the peace settlement with the rebel groups.

... two things emerge from the debacle in the peace process:

... First, the peace process and the attendant peace talks must be treated with utmost seriousness by the Philippine government lest it becomes a mere forum for discussion of minority grievances.

... Secondly, there is a need for more technical knowledge on the part of the government regarding conflict resolution, mediation and facilitation of peace processes ...

In summary, two things emerge from the debacle in the peace process. First is that the majority Filipino mindset regarding the Mindanao conflict and the conception of the Philippine state itself have to be considered in the peace process and as such, the peace process and the attendant peace talks must be treated with utmost seriousness by the Philippine government lest it becomes a mere forum for discussion of minority grievances. Secondly, there is a need for more technical knowledge on the part of the government regarding conflict resolution, mediation and facilitation of peace processes, which in turn reinforces the first finding that in order for there to be a successful peace settlement the government must be committed and serious in resolving the conflict peacefully through negotiations and not simply dilly-dally, or use the peace talks for what Kreuzer calls the “democratic disempowerment of protest.”

The failure to resolve the long-running Mindanao conflict endangers the Philippines sliding gradually into failed state status. The Foreign Policy magazine has published for the past four years an annual list, called the Failed States Index, of the 60 weakest and most vulnerable states (so-called fragile states) in the world and the Philippines has been on that list since it began in 2005, except in 2006 when it ranked just barely outside of the list at no. 68. Mindanao itself has been labeled as “ungoverned territory” by the Pentagon’s favorite think tank, RAND Corporation, in 2007 meaning that it is an area of contested governance, particularly by the Bangsamoro people, indicating the attendant problems of a fragile state.

The problem of fragile states has become one of the most urgent problems of the world today because fragile states have become sources of regional instability. The principal characteristic of fragile states is that the population lacks social cohesion. Political fragmentation warps incentives, encouraging short term opportunism at the expense of long term investment. Formal governing institutions and regulations, disconnected from the way things actually work in social practice, and not having become part of the informal institutional frameworks that guide people’s behavior, command only lip service allegiance and compliance.

In these fragile states, the population is more likely to feel allegiance to a tribe, ethno-linguistic group, region, or family clan to which they and their forefathers have been closely connected than to a state with which they fail to identify with. Groups compete in capturing the state’s formal institutions for their own selfish objectives. Groups out of power view the state, or its current leaders as illegitimate and where cooperation does extend across group lines, it is usually just an alliance of convenience, as cliques of various backgrounds compete to take advantage

of the general lawlessness to siphon off money from everything from construction projects to gold mines to warfare (Kaplan, S. "Fragile States" Hoover Institution Stanford University, Dec. 2008-Jan. 2009). The business people who flourish are not those with the best education or the best ideas but those connected by blood or marriage or social links to the ruling clique, or those skilled at manipulating and bribing officials, while the best and brightest flee to other countries to live and work and the country barely makes any progress.

The key to helping fragile states is to emphasize institutional changes that foster more decentralization, greater integration of traditional norms into state institutions, a stronger focus on human security, and various ways of promoting accountability. In all cases, the empowerment of local groups should be made paramount, to ensure that the state has firm foundations.

According to Seth Kaplan, "states will work better if they are structured around cohesive groups – such as Kurds in Iraq, the Isaaq in Somaliland, and the Aymara in Bolivia – that can capitalize on their common institutions and group affinities. Similarly, large sprawling countries... are more likely to harness existing societal bonds and capitalize on pockets of relative cohesion if they give individual regions or large urban areas (even those with multiple groups) much greater authority to manage their own affairs. In contrast, the top-down approach typically advocated by the international community ignores local populations' indigenous capacity for institution building – and reinforces a dependency on outsiders. Although partition is impractical in most places, where conflict has already led to the creation of an ethnically, religiously, or tribally homogeneous areas, as in Somaliland, Nagorno-Karabakh, and Kosovo, redrawing the boundaries to match these divisions is far more likely to produce peace and development-oriented states than is an insistence on remixing obviously hostile peoples." (Ibid).

If you notice the groups mentioned by Kaplan are all distinct ethnic groups within a formal state structure, who have been given local power or enjoy a measure of self-governance, whose indigenous or local institutions the state recognizes and abides by. Kurds are part of a Federal Iraq, Somaliland is a rump state of Somalia, and the Aymara are indigenous peoples, South American Indians, inhabiting the Bolivian highlands. If ever the Bangsamoro people in Mindanao are also allowed, within a territory that is predominantly Moro, their own indigenous self-governance structure that is not an imposed solution from the top but is part of an indigenous process enjoying popular legitimacy, we will see a stable Mindanao, and then building on that foundation of a stable Mindanao, we can foresee a strong and stable Philippines.

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IV. Key Issues, Concerns, and Recommendations on the Mindanao Peace Process from Various Sectors

- A. Moro-I.P. Leaders Peace Assembly
A Consultation Initiative of the Moro Islamic Liberation Front
- B. GRP Consultations with LGU (Local Government Unit) Chief Executives
A Consultation Initiative of the GRP Peace Negotiating Panel
- C. Views and Opinions of the Youth on the Peace Process in Mindanao
- D. Consultation with Bangsamoro Women on the Peace Process
- E. Consultation with the Catholic Clergy of Cotabato
- F. Consultation with Media Practicioners in Mindanao
- G. Consultation with Internally Displaced Persons

A. Moro - I.P. Leaders Peace Assembly

A Consultation Initiative of the Moro Islamic Liberation Front, conducted in partnership with the Mindanao Think Tank, 28 February 2010, Crossing Simuay, Sultan Kudarat, Maguindanao

One of the most important considerations in the final resolution of the Bangsamoro Question in Mindanao is the relations between the peoples of Mindanao especially the two native inhabitants, the so-called Moro (the Islamized Natives) and Lumad (the non-Islamized Natives).

The once blood-brothers' relation was further severed as an effect of centuries-old colonization, divide and rule tactics and the self-interests of outside forces that resulted in misunderstandings and tribal conflicts between the two peoples of Mindanao.

With the advent of the negotiations between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) at first there seemed to be a silent and unmindful attitude from the Lumads (Non-Islamized

Native Inhabitants) despite the three decades of peace talks between the Moro fronts. However, the recent near conclusion of the negotiation between the GRP and the MILF that ended with the scheduled but aborted signing of the Memorandum of Agreement on Ancestral Domain (MOA-AD) earned various reactions from among the people not only in Mindanao but throughout the country.



Photo taken during the MILF consultation with Indigenous Peoples community leaders in Crossing Simuay, Sultan Kudarat, Maguindanao in February 2010. Shown speaking is Mr. David Gorman. At Mr. Gorman's right, in red, is MILF Vice Chairman Ghadzali Jaafar, and to his left is Mr. Jun Mantawil, head of the MILF Panel Secretariat.

The most critical among these reactions are those coming from the non-Islamized Native Inhabitants due to misinformation, misconception and fears of being excluded or short-changed of their rights and claims especially of their Ancestral Lands in Mindanao as a result of the GRP-MILF Negotiation. The feeling of anxiety and uncertainty among the Lumad of Mindanao reinforces old obstacles, and posts new ones, hampering the smooth flow of the peace talks.

Under these circumstances, there is a need to have a concrete understanding of the contents, the effects and importance of the GRP-MILF Peace Process through sustainable dialogues, fora and consultations among the leaders of the Moro and Lumad in order to have a clear comprehension of the negotiations and build constituencies for peace talks.

Objectives

- The consultation assembly aims to impart to the Lumad leaders the importance and effects of the peace process to the lives of the people of Mindanao and the Philippines as a whole.
- To obtain and comprehend a more unified sentiment and outlooks of the Non-Islamized (Lumad) people in Mindanao.

Proponents

- The activity will be jointly sponsored by Centre for Humanitarian Dialogue (HD) as member of the GRP-MILF Peace Talks' International Contact Group (ICG), in partnership with the Consortium of Bangsamoro Civil Society (CBCS) and the Central Committee of the Moro Islamic Liberation Front (MILF).

Expected Output

- The Supreme leaders will have better comprehension of the Peace Process
- Come out with a more unified stand on the GRP-MILF Peace Talks.
- Educate their Subordinate Leaders in their respective coverage areas or communities about the peace talks and the agreed unified stand
- Clarify IP stand on the relationship between them and the MILF

Participants

- Supreme Lumad Leaders in the following clustered areas:
- 20 Leaders from Bukidnon province
- 20 Leaders from North Cotabato province
- 20 Leaders from Sarangani & South Cotabato provinces

- 20 Leaders from Zamboanga del Sur & Sibugay provinces
- 20 Leaders from Sultan Kudarat province.
- 20 Leaders from Agusan & Davao areas
- 20 Leaders from Maguindanao province
- 10 Resource persons/facilitators/documentors

Assembly Documentation

The assembly started with an opening prayer led by the MILF Vice Chair for Political Affairs Ghadzali Jaafar. After the prayer, Chairman Ghadzali explained the purpose of the assembly after which he asked Mr. David Gorman to speak.

The forum required each area to select a representative to talk about the sentiments of their group.

1. Cotabato – Bukidnon (Aromanon-Manobo), represented by Mr. Edtami Mansayagan: We feel that there are crucial issues:
 - Need to document oral agreements between our IP fathers and the Bangsamoro
 - We will be given an opportunity to discuss and air our views, and our ideas shall be respected. He also said his group wants to clarify as to:
 - What is the starting point of the peace process?
 - What are the issues/ points that touches our identity in these agreements?
2. South Cotabato (T-boli), represented by Mr. Jerry Tanedo: How long will this negotiation last?
3. Sarangani (T'boli and Manobo), represented by Mr. Wilfredo Maguar: We want an early Agreement to end the peace process. What we desire is peace in our land.
4. Maguindanao (Lambanginan), represented by Mr. Ramon Mahmud: We have suffered a lot. We are the victims of the war. During each war, we are caught in the crossfire. We want to be protected.
5. Sultan Kudarat (B'laan), represented by Mr. Agustin Dabi: Stop the war. Tribes in the upland are the victims. Both parties should understand this. Give attention to the complaints of people so that they be given a chance to develop.
6. Agusan (Babaon), represented by Mr. Sugmuan Hayyie: Our place is the battle ground between the military and CPP-NPA. Some tribes were suspected as NPAs. Leaders came to a decision to join the MILF because of this. In your 16 years experience, what is your estimate how long will this process go on?

Response of Mr. David Gorman:

It is hard to answer the question, “How long will this peace process last?” We have to define first what is its end: is it with the signing of a peace agreement? Everyone thought that the 1996 Peace Agreement was the end. But its not.

Response of Vice Chairman Ghadzali Jaafar:

There are concerns that the MILF leadership should answer.

1. Presentation of the agreement of our forefathers, this consists of six provisions. We have put together a group who will talk to IP leaders to settle the issue. the MILF promises to respect these agreements, but we have to talk about the details.
2. Where and when did the negotiation start? We already signed four agreements – the ICG, one year mandate for the IMT, mandate of the ADJAG, and the CPC. The MILF wants to put pressure to build on the gains of the negotiation. It should start when the MOA-AD stopped.
3. When will it end? It will end when an agreement is reached for a solution to the problems of Mindanao
4. Let us be frank to one another. The steps we take should be one and the same. We need to be united.

The meeting continued with the presentation from the Upi Coastal communities (Teduray) – Mr. Melanio Ulama, who was not called when the other tribes presented their sentiments, said that there are 18 major tribes of IPs, they should have been represented in the GRP peace panel. But Dr. Ronald Adamat, a member of the GRP panel, and also a Teduray from Upi, did not push the mandate given to him. Since 2003, we already expressed our support to the Bangsamoro, and the MOA-AD.

According to Mr. Ulama, IPs are divided into three: the intact IPs of which those in attendance are members; the semi-assimilated IPs (those who are most dangerous); and the assimilated IPs (those who no longer have any concern for the IPs).

He ended by enumerating what can be contributed to the peace negotiations so that the peace process will come to a successful end:

1. Respect our rights to our ancestral domain
2. Respect our tribal governance
3. Respect our right to move freely in our ancestral domain
4. Respect our present tribal territory

Closing Remarks:

The Assembly ended with a recap by Mr. Guiamel Alim, Chairman of the CBCS and also an MTT member, on the decisions made. These were:

- A study of the agreement of our forefathers (IPs and Bangsamoro), consisting of six provisions, will be undertaken. This will be started by the MILF who will talk to IP leaders to settle the issue.
- Delineate ancestral domain claims of both IPs and the MILF
- Respect to be given by the MILF for the IP’s tribal governance and territory.



Photo taken during the same MILF consultation with Indigenous Peoples community leaders.

B. GRP Consultations with LGU (Local Government Unit) Chief Executives

The Mindanao Think Tank's reaction to the results of consultations conducted by the GRP Peace Negotiating Panel with LGU Chief Executives from December 2009 to February 2010 in Zamboanga City, Dipolog City, and General Santos City

HD Centre project officer Alberto Hamoy Kimpo presented a report of the GRP panel consultations with LGU chief executives and representatives. This report was delivered during the first Mindanao Think Tank workshop and roundtable discussion held in February 2010 in Cotabato City. (*Mr. Kimpo's presentation can be read in the Annexes of publication monograph number 2, entitled "Review of the Mindanao Peace Process Consultations".*) Following were the reactions and responses from the participants.

On Identity

A participant asserted that the identity issue, which elicited diverse opinions from the LGUs, should no longer be made part of the question, given that this has already been defined by law (Republic Act 9054) wherein the term 'Bangsamoro' encompasses only the Muslims in the area of autonomy. According to this participant, to keep going back to the discussion of identity denies this particular issue's resolution, which as already supposed to have been a result of the struggle of the MNLF. The participant suggested that this already be accepted as it is.

Although as mentioned above the Bangsamoro definition is already enshrined into law, a participant expressed that Indigenous Peoples inside the autonomous region are still concerned that they do not have a free choice given that they are wedged between the Moros and the Christians. For this participant, this is simply the reality. He urged that definitions of terms should first be submitted to those concerned before they are utilized, especially in laws. Another participant recommended that the definition of a term such as 'Bangsamoro', should be based on historical facts as a product of the struggle for self-determination.

On Governance

Reacting to the many statements directed by the LGUs against the ARMM, one participant stated that the inefficiency of the ARMM is not entirely its fault. He said that National Government has not fulfilled its part in giving and supporting full autonomy for the ARMM. He cited two examples, the implementation of the Shari-ah Law and the provision of much needed funds for the ARMM.

Another participant expressed concern that the Government seems to want the ARMM to fail. According to this participant, maybe it would be good to start all over again. She said she didn't know if this was the MILF's thinking, but for her, maybe this was the best way forward.

Another participant then stated that all topics have already been studied thoroughly, but similar with the experience of the ARMM as previously raised by the LGUs, it is the Government that has yet to deliver its part. For this participant, this should be the focus of the questions - why Government seems to find it difficult to deliver. It should therefore be in this regard that present discussions should take place.

On the issue of the level of focus of elected ARMM government officials in the task of governing their areas, one participant complained that almost all elected ARMM and LGU officials (inside ARMM) do not reside in the areas where they are elected. As a recommendation, this participant suggested that all officials in the ARMM Regional Government and its component LGUs be required to reside and work within their respective constituencies.

A participant reacted to the issue of misuse of government funds and graft and corruption in LGUs raised in the consultations. He said that this was not only the fault of officials, but also of the public. Citing the unwillingness of constituents to cooperate with government programs and projects, and their constant evading of taxes. To address this, this participant wants the strict implementation of laws in order to curtail corruption and to run after tax evaders.

One participant argued that it is not fair to immediately judge that the ARMM has poorly performed, as was the general perception of the consultations. There is a tendency to generalize without looking at each of the administrations from Misuari to Hussin, to Ampatuan, and now to Adiong to see how they have each performed. Moreover, there is also a failure to appreciate some policies and programs successfully implemented in the autonomous region by the ARMM Regional Government. This participant stressed that this results in the automatic negative perception of the ARMM, leading many to hastily call for its abolition. For him, this is unfortunate given that the ARMM is an opportunity for the Moros to show their ability to lead.



Photo taken during the GRP peace panel consultations with LGU chief executives from Central Mindanao and the ARMM mainland provinces, held in February 2010, in General Santos City. Shown seated at the presidential table are then GRP Peace Panel Chairman, Ambassador Rafael Seguis (speaking into microphone). Beside him is the HD Centre's Alberto Hamoy Kimpo. At the podium is Prof. Reydan Lacson, a member of the Mindanao Think Tank.

One recommendation suggested by this participant is to focus on success stories in the ARMM Regional Government and among its component LGUs. These should be showcased in order for its brighter side to be highlighted. Another recommendation is that the ARMM should be fully supported by the National Government so its powers are enhanced, and alleged graft and corruption are checked. In this manner, a bottom-up approach can be developed and strengthened so that differences in people (i.e. the tri-people) are entrenched in a political framework that is most suited to deal with such multi-ethnicity. A third recommendation is the use of authentic Shari'ah Law (that includes provisions for death penalties) to resolve such problems of corruption and injustice.

Another participant added another suggestion by raising the gap in evaluation of the strengths and weaknesses of ARMM programs. For this participant this is crucial ahead of future plans to either continue or terminate it. His suggestion was for National Government to address this by honestly evaluating the ARMM with the aim of strengthening its capability to deliver public services.

Finally on the issue of governance, relative to autonomy one participant identified as a major gap the observation raised at the consultations that the ARMM seems to have very little fiscal autonomy and no tax powers. It also has no police power, and a very weak Shari'ah justice system. To address this, he recommended for a refinement, enhancement, or even amendment of the ARMM organic act with the goal of achieving more genuine autonomy.

Another recommendation from another participant was for a 'Highest Form of Self-Governance' to be granted to the

Bangsamoro, one that is not limited to the ARMM. For this, Constitutional changes must be pursued. This could be in a form of government that is applicable to all Mindanaons regardless of religion, tribes, etc. towards a Republic that could truly govern all in southern Philippines.

A third recommendation raised by yet another participant was the pursuit of a referendum administered by the United Nations or the Organization of the Islamic Conference, as advocated by the Mindanao Peoples Peace Movement.

Finally, a fourth recommendation was the possibility of coming up with a sub-state constitution.

On Control of Natural Resources

On the issue of natural resources, a participant agreed with a result of the consultations stressing that not all LGUs have the capacity to generate revenues from natural resource management. One recommendation he made was for the present sharing scheme to be retained but for the National Government to capacitate and provide financial assistance to the LGUs in natural resource utilization and management.

Reacting to the proposals during the consultations that the present sharing scheme be changed, a participant suggested that an 80-20 arrangement in favour of the Local Governments would be best.

Another participant recommended that the Bangsamoro and the Lumads be given absolute ownership of natural resources in their areas.

On Security

On the issue of security, a participant echoed a result of the consultations pointing to a glaring gap in strong governance that can deliver a secure environment. It recommended that human security must be central in the peace effort. This can be achieved by complete disarmament and total demilitarization of Mindanao.

But this participant refined this by focusing on the proliferation of firearms in areas of armed conflict. He recommended that only armed groups in the area should be disarmed, especially the private armies and rebels. For him, only the AFP and PNP should be allowed arms.

On Restitution and Transitional Justice

According to one of the participants, the displacement of the original inhabitants of Mindanao was the result of Government policies. The beneficiary settlers should not be deemed at fault for this. For this participant, it should instead be Government who should acknowledge the displacement that their policies resulted in. With this, reparations can then be made by either having Government return the lands or pay for the lands taken.

On transitional justice, one participant mentioned that victims of human rights violations (HRVs) in communities under strife were never indemnified. Issues of injustice have likewise never been resolved or addressed. This participant recommended the inclusion of HRV issues and injustice in the peace process. The talks, he insisted,

should discuss what will be offered to the victims and their families, and what should be done to the perpetrators. He also recommended for reparations to be made to the Bangsamoro for the gerrymandering of Bangsamoro territory during Martial Law (1972-1978).

On Cross-Cutting Issues Related to the Peace Process

One participant agreed with a result of the consultations that there is no assurance that the new administration will support or continue the gains of the peace process under the Arroyo government. This participant recommended that commitments be gathered from the main actors and stakeholders with the objective of honoring the initial agreements reached, and continuing on previous gains.

On the issue of lack of trust and sincerity by the parties to find an end to the conflict in Mindanao, another participant identified a gap alleging the possibility that some members of the MILF panel are pro-government. To address this, this participant recommended that the MILF panel should comprise only of people selected by the MILF, especially those not influenced by Government. Likewise, this participant joined the LGUs in asking that the Government really be sincere in searching for peace in Mindanao.

As an overall view of the progress of the peace negotiations, another participant observed that what is already in place is reflective of the response to the struggle of the MNLF, because it deals with the 1996 Final Peace Agreement and the ARMM. But now, according to this participant, the MILF says that this is not what they want, stressing that the Bangsamoro need something else. This was how this participant saw Government today - seeking a final solution to the MILF's own clamor.

Finally, a participant commented that it is for the sense of ownership of the peace process that stakeholders, like the LGUs, are asked for their ideas on issues related to the conflict in Mindanao, and its resolution. This participant opined that the grievances of the LGUs were based on the shortcomings of the ARMM, asking why the things needed weren't delivered by the ARMM and by the MNLF. To her, the MILF's clamor is on the basis that the improvements supposed to be delivered by the 1996 Peace Agreement and the ARMM we're not delivered. It is for this reason that the MILF and the Bangsamoro need to continue the struggle.



Photo taken during the same GRP peace panel consultations with LGU chief executives from Central Mindanao and the ARMM mainland provinces.

C. Views and Opinions of the Youth on the Peace Process in Mindanao

Conducted by Dr. Norma Gomez for the Mindanao Think Tank, 22 May 2010, Cotabato City

The peace process in Mindanao has been set aside for a while due to the May 10, 2010 national and local elections. All major stakeholders await the next administration to decide on matters that will affect the modes of peace negotiations in the region. While waiting for the results of the national and local elections, the Mindanao Think Tank initiated a Focused Group Discussion (FGD) with the youth regarding their views and opinions on an “ideal outcome”, and other related issues, for the Mindanao Peace Process. The results of the FGD will form part of the findings of the Mindanao Think Tank for further discussions and reporting.

The FGD with the youth was conducted on 22 May 2010 at the Graduate School of Notre Dame University, and attended by ten student leaders. A FGD guide with five (5) questions was used to generate data on: (a) ideal outcomes of the peace process in Mindanao; (b) realistic timelines; (c) what the incoming President and administration should do or strive for on the issue of the peace process in Mindanao; (d) what should be done to attain the best possible transition between the outgoing and incoming administration; (e) participants’ stand on the peace dialogue or talking points on the – Bangsamoro identity, governance and power sharing in the Autonomous Region in Muslim Mindanao, land conflict and ancestral domain, restitution of historical injustice, sharing of mineral resources, and security and disarmament, demobilization, and reintegration.

The FGD lasted for almost three hours. In general the youth-participants found the activity timely and relevant since whatever the outcome of the next peace negotiation in Mindanao, they will be affected.

Results

1. Ideal Outcome of the Mindanao Peace Process

Most participants believed that the ideal outcome of the Mindanao Peace Process would be fair, just and beneficial not only to both parties (MNLF and MILF) but also to other settlers in the region. The desires and requests of the MNLF and MILF should be granted in accordance with the Constitution of the country and for the development of Mindanao. They also expressed that the government and the MNLF/MILF should show sincerity and transparency on their agenda so that conflict will be avoided. The safety and security of the people should always be considered in the peace process. Other concerns brought out by the participants include: (a) economic prosperity is needed in the conflict area; (b) people in Mindanao should really feel the essence of having peace; (c) recognize ancestral domain and self-governance; (d) reconciliation is needed between the MNLF and MILF; (e) provide for the basic needs of the marginalized sectors; and (f) unity is needed among Muslims and Christians communities.

2. Realistic Timeline for the Peace Process

The participants had varied opinions on the timeline for the peace process. However, some of them mentioned the urgency of the peace talks to resume. This is because many innocent people in the rural areas are greatly affected by armed conflict. As describe by one participant “they serve as shock absorbers of the negative effects of other peoples’ wrong doing.” Other responses on the timeline for the peace process are: one year, two years, three years, or five years. One participant stated “I think there is no specific timeline for peace talks.”

3. What should the incoming President and administration do or strive for?

All participants were unanimous in saying that the incoming President and his administration should prioritize and focus on the peace process in Mindanao. He should be sincere and serious in dealing with the Mindanao problem, since the people, economy, and political situation in Mindanao are heavily affected by armed conflict. The budget for health, education, and development was diverted to buy guns and ammunition, relocation and food for the IDPs (Internally Displaced Persons). The reallocation of these funds were thought to be unproductive for the long run. Mindanao should be the priority for investment. This could be done by providing security to all investors in the region. The composition of the peace panel should include representatives from different sectors – women, indigenous people, and youth. All members of the peace panels should have sufficient knowledge on the history of Mindanao and the Bangsamoro struggle for independence. One participant suggested that the incoming President and administration should continue the conduct of dialogues with different sectors, particularly among the community people in the rural areas; and to strengthen the smallest units of government for active participation in peace activities in the region.

4. Youth Participants' Stand on the Peace Dialogue or Talking points:

a. Bangsamoro identity. The responses of the group on their stand on Bangsamoro identity were based on how they understand the concept and the question on this issue. Most of them responded that Bangsamoro identity refers to the Moro people who belong to different tribes such as Maguindanaon, Tausug, Yakan, Maranao, Sama, Badjao, Iranun, and others who have their own tradition, culture, practices, and believe in Islam. Most of them are found in the Autonomous Region in Muslim Mindanao (ARMM). They are also described as Moro people who claim their ancestral domain and independence, and should be given recognition and the right to self-governance similar to a sultanate form of government. Some participants, however, expressed otherwise. For them Bangsamoro identity should not be claimed by the Moro people. They should not be acknowledged and no special treatment must be given them since there isn't any need for such. Their identity may be showed through their culture and practices, just like the other tribes in Mindanao. People in Mindanao must respect and understand that every tribe has a unique identity and culture. There are other people living in Mindanao, like the Lumads and Christians, and all of them have the right to settle in this region.

b. Governance and power sharing. The group understood power sharing to be good and ideal if there is an assurance that the practice is fair. Political leaders must also perform their jobs and functions in a manner beneficial to all their constituents. This should include quality governance that may result in peaceful and developed communities in the region. Some participants commented that political dynasties in the ARMM are practiced by well known and powerful clans. Power sharing is not practiced since it is usually concentrated in the hands of a few powerful families or clans in the region. Other responses were: (a) leadership and power in the ARMM should not be influenced by the national government; and (b) the ARMM must have its own "state", but an adequate budget should be provided by the national government.

c. Land conflict and Ancestral Domain. A question on this issue generated different answers. This issue has been a problem for the Lumads, Moro people, and the Christians in Mindanao. These groups claimed the same land based on who came and settled first in Mindanao. In their responses, the group asserted that this is the

root cause of conflict in the region and should be given priority attention by the government. One participant suggested that a committee or a bureau be created to handle cases on land conflict and ancestral domain. The presence of land grabbers in Mindanao contributed to the worsening of land ownership in the region. Another participant stated that the Bangsamoro Juridical Entity (BJE) should be recognized to avoid land conflict between the Moro people and the Christians. One participant viewed this issue as not being a problem, stating that, "There are Christian-settlers here in Mindanao but there are also Moro settlers in Luzon and other parts of the country, so what is the problem? People should be allowed to settle in any place where they want to."

d. Restitution of Historical Injustice. The participants had a common stand on this issue. They believed that justice should be served so that peace will be attained; this must be done in tangible ways, achievable and not biased towards any group concerned; the justice system should be strengthened in order to serve the needs of those who were victims of injustice in the past; the Maguindanao massacre and other killings should be accorded justice and appropriate sanctions to the guilty and reparation given to the victims. This issue can be a priority agenda of the peace talks in the future. One participant suggested that an assessment of historical injustice is needed while another said that it is better to forget the past injustices done, because the persons or groups who did it were already gone.

e. Sharing of Mineral Resources. The group opined that the most important consideration in the sharing of mineral resources in the ARMM is the effects of mining in the environment and the people living in the area. The group argued that the minerals of Mindanao belong to the people of Mindanao; all benefits derived from mineral resources should be enjoyed by the people.

f. Security and Disarmament, Demobilization, Reintegration (DDR). According to the group, having armed men everywhere in the region results in a very unpeaceful and chaotic environment. DDR should be implemented by Government so that private armies do not proliferate in the area. Money intended for the development of the community is instead used to purchase guns, while Government vehicles are used by politicians for their private armies. The security of the community and the people must be the priority of the Government.

Analysis and Conclusion

The FGD with the youth participants generated data that reflect their views and sentiments regarding the issues on hand. Their responses on the issues depend primarily on their knowledge and experiences. There were answers that are sensible and well thought of.

On the whole, the results provide good inputs for the peace talks between Government and the MNLF/MILF particularly on the following: (a) ideal outcome of the Mindanao peace process; (b) what the incoming President and administration should do regarding the peace talks in Mindanao; and (c) the "stand" of the youth in terms of the content of the peace talks between Government and the MNLF/MILF.

The youth participants had common stands on the issues pertaining to: (a) ideal outcome of the Mindanao Peace Process which includes the following: unity among Muslims and Christians in the region, economic prosperity, reconciliation of different groups, and better leadership and security for the people in Mindanao; (b) What the incoming President should do regarding the peace talks in Mindanao. The group expressed the need to prioritize the peace process in Mindanao and that appropriate action/strategies should be undertaken; and (c) their stand on the restitution of historical injustice and sharing of mineral resources in Mindanao

D. Consultation with Bangsamoro Women on the Peace Process

Conducted by Professor Eva Tan, lead facilitator of the Mindanao Think Tank, with Alberto Hamoy Kimpo of the HD Centre, 03 June 2010, Cotabato City

For the women of Mindanao, the peace process remains at a standstill due to the elections and the change in administration. Being residents of Mindanao, women felt they had the right to have their opinions considered in the peace talks, especially since women today are recognized as a potent force for peace.

In light of this, the Mindanao Think Tank in partnership with Bangsamoro Women Solidarity Forum, Inc., one of the convenors of Mindanao Human Rights Action Center (a member of the International Monitoring Team - Civilian Protection Component), organized a half-day consultation on the peace processes for Bangsamoro Women. This took place on 3 June 2010 in Cotabato City, and was attended by fourteen leading Cotabato-based Moro women from government, civil society, and the academe, each holding leadership and managerial positions.

The output of this consultation will form part of the findings of the Mindanao Think Tank, to be shared with the actors and stakeholders of the Mindanao peace process.

The activity commenced with an opening prayer led by Amina Pualas of Sindaw ko Kalilintad.

Updates

Alberto Hamoy Kimpo of the HD Centre gave a comprehensive update on the peace processes. He first introduced the HD Centre as a Swiss based organization that deals primarily in mediation and facilitation in support of peace processes.

As part of its support for the GRP-MILF peace process, the HD Centre supported the creation of the Mindanao Think Tank (MTT), which helps facilitate the involvement of grassroots communities and sectors in the greater peace dialogue. Similar to this consultation with Bangsamoro Women, the communities and sectors are given feedback on the peace processes.

Clarifications

Dr. Ebrahim asked about the features of the MTT consultations as regards the gathering of opinions from women. Prof. Tan responded by explaining that the MTT covers various areas such as Marawi City, Cotabato City, North Cotabato Province, Maguindanao Province, and Basilan Province. Here the MTT has conducted consultations in various communities, where women were among the participants. The MTT also put focus on sectoral consultations including IDPs, Bangsamoro, Indigenous Peoples such as the Tedurays, LGUs, Youth, Women, and Religious leaders. Women were also very much present in all these sectoral consultations.

Dir. Pasandalan suggested to include the CAAs (Conflict Affected Areas) in the consultations to get more feedback. Seconding this opinion, Dr. Ebrahim suggested that in conducting consultations with CAAs they should not be mixed since their areas are very different. She added that it is not easy to penetrate CAA areas, but if this can be done, we can get the real interpretation on how they see “peace”. This eventually gives out a better perspective for the MTT.

Prof. Tan explained that one of the Christian communities where the MTT held consultations was in Kauswagan, Lanao del Norte, which in the aftermath of the MOA-AD failure was definitely a CAA area, and an IDP community. The HD Centre was also able to get the first hand situation of Muslim IDPs who in March were still in an evacuation center in Datu Anggal Midtimbang, Maguindanao. The MTT and HD Centre brought the plight of these areas to the MILF and the GRP. This way, the MTT tried to make their results more relevant and useful to the peace process in Mindanao.

The discussion shifted to the Bangsamoro Development Assistance Fund, which is being organized as part of the implementation of the 1996 Peace Agreement. Many of the women participants were however cynical if this would really be of assistance to people, just like how the ARMM Social Fund was deemed a failure in truly achieving its objectives. However one of the participants, Ms. Diocolano, explained that in the case of the MNLF, funding agencies assisting Peace and Development Communities (PDC) did in fact result in some positive changes in these areas.



Photo taken during a sectoral consultation with women in June 2010 in Cotabato City.

Results

1. What for you would be the ideal outcome of the Mindanao peace process?

Dir. Pasandalan from the academe started by expressing her expectations that the GRP-MNLF-OIC Tripartite Process on the implementation of the 1996 Peace Agreement should continue; there should be a comprehensive study on the GRP-MILF Final Peace Agreement; and there should be sincerity by both panels in implementing those agreements.

This was supported by Ms. Karon who said that what was struggled for should really be accomplished in letter and in spirit. She added that “This will unite the Bangsamoro instead of divide them. It should be an agreement that will satisfy most, if not all of the people in Mindanao. It should be considerate of the grassroots; an agreement that will remove prejudices and biases; that will attain peace and development and unification of all as one Bangsamoro, even with Christians.”

Dr. Ebrahim wants an agreement that will implement something ‘transparent, fair, sustainable, and responsible’ in response to the Bangsamoro problem. A just and fair comprehensive peace agreement.

Dr. Dalamban expects genuine peace so that development will bloom. She referred to it as a ‘Peace Convergence of People’ involving all sectors of the society. For her, “We know that there are so many efforts, but these are not harmonized. Such examples of these are interfaith movements that are not united, and Peace and Development Communities that are not even respected or recognized, etc. Unless all of these are addressed, injustices still prevail.”

Dr. Ebrahim shared a concrete example of ‘convergence’ where MNLF Chairman Nur Misuari and MILF Chairman Al Haj Murad were both attending a meeting with only one seat. MILF Chairman Murad gave way to MNLF Chairman Misuari, and that is where unity happened. She added, “Our leaders have come to the point that

somehow there is no difference between them. I feel some kind of hope for ‘unity’. This way our plight will be better understood

2. What would be the possible, realistic timeline for this?

The majority agree that considering the start of the revolution was 42 years ago, the timeline for the Mindanao peace process should be the soonest possible. But if prolonged with good results, then for them this is still acceptable.

3. To achieve this, what do you think the incoming President and administration should do or strive for?

For Dr. Ebrahim, the next President should do his job in order to educate himself; he must read the history of the Bangsamoro and not entertain whatever people behind him will tell him. He must personally talk to the people concerned, i.e. have a brotherly talk. Finally he must always seek God’s providence and guidance.

Ms. Maglangit reported that the recent OIC-Islamic Conference of Foreign Ministers (ICFM) recognized the ICG and the roles of Turkey, Japan, UK, etc. The ICFM urged the MNLF and MILF to unite behind efforts for peace and development. She also reminded everyone that President Noyonoy Aquino’s late mother, President Corazon Aquino, was the first President to go to Jolo and extend her peace to the MNLF Chairman, Nur Misuari.

Finally the group expressed that they are expecting the new administration to do something to make a difference in the lives of the Bangsamoro. For them, “Muslims in this part of the country have been hoping and praying that this geopolitical entity, this ancestral national homeland shall soon someday be at peace with itself, for we have been dreaming of total peace for the simple reason that we detest violence and war. We are hoping that the new administration would consider this”.

4. What should be done to attain the best possible transition between the outgoing Arroyo Administration and the incoming Aquino Administration?

Ms. Wampa wanted all the agreements already made between Government and the Bangsamoro be presented to President Aquino, hoping for sincerity from both in implementing these agreements. Ms. Paudac suggested keeping the peace panels intact, hiring new consultants knowledgeable in the peace process, and for the removal of all factors leading to discrimination.

Ms. Maglangit wants a Technical Working Group (TWG) organized whose members are appointed by Arroyo and Aquino. This TWG will work on whatever agreements must be reviewed and implemented. She hoped that women will be well represented in this, especially those with passion and dedication to the peace process”.

Dr. Ebrahim said that the inclusion of women in any peace panel is not an issue, since women cannot travel with men without a “mahram” considering that the panelists are all men. Furthermore, the mingling of women with men is disallowed in Islam. For her, the fact that the MNLF/MILF are in the panel is already representative of Moro women.

5. In terms of content of the Peace Dialogue, or “talking points” in the dialogue, the stand of the Bangsamoro Women were the following:

- ARMM should be given more powers. As provided in the MOA-AD, there should be a higher degree of autonomy on the level of ‘associative relations’.
- Sharing of mineral resources. RA 9054 has so many limitations and this is one of the un-implemented provisions in the 1996 Final Peace Agreement.

- On Power Sharing, consider who governs who, e.g. if governing the Bangsamoro, he should be fitted to the culture of the Bangsamoro. Bangsamoro are Muslims so the kind of governance would be in line with it. Muslim Personal Laws should be enhanced. A Muslim perspective may not be understood by others. For them, “The Qur’an is our life, it is more lasting in the hereafter than here on earth. The MILF is pursuing this not for them but for us here. They are not afraid to die. War and conflict are not issues - we are willing to die as Muslims.”
- Civilian protection must be strengthened. CPC-IMT and ICG can be put together to ensure the security of civilians.
- The MNLF Integration is another form of DDR. Integrees are being used in the battlefields as frontliners during war. This is not the kind of reintegration that we want. DDR was only popularized during the Arroyo administration. But during the MNLF time, integration already started.
- The peace process being conducted involves only the President and MILF. It doesn’t pass any legislation and thus, has no legal basis. Like the MOA-AD, there is no legal basis because it requires “Constitutional Change” as part of talking points to be able to implement in a legal way whatever is agreed upon and final.

Recommendations

- Pursue integral and genuine Peace and Development
- Arrive at a Comprehensive Peace Agreement
- Be open to possible constitutional change
- People should aspire for a convergence of peace efforts
- The MNLF and MILF should unite
- Better understanding of the plight of the Bangsamoro
- Study the the Code of Muslim Personal Laws
- Full implementation of the 1996 Peace Agreement
- the MILF, MNLF, GRP and the Third Party Facilitator must sit down again altogether
- Peace talks must continue and involve all stakeholders
- Review and assess what has been done and retain those which are good
- The President should be educated on Bangsamoro history

E. Consultation with the Catholic Clergy of Cotabato

Conducted by Professor Eva Tan, lead facilitator of the Mindanao Think Tank, and Rev. Fr. Jonathan Domingo OMI, MTT core group member, 16 June 2010, Cotabato City

The Catholic Clergy of Cotabato has often been accused of being one of the ‘spoilers’ of the peace process. There are talks that they have added fuel to the fire of the conflict by supporting the negative views of the Christian settlers, many of whom are their parishioners.

To clarify matters, the Mindanao Think Tank held a consultation with members of the Catholic religious of the Archdiocese of Cotabato, attended by diocesan and religious Priests and religious Nuns working in the parishes and religious congregations in Cotabato City. They first wanted to be given updates on the GRP-MILF peace process which many professed to have very little knowledge about.

Most of their knowledge on the Mindanao peace process was based on their exposure to the Konsult Mindanao (KM) and Dialogue Mindanaw (DM) consultations processes, in which they were personally involved. They asked for an update on Konsult Mindanao. Fr. Jonathan Domingo OMI, a member of the MTT group who was facilitating the meeting, explained that “the political dynamism at the Office of the Presidential Adviser on the Peace Process has affected the Konsult Mindanao; thus the decision to have another consultation called Dialogue Mindanaw. The results of KM could not be directly used by the members of the GRP panel, thus the decision to have more focused questions during the DM consultation”.

Other updates were provided, like the establishment of the International Contact Group (ICG) which is coordinated by the Centre for Humanitarian Dialogue that supports the Mindanao Think Tank. The redeployment of the IMT (International Monitoring Team), and the Civilian Protection Component of the IMT, were also explained to the group.

Results

1. What is the ideal outcome of the GRP-MILF Peace Dialogue?

According to one of the participants, the outcome should be an agreement that is acceptable to all stakeholders. If there are issues needing constitutional change, these must be confronted by both panels. The GRP should be open to changes in the Constitution.

Another participant wants the ultimate outcome to be a peaceful society, equitable in terms of resources. The agreement should therefore be a lifetime commitment. The new President should lay down the foundation for a peaceful society. Government should be clear about their peace policy, which should be put in words. It should be a policy that goes beyond Government, something that would be respected by different administrations. Another participant added that if there should be a peace policy, it should contain a policy on the use of land and natural resources.

2. What is the timeline for this outcome to be achieved?

Many in the group felt that this would have to be long-term. One participant wants a clear timetable for the peace process. This should not be rushed, but taken one step at a time. She added that for each step, there should be gains leading to the final agreement. Another participant suggested that during the first one hundred days of the new administration, a national peace policy should be developed and formulated to guide the peace dialogue, but there should be ownership of the whole country.

3. To achieve these outcomes, what do you think the incoming President and administration should do or strive for?

One of the participants suggested that the outputs of the Konsult Mindanao should also be given value by the GRP. The focus of the peace process should not be on negotiations alone, the administration should use previous studies and analyze what is there in these studies such as the issue of federalism, etc. All the consultations done by all the different groups should be put together and harmonized.

This participant also suggested that the different groups in Mindanao should be allowed to undergo a process of social cohesion. The different Muslim tribes and Lumad groups should be given time to meet and present a united front.

4. What is the best transition from the past to the present administration?

To facilitate the transition, one participant suggested that those who were involved in the peace process in the past should make a report. Another participant wants an inventory of all recommendations made for the peace process to move on. The other participants had the following suggestions during the transition period:

- Strengthen the ceasefire and monitoring mechanisms
- Address issues of graft and corruption
- Get rid of private armies, illegal firearms
- Address broken promises in the MNLF Final Peace Agreement
- Address the prejudices against Muslims
- Deal with those who do not support the MOA-AD
- Focus on the sincerity of Government to solve the problem

Fr. Jonathan said that the Catholic Clergy can help a lot in the transition and the achievement of a peaceful society. However, there are allegations that some priests are openly supporting the spoilers of the peace process. The Clergy should look into this. A participant suggested that there should be a group or authority that could make political decisions to address this issue. Another participant noticed that there is something wrong with the consultations and that these created apprehensions among the stakeholders. It was suggested that clarifications on these be made.

5. Other issues discussed:

The group also discussed some of the talking points in the peace dialogue. These were the participants' reactions:

1. The issue of governance and power sharing is not clear to many. What does it really mean? The terms used are hard to understand such as 'associative relations', federalism, etc.
2. On restitution, paying back for past injustices helps in the healing. There should be models from other countries which can be used for restitution.
3. There is concern over the Lumads' possible inclusion in the definition of Bangsamoro Identity
4. Uphold the primacy of civilian protection
5. Clarify the issue of sharing of resources, and the definition of ancestral domain
6. Clarify the issue of traditional leaders and their role in the peace process

F. Consultation with Media Practitioners in Mindanao

Conducted by Professor Eva Tan, lead facilitator of the Mindanao Think Tank, 02 July 2010, Cotabato City

Reporters and correspondents from leading news agencies based in Cotabato City were invited to attend the consultation on the peace process. The objective of the discussion was to elicit recommendations from the media as part of the activities of the Mindanao Think Tank. The participants were very knowledgeable of the GRP-MILF peace process, and had a lot of suggestions, many of which came from their close contacts among the MILF personalities. Below were the guide questions and the results of the discussions during this consultation.

Results

1. What for you would be the ideal outcome of the Mindanao Peace Process

One of the participants stressed that there should be a comprehensive agreement acceptable to all the stakeholders in Mindanao. For him, while former Vice Governor Manny Pinol has been tagged as 'anti-peace process', he has his reasons, one of them being that he was not consulted properly. This participant added that according to the failed MOA-AD, there are communities wherein a plebiscite shall be undertaken one year or 25 years after the forging of the MOA-AD. This became very controversial because the leaders of some of these communities asserted that they were only informed of this after the MOA-AD had been initialed and was about to be formally signed. For them, consultations should have been done before the MOA-AD was initialed.

On the MILF side, according to another participant one of the things they conceptualized was the setting-up of a governing council specifically to run the affairs of Government, i.e. the BJE, in the areas with Muslim majority. This will govern the majority Muslim dominated areas. The participant recalled that in November 2008, at a meeting in Simuay, the suggestion was that once the 'ARMM-added' (meaning the ARMM as the core area of the BJE) is set up, they will add a commission to oversee the welfare of Muslim villages in areas that are not part of the ARMM. This can be provided for by Congress, with the MILF

coming up with a governing council for the commission. According to this participant, this erases the perception that even LGUs outside of the present ARMM will be forcibly made part of the BJE.

In relation with the MNLF, for another participant it is important that the GRP will initiate reconciliation between the MNLF and MILF. This participant argued that the GRP did not consult the MNLF on the MOA-AD. However, this participant noted, Nur Misuari and other MNLF groups still have control in other parts of the ARMM. They still have power and guns and may be a problem later. The participant asked if it was because of political reasons that the MNLF is not part of the current GRP-MILF peace dialogue.

2. What would be a possible, realistic timeline for this? And what do you think the incoming President and administration should do or strive for?

The participants advocated for the replacement of the OPAPP with a Peace Commission. This would dictate the timeline since it would probably take 2-3 years to create it. In addition, this will take some time considering the MILF needs to adjust to the new Peace Commission.

For the group, the new Peace Commission will be different from the existing Office of the Presidential Adviser on the Peace Process, which is an agency that falls under the Office of the President. Though supported by it, the proposed Peace Commission will be independent of Government, similar to the Commission on Human Rights or the Commission on Elections, in its implementation of the national peace policy.

The logic behind this being that the Commission will not be a party to the peace process, but will summon the parties and help ensure that they seriously and sincerely pursue the process. The Government Peace Negotiating Panel will continue representing the GRP in the peace process. This Peace Commission will be established by the Philippine Congress and will have a specific mandate. It will also have at least three commissioners, one each for the Christians, the Lumads and the Bangsamoro.

On another matter, the participants suggested that the terms of confidentiality should be qualified. The parties in the dialogue keep on insisting on the confidentiality of the peace process. But how can the process be communicated to the stakeholders if the talks are kept secret?

The group also suggested that all aspects of the peace process should be carefully studied and the new process should start on the previous gains and positive dividends. These should not be disregarded and instead be used as spring boards or tools in the peace process.

One of the participants added that there should be a cross section of involvement and representation on the panels. The past President has already done this, and for this participant it should continue with the new administration.

Some participants in the group further suggested that the media should be 'embedded' in the peace talks from the ground level all the way to the panel of peace negotiators.

For the group, the Local Monitoring Teams and the Bantay Ceasefire committee have proven their worth. They believe that their functions should be expanded to bring issues and updates from the ground level up to the panel. This should however be anchored on the functions of the International Monitoring Team, such as in terms of communication and advocacy on the ground.

Finally, a sentiment was shared by one of the participants as regards the separate MNLF and MILF dealings with the GRP. This always presents the threat of a clash of interests between the two Moro groups. On the other hand, another participant added, on the side of Government there is really no unity among the three branches of Government, due to the design of having three separate branches. For this participant, this disunity results in incoherence for Government, as was shown in the failure of the MOA-AD. This is often perceived as a lack of commitment and sincerity.

4. What should be done to attain the best possible transition between the outgoing Arroyo administration and the incoming Aquino administration?

The participants thought that first the OPAPP and the GRP-MILF peace dialogue must be deactivated. It should only be reactivated once prodded.

Finally, a participant opined that many international donor agencies are involved in the peace process. However, the participant continued, the Middle East countries do not have active participation in this. For him, they should be part, not just of the ICG, but also of other activities on the ground that actively assist the Mindanao peace process.

G. Consultation with Internally Displaced Persons

Conducted by Professor Eva Tan, lead facilitator of the Mindanao Think Tank, with Mr. Harun Al-Rasheed Baraguir, MTT research assistant, Mr. David Gorman, Mr. Alberto Hamoy Kimpo and Ms. Anne Thoma of HD Centre, and Advocate Mojanku Gumbi, a guest international mediator of HD Centre, March 25, 2010, Datu Anggal Midtimbang, Maguindanao

The consultation at Datu Anggal Midtimbang, Maguindanao was aimed at updating the community of Internally Displaced Persons (IDPs) on the GRP-MILF peace negotiations, and getting their reactions and recommendations on the talking points in the peace process. The consultation took place at an IDP camp and was arranged by the Municipal Mayor's Secretary, Mr. Talib Salik, their point person for IDPs.



Photo taken during this consultation, showing the IDPs who took part in discussions.

There were 40 people who attended the consultation although only around 15 men and 1 woman actively took part in the discussion. The discussion was facilitated by Prof. Eva Tan with the assistance of Haron Baraguir, the research assistant. Mr. Salik explained that Datu Anggal Midtimbang is the host municipality – meaning that the evacuation camp was populated by IDPs who came from other areas – mainly Barangay Dapyawan of Datu Saudi Ampatuan.

The IDPs in this camp appeared to be traumatized by the falling of bombs in their community. The lone woman (Bai Parida) who contributed to the discussion recounted how she heard bazookas and bombs exploding. This made her run away from the community. All of them refused to leave the safety of the camp because without the peace agreement, there was still the possibility of fighting between the MILF and the military; and their community would again be caught in the crossfire. Both the MILF and the military are just around their areas.

Prof. Tan informed the group that the peace negotiation is still on-going, and an agreement may not be reached until a new President is elected. She informed them of the existence of peace process mechanisms such as the International Contact Group, the International Monitoring Team, the Civilian Protection Component, the Ceasefire Committees and how this community of IDPs can avail of the services of these bodies when needed. In addition, one of the IDPs volunteered the information that the Nonviolent Peaceforce has an office in Dapyawan.

Prof. Tan then briefed them of the seven talking points in the negotiation – 1) Bangsamoro Identity, 2) Territory and land rights, 3) Governance, 4) Resource Sharing, 5) Restorative Justice, 6) Shared Security, and 7) Implementation Issues. Surprisingly, although the group said that most of them are not aware of the above issues, while a handful said that this is only their second time to be informed about the peace process, they had a stand on the defunct MOA-AD. They expressed strong sentiments against the ARMM government, and they supported the MILF stand on shared security. However, they still thought that the cause that the MILF is fighting for is independence. It took time before they were convinced that the MILF has lowered their demands to a higher degree of autonomy.



Another photo taken during this same consultation. Addressing the crowd is the HD Centre's David Gorman. Beside him (in white cap) is Mr. Talib Salik of Datu Anggal Midtimbang municipality. From the right are Mr. Harun Al-Rasheed Baraguir (in white shirt), Prof. Eva Tan, and South African Presidential Advisor Mojanku Gumbi.

The discussion was therefore steered to the issue of Restorative Justice, since they obviously have something to say about their plight as evacuees. They were happy to know that this is one of the talking points because there is much to be improved in the government's disaster preparedness. When asked what would make them decide to go home to their community in Dapyawan, they gave the following recommendations:

- They want the MILF (not the government) to inform them that there will no longer be any fighting in the future
- They want livelihood assistance since their farms have not been cleaned, and they do not have funds to start planting again
- They should be given shelter since their homes have been burned during the fighting. They have no house to go home to in their original community.
- They should be given food assistance in the meantime that they have no income from their farms.

Mr. Salik, the municipal secretary who is in-charge of IDPs, said that they cannot provide for the needs of the evacuees when they return home, because as a host community, the disaster budget can only be spent within Datu Anggal Midtimbang. Their municipality of origin should be responsible for the needs of the IDPs when they return home.

Mr. Alberto Kimpo, the Project Officer of CHD informed the group that the two parties were negotiating for an Interim Agreement which will preserve the gains that have already been achieved. They can be rest assured that the ceasefire mechanisms will still be in place, and the agencies under the IMT will continue functioning even during elections and after the elections.

After the group of the Center for Humanitarian Dialogue, headed by Mr. David Gorman, arrived, Mr. Gorman gave the IDPs a comprehensive update on the peace process. these included what took place during the formal rounds of talks last December, January, and early March. Mr. Haron Baraguir translated the briefing of Mr. Gorman in Maguindanaon to be understood by the IDPs. Mr. Gorman was accompanied by the senior mediator and adviser of former South African President Thabo Mbeki, Advocate Mojanko Gumbi, who came to learn about conducting peace process consultations at the grassroots level.

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Professor Eva Tan, Lead Facilitator of the Mindanao Think Tank

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About the HD Centre

The Centre for Humanitarian Dialogue (HD Centre) began operations in August 1999. From its beginning as a venue in Geneva, Switzerland, where discreet discussions took place among those who had a practical impact on humanitarian policy and practice, the HD Centre has evolved into an independent global mediation organisation, with a presence in Europe, North America, Africa and Asia. Its aim is to help alleviate the suffering of individuals and populations caught up in both high-profile and forgotten conflicts, by acting as mediators and by providing other mediators with the support they need to work effectively.

HD Centre in the Philippines

The HD Centre began work in the Philippines in February 2004 when the Royal Norwegian Government requested for the HD Centre's active involvement in support of their role as third party facilitator to the peace process between the Government of the Republic of the Philippines and the National Democratic Front.

In 2005 the HD Centre became involved with the peace process between the GRP and the Moro National Liberation Front (MNLF) when Presidential Adviser on the Peace Process, Teresita Quintos-Deles requested the HD Centre's involvement in resolving a crisis in Sulu Province between MNLF and AFP forces. The HD Centre held five rounds of informal talks between the two parties and in August 2005, established the GRP-MNLF Peace Working Group. In 2008, the

HD Centre established the Armed Violence Reduction Initiative which is a multistakeholder response to non-conflict related violence that has been prevalent in Sulu. In 2009, the HD Centre established the Tumikang Sama Sama, a group of six eminent persons in Sulu, that attempt to resolve local conflicts and in 2010, it established the Prevention of Election Related Violence initiative, a group of 25 volunteers who monitor and report on election related violence in Sulu.

In 2007, the HD Centre began involvement in the current Mindanao peace process that involves peace efforts between the GRP and the Moro Islamic Liberation Front (MILF). HD Centre is a member of the International Contact Group (ICG), providing advice to both parties and civil society through eminent persons and experts from around the world. On the ground, the HD Centre established the Mindanao Think Tank, a multi-stakeholder consultative effort aimed at creating an opportunity for communities in Mindanao to be more involved in the peace process. The group conducts consultations at the community level as well as among local experts and officials from key sectors to solicit their advice for the MILF and GRP panels and to keep them abreast of the peace process.

The HD Centre also conducts research through support to the Institute of Bangsamoro Studies.

You may visit us at www.hdcentre.org

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