

THE MINDANAO THINK TANK

RECOMMENDATIONS OF PROMINENT OBSERVERS OF THE PEACE PROCESS
TO THE NEW PHILIPPINE PRESIDENT

Monograph 1 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 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 peace 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. In the first half of 2010, the Mindanao Think Tank Project conducted several interviews with prominent observers to the peace processes in Mindanao to generate their recommendations for the new Philippine President.

For the HD Centre and the Mindanao Think Tank, this is a very timely question to ask given the change in administration from President Gloria Macapagal-Arroyo to President Benigno Simeon Aquino III. As stakeholders to the peace process, we have observed that amidst the challenges faced by the peace processes during the Arroyo Administration, the last year has seen a marked improvement in their developments. For the GRP-MILF peace process, a ceasefire has put an end to a year of hostilities ever since the failure of the Memorandum of Agreement on Ancestral Domain (MOA-AD), mechanisms to make the peace processes inclusive of the international community were established through the International Contact Group (ICG) and the return of the International Monitoring Team (IMT), formal peace talks were reconvened after over a year's impasse, a Civilian Protection Component (CPC) was added to the IMT, and there was a real push for the forging of a Comprehensive Compact (or final peace agreement) before the end of President Arroyo's term in office. For the GRP-MNLF peace process, the Tripartite Process with the Organization of the Islamic Conference (OIC) has been active with efforts to implement Republic Act 9054 governing the Autonomous Region in Muslim Mindanao to make it more consistent with the 1996 GRP-MNLF Final Peace Agreement, the setting up of a new development body and the securing of additional OIC development funds for Mindanao, and the establishment of a tripartite implementation and monitoring mechanism.

What is hoped for is that the Aquino Administration will continue with the various gains of the peace processes. As will be seen in this report, while most of the prominent observers agree with this aspiration, others see things quite differently.

Reading this Report

This Report consists of five parts: “Part I. Introduction”; “Part II. History, the Evolution of Conflict, and the Peace Processes”, wherein a brief overview of the conflict and of the two main peace processes between the Philippine Government and the MNLF and MILF, respectively, are discussed.

“Part III. Overview of the Armed Conflict from the Civil Society Perspective” is a presentation delivered by Ustadz Esmail Ebrahim. It adds to the discussion in Part II by showing relevant cost figures and effects of the prolonged conflict in Mindanao.

“Part IV. Putting an End to Hostilities - The GRP-MILF Ceasefire Mechanism and its Updates” is a presentation delivered by the Head of Secretariat of the GRP Coordinating Committee on the Cessation of Hostilities, Major Carlos Sol Jr. It illustrates one of the successes in the peace efforts between the conflicting parties, and projects a ray of hope in the peace process.

Finally, “Part V. Looking at a New Beginning: Recommendations to the New Philippine President from Prominent Observers to the Peace Process” gives the main results of interviews conducted with eight prominent observers to the peace process.

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. History, the Evolution of Conflict, and the Peace Processes



A lot has been written and said about the conflict in Mindanao. Many are said to have benefited when vast, fertile lands were opened up for them to cultivate. Others who weren't so lucky struggled against what they saw as unjust state policies that pushed them further and further away from infrastructure and development, and deeper and deeper into marginalization and poverty. Those who breached the tipping point rebelled, only to be pacified by peace overtures and the promise of an end to fighting, with structural changes that would correct the wrongs and heal the wounds. Those who continued to resist persisted with their fight saying what has been given was either not enough or was simply not the solution. While there were those who felt marginalized and disenfranchised, there too were those who fought to keep what for them has for decades been home and their only source of livelihood. While all this took place, to-date over one hundred thousand lives are said to have been lost and millions have suffered war and displacement. Indeed, conflicts are complex. They are deep rooted, multi-faceted and very challenging to resolve. The conflict in Mindanao is no exception.

While the organized Moro rebellions started only in the late 1960s with the Nur Misuari led Moro National Liberation Front, the Mindanao conflict took root long before that during the colonial period when the Spanish followed by the American colonial authorities sought to subdue the remaining frontiers of the archipelago that stubbornly fought off the colonizers. Much later during the Philippine Republic, National Government land redistribution policies in the post-war period encouraged settlement by Filipinos from Luzon and the Visayas into the rich uninhabited lands of Mindanao. Through the years these settlements benefitted from various programs and projects from Government aimed at growth and development. Eventually the settlers prospered and their areas developed, while the original inhabitants, the Lumads (indigenous peoples) and the Moros (Islamized indigenous peoples) remained as they have been for centuries and failed to keep pace with their settler neighbors and the rest of the modernizing world.

First, their areas weren't prioritized for government projects rendering their areas less productive and with less opportunity to tap into and benefit from the mainstream economy. Second, war and displacement throughout AFP-MNLF fighting (at its height from the late 1960s to the mid 1970s), AFP-MILF fighting (at its most vicious in the late 1990s to recently), and the intermittent activities of the Abu Sayyaf and other extremist groups resulted in further poverty and hopelessness in the conflict-affected areas.

With their areas progressing and prosperous, it wasn't long before the number of settlers boomed with natural population increases and with added migration. Eventually Christian settlers had surpassed in number the original inhabitants (both Lumad and Moro) who became the minority in areas they once controlled. In addition, not only were they marginalized in the state's national political landscape, in their own areas of Mindanao, their social, political and economic structures were almost thoroughly replaced by those of the centralized republican Philippine state. While the more economically, socially, and politically astute of the Lumads and Moros did not find difficulty in filling up the new roles in the new structures, there were those – especially among the Moros – who could not and did not want to. Time dragged on and marginalization was seen in terms of oppression and discrimination, dispossession (of lands) and militarization. All it took were sparks that would ignite the fire. Revolution was drawing near.



1. GRP-MNLF

And so it did. From the late 1960s to the mid 1970s the Moro National Liberation Front fought the Armed Forces of the Philippines to a stalemate. It wasn't until the government of President Ferdinand Marcos utilized diplomacy with Libya and the rest of the Muslim world that the MNLF was 'persuaded' to enter into the 1976 Tripoli Agreement that essentially dropped the quest for independence for autonomy and greater self-rule. It would not be until twenty years and two Presidents later that the 1976 accord would be finalized into the 1996 Final Peace Agreement after autonomy had already been practiced in the concerned areas of Muslim Mindanao for a decade. This was the approach to resolve the Government's conflict with the MNLF – grant them autonomy.

The 1996 GRP-MNLF accord officially ended the three decade struggle. Estimates had the war claiming over 120,000 lives, displacing millions, and costing the Government over USD 3 billion since it began in the 1970s. However, fourteen years later, the implementation of the 1996 agreement still remains an unresolved question between those who argue that the job has been done, and those who assert otherwise.

The 1996 agreement contains two major sections. Phase I is a 3-year transitional period which established the Southern Philippines Council for Peace and Development (SPCPD) and an SPCPD Constituent Assembly (both in preparation for the new Autonomous Region in Muslim Mindanao, or ARMM); a massive program of socio-economic development for the region encompassed in the Southern Zone of Peace and Development (SZOPAD); the integration of MNLF forces into the AFP and the Philippine National Police; and the delivery of socio-economic services, formation into a Special Regional Security Force, and accommodation into Government positions political leaders of the MNLF including the post of Regional Governor for Chairman Nur Misuari.

Phase I effectively lasted from 1996 to 2001. These were the last six years wherein the ARMM was still defined under the old Autonomy Law, Republic Act 6734. The Ramos government 'anointed' MNLF Chairman Nur Misuari to run in the 1996 ARMM Elections as official Administration Party bet, which led to an automatic victory at the polls as Regional Governor. In addition, Misuari was appointed to lead the SPCPD while the new Autonomy Law was still being crafted in the Philippine Congress. Simultaneously, 5750 MNLF members were integrated into the AFP and 1500 into the PNP. The integration process was likewise headed by appointed MNLF leaders tasked with the enlistment and processing of interested MNLF members for submission to the AFP and PNP for further processing.

Implementation, however, failed miserably and many Muslim areas under the ARMM have regressed while Christian areas surrounding the ARMM have thrived. The ARMM Government under Misuari was characterized by massive excessive spending, far too many absences from the seat of the ARMM in Cotabato City, and a general inefficiency and inability to deliver basic services. In response, the MNLF cited the GRP's failure to deliver its commitments as provided by the 1996 agreement: it gave no special funds for the ARMM and the transitory bodies, it relied wholly on donor-assisted projects, it provided regular appropriations to the ARMM that were only sufficient for personnel salaries, and it pursued projects in its normal course of Government work – not as part of the implementation of the 1996 agreement. Observers say the only semblance of implementation was in the Integration program. However, MNLF leaders spearheading this have been said to have 'sold' slots to MNLF members and even outsiders and the MNLF still retains a large armed wing, which retains command structures and resides in 'camps'.

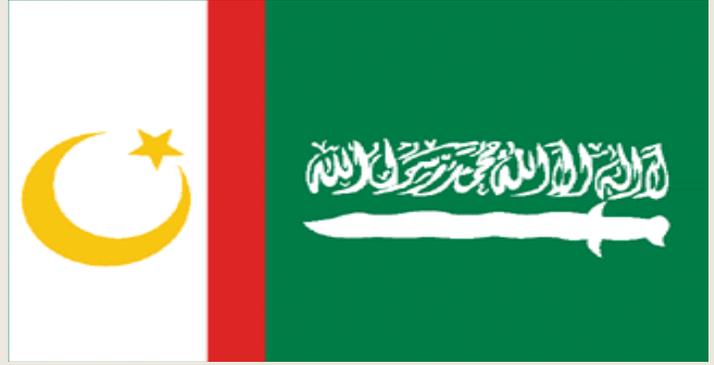
The situation went from bad to worse during Phase II of the 1996 agreement. This began in 2001 with the enactment of Republic Act 9054, the new Autonomy Law to update the old autonomy law to make the ARMM consistent with the provisions of the 1996 GRP-MNLF Final Peace Agreement. The process began with a plebiscite to ratify the new ARMM law in the area of autonomy, and to allow new provinces to join. However, the MNLF argued they were not consulted on the plebiscite. RA 9054 was accepted as the new Autonomy Law, and in addition to the provinces of Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi that had already previously opted to join the ARMM prior to the 1996 agreement, Basilan province (except for Isabela City) and Marawi City voted to join. The new ARMM was in place, ushering in Phase II. However, the new autonomous region failed to live up to the promises of the 1996 agreement, and the ARMM has been widely

criticized as a huge failure on how to exercise autonomy. This, even though a second senior MNLF leader, Foreign Affairs Chief Parouk Hussin, was anointed by the Government to run as administration Party bet, and was easily elected as ARMM Regional Governor from 2001 to 2005.

Today, fourteen years after the forging of the 1996 Final Peace Agreement, and nine years since the new Autonomy Law came into effect, the MNLF continues to remain clamouring for the full implementation of the 1996 agreement (the law omits many key components of the 1996 agreement and the autonomous government remains largely inactive), many former MNLF fighters complain that they never had the chance to be integrated nor even received livelihood projects, a number of MNLF communities especially in Sulu province continue to maintain arms and military command structures, the MNLF organization has experienced deep divisions in the movement, the Abu Sayyaf Group has risen and causes great insecurity in parts of Sulu and Basilan provinces, and the lives of the Bangsamoro in the ARMM have been characterized by poverty, underdevelopment, poor governance and insecurity.

For the past three years, an official GRP-MNLF-OIC Tripartite Process has been in place to review the implementation of the 1996 agreement. One of the sparks that led to this was a series of five informal rounds of talks brokered in 2005 by the Centre for Humanitarian Dialogue that brought then Presidential Adviser on the Peace Process Teresita Quintos-Deles and MNLF representatives appointed by Nur Misuari back to the negotiating table. These talks were crucial because they provided at the time the only venue whereby the status of Misuari's incarceration, the resurging MNLF-AFP hostilities in Sulu Province, and a possible review of the implementation of the 1996 agreement were discussed.

All these efforts have gone a long way with Misuari now out of prison and the official Tripartite Process in place. The GRP-MNLF peace process is slowly getting back on track to fulfilling the promises of the 1996 agreement. Towards the end of the term of President Gloria Macapagal-Arroyo, the GRP and MNLF inked a Memorandum of Understanding that calls for transforming common proposals adopted by the joint legal panels into legal form for action by the Philippine Congress; the setting up of a new development body and securing additional OIC development funds for Mindanao; and the establishment of a tripartite implementation and monitoring mechanism.



2. GRP-MILF

The GRP-MILF peace process began in 1997, during the administration of President Fidel Ramos, just a year after the forging of the 1996 agreement with the MNLF. However, the process failed to gain momentum, and in 2000, then President Joseph Estrada launched an all-out offensive against the MILF and took over Camp Abubakar in the hinterlands of the boundary area between Maguindanao and Lanao del Sur provinces, which was the main MILF base. After the ouster of President Estrada, in 2001 President Gloria Macapagal-Arroyo re-established the peace process with the MILF that resulted in the 2001 Tripoli Agreement on peace, which lay the framework for the pursuit of peace talks between the Philippine Government and the MILF. These covered the areas of security, rehabilitation and development, and ancestral domain.

In 2003, an agreement on the security aspect of the GRP-MILF peace process was reached and a Cessation of Hostilities agreement was forged with ceasefire mechanisms put in place. In 2005, an agreement on the rehabilitation and development aspect was reached and the Bangsamoro Development Agency was established to begin donor-assisted projects even when a final agreement was still being negotiated. Throughout this entire period from the start of the GRP-MILF peace process, efforts were extended to forge ahead on the third and most difficult aspect of this peace process, Ancestral Domain. However, as what has been apparent, this has proven to be the most difficult and elusive.

In 2008, the GRP and MILF initialled the landmark Memorandum of Agreement on Ancestral Domain (MOA-AD) which set forth provisions for much greater territory and autonomous control than was awarded to the MNLF in the 1996 Agreement. However, moments before the signing ceremony in Kuala Lumpur Malaysia, the Philippine Supreme Court issued a Temporary Restraining Order based on petitions by some Local Government officials in Mindanao, including national legislators from the Philippine Senate. The MOA-AD and the process of arriving at the MOA-AD was later declared unconstitutional by the Supreme Court. So, the agreement remains unsigned. This led to a rampage by three MILF commanders across predominantly Christian areas in Northern and Central Mindanao, and the resulting fighting caused the displacement of 650,000 people. All of these resulted in over a year of impasse in the formal talks (from August 2008 to December 2009) and the pull-out of Malaysia from the International Monitoring Team.

As a result of the Supreme Court decision and the ensuing fighting both sides issued conditions that must be fulfilled for the talks to continue. The GRP insisted that it would not restart talks until the three 'rogue' MILF commanders were arrested or killed and then also declared that it would need to abide by the Supreme Court decision, could not accept the MOA-AD, could not engage in any talks requiring a constitutional change, and that any new talks must involve DDR as a precondition. They also requested the removal of the Malaysian facilitator from the talks citing his biases (for the fourth time since 2006). For its part, the MILF demanded the GRP respect the MOA-AD, retain Malaysia as facilitator and agreed to international 'guarantors'. Following a number of interventions including those by HD Centre with various 'eminent persons', the two parties agreed to drop most of their conditionalities.

Just as the situation on the ground was at its most explosive, both parties brought Mindanao back from the brink and issued unilateral ceasefires in July 2009. They then met informally in Kuala Lumpur under the auspices of the Malaysian government and agreed to resume formal talks and form an International Contact Group. They also acknowledged the MOA-AD as an initialled but unsigned document. In November, both parties identified missions and NGOs for the International Contact Group (ICG) which was designed to support the process and the parties, especially the third party facilitator Malaysia and to avoid a repeat of the failed MOA-AD and its devastating consequences.

In December 2009 the first round of the reconvened GRP-MILF formal talks took place and immediately on the agenda was the reestablishment of the International Monitoring Team, with an additional component establishing a civilian protection component to be run by international and local NGOs which would monitor human rights abuses. As the parties agreed that the upcoming May 2010 national and local elections gave the process an urgently tight schedule, an exchange of drafts for a Comprehensive Compact (final peace agreement) was planned for the next round of talks scheduled for January 2010.

On 27-28 January 2010 these talks took place and as planned the parties exchanged draft text proposals for a Comprehensive Compact. However, the talks collapsed over wide differences in the each party's text. The GRP proposal was only focused on what the Executive could commit to now (the Legislature was off session and they could not propose a constitutional amendment). While the MILF put forward a 40-plus page draft in which it was clear that it is still looking at substance which is contained in the MOA-AD and the consensus points: Security, Rehabilitation and Ancestral Domain. For Ancestral Domain, this includes the four strands of Concept, Territory, Governance and Resources. Not surprisingly, the MILF still considers the MOA-AD a done deal, 'as good as an agreement'.

The MILF officially walked out of the talks but the ICG and the Malaysian Facilitator were able to ensure that the GRP at least reviewed and discussed the MILF proposal and that both parties agree to another round of talks. The GRP agreed to take the MILF proposal and identify which parts could be done through executive action, which would require legislative amendments and which would require constitutional changes. They were open to discussing all of these.

In February, the Malaysian facilitator and the ICG conducted shuttle diplomacy. While the GRP had indeed followed through with their commitment to review the MILF proposal, the MILF came up with a much more modest 'interim' proposal. It was not a final agreement but rather an outline of the transition period leading up to the implementation of a final agreement. In March the two parties and the ICG met in Kuala Lumpur to discuss the MILF draft and while some of it was of bounds of the GRP, the GRP did do a counter proposal along the same lines, however this still failed to elicit an agreement by both parties.

Looking at the vast differences in the positions of the GRP and the MILF and the drawing to a close of the Arroyo Administration, by April it had become clear that neither a comprehensive compact nor an interim agreement was attainable within the term of the President. But more importantly, everyone thought that while little could be expected, something could and should still be produced to preserve the gains achieved and serve as a bridge to the next administration. Ideas for an interim agreement, a declaration of principles, and the formation of a Joint Task Force to work on an interim agreement or transitional administration were suggested.

As May passed and the results of the May 2010 Elections became clear, the incoming Aquino presidency was widely anticipated and observed. More and more focus was put on the larger question as to whether his incoming administration would continue the process where the current administration has left off, “whether they would be able and willing to negotiate a constitutional amendment to accommodate the demands of the MILF, whether they would be able and willing to reign in those opposed to the process and whether the MILF will be able to control its own fighters and ensure they become more representative of all the Bangsamoro.”

Just before the end of President Arroyo’s term, the Government Peace Panel and the MILF Panel declared that they had “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 new formulas that permanently respond to the legitimate aspirations of the Bangsamoro people building on prior consensus points achieved; consider new modalities to end the armed hostilities; reframe the consensus points on Ancestral Domain taking into account in particular the rights of indigenous people; and incorporate in the compact agreement the agreed upon texts and signed instruments on the cessation of hostilities and security arrangements guidelines, and development initiatives and rehabilitation.

III. An Overview of the Armed Conflict from the Civil Society Perspective

The following is a presentation delivered by Ustadz Esmael Ebrahim, a member of the Mindanao Think Tank core group, on two occasions. First during the MTT-assisted GRP Peace Panel Consultations with Local Government Chief Executives in February 2010 in General Santos City, and second, during an MTT workshop and roundtable discussion in February 2010, in Cotabato City.

This shows the cost of the ongoing armed conflict in Mindanao, and potential benefits of seriously pursuing the peace process in order to resolve it.



The Armed Conflict and Its Impact: An Overview



Ustadz Esmael Ebrahim
Mindanao Think Tank

The Economics of War



□ 1970-1996 – MNLF vs AFP:

- 100,000 -120,000 perished, 50% MNLF 30% AFP, 20% civilians
- P73B spent by Government on war materials



The Philippine government has been engaged in war from late 60's until the signing of the Final Peace Agreement with the Moro National Liberation Front (MNLF) in 1996. The almost three decades of fighting resulted in the death of more than a hundred thousand people, of whom more than half were MNLF Fighters, 30% were government troops and almost 20% were civilians. The approximated total amount of government spending for the 26 years of fighting was 73 billion Pesos or an average of 24 million a year. If that huge amount of money was spent in building schools, roads, bridges, books for grade schoolers and other livelihood programs in Mindanao, a dramatic change could have already happened.

The Economics of War



□ 2000 – "All-out-War" in Mindanao cost the government P20 Million per day or a total of P1.337 Billion during the whole period.

- Damage to infrastructure: P202M
- Damage to agriculture: P124.76M



Slide #3 shows the cost of war during the "All Out War Policy" of former President Estrada. The all out war cost the government more or less 20 million Pesos a day or a total of 1.4 billion during the entire duration of the war. The amount of damage to infrastructures, from school buildings to markets to roads, was estimated at 202 million Pesos. The estimated damage to agriculture: rice, corn, coconut and other crops was estimated at 125 million Pesos.



The Economics of War

□ 2003 – "Buliok Offensives"

- P46.8 M worth of damage to crops, livestock and fisheries;
- P130 M worth of damage to infrastructure



When President Estrada was removed from the presidency, President Arroyo staged another war. The war started during a holy day for Muslims worldwide. This was the Eid ul Adha, the second most special holiday for Muslims. The Buliok offensives cost the government another huge amount of money. Aside from the huge amount of military hardware used, there were about 47 million Pesos worth of agricultural products, livestock and fisheries destroyed, and 130 million Pesos worth of infrastructure damaged. The Buliok Offensive resulted in nothing except a return to negotiations.



The Economics of War

As of August 4, 2008, the costs after the conflict resume in October 2008:

Casualties: 83 dead; 104 injured
 Displaced: 110,994 families
 531,994 individuals
 Damages: 283 houses
 P47,454,756 - Infrastructure
 P141,861,081 - Agriculture



When the final signing of the MOA-AD was aborted, skirmishes again erupted in many parts of Mindanao. From August 4 to October 0f 2008, the total number of casualties were 83 dead and 104 injured from both the government troops and MILF fighters. There were about 110,994 families or 531,994 individuals who were displaced by the war. There were 282 civilian houses burnt, almost 48 million Pesos worth of infrastructure and 142 million Pesos worth of agricultural crops damaged. Although the war started even before the aborted MOA-AD signing in Kuala Lumpur, Malaysia, this resulted in damages to properties and loss of lives.

Internally Displaced Persons in Mindanao (year and numbers)

2000	982,412	March: "all-out-war"
2001	202,842	June: Zamboanga and Sulu
2002	23,650	GRP-MILF ceasefire violations
2003	452,258	February: Buliok incident
2004	44,532	Clashes before May 2004



Source: DSWD DROMIC

The social costs of the Mindanao conflict are very glaring.

Stuck in-between the warring government forces and the MILF were innocent civilians who would always have to leave their homes every time an armed confrontation erupts.

In 2000, almost a million persons were displaced by the "All-Out War". Due to the crackdown on the Abu Sayyaf on the following year, some two hundred thousand persons were displaced, mainly in Southern Mindanao. The figure shot up again in 2003, as a consequence of the Buliok Offensives.

Investment Growth*

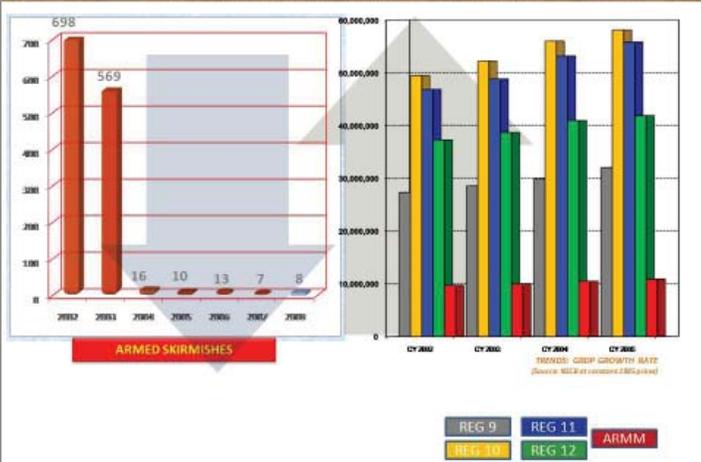


* Source: Phil. Human Development Report 2005

According to the Human Development Report, in terms of foregone investments, during major military operations following the "All-Out War" and the subsequent Abu Sayyaf atrocities, the investment growth rate plunged deeply from positive seventeen percent to negative five percent from 2000 to 2001. Investments still shied away from the region after the war as the investment rate was not able to recover from the deficit as of 2002; worse, it slid again in 2003, when the Buliok Offensives occurred.

Considering explicit and implicit economic losses, the same report revealed that due to the Mindanao conflict, we suffered losses ranging from P5 billion to P10 billion annually from 1975 to 2002.

TRENDS IN GRP-MILF ARMED SKIRMISHES vs. TRENDS IN GROSS REG. DOMESTIC PRODUCT (GRP): R-IX - ARMM



Since the above mechanisms were established, armed skirmishes were reduced to negligible levels from 2004 to 2008. Also, please take note of the number of recorded hostilities in 2002 and 2003.

The generally peaceful climate due to the reduction of armed clashes encouraged more economic activities in the previously conflict-affected areas, particularly in Regions 10, 11, 12 and the ARMM, all of which exhibited increasing positive regional GDP growth rates from 2002 up to 2005, as shown.

Advancing a Political Solution

Solving the
Bangsamoro
Problem:
The Tripoli
Agreement 2

After major clashes between the two groups, the Government of the Republic of the Philippines and the leadership of Moro Islamic Liberation Front, under the leadership of Chairman Ustadz Salamat Hashim, advanced a political solution to the conflict. This was the Tripoli Agreement 2, signed in Tripoli, Libya. There were apprehensions from the two groups, but the accord was signed in 2003. The Tripoli Agreement has three (3) aspects. These are:

1. The Security Aspect
2. The Humanitarian, Rehabilitation and Development Aspect, and
3. The Ancestral Domain Aspect



Specifically, these three aspects of this agreement are about:

1. The Security Aspect – constituting agreements on the cessation of hostilities;
2. The Humanitarian, Rehabilitation and Development Aspect – which embodies the commitment of both sides to respect human rights, and provide assistance, rehabilitation and development to conflict-affected communities; and
3. The Ancestral Domain Aspect – which is the focus of our present negotiations, and discusses Bangsamoro critical issues relating to Bangsamoro identity, rights, culture, resources, traditional lands, etc.

It is hoped that the discussion on the 3 aspects of the talks, including the process of the negotiations, will lead us to answer the single talking point raised by the MILF in 1997: “How to solve the Bangsamoro problem”.

IV. Putting an End to Hostilities – The GRP-MILF Ceasefire Mechanisms and its Updates



Following is a presentation delivered by Major Carlos Sol Jr of the Philippine Army, a regular invited participant of the Mindanao Think Tank. Major Sol delivered this presentation during an MTT workshop and roundtable discussion in February 2010, in Cotabato City. (Please see photo at left.)

This presentation discusses the joint efforts of the GRP and MILF, with the active participation of the international community, to implement the GRP-MILF Cessation of Hostilities agreement through ceasefire mechanisms. It also gives updates as of February 2010.

Government of the Republic of the Philippines (GRP)
&
Moro Islamic Liberation Front (MILF)
**JOINT COORDINATING COMMITTEE ON THE CESSATION OF HOSTILITIES
(GRP - MILF JCCCH)**

**CEASEFIRE MECHANISMS
AND
UPDATES**

Briefing for:
MINDANAO THINK TANK PARTICIPANTS

Sardonyx Plaza Restaurant, Cotabato City
260900 February 2010

1



SCOPE OF PRESENTATION



- I. CEASEFIRE MECHANISMS
- II. OPERATIONAL GUIDELINES AND GROUND RULES
- III. CEASEFIRE MONITORING ACTIVITIES
- IV. UPDATES OF CEASEFIRE

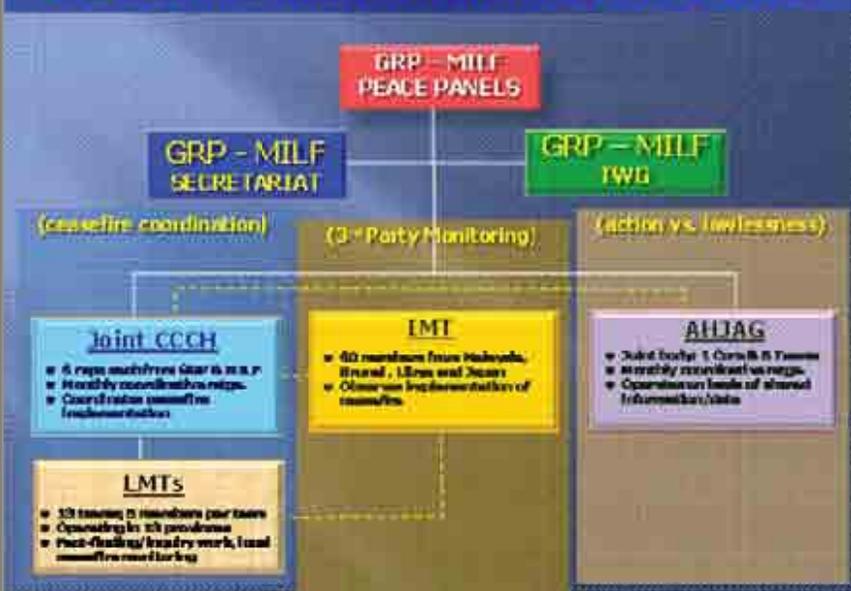
2



I. CEASEFIRE MECHANISMS

3

CEASEFIRE MECHANISMS STRUCTURE



AS YOU TAKE A GLIMPSE ON THE ORGANIZATIONAL STRUCTURE OF THE CEASEFIRE MECHANISMS, YOU CAN EASILY NOTICE THE THREE (3) IMPORTANT PILLARS OF THE CEASEFIRE, THESE ARE: THE JOINT COORDINATING COMMITTEE ON THE CESSATION OF HOSTILITIES (JCCCH), THE INTERNATIONAL MONITORING TEAM (IMT) AND THE AD HOC JOINT ACTION GROUP (AHJAG).

BELOW IS THE LOCAL MONITORING TEAM (LMT) WHICH SERVES AS THE OPERATING ARM OF THE JCCCH TO MONITOR THE IMPLEMENTATION OF THE CEASEFIRE IN THE THIRTEEN (13) CONFLICT AFFECTED AREAS IN MINDANAO (CAAM).

CEASEFIRE MECHANISMS (1st Pillar)

JOINT COORDINATING COMMITTEE ON THE CESSATION OF HOSTILITIES

MISSION

TO ENSURE THE IMPLEMENTATION OF THE GRP-MILF AGREEMENT ON THE GENERAL CESSATION OF HOSTILITIES OF 1997 IN THE CONFLICT AFFECTED AREAS IN MINDANAO IN ORDER TO PROVIDE AN ATMOSPHERE CONDUCTIVE TO THE PEACE NEGOTIATION.

GRP CCCH & TWG COMPOSITION

GRP CCCH:

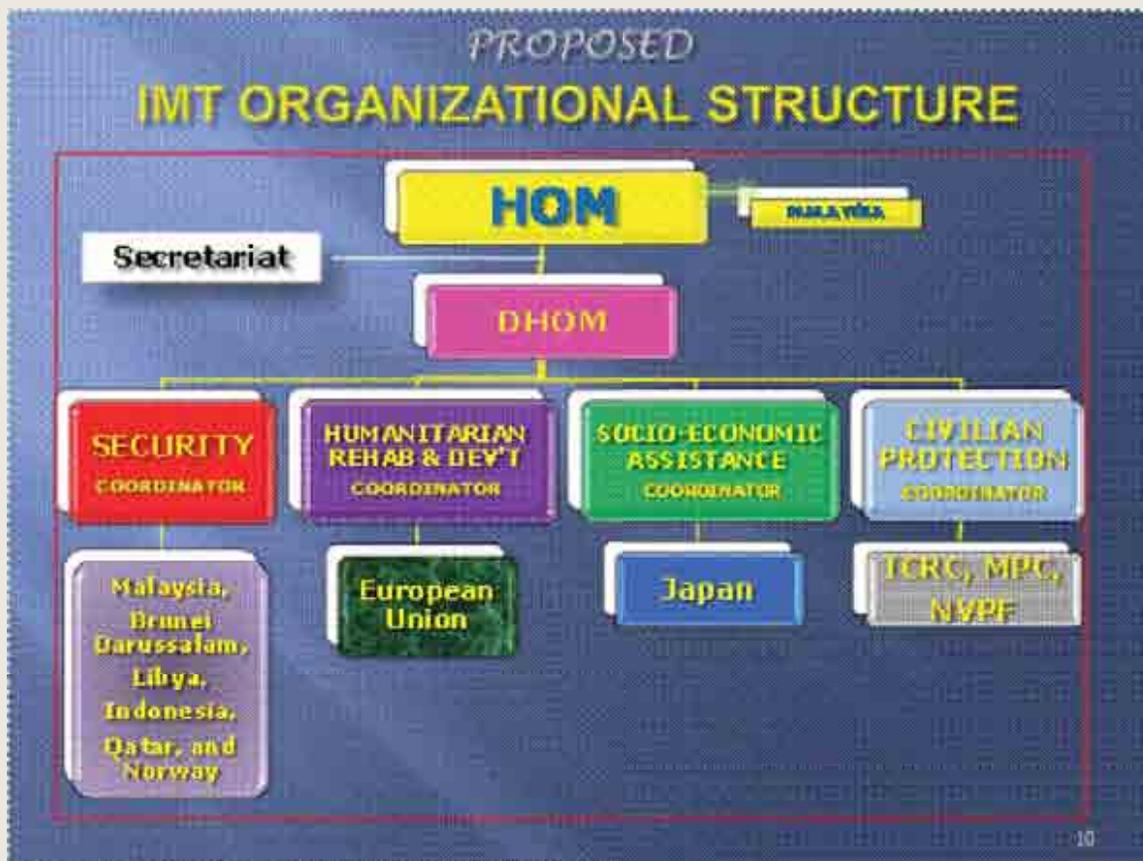
NR	NAME	DESIGNATION	OFFICE
1.	MGEN REYNALDO D SEALANA AFP	Chairman	C, TRADOC, PA
2.	DIR RAMON ELMARTINEZ	Member	DND
3.	RSP MARANAO DANGANAN	Member	DOJ – Region 12
4.	COL GILBERT JOSE ROA (IAGS) PA	Member	TIAG, AFP
5.	COL ROBERTO ALMADIN (GSC) PA	Member	GHQ, AFP
6.	LTC NOEL D BELERAN PN (M)	Member	H, WMC
7.	PSUPT ANTONIO P MENDOZA CSEE, DSC	Member	PNP PRO ARMM
	MAJ CARLOS T SOL JR (INF) PA	Head, Secretariat	GHQ, AFP

TWG:

NR	NAME	DESIGNATION	OFFICE
1.	ATTY. LEAH ARMAMENTO	Member	DOJ - Manila
2.	ATTY. MANUEL IBAÑEZ	Member	NDCP – Manila
3.	ADG ZENONIDA BROSAS	Member	NSC – Manila
4.	LTC DICKSON P HERMOSO (GSC) PA	Member	D, GHQ, AFP
5.	ELEONOR CALICA	Stenographer	DOJ - Manila

MILF CCCH COMPOSITION

NR	NAME	DESIGNATION	AREA REPRESENTED
1.	TOKS EBRAHIM	Chairman	
2.	ALIBABA ABDULLAH	Member	Davao Provinces
3.	ALEX MUJAHID	Member	Central Mindanao
4.	BARAHAMA ALI	Member	Zambo Peninsula
5.	AHMAD LAO	Member	Lanao Provinces
6.	ABBAS SALUNG	Member	Basilan
	RASID LADIASAN	Head, Secretariat	



THE IMT IS COMPOSED OF 60 MILITARY AND CIVILIAN PERSONNEL HEADED BY MALAYSIA. THE IMT INCLUDES REPRESENTATIVES FROM MALAYSIA, BRUNEI, LIBYA, JAPAN AND WILL SOON INCLUDE THOSE FROM NORWAY AND THE EUROPEAN UNION. OTHER NATIONAL AND INTERNATIONAL ORGANIZATIONS ARE PART OF THE CIVILIAN PROTECTION COMPONENT.

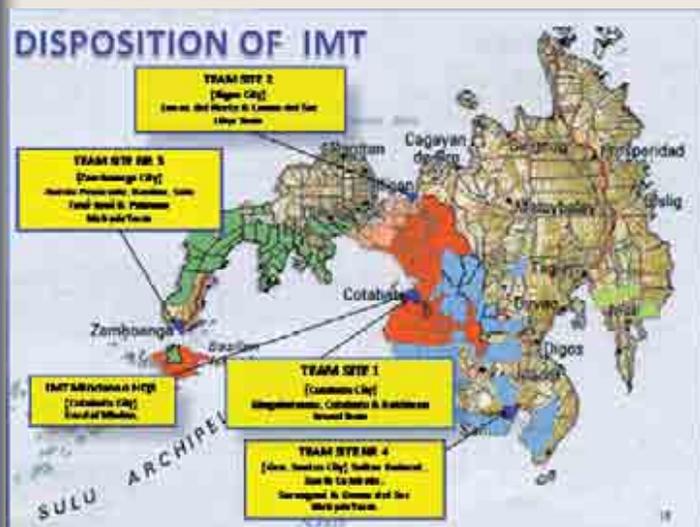


The mandate of the IMT is for 12 months and extended on a yearly basis upon request of the GRP and MILF Peace Panels.

The IMT may cease or suspend its mission when:

- Field situation becomes dangerous and life threatening to IMT;
- GRP or MILF (or both) fails to fulfill commitment and responsibility to the Peace Process.
- **LACK OF SUPPORT BY THE GRP OR MILF (OR BOTH) TOWARDS ANY OF THE IMT'S REPORTS.**

THE MEMBERS of the IMT CANNOT MOVE FREELY throughout the area OF COVERAGE within the host country in performing their functions.



AS SHOWN IS THE DISPOSITION OF IMT-MINDANAO AND ITS TEAM SITE WITHIN THE CONFLICT AFFECTED AREAS IN MINDANAO (CAAM).

IMT HQS

- IMT HEAD OF MISSION - COTABATO CITY
- MALAYSIAN AND JAPANESE CONTINGENT - COTABATO CITY

TEAM SITE 1 - BRUNEI CONTINGENT - COTABATO CITY

TEAM SITE 2 - LIBYAN CONTINGENT - ILIGAN CITY

TEAM SITE 3 - MALAYSIAN CONTINGENT- ZAMBOANGA CITY

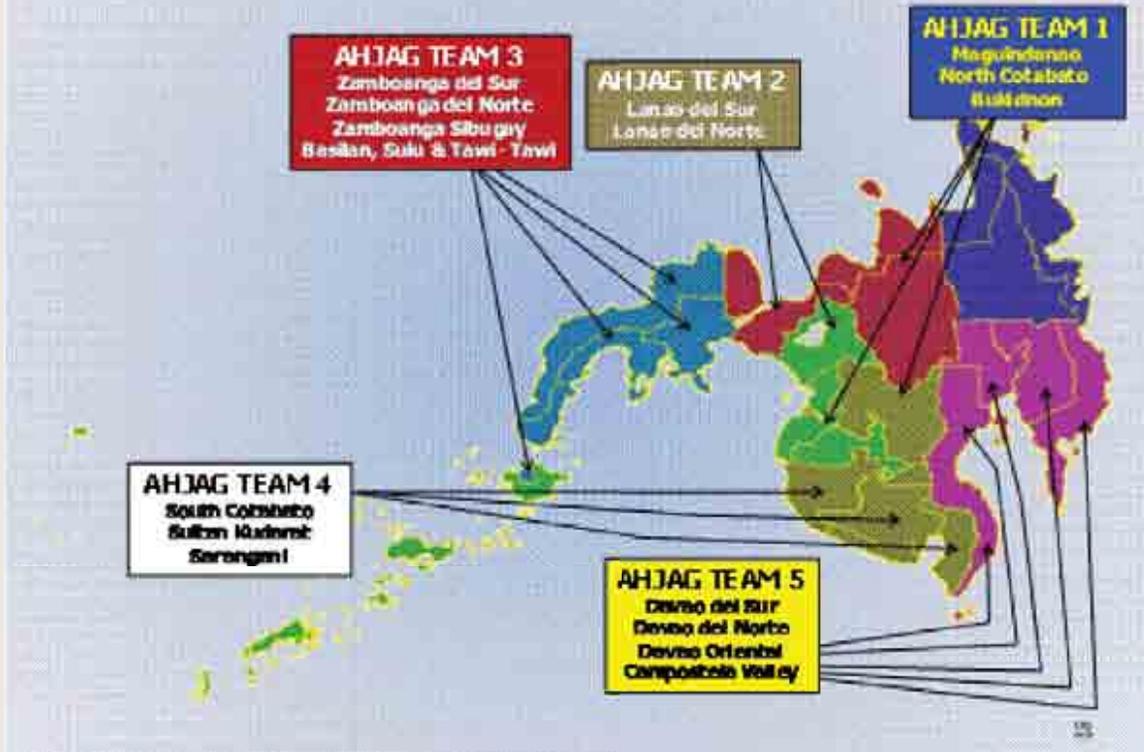
TEAM SITE 4 - MALAYSIAN CONTINGENT - GEN. SANTOS CITY

TEAM SITE 5 - MALAYSIAN CONTINGENT- DAVAO CITY



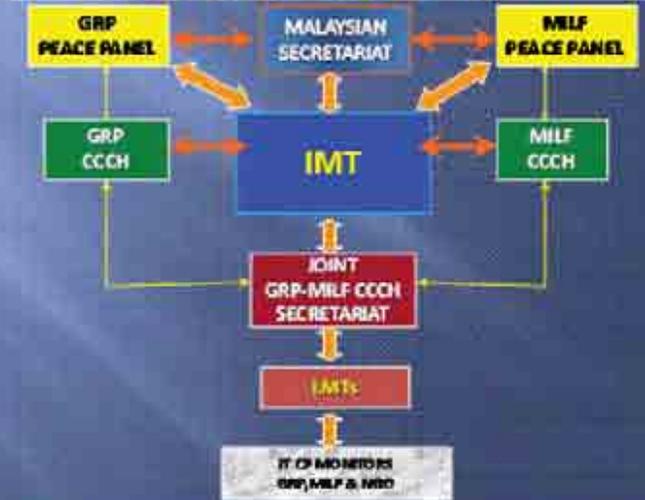
THE THIRD PILLAR OF THE CEASEFIRE MECHANISMS IS THE AD HOC JOINT ACTION GROUP (AHJAG). THE AHJAG IS A COORDINATING BODY WHICH IS TASKED TO COORDINATE, MONITOR AND DISSEMINATE INFORMATION BETWEEN AND AMONG THE AFP/PNP AND THE MILF -BIAF TO EFFECT THE APPREHENSION AND ARREST OF SUSPECTED CRIMINAL SYNDICATES, KIDNAP FOR RANSOM GROUPS (KFRGs), LOST COMMAND AND OTHER CRIMINAL ELEMENTS WITHIN OR NEAR MILF AFFECTED COMMUNITIES/AREAS.

DISPOSITION OF AHJAG TEAMS



CEASEFIRE MECHANISMS

OPERATIONAL RELATIONSHIP



THE DIAGRAM EXPLAINS THE FLOW OF COMMUNICATIONS BETWEEN THE PEACE PANELS, THE MALAYSIAN SECRETARIAT/FACILITATOR, IMT, JOINT CCCH, LMTs AND THE LOCAL CEASEFIRE MONITORS SPREAD ALL OVER THE CONFLICT AFFECTED AREAS IN MINDANAO.



II. OPERATIONAL GUIDELINES AND GROUND RULES

PROHIBITED HOSTILE ACTS

- ✦ TERRORISTIC ACTS SUCH AS KIDNAPPING, HIJACKING, PIRACY, SABOTAGE, ARSON, BOMBING, GRENADE THROWING, ROBBERIES, LIQUIDATIONS/ASSASSINATIONS, UNJUSTIFIED ARREST, TORTURE, UNREASONABLE SEARCH AND SEIZURE, SUMMARY EXECUTION, AS WELL AS BURNING OF HOUSES, PLACES OF WORSHIP AND EDUCATIONAL INSTITUTIONS, DESTRUCTION OF PROPERTIES, AND ABUSE OF CIVILIANS.
- ✦ AGGRESSIVE ACTION SUCH AS ATTACK, RAID, AMBUSCADE, LANDMINING, AND OFFENSIVE MILITARY ACTION SUCH AS SHELLING, RECONNOITERING, AND UNJUSTIFIED MASSING OF TROOPS.
- ✦ ESTABLISHMENT OF CHECKPOINTS EXCEPT THOSE NECESSARY FOR THE GRP'S ENFORCEMENT AND MAINTENANCE OF PEACE AND ORDER, AND, FOR THE DEFENSE AND SECURITY OF THE MILF IN THEIR IDENTIFIED AREAS, AS JOINTLY DETERMINED BY THE GRP AND MILF

as embodied in THE IMPLEMENTING OPERATIONAL GUIDELINES AND GROUND RULES OF THE AGREEMENT ON THE GENERAL CESSATION OF HOSTILITIES of 14 november 1997, THE FOLLOWING ARE CONSIDERED PROHIBITED HOSTILE ACTS:

PROHIBITED PROVOCATIVE ACTS

- ▶ DISPLAY OF MILF FLAG IN NON-IDENTIFIED MILF AREAS
- ▶ PROVIDING SANCTUARY OR ASSISTANCE TO CRIMINAL OR LAWLESS ELEMENTS
- ▶ MASSIVE DEPLOYMENT AND/OR MOVEMENT OF GRP AND MILF FORCES WHICH ARE NOT NORMAL ADMINISTRATIVE FUNCTIONS AND ACTIVITIES
- ▶ PUBLIC PRONOUNCEMENTS THAT UNDERMINE THE SINCERITY OR CREDIBILITY OF EITHER PARTY IN IMPLEMENTING THE CESSATION OF HOSTILITIES
- ▶ OTHER ACTS THAT ENDANGER THE SAFETY AND SECURITY OF THE PEOPLE AND THEIR PROPERTIES; AND/OR THAT WHICH CONTRIBUTE TO THE DETERIORATION OF PEACE AND ORDER SUCH AS BLATANT DISPLAY OF FIREARMS.

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GROUND RULES

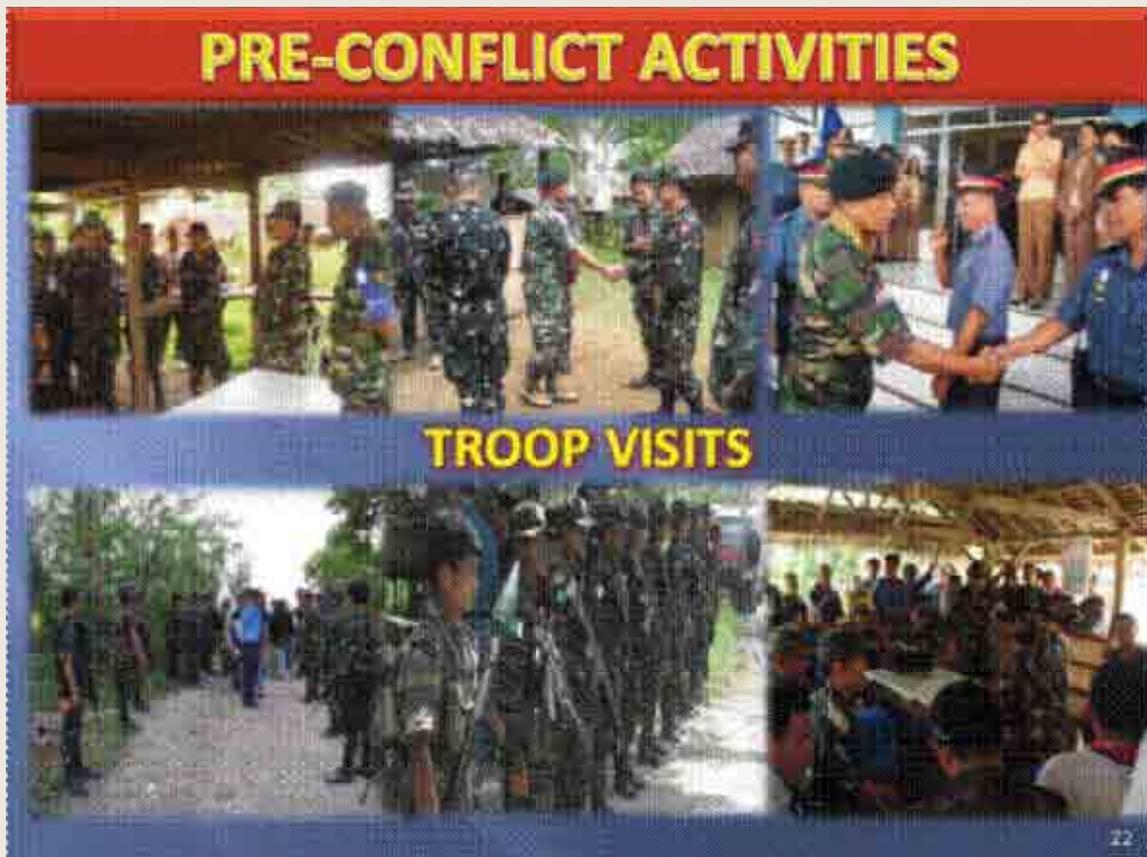
- ▶ GRP AND MILF SHALL DESIST FROM COMMITTING ANY PROHIBITED HOSTILE AND PROVOCATIVE ACTS.
- ▶ MOVEMENT OF MILF FORCES OUTSIDE THEIR IDENTIFIED AREAS, JOINTLY DETERMINED BY THE GRP – MILF CCCH, SHALL BE COORDINATED BY CONCERNED MILF COMMANDERS TO THE GRP FORCES COMMANDERS FOR CLEARANCE PRIOR TO SAID MOVEMENTS.
- ▶ FORCES NOT IDENTIFIED BY THE GRP AND MILF CCCH SHALL BE DEEMED NOT COVERED BY THIS IMPLEMENTING GUIDELINES AND GROUND RULES.
- ▶ GRP AND MILF FORCES SHALL COMPLY TO THE PROVISIONS OF CESSATION OF HOSTILITIES AND SUPPORT THE CONDUCT OF INQUIRY BY THE GRP – MILF CCCH.

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III. CEASEFIRE-RELATED ACTIVITIES

Note: the following seven slides feature the IMT in action, as accompanied by GRP and/or MILF CCCH officials and staff.



PRE-CONFLICT ACTIVITIES



COMMUNITY VISITS



PRE-CONFLICT ACTIVITIES



MEDICAL & DENTAL CIVIC ACTION



PRE-CONFLICT ACTIVITIES



HEART & MIND PROJECTS



PRE-CONFLICT ACTIVITIES



CONSTANT COORDINATION WITH BOTH PARTIES AND STAKEHOLDERS



PRE-CONFLICT ACTIVITIES

ESTABLISHMENT OF
EARLY WARNING
SYSTEM



PRE-CONFLICT ACTIVITIES

ENHANCE PARTICIPATION
OF EXISTING LOCAL
MONITORS
ESTABLISHED BY THE
JCCCH AND IMT



DURING ARMED CONFLICT

- ESTABLISH CONTACT WITH LEADERS OF CONTENDING FORCES
- ESTABLISH Foothold ON THE GROUND, ASSESS THE SITUATION AND NEGOTIATE WITH FIELD COMMANDERS OF TWO CONTENDING PARTIES FOR IMMEDIATE CEASEFIRE AND IMPLEMENT THE SAME.
- ASSIST IN THE SEPARATION OF TWO ARMED FORCES INVOLVED IN THE FIGHTING.
- ASSIST IN THE EVACUATION OF INTERNALLY DISPLACED PERSONS (IDPs).
- FACILITATE THE MOVEMENT OF TWO CONTENDING FORCES TO THEIR ORIGINAL AREAS PRIOR TO THE ARMED FIGHTING.
- ASSIST BOTH PARTIES IN THE EVACUATION OF WOUNDED AND RETRIEVAL OF CASUALTIES, IF THERE ARE ANY.

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POST CONFLICT ACTIVITIES

- ✦ SUPPORT THE ESTABLISHMENT OF A PEACEKEEPING UNIT WHEN NECESSARY;
- ✦ ASSIST IN THE RETURN OF INTERNALLY DISPLACED PERSONS (IDPs) AND COORDINATE LIFE SUPPORT REQUIREMENTS;
- ✦ CONDUCT MEDICAL/DENTAL CIVIC ACTION AND OTHER HEART AND MIND PROJECTS;
- ✦ FACILITATE CONFLICT RESOLUTION ACTIVITIES INVOLVING STAKEHOLDERS OF THE SPECIFIC CONFLICT;
- ✦ CONTINUE THE IMPLEMENTATION OF SOCIO-ECONOMIC AND INFRASTRUCTURE PROJECTS;
- ✦ ENHANCE PEACE MAKING AND PEACE BUILDING ACTIVITIES; AND
- ✦ CONDUCT TRI-PARTITE MEETING AND OTHER CEASEFIRE RELATED ACTIVITIES.

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IV. UPDATES OF CEASEFIRE

↓ JULY 23, 2009

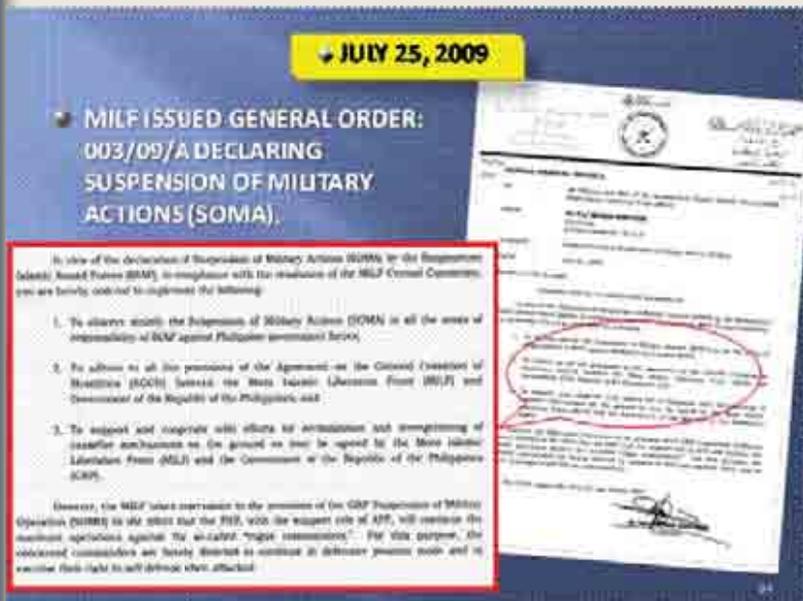
**GOVERNMENT DECLARED
SUSPENSION OF OFFENSIVE
MILITARY OPERATIONS (SOMO)**



PURPOSE:

- 1. TO ADVANCE STABILITY AND PEACE IN THE CAAM;**
- 2. TO INTENSIFY AND SUSTAIN LAW ENFORCEMENT MEASURES;**
- 3. TO PROVIDE STABLE ENVIRONMENT FOR THE RESUMPTION OF THE PEACE TALKS BETWEEN THE GRP AND MILF.**

On 23 July 2009 the government, declared a Suspension of Offensive Military Operations (SOMO) in order to advance stability and peace in the CAAM, intensify and sustain law enforcement measures and provide a stable environment for the resumption of the Peace Talks between the GRP and the MILF. The SOMO resulted in the Suspension of all Offensive Military Operations by the AFP in all conflict affected areas and revert back to Active Defense Mode as provided for in THE “GUIDELINES ON the Primacy of the Peace Process of 2003” and “the reminders on the GRP – MILF Peace Process of 2007”. As the AFP reverts back to Active Defense Mode, the PNP will continue to undertake its law enforcement activities to bring the lawless elements to the bar of justice.



In a similar gesture, on 25 July 2009, the Chairman of the MILF Central Committee signed General Order # 003/09/A, declaring a Suspension of Military Actions (SOMA) by the BIAF – MILF. this declaration was the MILF’s response to the SOMO declaration of the GRP. In the said order, the milf Chairman directed all officers and men of the Bangsamoro Islamic armed forces (BIAF) to observe strictly the SOMA against GRP Armed Forces; to adhere to all provisions of the Agreement on the General Cessation of Hostilities (AGCH) between the GRP and MILF and support and cooperate with efforts for REVITALIZATION AND STRENGTHENING OF CEASEFIRE MECHANISMS ON THE GROUND AS MAY BE AGREED BY THE GRP and MILF. However, the MILF takes reservation to the provision of the GRP SOMO to the effect that the PNP, with the support role of the AFP, will continue the manhunt operations against the so-called “rogue commanders”. It also ordered the concerned BIAF Commanders to continue in defensive position mode and to exercise their right to self defense when attacked.



NUMBER OF ARMED SKIRMISHES BETWEEN THE GRP AND MILF

from January 2008 to 24 February 2010



COMPARATIVE DATA ON IDPs

(Year 2008 to 2010)

MAGUINDANAO PROVINCE	AFFECTED BRGYS	AFFECTED FAMILIES	AFFECTED PERSONS	IDP CENTERS
Year 2008	97	50,105	234,910	116
Year 2010	94	19,027	90,199	75
TOTAL RETURNED/ RELOCATED	3	31,078	144,711	41
% RETURNED/ RELOCATED	3.09%	62.02%	61.6%	35.34%

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V. Looking at a New Beginning: Recommendations to the New Philippine President from Prominent Observers of the Peace Process

Introduction:

The transition from the administration of President Gloria Macapagal-Arroyo to that of President Benigno Simeon Aquino III was as expected, preceded by a lot of controversy. On the peace front, one of the staunchest oppositionist of the MOA-AD insisted that the GRP panel has already forged an “Interim Agreement” with the MILF and demanded that this be made public in his petition to the Supreme Court. President Arroyo’s last secretary for the peace process, Anabelle Abaya, had to give reassurances that there is no secret agreement.

However, prospects for a smooth transition of the peace negotiations are foreseen, with the winning of local candidates in the region who are supportive of the government’s peace initiatives. These are North Cotabato Province’s new Governor, Lala Taliño-Mendoza, the two new representatives of the province to Congress: Former Governor Jesus Sacdalan and Nancy Catamco, and Maguindanao Province’s newly Governor and Vice Governor – Ismael Mangudadatu (whose wife, family members, lawyers, together with journalists were murdered in the infamous ‘Maguindanao Massacre’) and Dustin Mastura (son of MILF panel member Atty. Michael Mastura), respectively. This has led Catholic priest Eliseo Mercado Jr. of the Institute for Autonomy and

Governance to say that “We are optimistic these newly-elected leaders will focus their utmost attention and their political resources to activities that can complement the GRP-MILF peace process and Government’s peace initiatives with the Moro National Liberation Front.

On the other hand, the overwhelming support Former President Joseph ‘Erap’ Estrada received in Christian areas in Mindanao based on his ‘all out war’ sloganeering presage that the challenges will remain. Furthermore, re-electionist mayoralty bets Celso Lobregat of Zamboanga City and Lawrence Cruz of Iligan City won in their respective cities. Lobregat and Cruz were among the leading Christian Local Government officials who led the petitions against the signing of the controversial GRP-MILF Memorandum of Agreement on Ancestral Domain in August 2008. Hopefully the significant number of votes President Aquino received nationally will give him the strength, mandate and credibility to push the peace process through where it needs to assuage the concerns and fears of surrounding communities who may feel threatened by a new agreement.

The MILF, through its Vice Chairman for Political Affairs Ghazali Jaafar said that it is willing to resume talks with the Aquino Administration and expressed

hope that the new government would abide by previous agreements that the Arroyo Administration entered into with the rebel group. In an interview with the Mindanao Cross, a local newspaper, he said that “We expect the incoming new government to open its door for a peaceful and comprehensive settlement of the Bangsamoro problem.” He believes that Aquino is for peace.

With this in mind, the Mindanao Think Tank interviewed prominent observers regarding their recommendations to the new president on the conduct of the Peace Process. There were eight prominent observers who were interviewed because of their in-depth knowledge of the peace process. These are:

- Fr. Eliseo Mercado Jr. – a Catholic priest who heads the Institute for Autonomy and Governance. Through the IAG, he has been organizing symposia and round table discussions aimed at assisting the members of the GRP and MILF peace panels and those involved in the negotiation clarify issues and find solutions to problems;
- Dr. Ofelia Durante – an international consultant in Peace Education who has been active in the peace negotiations through the Dialogue Mindanaw movement;
- Prof. Rudy Rodil – a professor of the Mindanao State University who has thoroughly studied the history of the Bangsamoro movement, also a former panel member of the GRP peace negotiating panel for talks with the MILF;
- Prof. Abhoud Syed Lingga – an internationally known consultant on the peace process, and is the executive director of the Institute of Bangsamoro Studies;
- Dr. Danda Juanday – a member of the board of the Bangsamoro Development Council and the executive director of the GRP-MILF created Bangsamoro Development Agency tasked to look after the humanitarian, rehabilitation, and development aspect as agreed upon during the peace negotiations;

- Vice Chairman Ghazali Jaafar – the head of the political unit of the Moro Islamic Liberation Front;

- Lt. Gen. Rodolfo Garcia AFP (ret) – the former chairman of the GRP peace negotiating panel for talks with the MILF

- Mayor Celso Lobregat – Mayor of Zamboanga City and an outspoken critic of the MOA-AD.

There were five questions asked of the esteemed respondents:

1. What would be the ideal outcome of the Mindanao Peace Process (GRP-MNLF and GRP-MILF)?

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

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

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

5. What can be the worst case scenario in the peace process?

“... A future GRP-MILF agreement I think should be able to achieve an agreement that would be satisfactory to the Bangsamoro people in as far as addressing their legitimate aspirations and grievances. At some point there has to be an interface between the MILF and MNLF because they are both claiming to represent the Bangsamoro.”

Gen. Rodolfo C. Garcia, AFP (ret), former Chairman of the GRP Peace Negotiating Panel for Talks with the MILF, when asked for his expected outcome of the peace process

Expected Outcome of the Peace Process:

The respondents were first asked what they feel is the ideal outcome of the peace process. All of the respondents were of the same mind that the Final Peace Agreement with the MNLF was a “failed attempt” to solve the Bangsamoro problem. Thus, for Fr. Mercado, the best outcome is the consolidation of the two peace agreements. The GRP-MILF agreement should complement the first agreement (GRP-MNLF) because we are talking about the same territory and the same people. According to Vice-Chair Jaafar “this is one of the reasons why the MILF needs to negotiate with the government to rectify errors and fill-in the gaps and loopholes committed in the GRP-MNLF Peace Talks”.

Gen. Garcia also feels that “the maximum we could hope for as far as the GRP-MNLF process is concerned is for the shortfalls and deficiencies in the implementation of the 1996 Final Peace Agreement to be addressed”. However, he said that there has to be an interface with what is going to be developed in the results of the negotiations between the GRP and the MILF. “A future GRP-MILF agreement I think should be able to achieve an agreement that would be satisfactory to the Bangsamoro people in as far as addressing their legitimate aspirations and grievances. At some point there has to be an interface between the MILF and MNLF because they are both claiming to represent the Bangsamoro. Eventually the MNLF has to be considered into whatever will be developed between the GRP and MILF. They cannot just be put aside.”

“When I was chairman, the MNLF was not actively considered on the table. Eventually there really needs to be that stage whereby the MNLF is brought in. If the agreement between GRP and MILF results in a better deal than what the MNLF was able to secure in 1996, I believe the MNLF could be brought in or becomes subsumed in a GRP-MILF agreement. If it is in the best interest of the Bangsamoro, this should not be accepted negatively by the MNLF. But let me reiterate that this is a matter that the two fronts should resolve, both being Bangsamoro.”

“There are shortfalls in the 1996 Agreement and there is an ongoing review to make the implementation more effective. This does not stand in the way, or is not contradictory to the ongoing GRP-MILF efforts. Whatever comes out of the review – hopefully a better implementation of the 1996 Agreement – the GRP-MILF peace negotiation would hope to achieve more than whatever could be done in fulfilling the implementation of the 1996 Agreement. The negotiations with the MILF derives from a prevailing belief, which could be true, that the 1996 Agreement was not able to fully address the aspirations of the Bangsamoro people. This would be expected therefore that the negotiations with the MILF would result in a better agreement which we would expect to be a much better deal for the Bangsamoro than the 1996 Agreement was.”

“The question here is how power will be apportioned after. How will the MILF and MNLF get together to implement an agreement that is substantially and qualitatively superior to the 1996 Final Peace Agreement. This should be the frame of mind of today’s negotiators. So long as it does not infringe on the territorial integrity of the nation, as what has already been mentioned by the MILF”

The two professors interviewed are of the same mind that a peace agreement should not be rushed. For Dr. Durante, the peace process is not yet ripe (...*hindi pa hinog*). “We feel that there should be more engagement with the people. There should be a joint communication/advocacy group or a joint implementation of an IEC before an agreement is signed. This will bring about better understanding from both sides.”

On the other hand, Prof. Rodil believes that “the government should do a thorough study on what ought to be the appropriate solution to the Moro problem, admitting with humility that the government, colonial and republic, was the principal creator of the problem and that process of creating the problem was affirmed and legitimized by the Philippine constitution. Using the same constitution to resolve a problem which was created within its legal framework is begging the question. It is best for

“... The government should do a thorough study on what ought to be the appropriate solution to the Moro problem, admitting with humility that the government, colonial and republic, was the principal creator of the problem and that process of creating the problem was affirmed and legitimized by the Philippine constitution.”

Prof. Rudy Rodil, former panel member of the GRP peace negotiating panel for talks with the MILF, when asked for his expected outcome of the peace process

Dr. Juanday wants to abolish the Autonomous Region in Muslim Mindanao in favor of a new and enlightened governance. This must be supported by the Philippine government to show concern for the Bangsamoro's right to self determination.

Dr. Danda Juanday is a member of the board of the Bangsamoro Development Council and the executive director of the Bangsamoro Development Agency

government to amend the constitution and legitimize a new arrangement wherein the Moro people's right to self-determination can be accommodated, then it can go to the second move which is to engage the appropriate Bangsamoro in an honest to goodness peace negotiation. The product of this negotiation should create the appropriate legal space within which the Bangsamoro can figure out for themselves how to govern themselves”.

Mayor Lobregat, for his part, still champions the rights of his constituents, which to him come from all faiths and tribes, Zamboanga City being a melting pot in Western Mindanao. He argues that “everybody wants long and lasting just peace involving all stakeholders not just the MILF. The MILF aren't the only inhabitants of Mindanao. This was a disaster in the Arroyo Administration. Fortunately we were able to save our country from the MOA-AD and from dismemberment.”

For those in the MILF/Bangsamoro side, Vice-chair Ghazali Jaafar said, “Our ideal is consistent that still the best way to resolve the centuries old Moro Question in Mindanao is through peaceful negotiated political settlement which means through the current negotiation. For more than a decade of talking peace with the government, we have been optimistic and aspired for one agenda as the final outcome of the negotiation, and that is to “solve the Bansamoro problem”. The solution to this quest was partially outlined in the initialed but unsigned MOA-AD. But the document was only a last ditch to the ideal outcome of the GRP-MILF Peace Talks which is the signing of the Comprehensive Compact.

Dr. Juanday wants to abolish the Autonomous Region in Muslim Mindanao in favor of a new and enlightened governance. This must be supported by the Philippine government to show concern for the Bangsamoro's right to self determination.

Prof. Lingga wants “a power sharing arrangement between the Philippine Government and a Bangsamoro government wherein the Bangsamoro people will be able to exercise the internal aspects of sovereignty while the Philippine Government exercises the external aspects. Specifically, the Philippine Government shall exercise exclusive powers over

national defense, foreign affairs, currency, postal services and immigration. All other powers shall be exercised by the Bangsamoro Government like regional legislation, taxation, internal security, control and management of natural resources, fiscal and economic policies and planning, civil service, etc.”

Realistic Timeline for the Peace Process:

The period in which the desired outcomes can be achieved is viewed differently by the respondents. Professors Lingga and Rodil want a period of three years while Fr. Mercado wants a longer timeline – six years. Mayor Lobregat also opts for six years which he says should be enough as long “as the other side realizes we are one country, with one flag and one armed force, and that everything agreed upon should be in the realm of the Constitution”.

Dr. Durante doesn’t want a timeline. There should be immediate implementation of the above recommendations, and continuous communication advocacy. Dr. Juanday shares this view. He wants the process to start in the soonest possible time. However, his reason is that he fears that delaying the negotiation will give way to the breaking up of the Moro front into small groups which will be an invitation to “catastrophe”. There are radical members of the Moro front who might take over the moderates. He suggested reading the Paul Oquist analysis which was made years ago.

On the other hand, Vice Chairman Jaafar said that “the Bangsamoro struggle is adjudged by many as the longest armed conflict in the world and the peace processes for decades. And therefore, the realistic timeline is not tomorrow or anytime in the future but already a long overdue peace. However, we want to make it clear that we cannot accept an ill-conceived peace deal. Therefore, our realistic timeline is for as long as we could have an opportunity in solving the Bangsamoro problem or sign a peace agreement which is comprehensive, just and lasting one.”

Gen. Garcia is more emphatic on the timeline. He says that “the determinant would be the GRP-MILF peace agreement. With the MOA-AD, we gave it one year that a final peace agreement with the MILF would be signed. Today, one year from the ascendance of the

“... We cannot accept an ill-conceived peace deal. Therefore, our realistic timeline is for as long as we could have an opportunity in solving the Bangsamoro problem or sign a peace agreement which is comprehensive, just and lasting one.”

MILF Vice Chairman for Political Affairs Ghadzali Jaafar, when asked for a realistic timeline for the peace process

“... The new President must be able to reign in spoilers of the peace process.”

Prof. Abhoud Syed Lingga, when asked what the new Philippine President should do relative to the peace process

“... Convincing people that a solution should not be premised on the past. The peace agreements should be shaped by the “prospective” not “retroactive”..”

Fr. Eliseo Mercado Jr, when asked what the new Philippine President should do relative to the peace process

new administration should be enough. But in fact it would be better if an agreement could be forged now, given that the government is currently dealing with moderate and reasonable people. Now is the time to forge an agreement”.

What the New Philippine President should do:

To achieve the outcomes that are expected from the peace process, several recommendations have been given:

1. Prof. Lingga recommends that
 - The new President has to initiate amendments to the Constitution to allow for a power-sharing arrangement. These amendments can be done through “surgical” means (just amend a particular article or section), or by appending a GRP-MILF agreement to the Constitution.
 - The new President has to exercise strong political will to address the issues. The “dribbling” strategy will only prolong the agony.
 - The new President has to resolve the issue that a GRP peace panel represents the Government of the Republic of the Philippines, not just Office of the President.
 - The new President has to engage Malaysia as facilitator constructively. Any attempt to ease out Malaysia as facilitator will only complicate the peace process.
 - Within the first 100 days the new President has to reconstitute the GRP peace panel and appoint a cabinet member as head of the panel. The other members must have the capability to think and act creatively and constructively.
 - The new President must be able to reign in spoilers of the peace process.
2. Fr. Mercado proposes these plans and initiatives:
 - Government should adopt a coherent peace policy, not only for the GRP-MILF, but for all

including the MNLF, NPA, IPs, etc; and the coherent implementation of the peace policy by all government agencies;

- Government should initiate a dialogue among the three stakeholders (GRP, ARMM and Local Governments) for:
 - i. Power sharing among the three
 - ii. Power devolution from the central government to the local
 - iii. Wealth sharing among the three
 - iv. Wealth devolutionSharing of power and wealth should be both vertical and horizontal

- Convincing people that a solution should not be premised on the past. The peace agreements should be shaped by the “prospective” not “retroactive”. We are shackled by the tyranny of the past. We should look forward – look at the new challenges such as global citizenship, climate change, regional updates like the BIMP-EAGA (Brunei-Indonesia-Malaysia-Philippines East ASEAN Growth AREA). We should be influenced by future events and veer away from the “no exit” discussions going on now.

3. For Dr. Durante, the incoming president should:

- Continue the peace process and build up on the advocacy/communication plan.
- Have increased delivery of basic services because if there is still widespread poverty, peace will be difficult to achieve.
- Institute good governance, especially in the ARMM

4. Vice Chairman Ghazali Jaafar recommends the continuation of the peace negotiations. He said that:

- “The decades old negotiations do have outstanding and significant successes as there were also obstacles that can be a sound lesson for whoever is the next President of the country. In the negative aspect, one case in point was the MOA-AD debacle as a result of disagreement between the

“... Continue the peace process and build up on the advocacy/communication plan.”

Prof. Ofelia Durante, when asked what the new Philippine President should do relative to the peace process

“... Government does not have a national peace policy ... every administration has its own policy - from the policy of unification during the Ramos Administration to the all out war policy of President Estrada. The absence of a national policy allows every new administration to come up with its own Government policy on the peace process.”

Christian church leaders, when asked what the new Philippine President should do relative to the peace process

Executive, Legislative, and the Judicial branches of the government which ought to work independently from each other but in unison towards the same objective, but this didn't happen.”

- “Military approaches by past and present regimes had been tried but this only exacerbates the situation in terms of human suffering and displacements, damages to civilian properties and human lives notwithstanding the draining of the government's coffers.”
 - “These happened despite our consistent pronouncements which are shared by many intellectuals, peace advocates and even many of those in the government that the best option for the government to solve the Bangsamoro Question is through peaceful means. Therefore, we believe that still the best logical way for whoever becomes President is to continue the negotiations.”
5. For Gen. Garcia:
- “I think President Aquino will be open-minded about Constitutional change as a possible solution to the peace issue. Although he has initial hesitance about committing to an amendment of the Constitution, but my interpretation is that he has not closed his mind to the possibility that any such Constitutional amendment would have to proceed from the will of the people. That does not foreclose any possibility. I know that his heart is good and that he would want peace in Mindanao. He is also aware of the necessity of peace in Mindanao in order to achieve economic development for the nation.”
 - “I believe that President Aquino will continue negotiating with the MILF. Peace negotiations are a tract that his administration would adhere to, rather than the military option. It is good to recall from history that it was his mother who went to Sulu upon assuming power in 1986 to put closure to the MNLF rebellion by meeting with Nur Misuari, which eventually led ten years later to the signing of a peace agreement in 1996 between the MNLF and the Government under the Ramos Administration. Being son to the mother, and despite having people in his administration who are adverse to the MOA-AD, it should be made clear that this does not

undermine national sovereignty but does respect that certain people have a different culture that seeks to be given expression through the full meaning of self-governance ... Senator Aquino would see the wisdom of this.”

6. For Mayor Lobregat:

- “They should consult everybody in Mindanao. Why did Erap (presidential candidate and former President, Joseph Estrada) win in Mindanao? What were the things he said about the peace process, about the AFP (Armed Forces of the Philippines)? The people appreciated him for those. Most of the votes he got were from Mindanao, and in fact he won in Mindanao. Why? It was his firmness in 2000, it showed in his administration that he wanted peace but did not settle for appeasement. There are obviously some things to be learned here”.

7. Additional recommendations from other Mindanao Think Tank interviews: *(Since these interviews with prominent observers to the peace process in Mindanao were conducted as an initiative of the Mindanao Think Tank, the following are some interesting recommendations raised during other Mindanao Think Tank activities.)*

- During a focused group consultation with Christian church leaders, the respondents mentioned that the Government does not have a national peace policy. They mentioned that every administration has its own policy - from the policy of unification during the Ramos Administration to the all out war policy of President Estrada. The absence of a national policy allows every new administration to come up with its own Government policy on the peace process. This will always entail a lot of consultations so that the sentiments of stakeholders will help in the formulation of the administration’s peace policy.

- The consultations with the media also elicited the same recommendations but they stressed more the creation of a Government-supported Peace Commission. This 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

“... The creation of a Government-supported Peace Commission. This 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.”

Media representatives, when asked what the new Philippine President should do relative to the peace process

“... In other words, the new President should sum up the gains of the peace process, move forward from it, avoid the past mistakes, and most importantly should strive to make Government branches work in unison as one Government or towards one direction to once and for all solve this centuries-old conflict.”

MILF Vice Chairman for Political Affairs Ghadzali Jaafar, when asked what would be the best possible transition for the peace process from the Arroyo Administration to the Aquino Administration

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 process, as before.

- The media also strongly recommended for the improvement of communications and advocacy by the parties and stakeholders to the peace process not only at the negotiations level but also at the grassroots. For their particular field, this would greatly help the process since what would be picked up by the media would be clearer and in proper perspective with the greater initiative towards peace in Mindanao.

Best possible transition:

Transition plans should be in place. Prof. Lingga wants the new President to organize a peace panel in waiting and learn from the previous panels. For him, “The peace panel in waiting has to know what have been agreed so far and continue working from there. The impression we get from the GRP panel is that they lack institutional memory.” For his part, Fr. Mercado wants to consolidate the gains of the peace process, “This should be the bridge from the old to the new administration – so that we do not start with zero.”

Vice Chairman Jaafar agrees with the recommendation of Prof. Lingga and Fr. Mercado. “The best thing for the new and former administrations is to summarize the achievements in the past negotiation, its current status, and have a smooth turn-over of leaderships including among others, matters pertaining to the peace talks. On the other hand, the new President will be guided on where to start and how to proceed with the negotiation. In other words, the new President should sum up the gains of the peace process, move forward from it, avoid the past mistakes, and most importantly should strive to make Government branches work in unison as one Government or towards one direction to once and for all solve this centuries-old conflict.”

Dr. Durante, Gen. Garcia, and Dr. Juanday share the same ideas on transition. For Dr. Durante, “With the end of Presidential Peace Adviser Annabelle Abaya’s term last June 30, there would surely be changes at OPAPP and the GRP peace panel. The new OPAPP secretary and the new GRP peace panel should be populist or pro-people and the demands of both the MNLF and MILF should be attended to.” Dr. Juanday is also against dissolving the panel or scrapping the agreed portion of the negotiation. His advice is to “‘Hang on’ or continue, but to stick to the timeline agreed upon. The new administration will just have to take off from where the Arroyo Administration has left. There are certain agreements that have already been signed in the course of the negotiations since 1997 that the incoming administration can build upon. These have stated some general principles on which the track of negotiations is based.” The same sentiment was aired by Gen. Garcia.

Mayor Lobregat more or less had the same idea of transition when he said that “The Government does not have to do anything new, they just need to begin where the Supreme Court left off, then do consultations that are genuine, with the stakeholders truly considered and feed-backing of results done.” He said they were invited to previous consultations, but were never given any feedback as to the results of those consultations. “We also definitely need a new Government panel. It should also be made clear who the MILF represents. And what about the MNLF, are they involved or are they making demands because they clearly are a stakeholder here?”

Worst possible scenario:

Those in the civil society look at an all out war as the worst possible scenario in the peace process. As Prof. Lingga said, “If within the first three months the new President will not initiate resumption of the negotiations, there certainly will be war.” Vice Chairman Jaafar also looks at the failure to arrive at an agreement or when the negotiation fails as the worst case scenario. On the other hand, Mayor Lobregat looks at the negative effect of an early agreement: “If the Arroyo Administration signs something with just weeks remaining in office – that would be the worst case scenario. Nobody wants war. But we also can’t be threatened that if something is not signed we will go to war”.

“... The Government does not have to do anything new, they just need to begin where the Supreme Court left off, then do consultations that are genuine, with the stakeholders truly considered and feed-backing of results done.”

Hon. Celso Lobregat, Mayor of Zamboanga City, when asked what would be the best possible transition for the peace process from the Arroyo Administration to the Aquino Administration

“... Right now this radical streak in the MILF is only being constrained by the hopes that the moderate leaders are giving the rank and file that peace is attainable. But if this does not come, what now?”

Gen. Rodolfo C. Garcia, AFP (ret), former Chairman of the GRP Peace Negotiating Panel for Talks with the MILF, when asked what could be a worst possible scenario for the peace process

Dr. Juanday is more emphatic about the scenario he sees in the future. “If the President or the administration will reject the peace process and drop the peace talks, and knowing fully well that the majority of Filipinos will support war against the Bangsamoro people, this will push the President to go to war. The next war will be very costly and very bloody, with the experience in the recent Maguindanao war that displaced 600,000 people. Many Moros believe and know better that the incident was not an accident; it was done with a purpose, a warning that the Armed Forces of the Philippines can be more brutal to include civilians, their houses, their livelihood and everything that stands; this will be repeated and duplicated in many Moro areas. It will also be met with the same brute force or even more to widen the area of conflict. This may be the last war but it will still not end the conflict. It will only be something that will make many more sleepless nights and nightmares. And even if there will be status quo, in the ARMM alone where the population is 4 million, half of which are young, with no education, no work but prolific growth rate of four percent, this youth will double by 2010. There are 13-plus million Muslims in the Philippines. This is also an invitation to disaster and with conflict not resolved there will be too many young fighters to be recruited by any group. Allowing the Moro people a chance to help themselves by putting an end to this age old problem will be the best option.”

For Gen. Garcia, the worst case scenarios, and there are several, are the following: “If the ability to agree on the contentious points continue to cause the protracted conduct of the talks interminably, then the patience of some people might wear off. What could be a very realistic scenario of frustration in the MILF ranks translating into radical sentiments would first erode the ascendancy of the moderates within the MILF and see the gaining of a foothold by radical elements and perhaps even take over of the more radical and aggressive elements on the negotiations. The current people we are negotiating with could be marginalized within their own organization. Right now this radical streak in the MILF is only being constrained by the hopes that the moderate leaders are giving the rank and file that peace is attainable. But if this does not come, what now?”

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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.

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