



Stabilisation Unit

**Elite Bargains and Political Deals Project:
Philippines Case Study**

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Background to Elite Bargains and Political Deals Project

This case study is one of a series commissioned to support the Stabilisation Unit's (SU's) development of an evidence base relating to elite bargains and political deals. The project explores how national and international interventions have and have not been effective in fostering and sustaining political deals and elite bargains; and whether or not these political deals and elite bargains have helped reduce violence, increased local, regional and national stability and contributed to the strengthening of the relevant political settlement. Drawing on the case studies, the SU has developed a series of summary papers that bring together the project's key findings and will underpin the revision of the existing 'UK Approach to Stabilisation' (2014) paper. The project also contributes to the SU's growing engagement and expertise in this area and provides a comprehensive analytical resource for those inside and outside government.



Executive Summary

The Bangsamoro rebellion was led by the Moro National Liberation Front (MNLF) against the Philippine state in the early 1970s. The MNLF called for independence of the Bangsamoro of Mindanao, a southern Philippine island. The rebellion was fuelled by deep Moro anger and resentment at the ‘annexation’ of Mindanao to the Philippine post-colonial state; decades of central government neglect and underdevelopment; systemic dispossession of land through unjust land laws; the arrival of big businesses that exploited local natural resources with minimal benefit to local communities; and unresolved violent attacks against Moro communities by Christian vigilante groups and the Philippine military.

The build up to two agreements

The armed conflict between the MNLF and the Philippine government reached its peak between 1972 and 1975. By 1975, the parties had reached a military stalemate and the MNLF had obtained the support of the Organisation of Islamic Conference (OIC). Eager to secure a Philippine oil supply from the Middle East in the midst of a looming oil crisis, President Ferdinand E. Marcos entered into peace negotiations with the MNLF under the auspices of the OIC. This led to the signing of the 1976 Tripoli Agreement, which provided for an autonomy arrangement for the Bangsamoro in Mindanao. However, failure to implement the Agreement meant that the signing signalled the beginning, and not the end, of peace negotiations aimed at resolving the Bangsamoro rebellion. As a result, the Philippine government, under the leadership of successive Philippine presidents, embarked on almost 40 years of negotiations with the MNLF and the breakaway Moro Islamic Liberation Front (MILF).

A core issue in the peace negotiations revolved around the issue of autonomy. While rebel groups were pushing for autonomy, the Philippine government was pushing for greater national unity, although successive presidents took somewhat different positions on this issue.

In 1996, the MNLF secured a Final Peace Agreement (FPA) with the government, and its combatants and leaders took positions in the Philippine military, police establishment, and various government offices, including the regional government in Mindanao. The breakaway MILF, however, rejected the 1996 Agreement and built up its military strength, community influence, and mass base to demonstrate to the Philippine government that it, too, was a force to be reckoned with. In 1997, the Philippine government and the MILF signed a ceasefire agreement in the wake of serious armed clashes, which marked the beginning of 17-years of peace negotiations with the MILF.

The peace negotiations with the MILF were marked by numerous setbacks and breaches of trust by both sides. President Benigno Simeon Aquino III’s assumption of the presidency in 2010 was a milestone in the peace negotiations. Aquino had considerable political capital, and used this to make the Bangsamoro peace process a priority. In March 2014, the Philippine government and the MILF signed the Comprehensive Agreement on the Bangsamoro (CAB) aimed at creating a new autonomous region in Mindanao that would finally solve the Bangsamoro Problem. The CAB also addressed the root causes of conflict, including land dispossession, human rights violations, and Bangsamoro historical grievances.

The durability of the agreement

Under Philippine law, the CAB can only be implemented through a law enacted by Congress (the Bangsamoro Basic Law or BBL) in order to create the envisioned autonomous region. To date, however, the BBL has not yet been enacted. The 16th Congress received the draft BBL in September 2014, but due in part to a bloody ‘mis-encounter’ between government forces and MILF combatants in January 2015 and the resulting public backlash against the MILF, congressional deliberations on



Stabilisation Unit

the draft BBL were effectively halted. A new draft BBL was submitted to the 17th Congress in August 2017, but to date the bill has yet to find a sponsor and the fate of the BBL remains unclear.

As a result, currently there is a 'no war, no peace' situation in Mindanao. While a comprehensive peace agreement, supported by a ceasefire, is in place, the causes and consequences of conflict, such as marginalisation, rampant poverty, and insecurity, remain unresolved.

The role of external actors

A strong presidency and stable, working state institutions have meant that the interventions of international actors and civil society in the peace process, while often helpful, have been limited by the president and his representatives (in particular the Office of the Presidential Adviser on the Peace Process, created under the term of President Fidel V. Ramos, and the successive government peace panels). In the Bangsamoro peace process, international actors and civil society representative were permitted to advise and assist, especially in response to specific 'crisis situations', but they have not had far-reaching influence. Instead, domestic politics has played a strong role in the Bangsamoro peace process, and constituency-building has remained foremost in the minds of the key players: both the government and the MILF are compelled by their respective publics' support, rather than by external actors' expert opinions on peace and conflict.

Nevertheless, the 'high points' of the Bangsamoro peace process are all marked by significant external assistance. The 1976 Tripoli Agreement with the MNLF was negotiated with OIC support, while the CAB was negotiated and concluded with the support of a wide network of state and non-state actors. On the other hand, the government's 'all-out-war' with the MILF in 2000 was preceded by a 3-year 'domestic phase' of negotiation with limited external support. However, while external assistance has been helpful at some stages of the Bangsamoro peace process, ultimately no amount of external assistance can override government prerogatives and internal political power plays. As a result, the CAB remains unimplemented, and the BBL remains side-lined in Congress.



Background to the Bangsamoro Peace Process

The Bangsamoro Rebellion

The Bangsamoro¹ rebellion in the southern Philippine island of Mindanao² erupted in the early 1970s with the emergence of the Moro National Liberation Front (MNLF). The armed conflict between the MNLF and the Philippine government reached its peak from 1972 to 1975, when the MNLF was considered the most serious threat to state security - with a key Philippine military officer admitting later on that “we nearly lost Mindanao.”³ During this period, approximately 75% of the Philippine armed forces had to be deployed in Mindanao to counter the MNLF. It is also estimated that the Philippine government spent PhP 73 Billion or PhP 1.7 million a day to fight the war with the MNLF from the early 1970s until a peace agreement with the MNLF was signed in 1996,⁴ and an estimated 50,000 to 120,000 lives were lost in the same time period.⁵ The scale of the conflict was such that when President Ferdinand E. Marcos declared martial law in 1972, he cited growing Moro separatism in the south as among the grounds for its necessity.⁶

In its 1974 Manifesto, the MNLF called for independence and proclaimed that “the Bangsamoro people... are disbanding all their political, economic and other bonds with the oppressive government of the Philippines.”⁷ The MNLF harnessed decades-long Bangsamoro resentment against the Philippine government, rooted in a number of structural and proximate causes.

Despite 21 years of negotiation with the MNLF, and 17 years of negotiation with the MILF, as discussed below, the conflict has not been resolved. The key peace agreements have not been fully implemented, with the fate of Mindanao seemingly hostage to the politics of the day. Meanwhile, generations of Moros continue to grapple with the legacies of armed conflict, including protracted displacement, widespread poverty, and cycles of violence.

Structural and Proximate Causes

Structural Causes of the Conflict

The entire Philippine archipelago, including Mindanao, was ceded by Spain to the US in the Treaty of Paris of 1898, despite the fact that Spain had never exercised full sovereign authority over the sultanates of Mindanao and Sulu, and thus, it is argued, they never formed part of the Philippine Spanish colony. As a result, there is a strong sentiment among the Moros that Mindanao was unjustly annexed to the Philippine state.⁸ Successive post-colonial governments aggressively pushed for

¹ Moro “nation,” a term used to encompass some thirteen ethnolinguistic groups native to Mindanao and the Sulu archipelago who had converted to Islam, which came to the region through Sunni Arab missionaries in the 14th Century, see P.N. Abinales, ‘Philippines Situation Report,’ in *Religion and Geopolitics, Country Reports, Philippines, Tony Blair Faith Foundation*, 14 April 2014, viewed on 30 October 2016 <<http://tonyblairfaithfoundation.org/religion-geopolitics/country-profiles/philippines/situation-report>>

² For purposes of this paper, the term “Mindanao” will also often include the nearby Sulu archipelago.

³ S. M. Santos, ‘Evolution of the Armed Conflict on the Moro Front’ (Background Paper submitted to the Human Development Network Foundation, Inc. for the Philippine Human Development Report 2005), p. 12.

⁴ M. Coronel Ferrer, ‘War Costs and Peace Benefits: The Nexus of Peace and Development, The Mindanao Case’ in *Costly Wars, Elusive Peace: Collected Articles on the Peace Processes in the Philippines 1990-2007*, M. Coronel Ferrer, The University of the Philippines Press, 2013, p.8.

⁵ *ibid.*; ‘Cost of War’ <<http://archive.peace.gov.ph/media/infographic/cost-war>> accessed 1 November 2016.

⁶ M. Coronel Ferrer, ‘The Philippine State and Moro Resistance’ in *Costly Wars, Elusive Peace: Collected Articles on the Peace Processes in the Philippines 1990-2007*, M. Coronel Ferrer, The University of the Philippines Press, 2013, p. 40.

⁷ *ibid.*, p.41.

⁸ *ibid.*, pp. 45-46; R. Rodil, ‘Achieving Peace and Justice in Mindanao through the Tri-People Approach’ in Vol. 1, *Mindanao Horizons*, 2010, viewed on 22 March 2015 <<https://www.scribd.com/doc/43483113/Mindanao-Horizons-Vol-1-No-2010-01#scribd>>



national unification and integration, which resulted in the marginalisation not only of the Moros and Moro heritage, but also other “Non-Christian tribes.” To this day, Moros feel alienated from the mainstream Filipino identity that emerged out of the Philippine war for independence from Spain. The resistance to cultural integration has contributed to the deep social divide between the rest of Christian Philippines and the Moros. This alienation has been exacerbated by the fact that Christian prejudice against Muslims in the Philippines is deeply-ingrained and is reflected in media, literature, and even jurisprudence.⁹

Mindanao has also suffered from decades of government neglect and underdevelopment. The US colonial government began the long tradition, replicated to this day by successor post-colonial governments, of collaborating with traditional Moro elites. These so-called elites were allowed to keep their weapons and were mandated to maintain control over local economies in exchange for granting the central government a measure of administrative and politico-military control over the region. This arrangement eventually entrenched strongman rule or warlordism and political dynasties in the region.¹⁰ The patronage political relationship between local strongmen and central government authorities meant that there was far less central government oversight than in the rest of the country, as well as far less investment in public goods and services. At the same time, the Moros were kept woefully underrepresented in the central government, and successive central governments consistently treated Mindanao as an unimportant backwater.¹¹

The situation was exacerbated by the systemic dispossession of Moros and other native inhabitants of their lands through the institution of a series of resettlement programmes bringing Christian settlers from other parts of the Philippines to Mindanao.¹² The resettlement programmes, which were initiated by the US government, were premised on the Regalian Doctrine or *jura regalia*, which provides that all lands are owned by the sovereign and no man can claim ownership of any parcel of land absent an explicit grant from the sovereign.¹³ These programmes were continued by successive post-colonial governments – effectively making the Moros minorities in their native homeland. While Moros made up 76% of the population of Mindanao in 1903, by 2000 they only made up 20%. Today, Muslims are the majority in only five out of the 26 provinces in (present-day) Mindanao – namely, Sulu, Basilan, Tawi-Tawi, Maguindanao, and Lanao del Sur.¹⁴

Big business also entered Mindanao and began exploiting its natural resources through the establishment of various mining operations and agribusiness ventures across the island. Despite these economic activities, Mindanao (particularly the Moro-inhabited provinces in the ARMM) remained the poorest region in the Philippines.¹⁵

Proximate Causes: The Jabitah Massacre and other Atrocities

Several bloody events in the 1960s and early 1970s turned Moro resentment into outright revolt. In 1968, 26 of around 180 Moro military recruits in training in the island of Corregidor were massacred

⁹ Rodil, *op. cit.*

¹⁰ F. J. Lara, Jr., ‘The Shadow Economy and Strongman Rule in Mindanao’ in *Mindanao: The Long Journey to Peace*, P. D. Hutchcroft (Ed.), Anvil Publishing, Inc., 2016, pp. 243-244, 271-272.

¹¹ P.N. Abinales, ‘War and Peace in Muslim Mindanao: Critiquing the Orthodoxy’ in *Mindanao: The Long Journey to Peace*, P. D. Hutchcroft (Ed.), Anvil Publishing, Inc., 2016, pp. 46-59; Coronel Ferrer, ‘The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,’ pp. 39-41.

¹² Rodil, *op. cit.*; Coronel Ferrer, ‘The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,’ p. 47.

¹³ A legal concept already in the books because of Spanish colonization. see S. A. Carandang and M. Z. Maglana (eds), *Land Tenure Stories in Central Mindanao*, Local Governance Support Program in ARMM 2009, pp. 66-73.

¹⁴ Coronel Ferrer, ‘The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,’ p. 47.

¹⁵ Rodil, *op. cit.*; see also Abinales, ‘War and Peace in Muslim Mindanao: Critiquing the Orthodoxy,’ p. 52-54.



by their military trainers for alleged mutiny. The Moro recruits were allegedly being trained for a covert military operation (code named *Jabidah*) to take back the island of Sabah from Malaysia.¹⁶ Some reports say that the Moro recruits mutinied against their trainers upon learning that they were to engage in combat against fellow Muslims in Sabah. Other reports say that the alleged mutiny was motivated by harsh training conditions in the camp, including non-payment of allowances. In any event, the *Jabidah* Massacre became emblematic of government injustice and ill-treatment against Moros and was among the key events that pushed Misuari and his co-founders to form the MNLF.¹⁷

The brutal violence emerging from disputes (including land disputes) between Moros and Christian settlers also fuelled the Bangsamoro rebellion. Christian vigilante groups (also known as “Ilagas” or “rats” in the Visayan languages) allegedly working with military forces, were implicated in a series of violent attacks against Muslim communities, including the Manili massacre, in which 70 Muslim women, children, and old men were killed inside a mosque in Lanao del Norte in 1971. To this day, there have been no credible investigations, much less prosecutions, for the numerous attacks and massacres involving the Ilagas.¹⁸

Almost 40 Years of Peace Negotiations: The Bangsamoro Question

The armed conflict arising from the Bangsamoro rebellion never reached the intensity it gained in the period from 1972 to 1975, and by 1975 the parties had reached a military stalemate.¹⁹ By then, the MNLF had also obtained support from the Organisation of Islamic Conference (now the Organisation of Islamic Cooperation, or OIC), which was sympathetic to the fate of the Bangsamoro as Muslim minorities in the Philippines. The OIC called on Marcos to resolve the armed conflict peacefully and declared MNLF (and Misuari in particular) the sole legitimate representatives of the Bangsamoro.²⁰ On the other hand, Marcos, who was facing a looming oil crisis, was eager to cultivate good relations with the OIC. The parties thus embarked on peace negotiations under the auspices of the OIC, resulting in the signing of the 1976 Tripoli Agreement by the Philippine government and the MNLF. The Agreement provided for “[t]he establishment of autonomy in the Southern Philippines within the realm of the sovereignty and territorial integrity of the Republic of the Philippines.” Despite the OIC’s involvement in the process, Marcos saw it well within his presidential prerogative to unilaterally implement the autonomy provisions in the agreement in 1977 – a move soundly rejected by MNLF’s founder Nur Misuari.²¹

The years following the 1976 Tripoli Agreement marked the beginning of the MNLF’s slow decline. The MNLF suffered several splits within its ranks, the most significant of which was the exit of Salamat Hashim from the MNLF in 1977 and his formation of the Moro Islamic Liberation Front (MILF) in 1984. Many MNLF leaders were also co-opted into government, particularly by the Marcos government who gave many former MNLF officers key government posts - including positions in the

¹⁶ The island of Sabah was formerly under the control of the Sultanate of Sulu.

¹⁷ Coronel Ferrer, ‘The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,’ p. 50; Santos, ‘Evolution of the Armed Conflict on the Moro Front,’ p. 6; see also M. Snakenberg, ‘The Bangsamoro Insurgency: An International History’ in *Small Wars Journal*, 21 September 2011, viewed on 27 October 2016 <<http://smallwarsjournal.com/jrnl/art/the-bangsamoro-insurgency-aninternational-history>>

¹⁸ S.M. Santos, ‘War and Peace on the Moro Front: Three Standard Bearers, Three Forms of Struggle, Three Tracks (Overview)’ in *Primed and Purposeful: Armed Groups and Human Security Efforts in the Philippines*, D. Rodriguez (Ed.), South-South Network for Non-State Armed Group Engagement and the Small Arms Survey, 2010, p. 70; Abinales, ‘Philippines Situation Report’

¹⁹ Coronel Ferrer, ‘The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,’ pp. 40, 58.

²⁰ The MNLF would eventually be granted observer status in the OIC.

²¹ Santos, ‘Evolution of the Armed Conflict on the Moro Front,’ pp. 8-15.



Stabilisation Unit

same autonomy set-up that Misuari had rejected. MNLF leadership also split into factions, which severely affected Misuari's hold on the organisation.²²

Nevertheless, after the conclusion of the 1976 Tripoli Agreement between the Philippine government and the MNLF, the government and the Bangsamoro armed groups (both the MNLF and the MILF) continued to embark on several efforts, over the course of more than 40 years, towards a peaceful settlement of the Bangsamoro rebellion. These successive (and sometimes parallel) efforts included further peace negotiations, decentralisation/autonomy schemes for the Bangsamoro, and economic programmes in Mindanao.²³

In the course of the peace process between the government and the Bangsamoro armed groups, the discourse of the parties surrounding the conflict in Mindanao shifted from the pursuit of Bangsamoro independence (as the only viable solution to end the conflict) to the meaningful exercise of regional autonomy (at least as a reasonable starting point for Bangsamoro self-determination).²⁴ While Marcos' unilateral implementation of the 1976 Tripoli Agreement's autonomy provision was highly contested, it nevertheless established a legal and political policy of decentralisation with regards to the island of Mindanao. When Marcos was deposed in the popular uprising known as the EDSA Revolution of 1986, the new government included an entire article in the new Philippine Constitution that provided for the creation of an autonomous region in Muslim Mindanao.²⁵ Apart from historical and cultural reasons, the framers of the Constitution were of the opinion that an autonomous region would be a viable alternative to secession and would discourage further escalation of armed conflict in Mindanao.²⁶ Consequently, in 1989 the Autonomous Region of Muslim Mindanao (ARMM) was created through Republic Act No. 6734,²⁷ as authorised by the Constitution. The ARMM still exists today in Mindanao as a regional governance mechanism.

Thus, for Philippine administrations post-Marcos, the issue was not whether Muslim Mindanao should be granted autonomy, for this was already a constitutional given. What various Philippine administrations grappled with was whether the MNLF and the MILF, as representatives of the Bangsamoro, ought to be granted the opportunity to help draw up the contours for the autonomy set-up or whether the MNLF and the MILF ought to be treated purely as a security and law enforcement problem. During periods when the Philippine government has engaged with these groups around the peace table, it has always been careful to place national integrity and sovereignty front and centre, in order to ensure that any peace agreement will not result in the break-up of the Philippines and the secession of Mindanao as an independent country. In particular, issues around the exploration, development and utilisation of natural resources, as well as the scope of the territory of the autonomous region, have typically been flash points in the negotiations, as "giving too much" was deemed an opening for an independence bid.²⁸

On the other hand, both the MNLF and the MILF believe that none of the autonomy arrangements that the Philippine government has established in Mindanao sufficiently addresses the "Bangsamoro Problem,"²⁹ or the systemic marginalisation that the Bangsamoro people have suffered under the hands of colonial and post-colonial governments. For the MILF, independence (the ultimate exercise

²² *Ibid.*, pp. 4-6; Coronel Ferrer, 'The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,' pp. 41-43.

²³ Coronel Ferrer, 'The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,' pp. 40, 56-64.

²⁴ S.M. Santos, 'Delays in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front: Causes and Prescriptions' (No. 3, East-West Center Washington Working Papers, 2005), p. 3.

²⁵ As well as in the Cordilleras in the north, see Article X of the Philippine Constitution (1987).

²⁶ III Record of the Constitutional Commission (August 11, 1986), p. 173.

²⁷ Later amended by R.A. No. 9054 in 2001.

²⁸ See Santos, 'Delays in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front: Causes and Prescriptions,' pp. 14-19.

²⁹ Or Bangsamoro Question



Stabilisation Unit

of self-determination) remains the ultimate aspiration of the Bangsamoro. Nevertheless, the peace negotiations with both the MNLF and the MILF have been primarily about arriving at a negotiated political settlement that would grant the Bangsamoro meaningful exercise of regional autonomy,³⁰ and securing their collective rights to their cultural, historical, and territorial legacy. Both the MNLF and the MILF have rejected the ARMM as the vehicle for Bangsamoro self-determination.³¹

Despite various efforts at a peaceful settlement (and, at times, precisely due to frustrations with the peace process itself), between 1976 and 2014 violence re-erupted multiple times between government forces and both the MNLF and the MILF. There have also been widespread occurrences of local-level violence attributable to clan violence and the persistence of warlordism/strongman rule that has remained unchecked despite the establishment of the ARMM. The emergence of other armed groups (including foreign terror groups) in Mindanao has also generated ongoing conflict. This continued volatility on the ground has fed prejudice in the rest of the Philippines against the Moros, making wider public support for peace efforts in Mindanao difficult to obtain. Mindanao and its concerns continue to be seen as peripheral to mainstream Philippine interests, and the Bangsamoro rebellion is regarded as a regional issue.³²

In total, the government negotiated for 21 years with the MNLF, culminating in the signing of the Final Peace Agreement (FPA) in 1996; and negotiated with the MILF for 17 years culminating in the signing of the Comprehensive Agreement on the Bangsamoro (CAB) in March 2014. Significantly, the CAB makes specific commitments to honour the gains achieved by the MNLF in its own peace process with the government.

Main Actors

The Philippine State

The Philippines is a highly centralised unitary state governed by a presidential system of government,³³ and the political leadership of the president has largely directed Philippine government policy regarding the Bangsamoro rebellion. Nevertheless, separation of powers (as well as party politics) means that the president does not have the kind of influence over the legislature and the judiciary that could sway the whole of government in the direction that he or she wants (as will become evident). A strong presidency and stable, working state institutions have meant that the interventions of international actors and civil society in the peace process, while often helpful, have been limited to the extent that the president and his representatives (in particular, the Office of the Presidential Adviser on the Peace Process, created under the term of President Fidel V. Ramos, and the successive government peace panels) would allow such interventions. Notably, in the Bangsamoro peace process, all key interventions have been party-driven; international actors and civil society representative are permitted to advise and assist, but have not exerted great influence.³⁴

³⁰ Initially, the MILF refused to use the term “autonomy,” but nevertheless negotiated for a sub-central government arrangement to be called the “Bangsamoro Juridical Entity,” which was to have an “associative relationship” with the central government. This was the gist of the 2008 Memorandum of Agreement on Ancestral Domain, which was eventually declared unconstitutional by the Supreme Court (as discussed elsewhere).

³¹ See Santos, ‘Delays in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front: Causes and Prescriptions,’ pp. 14-19.

³² See Coronel Ferrer, ‘The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict.’

³³ Despite the existence of local government units and even a regional government (ARMM), the central government and the president wield considerable power from the center of national politics, Manila.

³⁴ M. Coronel Ferrer, ‘Institutional Response: Civil Society’ (Background Paper submitted to the Human Development Network Foundation, Inc. for the Philippine Human Development Report 2005), p. 36; S. Rood, ‘The Role of International Actors in the Search for Peace in Mindanao’ in *Mindanao: The Long Journey to Peace*, P. D. Hutchcroft (Ed.), Anvil Publishing, Inc., 2016, p. 92; see also P.N. Abinales and D.M. Amoroso, *State and Society in the Philippines*, Rowman & Littlefield Publishers, Inc., 2005, pp. 10-15.



Stabilisation Unit

By contrast, the Philippine military (the Armed Forces of the Philippines or the AFP), is the primary armed state actor in the conflict. The AFP is currently deployed in various key positions in Mindanao to secure the civilian population against insurgency and terrorist threats³⁵ – making Mindanao highly militarised compared with the rest of the Philippines. The Philippine National Police (PNP) has also played a part in the conflict insofar as certain Moro armed groups (including the MNLF and the MILF), leaders, or individuals have been implicated in alleged criminal activities – further complicating the resolution of the Bangsamoro rebellion.

Moro National Liberation Front

Various opposition and independence movements emerged in Mindanao from early to mid-20th Century. The MNLF itself is a breakaway of one such movement – the Mindanao Independence Movement (MIM). Because of founder Misuari's own educational background at the University of the Philippines and his involvement with the *Kabataang Makabayan*³⁶ (a front organisation of the Communist Party of the Philippines), the MNLF's ideology is thought to have more of a Marxist-Maoist flavour rather than an Islamic one. The MNLF's recruits, like Misuari, have been mainly from the Sulu archipelago.³⁷

The MNLF obtained key political settlements with the government, namely the 1976 Tripoli Agreement and the 1996 Final Peace Agreement (FPA), which was signed by the MNLF and then President Fidel V. Ramos. The signing of the FPA led to the integration of MNLF combatants into the AFP and the PNP, and the entry of MNLF leaders into key government posts, particularly the ARMM. The MNLF, however, claims that both the 1976 Tripoli Agreement and the 1996 FPA are yet to be fully implemented. The MNLF continued to call for full implementation over succeeding years, but discussions on this would be side-lined due to the rise of the MILF. The government's attention became increasingly focused on the MILF as it gathered military strength and influence and became a serious security threat.³⁸

Moro Islamic Liberation Front

The Moro Islamic Liberation Front (MILF), led by Salamat Hashim, broke away from the MNLF in 1984. Hashim allegedly broke away as a result of Nur Misuari's advancement of Marxist-Maoist ideology in place of Islam as a cornerstone of the struggle. Hashim was educated abroad at Egypt's al-Azhar University where he obtained degrees in Islamic Studies and Philosophy. The rise of the MILF coincided with the global Islamic revivalism in the early 1980s. Notably, some MILF leaders are *ulama*³⁹ educated in Islamic countries, while some of them are veteran *mujahideen* who fought in the Afghan conflict with Russia.⁴⁰

From the beginning, the MILF has appeared to be more moderate and conciliatory with the government than the MNLF, and Hashim himself consistently professed to prefer obtaining a negotiated political agreement through peaceful means from the government, deeming this as being

³⁵ The Communist Party of the Philippines also has some foothold in Mindanao, see Coronel Ferrer, 'The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict' p. 68.

³⁶ Patriotic Youth

³⁷ Abinales, 'Philippines Situation Report.'

³⁸ Santos, 'Evolution of the Armed Conflict on the Moro Front,' p.6,9; Coronel Ferrer, 'The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,' p. 41-43. A tripartite review of the 1996 Final Peace Agreement was only completed in January 2016, see 'GPH-MNLF process moves from review to implementation' viewed on 10 December 2016 <<http://archive.peace.gov.ph/mnlf/news/gph-mnlf-peace-process-moves-review-implementation>>

³⁹ Religious leaders

⁴⁰ Abinales, 'Philippines Situation Report;,' Coronel Ferrer, 'The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,' p. 43-44, 55.



more consistent with Islamic thought.⁴¹ While the administrations of Presidents Marcos, Corazon Aquino, and Ramos were still negotiating mainly with the MNLF (in part because of the imprimatur granted by the OIC), the MILF began to quietly build up its military strength and establish camps in central Mindanao.⁴² Over the years, MILF camps have become well-organised, well-run communities which are “governed” by the MILF under its interpretation of Sharia law. MILF camps are seen as prototypes of an Islamic state that the MILF aspires for the Bangsamoro people, and Islam has been a unifying ideological frame for MILF-led Bangsamoro claims to self-governance, peace, and justice. MILF influence is known to spill over from the areas covered by its camps to their surrounding communities. The MILF also built up its community influence by establishing a well-organised mass base in cooperation with local *ulama*, religious communities and institutions, Islamic welfare institutions, and even Manila-educated professionals, with the support of Muslim students and urban poor in Mindanao.⁴³

It has been argued that the MILF’s emergence as the more prominent Moro group in the late 1980s to early 1990s is credited to this well-organised mass base. In 1986 (shortly after Corazon Aquino assumed the presidency), the MILF was able to mobilise a three-day prayer rally allegedly attended by 50,000 to 100,000 persons a day – a formidable show of strength to the new administration. In 1996, the MILF held its first Bangsamoro People’s Consultative Assembly in Sultan Kudarat, which was allegedly attended by 1.07 million participants over the course of three days. The next Bangsamoro People’s Consultative Assembly in 2001, also held in Sultan Kudarat, was allegedly attended by 2.6 million delegates. In this second assembly, resolutions were passed “authorising” the MILF to represent the assembly in peace negotiations with the government.⁴⁴ A 2011 survey commissioned by the Office of the Presidential Adviser on the Peace Process suggested that the MILF was generally deemed trustworthy in core Muslim areas in the Mindanao.⁴⁵ Significantly, the MILF has had a long history of cooperation with local civil society organisations (CSOs) and has been known to respond positively to their appeals and requests.⁴⁶

The MILF has not shied away from using military force to make its presence felt in Mindanao. In 1986, the MILF launched a five-day offensive against government military installations, supposedly to protest the lack of progress in the MNLF peace process with the government. The MILF said that this move meant to convey the message that “it was not a pushover organization, but a power to reckon with.”⁴⁷ Some accounts, however, say that the five-day offensive was done out of MILF resentment for being excluded from the talks with the government.⁴⁸

The MILF’s bases are largely concentrated in Central Mindanao, namely the provinces of Maguindanao, North and South Cotabato, and Lanao del Sur and Norte. In 1994, the AFP estimated that the MILF had 5,420 fighters. By 1999, the estimates had risen to 15,690.⁴⁹ More recent

⁴¹ S. Jubair *The Long Road to Peace: Inside the GRP-MILF Peace Process*, Institute of Bangsamoro Studies, 2007, pp. 13-18; M.D. Vitug and G.M. Gloria, *Under the Crescent Moon: Rebellion in Mindanao*, Ateneo Center for Social and Public Affairs and Institute for Popular Democracy, 2000, pp. 139.

⁴² Abinales, ‘Philippines Situation Report;’ Santos, ‘Evolution of the Armed Conflict on the Moro Front,’ p. 5.

⁴³ M. Coronel Ferrer, ‘Peace Making in Southern Philippines’ in *Costly Wars, Elusive Peace: Collected Articles on the Peace Processes in the Philippines 1990-2007*, M. Coronel Ferrer, The University of the Philippines Press, 2013, pp. 245, 256-257; Vitug and Gloria, *Under the Crescent Moon: Rebellion in Mindanao*, pp. 106-112.

⁴⁴ Coronel Ferrer, ‘Peace Making in Southern Philippines,’ pp. 245.

⁴⁵ M. Coronel Ferrer, ‘Forging a Peace Settlement for the Bangsamoro: Compromises and Challenges’ in *Mindanao: The Long Journey to Peace*, P. D. Hutchcroft (Ed.), Anvil Publishing, Inc., 2016, p. 127. The same survey, however, shows that the MILF has a negative trust rating in non-Muslim parts of Mindanao.

⁴⁶ Coronel Ferrer, ‘Peace Making in Southern Philippines,’ p. 256.

⁴⁷ S. Jubair, *Bangsamoro: A Nation Under Endless Tyranny*, IQ Marin SDN BHD, 1999, p. 186.

⁴⁸ Vitug and Gloria, *Under the Crescent Moon: Rebellion in Mindanao*, pp. 140.

⁴⁹ Coronel Ferrer, ‘The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,’ p. 43.



Stabilisation Unit

estimates place their forces at 12,000.⁵⁰ It is believed that while the MILF Central Committee leadership is moderate and pragmatic, and have built good relationships with civil society organizations over the years, MILF leadership nevertheless does not have complete control over all of their base commanders, who have been known to initiate attacks on communities or surrounding military installations throughout the course of peace negotiations.⁵¹

Other Armed Groups

For the purpose of this paper, the “conflict in Mindanao” or the “Bangsamoro armed conflict/rebellion” refers to the conflict between the government and identified Bangsamoro representatives (the MNLF and the MILF) over issues of self-governance and identity. However, there are other armed groups in Mindanao with whom government forces have clashed and continue to clash today. Their motivations are varied, and their activities do not fall under the same conflict being studied here. It must be noted, though, that because many MNLF and MILF members have close kinship and ethnic ties with members of these other armed groups, there have been instances where MNLF and MILF members have been seen fighting alongside them for reasons and in contexts different from the specific ideological aims of the Bangsamoro. Indeed, MNLF and MILF members often figure in *rido* (clan wars) with other families, and these other instances of eruptions of violence should not be conflated with what we call here the “Bangsamoro armed conflict.” Nevertheless, any eruption of violence in Mindanao is often portrayed in the media as more evidence of “Moro treachery” – with the acts of the Abu Sayyaf, the Bangsamoro Islamic Freedom Fighters (BIFF), or Private Armed Groups (PAGs) (discussed below) quickly associated by the public with the MNLF or MILF, since they are the public faces of the Bangsamoro cause.

Abu Sayyaf

The Mujahideen Commando Fighters, more commonly known as the Abu Sayyaf (or Abu Sayaff Group), also emerged in the mid-1980s in the midst of the global Islamic revivalism. However, whatever Islamic ideology animated its founding has been all but lost, as it effectively disintegrated into a number of bandit groups after its leader, Khaddafy Janjalani, was killed in 2006. During the three decades of its existence on the island of Mindanao, it has been linked primarily to criminal activities such as kidnapping, extortion, and smuggling. The Abu Sayyaf has been included by the US in its list of terrorist groups.⁵² Abu Sayyaf leader, Badong Muktadil, for instance, led his followers in kidnapping activities in the island of Sulu and in Sabah, Malaysia from 2013 until he was killed in military operations in August 2017.

Meanwhile, Abu Sayyaf leader Isnilon Hapilon allegedly pledged allegiance to the Islamic State (IS) as early as 2014 and sought to establish a caliphate in Mindanao at their behest. A military raid on Hapilon’s hideout in Marawi City led to the siege of Marawi on May 23, 2017. Shortly after the raid, Hapilon’s men called for reinforcements from their ally, the Maute Group (located in the vicinity of Marawi City), resulting in a gun battle between government and Maute-aligned groups that escalated into a full-blown military operation lasting five months and resulting in the death of more than 1,000 people. Hapilon and Maute leader Omar Maute was killed in a military assault on 16 October 2017, and President Duterte declared Marawi City “liberated.” The military terminated combat operations

⁵⁰ Santos, ‘War and Peace on the Moro Front: Three Standard Bearers, Three Forms of Struggle, Three Tracks (Overview),’ p. 77.

⁵¹ See for instance Coronel Ferrer, ‘The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,’ p. 55, as well as attacks launched after the 2008 MOA-AD case, discussed elsewhere.

⁵² Coronel Ferrer, ‘The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,’ p. 44-45.



Stabilisation Unit

on 23 October 2017.⁵³ However, the Marawi City siege prompted President Rodrigo Roa Duterte to declare Martial Law in the entire island of Mindanao,⁵⁴ to be in effect until 31 December 2017.⁵⁵

Bangsamoro Islamic Freedom Fighters (BIFF)

The Bangsamoro Islamic Freedom Fighters (BIFF) is an armed group led by Ustadz Umbra Kato, who broke away from the MILF in 2011 when peace negotiations with the MILF had just been “restarted” under Benigno Simeon Aquino III’s presidency. Allegedly believing in the cause of Bangsamoro independence, Kato eventually broke ties from the MILF and employed violent tactics such as firefights with the military, strafing, hostage-taking, and the implantation of explosive devices to derail the talks.⁵⁶ The BIFF continues to operate in Mindanao. It is believed that it may be in a tactical alliance with the Maute Group, and the military has claimed that the BIFF aided the Maute group in the 5-month long siege of Marawi City against the Philippine armed forces. Both the BIFF and the Maute group are believed to have pledged allegiance to the Islamic State as early as 2015.⁵⁷ The BIFF also participated in weeklong armed clashes with the MILF in August 2017, resulting in the death of 20 BIFF members and five MILF members. According to the MILF, the BIFF is now in a *rido* (clan war) with the MILF.⁵⁸

Private Armed Groups

The AFP and the PNP define a private armed group (PAG) as “an organized group of two or more persons, with legally or illegally possessed firearms, utilized for purposes of sowing fear and intimidation and violence for the advancement and protection of vested political and economic interest”.⁵⁹ The PNP believes that 80% of all PAGs in the Philippines are based in Mindanao.⁶⁰ Many political elites (both traditional Moro elites and Christian political clans) have been known to employ PAGs to leverage their influence in communities against political rivals and to help maintain their long-held strategic economic and political interests in the area.⁶¹

Foreign Terrorist Groups

There have been numerous reports that foreign terrorist groups have begun to make footholds in Mindanao. In the years following the 9/11 attacks in the US, there were allegations that Al Qaeda had a presence in Mindanao, and even that the MILF were affiliated with them. More recently, there have been reports that members of Jemaah Islamiyah and even ISIS are operating from and/or recruiting people in the South.⁶²

⁵³ D. Suson, et al., ‘Breaking: Lorenzana says Marawi City siege is over’ 23 October 2017, viewed on 23 October 2017 (<http://newsinfo.inquirer.net/939974/breaking-dnd-delfin-lorenzana-marawi-city-siege-finish-isis-maute>)

⁵⁴ Presidential Proclamation No. 216, Series of 2017

⁵⁵ P. Romero, ‘Congress extends martial law until December 31’ 23 July 2017, viewed on 21 October 2017

<<http://www.philstar.com/headlines/2017/07/23/1720699/congress-extends-martial-law-until-december-31>>

⁵⁶ *Getting to Peace: GPH-MILF Peace Negotiations, Opening Statements, 2011-2014*, Office of the Presidential Adviser on the Peace Process, Pasig City, 2015, p. 135.

⁵⁷ N. Corrales, ‘Maute, BIFF terrorists in likely tactical alliance’ 23 June 2017, viewed on 21 October 2017

<<http://newsinfo.inquirer.net/908096/maute-biff-terrorists-in-likely-tactical-alliance-military>> and D. Placido, ‘BIFF fighting alongside Maute, Abus in Marawi: military’ 29 May 2017, viewed on 21 October 2017 <<http://news.abs-cbn.com/news/05/29/17/biff-fighting-alongside-maute-abus-in-marawi-military>>

⁵⁸ E. Fernandez, ‘20 BIFF men killed in weeklong clashes with MILF fighters’ 14 August 2017, viewed on 21 October 2017 <http://newsinfo.inquirer.net/922600/bangsamoro-islamic-freedom-fighters-biff-moro-islamic-liberation-front-milf-islamic-state>

⁵⁹ Memorandum Circular No. 83, Series of 2015, ‘Creating the National Task Force for the Disbandment of the Private Armed Groups in the Areas of the Proposed Bangsamoro and the Adjacent Regions IX to XII’

⁶⁰ G. Lacorte and J. Quiros, ‘PNP: 80% of private armies keep hideouts in Mindanao’ 2 April 2016, viewed on 15 October 2016 <http://newsinfo.inquirer.net/777424/pnp-80-of-private-armies-keep-hideouts-in-mindanao#ixzz4T6Xfw5Mz>

⁶¹ Abinales, ‘War and Peace in Muslim Mindanao: Critiquing the Orthodoxy,’ pp. 48, 57-58.

⁶² Coronel Ferrer, ‘The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,’ p. 45; see also *Primed and Purposeful: Armed Groups and Human Security Efforts in the Philippines*, D. Rodriguez (Ed.), South-South Network for Non-



Civil Society

In 1986, when martial law and the Marcos presidency ended, the newly established democratic government seemed poised to resolve the various conflicts and insurgencies around the country. As a result, many civil society organisations (CSOs) rose to the occasion and focused on peace efforts – particularly in Mindanao. These CSOs assisted the Bangsamoro peace process in monitoring the observance of human rights and humanitarian law and in helping to organise relief and reconstruction efforts, capacity-building for communities, and development projects. They also raised public awareness on the peace process (particularly in local communities) and assisted in the observance of ceasefire agreements between the parties (both informally as peace advocates and eventually as members of formal mechanisms). CSOs are also credited with helping inform government peace policy by giving input to President Ramos’ National Unification Commission (NUC). The NUC Report has given rise to what is known as “The Six Paths to Peace,” known as the classic Philippine framework in peacemaking, which provides, among other things, for the pursuit of social, economic, and political reforms alongside negotiations, to address the root causes of armed conflict. CSOs have also assisted communities in the creation of peace zones in their localities – or zones that prohibit the entry of armed groups (notably in several school zones).⁶³ While CSOs have been very active in community engagement, they have, nevertheless, had limited influence on the substance and conduct of peace negotiations in particular (considering the confidentiality with which they are conducted) and on the conclusion of the peace process in general, considering the party-driven nature of the Bangsamoro peace process.⁶⁴

Getting to a Deal: Party-Driven Stabilisation Interventions

In the course of the 17-year peace negotiations between the Philippine government and the MILF, the parties jointly established various stabilisation interventions to address successive crises in the peace process.

The MILF Peace Process: 1997 to 2010

The priority for presidents Corazon Aquino (1986-1992) and Fidel Ramos (1992-1998) was to negotiate with the more established and OIC-backed MNLF. Aquino and Ramos made some attempts to reach out to the MILF prior to 1997, but these seemingly half-hearted attempts did not bear fruit. The MILF, on the other hand, adopted a “wait and see attitude” towards the results of the MNLF peace process. When the 1996 FPA was signed, the MILF rejected it for deviating too much from the 1976 Tripoli Agreement and for not providing a viable solution to the Bangsamoro problem.⁶⁵ It did not help that, in a few years, the ARMM under Misuari and the MNLF would prove to be a corrupt enterprise – with much of the government grants and foreign aid pouring into Misuari’s government allegedly lining their own pockets. Moreover, the ARMM, far from eradicating local strongman rule and their patronage political relationship with the central government, provided another level of government to accommodate local political ambitions while still neglecting the civilian populace.

State Armed Group Engagement and the Small Arms Survey, 2010 and P. Liljas, ‘ISIS is making inroads in the Southern Philippines and the Implications for Asia are Alarming’ 14 April 2016, viewed on 15 October 2016
<http://time.com/4293395/isis-zamboanga-mindanao-moro-islamist-terrorist-asia-philippines-abu-sayyaf/>

⁶³ It must be noted, however, that there is not much evidence that peace zones have been effective in reducing violence, see S. Rood, ‘Civil Society More Ready than Ever’ 20 February 2013, viewed on 4 October 2016
<http://asiafoundation.org/2013/02/20/civilsocietymorereadythantopplayroleinforgingpeaceinmindanao/>.

⁶⁴ Coronel Ferrer, ‘Institutional Response: Civil Society;’ Rood, ‘Civil Society More Ready than Ever.’

⁶⁵ S. M. Santos, *Dynamics and Directions of the GRP-MILF Peace Negotiations*, Alternate Forum for Research in Mindanao, 2005, p. 3.; Santos, ‘Delays in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front: Causes and Prescriptions,’ p. 6.



Stabilisation Unit

Poverty and underdevelopment remained unresolved, especially in areas affected by conflict.⁶⁶ Thus, the MILF has consistently rejected the ARMM as a failed attempt at autonomy.

While the MILF was being side-lined by the Ramos administration in its bid to secure a peace settlement with the MNLF, the MILF continued to build its strength and influence on the ground. As discussed above, the MILF established camps and began exercising more and more influence and control over its surrounding communities. For instance, in 1993, the MILF asserted military control over an area in Malitbog-Maritagao (Mal-Mar) where the government was building a billion-peso infrastructure project, which led to a bloody armed engagement (which the MILF eventually lost). The military also began to make forays into the areas of Buldon and Barira, Maguindanao, where the MILF's main camp, Camp Abubakar, was located, and the MILF retaliated with armed force. By 1996, the MILF had indeed become a "force to be reckoned with," and the Ramos administration began to make serious efforts to approach the MILF in order to initiate peace talks.⁶⁷

As a result of these efforts, the Philippine government and the MILF signed the *Agreement on the General Cessation of Hostilities (AGCH)* in 1997 to mark the formal beginning of peace negotiations. In the first round of talks, the MILF submitted a single agenda – "to solve the Bangsamoro problem." The MILF would build upon this agenda over the course of 17 years of negotiations. Shortly after the AGCH, the MILF secured an important negotiation win when the government acknowledged seven major MILF camps (or communities under MILF leadership). For the government, acknowledging these camps was essential for the implementation of the ceasefire as it would help to define the boundaries of the MILF's influence and make the MILF accountable for eruptions of violence in violation of the ceasefire. For the MILF, the recognition of the camps was a "form of embryonic Bangsamoro sovereignty," granting the MILF "symbolic equality" at the negotiating table. Moreover, the camps were at the centre of the MILF's political, religious, and military power, and the MILF thought that the ceasefire could provide the MILF camps some welcome additional protection.⁶⁸

The acknowledgment of camps, however, would prove to be a sore point with President Joseph Ejercito Estrada, a former actor who succeeded Ramos in 1998. Estrada not only saw the issue of MILF camps as an encroachment on national sovereignty and territorial integrity, but also one of security, considering allegations at that time that the MILF might be harbouring foreign terrorists. Estrada was also dealing with corruption allegations, and it is believed that he thought directing military might against the MILF would win back some of the popular support that had brought him to power. Thus, his administration reversed the policy on the previous acknowledgment of camps and embarked on what is known as the 2000 "all-out-war" on the MILF, in which the AFP sought to capture all MILF camps (not just the seven camps acknowledged during the Ramos administration, but all 46 MILF camps). This culminated in the AFP's capture of the MILF's main camp Camp Abubakar. Hashim retaliated by calling for a *jihad* – ultimately resulting in a suspension of peace talks.⁶⁹

⁶⁶ Coronel Ferrer, 'The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,' p. 61-64; Abinales, 'Philippines Situation Report.'

⁶⁷ Vitug and Gloria, *Under the Crescent Moon: Rebellion in Mindanao*, pp. 142-145.

⁶⁸ Ibid., pp. 145-146; Santos, 'Delays in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front: Causes and Prescriptions,' pp 6-9; and "Implementing Administrative Guidelines on the Agreement for the General Cessation of Hostilities" signed on 12 September 1997; "Joint Acknowledgment" signed on 10 February 1999, and "Second Joint Acknowledgment" signed on 6 October 1999.

⁶⁹ Santos, 'Delays in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front: Causes and Prescriptions,' p. 9; Coronel Ferrer, 'The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,' p. 59. See also R. Cagoco-Guiam, 'Negotiations and Detours: The Rocky Road to Peace in Mindanao' in *The Mindanao Peace Process: A supplement to Accord Issue No. 6*, Conciliation Resources 2003, pp. 3-6.



Stabilisation Unit

By 2001, however, Estrada was removed from office in the wake of an unsuccessful impeachment attempt (popularly known as the second EDSA uprising or EDSA 2). His Vice President, Gloria Macapagal-Arroyo, assumed office as President in early 2001. Arroyo's policy on the peace process wavered over the nine years that she was President. In the early days of her presidency, Arroyo would put the peace negotiations with the MILF back on the table. The MILF's trust in government, however, had been seriously eroded by the 2000 all-out-war, and they said that they were willing to resume talks only if it were mediated by the OIC or an OIC member country, and if talks were held in a neutral foreign location. As a concession and to restart the peace talks, Arroyo asked Malaysia to facilitate the peace negotiations.⁷⁰

The resumption of talks with the MILF also marked the activation in 2001 of two vital ceasefire monitoring mechanisms known collectively as the *Joint Coordinating Committees on the Cessation of Hostilities (CCCH)*,⁷¹ which is a partnership between the Philippine government and the MILF to supervise the implementation of the Agreement on General Cessation of Hostilities (the 1997 ceasefire agreement). The CCCH works to monitor compliance with the specific commitments under the ceasefire agreement, including the coordination of movements of both government and MILF forces, reporting of the commission of prohibited acts, and to ensure de-escalation of emerging acts of violence on the ground. The CCCH is assisted by *Local Monitoring Teams (LMTs)* in areas that have been mutually identified by the parties as conflict-affected areas. These LMTs are composed of representatives from the local government, civil society, and the religious sector.⁷² CSOs, led by the Mindanao Peoples' Caucus, also created a parallel ceasefire monitoring mechanism known as *Bantay Ceasefire* (ceasefire watch) in 2003 to supplement the LMTs, who were not uniformly active. Notably, Bantay Ceasefire reports and activities were made known to the public, while LMT reports to the peace panels were confidential.⁷³

However, the global war on terror brought about by the 9/11 attacks on the World Trade Center in the US took its toll on the progress of the talks. By 2002, Arroyo publicly shifted from a pro-peace policy to a pro-war rhetoric – a move believed to have been made to shore up her political capital by projecting the image of a strong anti-terror US ally. It was also seen as a way of currying favour with her military backers, who were sporting for war with the MILF (which they accused of supporting criminal elements and terrorists). She assumed power through a popular uprising against Estrada, in which the crucial blow was the shift of the military's allegiance from Estrada to Arroyo. Arroyo, being beholden to these military leaders (particularly Estrada's former defense secretary, Angelo Reyes), was seen as relinquishing leadership over national security issues to the military elite.⁷⁴

Arroyo's pivot away from her peace policy allowed the military to organise another offensive in 2003 against the MILF's new headquarters (known as the Buliok offensive), where Hashim himself was based.⁷⁵ While the parties again declared a ceasefire after this incident, the talks did not resume for more than a year, partly because the government's energies became preoccupied with national

⁷⁰ S.M. Santos, 'Malaysia's role in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front (2001-2003)' in *Mindanao Focus* No. 2, Alternate Resource Center, 2003, p. 8; S. Jubair *The Long Road to Peace: Inside the GRP-MILF Peace Process*, pp. 35-36.

⁷¹ Previously created through the Implementing Administrative Guidelines of the GRP-MILF Agreement on the General Cessation of Hostilities signed on September 12, 1997.

⁷² Coronel Ferrer, 'The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,' p. 59; *Bridging the Peace: Manifestations on the Mamasapano "Misencounter,"* Office of the Presidential Adviser on the Peace Process, Pasig City, 2016, p. 51. See also Manual of Instructions for CCCH and LMTs signed on October 18, 2001.

⁷³ Santos, *Dynamics and Directions of the GRP-MILF Peace Negotiations*, p. 73-74; see also Rood, 'Civil Society More Ready than Ever'

⁷⁴ Coronel Ferrer, 'The Philippine State and Moro Resistance: Dynamics of a Persistent Conflict,' pp. 54-56, 59-61.

⁷⁵ *ibid.*; Santos, 'Delays in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front: Causes and Prescriptions,' p. 9.



Stabilisation Unit

elections – in which Arroyo finally won her presidency by popular vote. When the talks resumed in 2004, the parties established the *International Monitoring Team (IMT)* in response to the egregious ceasefire violations of 2003. It was composed of civilian and military representatives from Malaysia (head of mission), Brunei, Indonesia, Norway, Japan, the European Union (EU) and, formerly, Libya. It was mandated to conduct field verification of reported violations of the ceasefire agreements. By 2009, the *IMT* was complemented by a *Civilian Protection Component* composed of CSOs.⁷⁶

The peace negotiations between the Philippine government and the MILF achieved some momentum after this, with the negotiation of the Memorandum of Agreement on Ancestral Domain (MOA-AD). However, due to several Supreme Court petitions against it, a Temporary Restraining Order (TRO) was issued against the Agreement being signed by the parties. The texts of the petitions reveal a deep undercurrent of distrust against the MILF and the Bangsamoro, and a fear that the MOA-AD would result in the break-up of the Philippines – with Mindanao “falling into the hands of the Muslims.” Notably, some of the petitions were filed by local political elites in non-Muslim majority areas close to the current ARMM, as well as some members of the Philippine Senate.⁷⁷

Following the Supreme Court’s TRO on the signing of the MOA-AD in August 2008, several MILF base commanders launched attacks on the AFP. The Supreme Court would eventually declare the MOA-AD unconstitutional in an October 2008 Decision, on account of the fact that it promised constitutional change to entrench its provisions (constitutional entrenchment of a negotiated political settlement had been a rallying point for the MILF for many years). It was also declared unconstitutional for lack of public consultation. The fighting between the AFP and MILF commanders continued, and, by May 2009, the armed conflict in Mindanao had reached the point that it had the highest number of new internally displaced persons (IDPs) worldwide. Around 700,000 persons are believed to have been displaced during this period of fighting between the government and the MILF. Due to the mounting IDP crisis, which led to growing international and civil society backlash, Arroyo declared a Suspension of Military Operations (SOMO) in July 2009, which was followed with a Suspension on Military Action (SOMA) by the MILF.⁷⁸

Some observers believed at this point that increased international involvement in the peace process might give it the necessary push to completion. The UK, the Centre for Humanitarian Dialogue, and the Asia Foundation approached both government representatives and the MILF to determine what sort of international assistance might be most helpful.⁷⁹ The MILF likewise believed that some form of foreign “intervention” or mediation would be essential to guarantee that the parties would honour the agreements arrived at through negotiation, and it made the creation of such an intervention a condition to returning to the table. The MILF wanted to avoid a repeat of the MOA-AD debacle, where, to its mind, the government unilaterally refused to sign an agreement that had already been agreed upon. Arroyo and the government peace panel, however, considered the peace process with the MILF a domestic political process and were loath to “internationalise” the process even more (with Malaysia on board as a third-party facilitator, which had the reputation of being pro-MILF). The government and the MILF thus jointly decided on a “hybrid” approach – the creation of a group composed of both states (namely, the UK, Turkey, Saudi Arabia, and Japan) and

⁷⁶ Rood, ‘The Role of International Actors in the Search for Peace in Mindanao,’ p. 73; *Bridging the Peace: Manifestations on the Mamasapano “Misencounter,”* p. 51; see Terms of Reference of the International Monitoring Team (IMT) signed September 8, 2004 and Agreement on the Civilian Protections Component of the International Monitoring Team (IMT) signed on October 27, 2009.

⁷⁷ Santos, ‘War and Peace on the Moro Front: Three Standard Bearers, Three Forms of Struggle, Three Tracks (Overview),’ p. 83. See *decision* Province of North Cotabato v. Government of the Republic of the Philippines, G.R. No. 183591, October 14, 2008.

⁷⁸ *Ibid.*; *Shattered Lives: Beyond the 2008-2009 Mindanao Armed Conflict*, Amnesty International Publications, 2009, pp. 9-11.

⁷⁹ Rood, ‘The Role of International Actors in the Search for Peace in Mindanao,’ p. 75.



international non-governmental organisations (namely, Conciliation Resources, Centre for Humanitarian Dialogue, Muhammadiyah, and The Asia Foundation, invited upon consultation with Malaysia) that would observe the peace negotiations to, among other things, exert leverage to help ensure party compliance with previous agreements and to help build trust between the negotiating parties towards the conclusion of the talks. This “hybrid” approach became known as the *International Contact Group (ICG)*, and was created by the parties through a framework agreement on 15 September 2009.⁸⁰

The MILF Peace Process 2010-2014

The election of President Benigno Simeon Aquino III in 2010 would prove to be a turning point in the peace negotiations – by then in its 13th year. Aquino was elected into office a few months after his mother Corazon Aquino died – a former President who was widely beloved and seen as a symbol of hope and democracy, having come into power after the Marcos martial law years. Aquino was also elected in the wake of mounting corruption allegations against Arroyo. Running on an anti-corruption campaign and benefiting from the public goodwill generated by his mother’s memory, Aquino had considerable political capital when he assumed office. He launched his presidency with a declaration that his administration would embark on the *Daang Matuwid* (straight path) and declared that combating corruption in government would be high on his list of priorities. Significantly, he was of the belief that the Bangsamoro peace process was one of his mother’s legacies⁸¹ – a legacy he vowed to complete. Thus, Aquino used his considerable political capital during these years to pursue the peace process.⁸²

Knowing that government policy on the peace process could change radically with the changes in the presidency, Aquino was determined to secure a peace agreement with the MILF within his term. Putting off the conclusion of the peace talks to the next administration would leave much to chance, and thus, Aquino instructed his peace panel to work within the strict timeframe of his six-year presidency. Mindful of the MOA-AD case, Aquino was also clear that any peace agreement concluded under his term must be deliverable under the present constitutional framework.⁸³ Aquino also made it a point to involve AFP officials in the Bangsamoro peace process,⁸⁴ and in 2011, the AFP Peace Process Office was established to help coordinate peace efforts between the AFP and the Office of the Presidential Adviser on the Peace Process. Under Aquino, the AFP made a fresh commitment to honour the ceasefire agreement and to use military force only when the security situation made it necessary.⁸⁵

The MILF, on the other hand, realised that they had a unique opportunity with Aquino assuming the presidency. Considering their experience under past presidents, they became convinced that a political agreement must be obtained and implemented within Aquino’s term. Moreover, due to the protracted peace process there was deepening dissent among the ranks of MILF base commanders

⁸⁰ Ibid.; pp. 75-78; K. Herbolzheimer and E. Leslie, *Innovation in mediation support: The International Contact Group in Mindanao*, Practice Paper, Conciliation Resources, 2013. See Framework Agreement on the Formation of the International Contact Group for the GRP-MILF Peace Process signed on September 15, 2009.

⁸¹ As a sign of good will, Corazon Aquino had an unprecedented meeting with Misuari to restart the MNLF peace process during her term. She also met with the MILF’s Murad Ebrahim in the wake of MILF’s “5-day war” in 1987.

⁸² R.D. Holmes, ‘Can the Gains Be Sustained? Assessing the First Five Years of the Aquino Administration,’ in *Mindanao: The Long Journey to Peace*, P. D. Hutchcroft (Ed.), Anvil Publishing, Inc., 2016, pp. 4-7, 17; Rood, ‘The Role of International Actors in the Search for Peace in Mindanao,’ p. 79.

⁸³ Coronel Ferrer, ‘Forging a Peace Settlement for the Bangsamoro: Compromises and Challenges,’ pp. 99-100; Memorandum of Instruction dated 7 October 2010 issued by President Benigno Simeon Aquino III to the government peace panel.

⁸⁴ As well as other peace tables.

⁸⁵ ‘AFP Staff Memorandum Number 01’ dated 11 January 2011. See also ‘AFP Guidelines on the Primacy of the GRP-MILF Peace Process’ dated 19 July 2003.



and combatants, as exemplified by the attacks led by “renegade” base commanders in 2008-2009 after the MOA-AD Decision. Indeed, one of these commanders, Ustadz Umbra Kato, would continue to launch “unauthorised” attacks until 2011 – eventually breaking away to create the Bangsamoro Islamic Freedom Fighters (BIFF). It is believed that many MILF base commanders and combatants had become disillusioned with the protracted process and were losing faith in the MILF Central Committee’s vision of achieving a solution to the Bangsamoro problem through a negotiated settlement – making them vulnerable to radicalisation. The need to obtain a political agreement with the government as quickly as possible was becoming imperative.⁸⁶

Thus, the MILF also became pragmatic with regards to the issue of constitutional entrenchment. Their experience with the MOA-AD showed them that this could not be “forced” through a peace agreement. On the other hand, constitutional change through the regular (and potentially protracted) processes in Congress could very well outlive Aquino’s presidency. The MILF instead agreed to negotiate the terms for the creation of an autonomous region as authorised by the present Constitution – albeit with more political and economic powers than were available to the present ARMM. As a compromise, the government and the MILF agreed on provisions in the CAB showing that constitutional change was not completely precluded and might be pursued in the future.⁸⁷

In addition to a determination on both the side of the government and the MILF to obtain a political agreement during the Aquino presidency, by 2010 they also had the advantage of an existing infrastructure of stabilisation interventions that would prove to be vital to the conclusion of the peace negotiation by 2014. Through 13 years of negotiations, various stabilisation interventions were jointly established by the government and the MILF to deal with successive crises and breaches of trust. These interventions developed organically as the need for them arose and were clearly party-driven initiatives. Malaysia, for instance, was asked by the government to become a third-party facilitator in the wake of the 2000 all-out-war, as a concession to the MILF. The local ceasefire mechanisms, the CCCH and the LMTs, were likewise jointly agreed upon by the parties after the 2000 all-out-war. The IMT, as in international third-party ceasefire monitoring mechanism, was established by the parties in the wake of the Buliok offensive. The ICG was likewise a joint-party initiative to deal with another crisis – the perceived violation by government of its agreement to sign the MOA-AD by “allowing” the Supreme Court to declare it unconstitutional. The parties also had the benefit of civil society support, which participated not only in the formal ceasefire mechanisms, but also continued to engage the communities on the ground towards supporting a peaceful end to the conflict.

Negotiation Process and Strategy

Both the government and the MILF peace panels agreed that they were working towards a negotiated political deal for the creation of a regional governance mechanism that would solve the Bangsamoro problem. To this end, the parties developed a system of first drawing up consensus points from their initial, divergent positions (contained in their respective draft agreements/documents). Difficult items (particularly those that elicited strong emotional reactions from across either side of the negotiating table) were “parked” and returned to later. On some items, a definite agreement was reached after some debate on language and phrasing. On other items, there remained a degree of disagreement, such that parties would agree on “constructive ambiguity” in the final language, or else a commitment was made to resolve the issue in a separate instrument (which was the approach used, for instance, on the issue of policing for the Bangsamoro). Eventually, the parties negotiated, jointly drafted, and finalised the CAB, which is composed of the Framework Agreement on the Bangsamoro (FAB) signed in 2012 and four Annexes filling in the details pertaining

⁸⁶ See Statements of MILF Peace Panel Chair Mohagher Iqbal dated February 9, 2011, April 26, 2011, and August 22, 2011, *Getting to Peace: GPH-MILF Peace Negotiations, Opening Statements, 2011-2014*, pp. 10-12, 20-23, and 32-35.

⁸⁷ Coronel Ferrer, ‘Forging a Peace Settlement for the Bangsamoro: Compromises and Challenges,’ pp. 109-112, 115, 118.



to political powers, fiscal matters, normalisation, and transitional arrangements (from the current ARMM to the new autonomous region to be known simply as the Bangsamoro).⁸⁸

The Talks: The Role of Malaysia and the ICG

Malaysia's primary role as facilitator was to host the peace talks, providing an "atmosphere conducive to negotiations," thereby allowing dialogue between the parties to continue. It also provided secretariat support, acting as the official repository of signed agreements. Malaysia also played a role similar to that of a mediator many times over the years. Its representative ("the Malaysian facilitator") would help bridge differences and calm the parties both in the room while the parties were negotiating and outside the room by shuttling between the parties during breaks in the talks. In this regard, it could be described as playing a "referee" role as well.⁸⁹

The ICG played a complementary role to the Malaysian facilitator. As the talks progressed, particular issues would become flash points for debate, and the ICG would sometimes be called upon to comment on these issues either by the facilitator or the parties themselves. In some instances, when the parties were dangerously near a deadlock on a particular matter, or even when personality clashes in the room resulted in particularly tense moments, the facilitator would call for a break, and the ICG would shuttle between the parties to help them identify possible solutions or, at the minimum, any common ground they could continue working on. Occasionally, the ICG would be asked by one or both of the parties to help develop specific portions of documents being drafted by the parties. At the end of each round, each party would separately brief the ICG, helping the ICG to make their own independent assessment of the progress of the talks and how they might assist the parties in the coming round of talks.⁹⁰

The ICG was also very much active between the rounds of formal meetings. The state members, represented by their embassies, met with members of Congress, as well as local government leaders from Mindanao, to listen to their concerns and suggestion. The UK and Japan, in particular, were very much involved in development and humanitarian assistance, increasing their financial support during this period. The INGOs, on the other hand, worked with local civil society groups to "promote cross-community dialogue." They also gave technical and financial support to local NGOs and brought in external experts on other peace processes with whom the peace panels, as well as civil society organisations and other stakeholder groups, could consult and exchange ideas.⁹¹

Security on the Ground

During the years of the peace talks, the early establishment of a ceasefire agreement on the ground did not prevent armed encounters between government and MILF forces. Notably, the all-out-war of 2000 and the 2003 Buliok offensive were manifestations of government's change in policy with regards to its treatment of the MILF and the importance of the peace process. The escalation of violence from 2008-2009, on the other hand, was a result of the ill-fated MOA-AD and a reaction of MILF forces to what they perceived as a betrayal from government. Nevertheless, the trend in armed skirmishes showed a sharp decrease in 2004 and again in 2010, bringing the number of skirmishes to zero in 2012.

⁸⁸ See Coronel Ferrer, 'Forging a Peace Settlement for the Bangsamoro: Compromises and Challenges,' pp. 102-109.

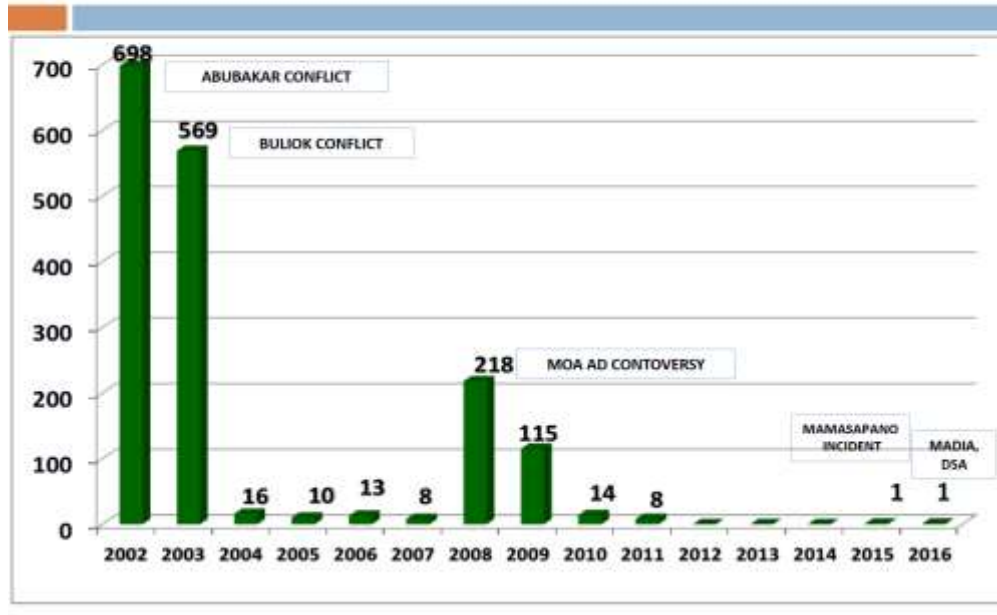
⁸⁹ Santos, 'Malaysia's role in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front (2001-2003),' pp. 9-10.

⁹⁰ Herbolzheimer and Leslie, *Innovation in mediation support: The International Contact Group in Mindanao*; Rood, 'The Role of International Actors in the Search for Peace in Mindanao,' pp. 78-84.

⁹¹ Ibid.



ANNUAL TREND OF GPH-MILF ARMED SKIRMISHES As of 15 April 2016



It is believed that the downward trend of hostilities in 2004 may be attributable to the work of the IMT, which was established in 2004. Prior to the IMT's engagement, LMTs would employ "low-key admonitions" to the AFP or the MILF for ceasefire violations. Censures from the IMT, an international contingent, are believed to have had a significant impact on the behaviour of troops on the ground.⁹²

The number of armed skirmishes between the government and the MILF went down to zero for the period from 2012 to 2014. It must be noted that this downturn coincided with milestones in the peace process (the signing of the Framework Agreement on the Bangsamoro and the Comprehensive Agreement on the Bangsamoro, respectively) – supporting the theory, informed by the lessons of MOA-AD, that some armed skirmishes on the ground (particularly those initiated by the MILF) coincided with perceived failures and betrayals across the negotiating table. According to GPH-CCCH assessment, the confidence engendered by the gains at the negotiations table from 2012 – 2014 strengthened the partnership between the GPH-CCCH and the MILF-CCCH, such that any hint of rumblings or unauthorised movements were quickly clarified and resolved between the joint CCCH through informal channels – resulting in zero skirmishes during this period. The ceasefire mechanisms were thus able to de-escalate any threat of armed encounter to prevent a repeat of the peace talks suspension in 2008-2009.⁹³

High-Level Interventions

Aquino and Ebrahim Murad (who replaced Hashim in 2003 upon his death) themselves "intervened" at significant points in the peace process under the Aquino administration. These high-level "interventions" were made as gestures of goodwill and confidence, and were high points in the peace negotiations.

⁹² J.R. S. Franco, 'Malaysia: Unsung Hero of the Philippine Peace Process' in *Asian Security*, 9:3, 2013, pp. 211-230.

⁹³ *Bridging for Peace: Inclusive Political Transitions in the Bangsamoro* (Powerpoint Slides), Office of the Presidential Adviser on the Peace Process, April 2016; GPH-CCCH Secretariat, email, October 21, 2016.



Their first “intervention” was a historic meeting in Tokyo, Japan in August 2011. During the meeting, Aquino and Murad talked about various substantive issues that the panels must negotiate to solve the Bangsamoro Problem/Question. Aquino and Murad also agreed that the peace negotiations must be fast-tracked and that any agreement must be implemented during Aquino’s term. Aquino and Murad met again in July 2014 in Hiroshima, Japan to discuss the draft Bangsamoro Basic Law that was to be transmitted to Congress for its review and enactment. (The Bangsamoro Basic Law was to be the law enacting the political component of the CAB). The draft was eventually transmitted to Congress in September 2014.⁹⁴

Public Consultations

In view of the MOA-AD Decision, the government peace panel undertook more than 550 public consultations among stakeholders in the course of negotiations. CSOs helped organise many of these consultations, which allowed the government to hear the input of various stakeholders such as indigenous peoples, women, and local businesses. The peace panels also eventually allowed certain representatives of civil society to sit as observers in Kuala Lumpur in the last few rounds of the peace negotiations.⁹⁵

Women’s Participation

The Bangsamoro peace process, particularly under the Aquino administration, has been described as one of the most gender responsive in the world. On the government side, both the Presidential Adviser on the Peace Process and, eventually, the Chair of the peace panel were women. The vast majority of the secretariat and legal staff were women, including their respective heads. Even the MILF eventually modified their initially all-male team to include women in their negotiating team. The peace agreement is replete with specific provisions for women (special funding for women and women’s representation in the future Bangsamoro parliament, among others) – with the “meaningful participation of women” acting as a guiding principle.⁹⁶

The Deal: The Comprehensive Agreement on the Bangsamoro (CAB)

The CAB, signed on 14 March 2016, contains the negotiated political agreement between the MILF and the government for the creation of a new autonomous region – the Bangsamoro. The current ARMM will be abolished upon the enactment of the law creating the Bangsamoro. The CAB contains the political and fiscal powers to be exercised by the new autonomous regional government to the end that the “Bangsamoro system of life” will be upheld and respected. Notably, it contains an express recognition of Bangsamoro grievances:

⁹⁴ Rood, ‘The Role of International Actors in the Search for Peace in Mindanao,’ pp. 79-80; AFP, ‘Aquino and Murad hold surprise talks in Japan’ 26 June 2014, viewed on 27 October 2016 <<http://www.rappler.com/nation/61679-aquino-murad-hold-surprise-talks-in-japan>>; A. Casauay and N. Gutierrez, ‘Aquino submits draft Bangsamoro law to Congress’ 10 September 2014, viewed on 27 October 2016 <http://www.rappler.com/nation/special-coverage/peacetalks/68657-aquino-bangsamoro-basic-law-congress>

⁹⁵ ‘More than 550 consultations on Bangsamoro peace process done by GPH panel alone’ 13 April 2016, viewed on 27 October 2016. <http://news.pia.gov.ph/article/view/3001460455845/more-than-550-consultations-on-bangsamoro-peace-process-done-by-gph-panel-alone>

⁹⁶ K. Herbolzheimer, *The Peace Process in Mindanao: Evolution and Lessons Learned*, Norwegian Peace Building Resource Center December 2015, p. 6; See also Decision Points 2012 on the meaningful participation of women, women’s participation in the future Bangsamoro Parliament as provided in the Annex on Power Sharing, and specific provisions on funding for women’s programs in the Annex on Revenue Generation and Wealth Sharing.



Stabilisation Unit

“Underlying the CAB is the recognition of the justness and legitimacy of the cause of the Bangsamoro people and their aspiration to chart their political future through a democratic process that will secure their identity and posterity and allow for meaningful self-governance.”

The CAB also contains arrangements for normalisation, or returning the conflict-affected areas to a normal and peaceful life. The normalisation scheme provides for the decommissioning of MILF combatants and for putting their arms beyond use. Other normalisation schemes include: 1) Socio-Economic Development Programmes, with a special focus on former MILF combatants, internally-displaced persons, and impoverished communities; 2) the creation of a Transitional Justice and Reconciliation Commission (TJRC), which is mandated to do a study and to make recommendations on how to resolve historical injustices committed against the Bangsamoro, the issue of land dispossession, and various human rights abuses committed in the decades of armed conflict (the report refers explicitly both to vertical and horizontal violence); and 3) Confidence-Building Measures, including the transformation of identified MILF camps into peaceful communities, as well as an amnesty programme for qualified Bangsamoro combatants and other personalities.⁹⁷

The parties endeavoured to pursue the incremental implementation of the CAB’s components as soon as they were signed into agreement – which resulted in growing trust and goodwill between the parties throughout the process. By December 2012, Aquino had already created the Bangsamoro Transition Commission (tasked with drafting the implementing law – the Bangsamoro Basic Law) – a full two years before the CAB would be completed. A “quick impact socioeconomic program” known as the Sajahatra Bangsamoro was established in 2013 even before the final normalization arrangements had been agreed upon.⁹⁸ The Socio-Economic Development programmes under the Normalisation Annex itself are already underway, with 133 former MILF combatants graduating in April 2016 from an intensive livelihood skills and entrepreneurship programme. The TJRC released its report and recommendations in March 2016, with Aquino requiring various agencies in the Executive to find ways to deliver on these recommendations. The parties also agreed on joint security programmes aimed at maintaining the peace and order situation on the ground during the transition to the creation of a new Bangsamoro autonomous region. Significantly, there is a commitment for the MILF to assist government forces in the interdiction of private armed groups. There is also a commitment to redeploy AFP units and troops to signify that Mindanao was entering a period of peace.⁹⁹

The decommissioning timeline is tied in with political milestones in the enactment of the Bangsamoro Basic Law (BBL), the law that would create the new Bangsamoro autonomous region. The draft BBL was submitted to Congress in September 2014, while the first leg of decommissioning, a ceremonial decommissioning of 145 MILF combatants, 51 high powered weapons, and 24 crew serve weapons, was held on 16 June 2015.¹⁰⁰

The enactment of the BBL during Aquino’s term, however, was effectively brought to a halt by events that transpired in Mamasapano, Maguindanao, on 25 January 2015. Seventy persons were killed in an armed engagement between the Special Action Forces (SAF) of the Philippine National Police and MILF fighters. Of these, 44 were members of the SAF, while the rest included both MILF combatants and civilians caught in the crossfire. The encounter resulted from a law enforcement operation aimed at neutralising Malaysian operatives Zhulkifli Bin Hir (alias Marwan) and Amin Baco of the Jemaah

⁹⁷ See Annex on Normalization; see also *Updates on the GPH-MILF Peace Process*, (PowerPoint Slides), Office of the Presidential Adviser on the Peace Process, April 2016.

⁹⁸ Coronel Ferrer, ‘Forging a Peace Settlement for the Bangsamoro: Compromises and Challenges,’ p. 109.

⁹⁹ See Annex on Normalization; see also *Updates on the GPH-MILF Peace Process*, (PowerPoint Slides), Office of the Presidential Adviser on the Peace Process, April 2016.

¹⁰⁰ *ibid.*



Stabilisation Unit

Islamiyah (JI), an Indonesia-based terrorist organisation,¹⁰¹ as well as the head of the Special Operations Group of the BIFF, Ahmad Akmad Blabol Usman (alias Abdul Basit Usman). While the operations resulted in the killing of Marwan, it was an unnecessarily bloody encounter and broke the longstanding ceasefire between the government and the MILF.¹⁰²

Reports indicate that the operation was conducted in close proximity to an MILF community and was done without the requisite coordination as provided in the ceasefire agreement. The MILF, therefore, was unaware of any operation being conducted in the area. After the killing of Marwan, SAF agents attempted to extricate themselves from the area, but the gunfire alerted MILF personalities. The SAF allegedly fired first at the approaching MILF combatants, and what ensued was an hour-long armed engagement between government forces and MILF fighters. This was followed by a maelstrom of controversy and a highly publicised congressional inquiry. Negative public opinion of Filipino Muslims once more reared its ugly head, as the deeply entrenched distrust of the Bangsamoro began to colour perspectives on the just-concluded CAB and the pending BBL in Congress.¹⁰³

The public controversy surrounding Mamasapano revealed a crucial misstep in the peace process with the MILF: in the course of peace negotiations under Aquino, the Philippine government made no serious effort to ascertain the general Filipino public's acceptance of the MILF as the legitimate representative of the Bangsamoro people. More broadly, there was little, if any, effort to ascertain whether the general public outside Mindanao agreed that Bangsamoro claims to justice and self-government were legitimate. There was also no effort, early on, to counter the long entrenched public image of the Moro to the rest of the Philippines as untrustworthy armed bandits. When news of Mamasapano broke out, what little national public support the peace process may have had seemed to dissipate – even among members of Congress who had already agreed to co-author the BBL. Despite having had more than one year to deliberate, and despite early avowals of support, the 16th Congress closed its session in early 2016 without enacting the BBL. Aquino's term ended without this necessary implementing law being put in place due to the failure to frame the Bangsamoro peace process as a national concern, instead of a regional appeasement of localised armed threats (the way it had been consistently portrayed in mainstream Philippine media).¹⁰⁴

Despite these significant set-backs, several peace process mechanisms remain in place for the implementation of the CAB. The FAB provides that the GPH and MILF Peace Panels, assisted by their respective Secretariats, shall supervise the implementation of the GPH-MILF agreements until the signing of the Exit Agreement. The FAB also provides that an "Exit Document" officially terminating the peace negotiation may be crafted and signed by both Parties if and only when all agreements have been fully implemented. There are now several third-party implementation mechanisms in place. Malaysia remains as the third-party facilitator, and the ICG remains a part of the peace process in order for the parties to sustain trust and confidence in each other. The IMT remains in place as the international third-party ceasefire monitoring mechanism, and the OIC, upon its request, has been accepted as observer to the peace process. In 2013, the Third-Party Monitoring Team (TPMT) was created to review, assess, evaluate, and monitor the implementation of the CAB. The TPMT is composed of representatives from two international and two domestic non-governmental organisations (with the government and the MILF having nominated one representative from one

¹⁰¹ Notably associated with the Bali bombing in 2002. 'How Indonesian Extremists Regroup' *Report No. 228/Asia, International Crisis Group* 16 July 2012, viewed on 21 October 2017 <<https://www.crisisgroup.org/asia/south-east-asia/indonesia/how-indonesian-extremists-regroup>

¹⁰² Holmes, 'Can the Gains Be Sustained? Assessing the First Five Years of the Aquino Administration,' pp. 17-19; Coronel Ferrer, 'Forging a Peace Settlement for the Bangsamoro: Compromises and Challenges,' pp. 127-129.

¹⁰³ *ibid.*, see also *Bridging the Peace: Manifestations on the Mamasapano "Misencounter,"* pp. 3-119.

¹⁰⁴ *ibid.*; K. Herbolzheimer, 'No war and no peace in Colombia and the Philippines' in *News and Views, Conciliation Resources*, October 2016, viewed on 27 October 2016 <<http://www.c-r.org/news-and-views/comment/no-war-and-no-peace-colombia-and-philippines>>



Stabilisation Unit

category each) and a chair (the TPMT Terms of Reference provides for the selection of an “eminent international person” jointly nominated by the parties to serve as chair, convenor, and spokesperson of the TPMT). The TPMT is currently chaired by Alistair MacDonald, former EU Ambassador to the Philippines, and convenes every two months or as often as necessary to assess implementation of the CAB. It is funded by a grant from the European Union (as jointly decided by the government and the MILF in coordination with the TPMT).¹⁰⁵

Under President Rodrigo Duterte, who assumed office in June 2016, both the government and the MILF peace panels have been reconvened as “implementing panels”, to emphasise that the parties have entered the implementation stage of the peace process. Among the key directives of the peace process under Duterte is the convergence of the MILF and the MNLF on the issue of the Bangsamoro peace process, as well as increased inclusivity for other stakeholders on the ground, such as non-Islamised indigenous peoples and the Christian population.¹⁰⁶ A new draft BBL was submitted to the 17th Congress in August 2017 but, to date, the bill has yet to find a sponsor. The fate of the BBL remains unclear.¹⁰⁷

Meanwhile, Congress is working on the necessary constitutional processes to shift the Philippine governance system to federalism – a campaign promise made by Duterte to local political elites all over the country. While Duterte has made public pronouncements that the enactment of the Bangsamoro Basic Law is a priority, how this fits into his federalism project is unclear. Notably, Duterte is the first Philippine president who is a native of Mindanao (and he claims that he is part Moro). He is also known to have friendly relations with MNLF’s Misuari. It is hoped that his personal connection to Mindanao will mean that he will pursue the successful implementation of the Bangsamoro peace process.¹⁰⁸ Nevertheless, it remains to be seen whether Duterte will be open to the continued involvement of internationals in the peace process, considering his adoption of what he calls an “independent foreign policy.”¹⁰⁹ There has been discussion within the Office of the Presidential Adviser on the Peace Process about whether Malaysia should be retained as third-party facilitator, and whether the ICG would continue to play a significant role in the implementation stage.

On the part of the MILF, they have secured through the CAB certain concessions that would grant them a leadership role in the transition from the ARMM to the new Bangsamoro region. Namely, they are assured of positions in the Bangsamoro Transition Commission and in the Bangsamoro Transition Authority (or the transitional government body that will facilitate the transition from the

¹⁰⁵ *The Comprehensive Agreement on the Bangsamoro: A Briefer* (Powerpoint Slides), Office of the Presidential Adviser on the Peace Process, June 2016; Framework Agreement on the Bangsamoro, Part VII.12; see also Coronel Ferrer, ‘Forging a Peace Settlement for the Bangsamoro: Compromises and Challenges,’ p. 116-117; The Third Party Monitoring Team and its Terms of Reference signed on January 25, 2013; and ‘Independent Third Party Monitoring Team Welcomes Government of the Philippines-MILF Agreement’ in *News, The Asia Foundation*, 25 January 2014, viewed on 27 October 2016 <http://asiafoundation.org/2014/01/25/independent-third-party-monitoring-team-welcomes-gph-milf-agreement/>

¹⁰⁶ *Peace and Development Roadmap of the Duterte Administration* (Powerpoint Slides), Office of the Presidential Adviser on the Peace Process, August 2016.

¹⁰⁷ C. Arguillas, ‘Draft BBL in Congress; awaits authors for filing’ 19 August 2017, viewed on 21 October 2017 <http://www.mindanews.com/peace-process/2017/08/draft-bbl-in-congress-awaits-authors-for-filing/> and A. Romero, ‘Palace hoping Alvarez will sponsor BBL’ 27 September 2017, viewed on 21 October 2017 <http://www.philstar.com/nation/2017/09/27/1742955/palace-hoping-alvarez-will-sponsor-bbl>

¹⁰⁸ I. Andolong, ‘Duterte to Congress: Fast-track country’s shift to federalism’ in *News, CNN Philippines*, 30 October 2016, viewed on 27 October 2016 <<http://cnnphilippines.com/news/2016/10/30/Duterte-to-Congress-Fasttrack-countrys-shift-to-federalism.html>>; R. Adel, ‘Duterte Pushes for Bangsamoro Basic Law’ in *Headlines, Philippine Star*, 7 November 2016, viewed on 10 November 2016 <<http://www.philstar.com/headlines/2016/11/07/1641405/duterte-pushes-bangsamoro-basic-law>>

¹⁰⁹ See for instance A. Nawal, ‘Duterte gov’t to pursue “independent foreign policy” in *Globalnation, Inquirer.net*, 10 September 2016, viewed on 27 October 2016 <https://globalnation.inquirer.net/144563/duterte-govt-to-pursue-independent-foreign-policy>



Stabilisation Unit

ARMM to then new Bangsamoro region). The CAB expressly provides that this transition is to be “MILF-led.” The MILF is also transitioning to become a non-armed, civilian organisation and has created a political party for purposes of participating in the regular elections for the future Bangsamoro parliament. The MILF has expressed its commitment to pursuing the implementation of the CAB and maintaining its stance on a peaceful settlement.¹¹⁰

Through all this, there persists what has been described as a “no war, no peace” situation in Mindanao – while a comprehensive peace agreement, supported by a ceasefire, is in place, the causes and consequences of conflict such as marginalisation, rampant poverty, and insecurity remain unresolved.¹¹¹

¹¹⁰ Coronel Ferrer, ‘Forging a Peace Settlement for the Bangsamoro: Compromises and Challenges,’ pp. 115-118; see Annex on Transitional Arrangements and Modalities.

¹¹¹ K. Herbolzheimer, ‘No war and no peace in Colombia and the Philippines.’



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Stabilisation Unit

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