

The Philippines: A New Strategy for Peace in Mindanao?

I. OVERVIEW

The Philippine government is experimenting with a creative but risky strategy to bring peace to Mindanao. It has three goals: demonstrate that good governance in the Autonomous Region of Muslim Mindanao (ARMM) is possible through a two-year reform program; bring separate discussions with two insurgencies, the Moro National Liberation Front (MNLF) and the much larger, better-armed Moro Islamic Liberation Front (MILF) together; and hammer out the territory and powers of a future Moro “sub-state” in peace talks with the MILF. Until now, the government has not made clear how the three components fit together, but it may reveal its hand – at least in part – in mid-August 2011, when it is widely expected to present a new proposal to the MILF. After President Benigno S. “Noynoy” Aquino III took office in June 2010, he said that resolving the conflict in Mindanao was a priority, and the current occupants of the Office of the Presidential Adviser on the Peace Process (OPAPP) are determined to find the formula for peace that eluded their predecessors. The idea of “convergence” is the result.

While many aspects are unclear, the thinking may run something like this: A 2008 agreement with the MILF broke down just before the final signing because of concerns in Manila about Philippine sovereignty and among non-MILF groups – both Christian and Muslim – in Mindanao about protecting their political and economic interests. The Aquino government knows the same could happen again unless the sceptics are on board. It has postponed scheduled elections in the ARMM and seems to believe that if it handpicks who will run the region for the next two years, it could be possible to clean it up in a way that proves autonomy need not be synonymous with corruption, poverty and private armies. At the same time, positions within the ARMM could be used as sweeteners to entice members of the MNLF, who are unhappy that their own 1996 peace agreement was never fully implemented, to cooperate. The government also hopes that Muslim civil society organisations can help push the MILF and MNLF onto one negotiating track.

The question is where reaching a deal with the MILF fits in. Two scenarios seem most likely. In one, the MILF remains on the sidelines while the two-year caretaker regional

administration tries to clean up the ARMM. By including the MNLF among its appointees, the Aquino government would make good on its promise to implement the 1996 agreement and permit it to claim some responsibility for progress made. A final settlement with the MILF would be worked out afterwards. In the second, the government might try to involve the MILF in the ARMM government sooner. In the negotiations, the insurgent organisation has long proposed that it run an interim administration until a new, larger and more autonomous sub-state is created.

No part of this strategy is without risk. There is no guarantee that the government can clean up the ARMM in two years or, even if it did, that this would be enough to bring some of the spoilers on board. A better-functioning ARMM could diminish the enthusiasm of some stakeholders for reaching an agreement with the MILF. Any positions given to MNLF leaders could enhance their sense of entitlement to the whole autonomous government apparatus that they once controlled. Delays as Aquino’s team tries to juggle these components could deepen MILF uncertainty about the government’s intentions.

At least there are some interesting ideas swirling around, and a strategy without risk is guaranteed to fail. At the same time, for all the creativity of his peace process advisers, President Aquino himself appears to be a man of extreme caution, who reportedly does not want to agree to anything that cannot be implemented. The emerging strategy appears to be an attempt to ensure that any future agreement on the territory and powers of an expanded autonomous region would be both legitimate and enforceable.

II. REFORMING THE ARMM

The first prong of the Aquino administration’s strategy is to improve governance in the ARMM.¹ To this end, President

¹ The law creating the ARMM was passed in 1989 under the Cory Aquino administration. The region was subsequently expanded in 2001 as part of the 1996 Final Peace Agreement with the MNLF. It now comprises the provinces of Maguindanao and Lanao del Sur in Central Mindanao and Basilan (except Isabela City), Sulu and Tawi-Tawi off the Zamboanga peninsula towards Eastern

Aquino on 30 June 2011 signed into law Republic Act 10153, which postpones the ARMM elections from August 2011 until May 2013, when they will be synchronised with national mid-term polls. In the interim, the autonomous region will be run by appointed officers-in-charge (OICs).²

The government and several civil society coalitions hope that two key objectives will be achieved. One is that by appointing qualified executives outside the powerful local clan structure, there will be a chance to reduce corruption, improve service delivery, clean up voter lists and tackle unauthorised militias. This is a huge undertaking tantamount to changing the regional political culture. When he signed the postponement bill into law, President Aquino said:

[W]hat we want to do for ARMM is simple: we want their citizens to be heard; to do this, we are putting an end to the rule of political families who have fostered a culture of electoral fraud, and we will abolish their private armies.³

A second objective is to prove a peace settlement with the MILF is worth supporting and can be effectively implemented. The logic of this is less obvious. On the one hand, the government appears to hope that reform could change the widespread image in much of the Philippines and in parts of the autonomous region itself of Muslim Mindanao as irredeemably corrupt and violent. This, the reasoning goes, would make it easier to win over the kind of people who rejected the sweeping Memorandum of Agreement on Ancestral Domain (MOA-AD) that would have paved the way for a new autonomous Bangsamoro entity in 2008.⁴ But even if reforms can dispel doubts about governance, the Aquino administration will still need to find a way to tackle Philippine nationalism and the political and economic interests that killed the MOA-AD.

On the other hand, if it takes officials appointed by Manila to bring about reform, it is not clear how this would make

those sceptical about a Bangsamoro sub-state in 2008 any more open to the idea four or five years later. There is even the possibility that a better-run ARMM would actually diminish support for an agreement among those who care most about governance, because it could increase their support for the status quo.

Even if these deeper goals cannot be achieved, there are other, more pragmatic advantages to a caretaker administration:

- If a settlement with the MILF is reached that requires drastically modifying or dissolving the ARMM, it will be easier to do this with appointed leaders than elected ones.⁵ The chances that an agreement will be reached in two years, however, are not high.
- Key positions in the ARMM administration can be used to placate the MNLF, some of whose members were instrumental in securing postponement of the elections; the government has already guaranteed that some OICs will be drawn from MNLF ranks.

The postponement has led to increased politicking in the autonomous region, as individuals and coalitions seek to position themselves for appointments. Two broad coalitions backing reform, Reform ARMM Now! and People's Coalition for ARMM Reform and Transformation (People's CART), are eager to see their members selected.⁶ They believe that the government will reach beyond the traditional political elite, whose access to office depends on money, clout and guns – the essential ingredients for electoral success in the Philippines – and choose activists committed to reform.⁷

Malaysia. It is widely viewed as a failure, as many powers were never devolved to it.

² The interim administration would last from 30 September 2011, when the term of the current governor expires, to 30 June 2013. From 2005 to December 2009, the governor of the ARMM was Zaldy Ampatuan, a member of the powerful Ampatuan clan behind the 23 November 2009 Maguindanao massacre in which 58 people were killed. Zaldy, his father Andal Ampatuan Sr and brother Andal Ampatuan Jr were arrested. Since then, there has been an appointee in the role of ARMM governor. For background, see Crisis Group Asia Briefing N°98, *The Philippines: After the Maguindanao Massacre*, 21 December 2009.

³ President Aquino's speech at the signing ceremony, 30 June 2011, available at www.gov.ph.

⁴ See Crisis Group Asia Briefing N°83, *The Philippines: The Collapse of Peace in Mindanao*, 23 October 2008. The Bangsamoro is the term used for the Muslims of Mindanao.

⁵ Crisis Group interviews, members of the MILF negotiating team, Manila, 2 July 2011; diplomats and other observers, Manila, 4-6 July 2011. Others point out that it was politically expedient for Aquino and the Liberal Party because they did not have a candidate likely to win if the polls had gone ahead in August. Having a power base in the ARMM was crucial to Arroyo's victory in the 2004 election. Crisis Group interview, Manila-based journalist, 30 June 2011.

⁶ Ronald Llamas, the presidential adviser for political affairs and head of Akbayan, a left-leaning party that backed Aquino in the May 2010 polls, has been instrumental in building support for the reform agenda among the civil society groups and political parties now grouped in these two broad umbrella groups. Reform ARMM Now! has a slick website (www.reformarmmnow.org) that lists ten areas for reform; a People's CART position paper on file with Crisis Group lists six areas for reform including electoral; peace and security; autonomy and governance; education; justice system; and socio-economic.

⁷ Crisis Group interview, member of People's CART, Manila, 4 July 2011.

Among the many names circulating for OIC governor are:

- ❑ Mujiv Hataman, a former Anak Mindanao party list representative and brother of the congressman for Basilan, Jim Hataman. He is rumoured to have the backing of Aquino adviser Ronald Llamas and to be the preferred candidate of Reform ARMM Now!⁸
- ❑ Yasmin Busran-Lao, a Maranao from Marawi City and sole Muslim female candidate for the Senate on Aquino's Liberal Party slate during the 2010 elections. She is a co-convenor of People's CART.
- ❑ Nabil Tan, brother of Sulu Governor Abdulsakur Tan and current undersecretary of the office of the executive secretary in the president's office. He has held a range of government positions, including as ARMM vice-governor in the 1990s, and several roles in OPAPP.
- ❑ Two former ARMM governors, Nur Misuari (1996-2001), who founded the MNLF, and Zacaria Candao (1990-1993). Given Misuari's history of misrule, he would hardly be a choice to advance reform.⁹

Others in the ARMM doubt that, regardless of who is appointed, political culture and the concentration of power in the hands of a few clans can really be changed in less than two years. The enthusiastic embrace of the reform agenda by some parts of civil society is not necessarily reflective of a groundswell of popular support.¹⁰

For its part, the MILF says a peace settlement is about self-determination, not governance. The Bangsamoro should not have to first prove they would govern a sub-state well; they deserve one because of historical injustice and their right to self-determination. Once the Philippine government agrees to a sub-state, the argument goes, the MILF will have earned the right to govern because it negotiated the settlement.¹¹ While the MILF opposes corruption, it has had

no part in the ARMM and will take no part in cleaning up the mess that successive governments have left behind.¹²

The MILF has responded cautiously to the postponement of elections. On 12 February 2011, Chairman Al Haj Murad Ebrahim sent a letter to Congresswoman Bai Sandra Sema from Maguindanao, who introduced the bill, saying:

We wish to inform you that the MILF interposes no objection to the postponement of the forthcoming ARMM election. Such [a] move could generate [a] better atmosphere [for] implementing a comprehensive agreement that might be crafted in the ongoing GPH-MILF peace talks. This however should not be construed as a departure of the MILF from its original position on the ARMM and its stand of non-participation in any political activity in the ARMM.¹³

But suspicions remain about the motives behind the reform agenda. Following the Senate vote in favour of postponement on 6 June, the MILF website ran an editorial airing some misgivings:

[I]s the postponement really for the sake of the GPH-MILF peace negotiation? ... The hard facts ... point to two-track reasons. First, chances that the Aquino dispensation will lure the MILF into accepting it in place of the transition government that the MILF firmly proposed in its draft proposal ... The second reason, in fact, the more lethal one, is ... to supplant and pre-empt the negotiation[s].¹⁴

The MILF aired its fears more explicitly a few weeks later, just before the June round of talks, accusing the government of trying to "offer the ARMM, a sort of transition government, to the MILF leadership with the promise of reforming it", in what was tantamount to "a copycat formula dangled to [the] MNLF". It suggested the government was attempting to dilute the role of the international community and replace the elaborate negotiating framework "with something like direct talks".¹⁵ The government immediately rejected the charges.¹⁶

⁸ Crisis Group interviews, Manila and Cotabato City, 30 June and 1 July 2011. Also see "Ex-lawmaker denies endorsement as ARMM officer-in-charge", *Sun-Star Manila*, 17 June 2011.

⁹ Commenting on the prospect of Nur Misuari becoming OIC governor, a senior government official said, "there goes our reform agenda ...". Crisis Group interview, Manila, 6 July 2011. Candao also has a poor track record. In 2009, he was found guilty on charges of malversation of public funds (close to \$500,000) while governor.

¹⁰ Sceptics note that the Moro grassroots are not interested in ARMM reform because whoever is in charge, nothing changes in their lives. Crisis Group interview, members of Moro civil society, Cotabato City, 1 July 2011.

¹¹ MILF panel chair Mohagher Iqbal, as quoted in "Who's afraid of a Bangsamoro sub-state (1)?" *Mindanews.com*, 2 April 2011. In negotiations with the government, the MILF has demanded a six-year interim period in which it would run the new sub-state while the "Bangsamoro Basic Law" is drafted.

¹² See "GPH panel chair to MILF: 'Do not be an obstacle to ARMM reforms'", OPAPP, 7 July 2011; "MILF to gov't: We encourage honest eradication of corruption", *luwaran.com*, 9 July 2011.

¹³ Letter from MILF Chairman Al Haj Murad Ebrahim to Congresswoman Bai Sandra Sema, 12 February 2011, copy on file with Crisis Group.

¹⁴ "Postponed ARMM election", editorial, *luwaran.com*, 15-21 June 2011.

¹⁵ "MILF warned of GPH's 'pre-empt and supplant' scheme in talks", *www.luwaran.com*, 26 June 2011.

¹⁶ "GPH Chair to MILF: 'Do not rely on rumours'", OPAPP, 26 June 2011.

The MILF has also had to stamp out rumours that it was endorsing anyone for the OIC positions.¹⁷ An 18 June article in *The Manila Times* claimed that a MILF emissary met former North Cotabato Governor Manny Piñol, one of the politicians who filed a petition in the Supreme Court against the 2008 MOA-AD, and the influential vice-mayor of Davao, Rodrigo Duterte, to discuss the MILF's interest in governing ARMM.¹⁸ The MILF denied the allegations, daring Piñol to name whom he had met.¹⁹ In fact, Piñol and Duterte had met Eid Kabalu, the spokesperson and civil-military relations chief of the MILF, in Davao on 13 June. Apparently Kabalu had told Piñol that the article should say the MILF leader had gone to Davao in a personal capacity.²⁰ When the article appeared, it surprised and angered senior MILF figures. In a special session on 21 June, the Central Committee stripped Kabalu of his positions.²¹ Kabalu maintains, however, that he resigned and in fact has the support of many within the MILF in his quest to be appointed OIC governor.²²

Kabalu may be a maverick with a record of flirting with electoral politics, but it would be difficult to rule out the possibility of others within or close to the MILF being tempted by an OIC appointment before a settlement with the Philippine government is signed.²³ The numbers are likely small, although persistent rumours of Chairman Murad's poor health may be a factor pushing some in this direction. Some MILF may also be interested in quietly working behind the scenes with civil society to support ARMM reform, believing that, if successful, it could smooth the transition to a new sub-state.²⁴

A senior government official maintains, however, that the administration has not been putting out feelers regarding MILF candidates for the OIC positions and is wary of causing tensions within the organisation. "We don't want to pull a Misuari", the official said, referring to deliberate efforts by the government to oust Nur Misuari as leader

of the MNLF in 2001.²⁵ However, individuals close to the MILF and the government say there are high-level back-channel contacts, suggesting that there may be more consultation between the two sides than is publicly disclosed.²⁶

Officially, the MILF is poised to ignore the entire ARMM reform effort, neither opposing nor supporting it. Its adherents believe it is the only force capable of realising Bangsamoro self-determination and extracting recognition from the Philippine state of the historical injustice the Muslims of Mindanao and the Sulu archipelago have suffered. Even in the unlikely event reforms in the ARMM succeed, this will have no bearing on the MILF's core constituency.

III. BRINGING THE MILF AND MNLF TOGETHER

The second component of the Aquino administration's strategy is to bring the MILF and MNLF together, from above and below. From the top down, the aim is to get the two organisations on the same negotiating track to avoid promising the same land and powers to two separate groups. From the ground up, it is to support mostly non-governmental efforts to reconcile the mass bases of the two organisations, so as to pressure their respective leaderships to cooperate. Neither has a good chance of success, but there is little to lose by trying. The biggest risk is that by offering incentives to the MNLF to go along with "convergence", the government may inadvertently embolden its problematic founder, Nur Misuari.

A. FROM THE TOP DOWN

Without disclosing details and without any clear indications of progress, senior government officials now say they are convinced they have found a strategy to bring the MNLF and MILF together that both should find reasonable. The question, a senior government official said, "is who will be in the driver's seat".²⁷

The MNLF has much more reason to support the government's convergence strategy than the MILF. Since negotiations with the larger, better-armed MILF began in 1997, Philippine governments have treated the MNLF as largely irrelevant but impossible to ignore because of the existence of the 1996 Final Peace Agreement, brokered by Indonesia under the auspices of the Organisation of the Islamic Conference (OIC). That agreement was never fully implemented,

¹⁷ "[T]he MILF condemns anyone using the MILF to seek position in the ARMM. Anyone posing to have the blessing or endorsement of the MILF is a big liar. We will expose them, curse them!". "Postponed ARMM election", op. cit.

¹⁸ "Rebels keen on ARMM posts", *The Manila Times*, 18 June 2011.

¹⁹ "You're lying if you can't tell us who talked to you about the ARMM, Piñol told", *luwaran.com*, 19 June 2011.

²⁰ Crisis Group interview, MILF source, Manila, 3 July 2011.

²¹ "Kabalu resigns over ARMM's bid", *luwaran.com*, 24 June 2011.

²² Crisis Group interview, MILF source, Manila, 3 July 2011.

²³ Just prior to the May 2010 elections, Kabalu was suspended for six months for witnessing the signing of a covenant by the Bangon Pilipians Party that outlined a federal form of government, including the Bangsamoro homeland in Mindanao. The MILF had adopted a strictly "hands off" policy regarding the polls. "Kabalu accepts MILF suspension order", *Manila Bulletin*, 14 April 2010.

²⁴ Crisis Group correspondence, Manila-based journalist, 1 August 2011.

²⁵ Crisis Group interview, senior government official, Manila, 6 July 2011.

²⁶ Crisis Group interviews, Manila, 3-6 July 2011.

²⁷ Crisis Group interview, senior government official, Manila, 6 July 2011.

and under President Arroyo, a “tripartite review” began, involving the MNLF, the government and the OIC, to try to resolve remaining issues. The Aquino administration is pursuing the review process, which it characterises as a “conversation” about implementation rather than a “negotiation”. It aims to resolve outstanding issues – transitional government, wealth sharing, territory and a development agency for the Bangsamoro – by 30 September, but these are the same issues being discussed with the MILF.

At the same time, the government has taken steps to get the MNLF to participate in ARMM reform. At a high-level meeting in Solo, Indonesia, 19-22 June 2011, the government and the MNLF agreed that a certain number of MNLF figures would be appointed to caretaker positions in the ARMM as a “complementary mechanism for full implementation” of the 1996 agreement.²⁸ According to one official, the MNLF tried to assert its right to run the autonomous region during the interim period, prompting the chair of the OIC’s Peace Committee on Southern Philippines to interject that it was an unreasonable demand.²⁹

The difficulty is that Nur Misuari, who became governor of the ARMM as part of the 1996 agreement, has “a sense of entitlement” that the government acknowledges is a problem.³⁰ In anticipation of this agreement being fully implemented, he has been recruiting in Zamboanga City and promising positions in the Regional Security Force.³¹ The military has reported that Misuari’s recruits have been undergoing military training in old MNLF camps, most likely on Sulu, his traditional bailiwick and an area where they would have access to weapons such as mortars.³²

²⁸ “MNLF to take part in Aquino’s caretaker ARMM administration”, *Mindanews.com*, 26 June 2011; “GPH, MNLF to work together for reforms in ARMM”, *OPAPP*, 3 July 2011. The two sides also reached an agreement on strategic minerals. The meeting was moderated by Rezlan Jenie, an Indonesian diplomat and chair of the OIC Peace Committee on Southern Philippines, and attended by representatives of Brunei, Egypt and Malaysia. The Philippine government delegation was led by Secretary Deles of OPAPP; the MNLF delegation was led by Nur Misuari, with other leaders of the different factions, including Muslimin Sema, present according to the Jeddah formula. For more on the tripartite review, see *Crisis Group Asia Briefing N°119, The Philippines: Back to the Table, Warily, in Mindanao*, 24 March 2011.

²⁹ Crisis Group interview, senior government official, Manila, 6 July 2011.

³⁰ *Ibid.*

³¹ See “Military raids suspected MNLF recruits’ lair in Zambo City”, *luwaran.com*, 5 June 2011; Crisis Group interview, security analyst, Manila, 3 July 2011. The 1996 agreement envisioned the integration of MNLF fighters into a civilian Special Regional Security Force.

³² Crisis Group interview, senior government official, Manila, 6 July 2011.

Misuari may no longer be the figure he was before the MNLF fractured, yet “he is not a spent force”.³³

The government does not appear to have any plan for dealing with Misuari. Convergence is impossible without him but may be almost impossible with him. It may be feasible to bring certain MNLF factions, particularly that of Muslimin Sema (a Maguindanaon, vice-mayor of Cotabato City and husband of Congresswoman Sema), into closer cooperation with the MILF. But Misuari is the man recognised by the OIC as the MNLF chairman, so it may be difficult to sideline him.³⁴ The personality clashes between Misuari and other MNLF factional leaders are equally difficult to resolve.³⁵

The MILF considers the government’s dealings with Misuari and the other factions irrelevant. MILF leaders say they have no misgivings about the MNLF discussing the same issues with the government, because they plan to extract better concessions. For example, on wealth sharing the MILF is demanding a 75-25 split in favour of the Bangsamoro, while the MNLF is only asking for 70-30.³⁶

According to members of the MILF negotiating team, the government has not in fact asked them to come up with a joint strategy with the MNLF, and they have no intention of doing so.³⁷ The MILF dismisses the latter as part of the government, ever since it signed the 1996 agreement and integrated some of its fighters into the Philippine army and police.³⁸ It is unhappy that the government is trying to “burden” the peace process with the problems that have resulted from failing to implement the 1996 agreement in full.³⁹

Some international observers doubt the wisdom of trying to bring the MILF and the MNLF together, given the obstacles. They argue that provided the MILF gets a better deal than any government has offered the Bangsamoro before, in terms of both powers and territory, the structure should

³³ Crisis Group interview, member of the International Contact Group, Manila, 5 July 2011.

³⁴ In 1977, the MNLF became an observer member, with Misuari recognised as the chairman. Despite the now many factions of the MNLF, Misuari is still recognised as such, with other factional leaders represented according to the Jeddah formula.

³⁵ Crisis Group correspondence, individual close to the peace process, 25 July 2011.

³⁶ “Last four issues in GPH-MNLF talks ‘lifted’ from MILF position”, *luwaran.com*, 26 May 2011.

³⁷ Crisis Group interview, members of the MILF negotiating panel, Manila, 2 July 2011.

³⁸ On 5 February 2011, MILF Chairman Murad characterised the tripartite review process as irrelevant to the MILF talks, since it is just a continuing effort at implementation. Crisis Group notes, Murad’s answers to questions, press conference, Camp Darapanan, Sultan Kudarat.

³⁹ “Genuine search for unity”, editorial, *luwaran.com*, 1-7 June 2011.

be able to accommodate everyone: the MILF, the MNLF, the powerful clans and Moro civil society.⁴⁰ This may be wishful thinking.

B. FROM THE BOTTOM UP

The other way to bring the MILF and MNLF together is to enlist Moro civil society to come up with a list of demands, so that both revolutionary fronts can be told “this is what the people want”.⁴¹ For example, the Consortium of Bangsamoro Civil Society (CBCS) will conduct grassroots consultations over the next eighteen months with the support of the Geneva-based Centre for Humanitarian Dialogue.⁴² The organisations involved in these efforts do not view their efforts as a substitute for peace negotiations with the MILF, but rather as complementary to them.⁴³ For example, at the second annual general assembly of the CBCS in March 2011, the organisers invited both Jun Mantawil, head of the MILF peace panel secretariat, and Jimmy Labawan, vice chairman for military affairs of the MNLF, as guest speakers.⁴⁴

The problem is that Muslim civil society is weak, and the different organisations have their own loyalties – to the MILF, to the MNLF or to specific sectoral causes. There are few examples of success to suggest that civil society is capable of articulating specific demands that are both truly reflective of the grassroots and compelling enough to bring the MILF and MNLF together.

A deeper flaw in this approach is that neither the MILF nor the MNLF is accustomed to taking cues from its base. Neither insurgent organisation’s mode of governance could be described as particularly inclusive.⁴⁵ Without a tradition of grassroots input being channelled upwards, it is difficult to see how convergence from the bottom will succeed.

The pro-MILF segments of Moro civil society are simply not interested in trying to promote unity among the Bangsamoro. They, like the MILF negotiating team, point out that it is not just the Moros who are divided – it is the

⁴⁰ Crisis Group interviews, Manila, 4-6 July 2011.

⁴¹ Crisis Group interview, individual close to the peace process, Manila, 5 July 2011.

⁴² Crisis Group interviews, *ibid*; and diplomat, Manila, 6 July 2011. The CBCS-CHD consultations are being funded by the Australian embassy, among other donors.

⁴³ See “CBCS held assembly: calls for reform in the ARMM, support for the peace processes, unity and solidarity”, statement, Consortium of Bangsamoro Civil Society, 28 March 2011.

⁴⁴ *Ibid*.

⁴⁵ A study of insurgent groups argues that the degree of civilian control rebel groups allow can be measured along two dimensions: power sharing and inclusiveness. See Jeremy M. Weinstein, *Inside Rebellion: The Politics of Insurgent Violence* (Cambridge, 2007), chapter 5, “Governance”.

Philippine majority and the government that need to unify their position before peace in Mindanao will be possible.⁴⁶

IV. THE MILF TRACK: A SLOW START

Of the three elements in the government’s strategy, there has been the least progress on the MILF track. More than a year after President Aquino took office, the government has yet to reveal its hand on the core issues of the negotiations: the territory and powers of a future Bangsamoro sub-state. It may be stalling because it wants to manoeuvre the other elements of the strategy into place first. Yet, officials say they will sign a final settlement within a year, and the clock is already ticking.⁴⁷

A. THE FEBRUARY AND APRIL ROUNDS

At the first full panel meeting in Kuala Lumpur on 9-10 February 2011, the MILF presented a proposal that was roughly the same as the one it submitted a year earlier, during the last few months of the Arroyo presidency.⁴⁸ It involves a new sub-state that would control all aspects of governance except external defence, the postal service, foreign relations and currency. The MILF’s territorial demands are the same as in the MOA-AD.⁴⁹ Its negotiators requested that the document be treated as a working draft, which the government declined, indicating it would submit a counter-proposal.⁵⁰

At the next round of talks, on 27-28 April, long-time Malaysian facilitator Datuk Othman Razak was replaced by Tengku Dato’ Ab Ghafar Tengku Mohamed, thereby

⁴⁶ Crisis Group interviews, members of Moro civil society, Cotabato City, 1 July 2011; members of the MILF negotiating team, Manila, 2 July 2011.

⁴⁷ For example, at a consultation in Sultan Kudarat. “Pnoy wants peace pact with MILF ‘within one year’”, *Mindanews.com*, 16 April 2011. The timeframe is ambitious – and fits with the pattern of previous phases of the negotiations in which Philippine governments have optimistically believed a deal was just around the corner, while the MILF has been circumspect in its predictions. See Malcolm Cook and Kit Collier, “Mindanao: A Gamble Worth Taking”, *Lowy Institute Paper* 17, 2006, pp. 19-24.

⁴⁸ The first meeting was a “two plus one” session (panel chairs, one other panel member, heads of secretariat, and facilitator) held in Kuala Lumpur on 14 January 2011 that paved the way for the February discussion.

⁴⁹ For example, the map used in the MILF’s PowerPoint presentation to indigenous groups is the same as the map from 2008. Electronic version of PowerPoint presentation on file with Crisis Group. Crisis Group interviews, Manila, 4-5 July 2011.

⁵⁰ See “Statement of GPH Chair Marvic Leonen, 21st Exploratory Talks with the MILF”, 28 April 2011, available on the OPAPP website, www.opapp.gov.ph.

resolving a spat between Manila and Kuala Lumpur over Othman's alleged bias.⁵¹ In his opening statement, MILF peace panel chair Mohagher Iqbal noted that the MILF had some reason to be optimistic about the peace process – such as President Aquino's popularity boding well for his ability to deliver a settlement – but said negotiations had gone on too long, and the lack of demonstrable progress puts pressure on the MILF.⁵² Government panel chair Marvic Leonen emphasised that their consultations with stakeholders were extensive and continuing, singling out a meeting with the Liberal Party.⁵³ He underscored that the feasibility of a final agreement would hinge on the MILF's openness to discussing convergence with the MNLF and on the implications of splinter groups for the ceasefire and peace process.⁵⁴

During the first day, the government team asked for clarification of specific terms and points in the MILF draft. Government officials say they are uncomfortable with the "constitution-like" content of the draft and conveyed to the MILF that it would need to be simplified.⁵⁵ The second day focused on, among other issues, the International Monitoring Team that investigates ceasefire violations; revival of the Ad Hoc Joint Action Group (AHJAG), the mechanism for interdicting criminals operating in MILF areas; security guarantees for members of the MILF Central Committee;

and the list of 25 Moro political detainees originally submitted in January.⁵⁶

The government asked the MILF for an update on the breakaway group of Ameril Umbra Kato, a religious leader and skilled commander who set up his own armed force, the Bangsamoro Islamic Freedom Fighters, in 2010.⁵⁷ The negotiating panel explained that Kato remains an internal problem for the MILF and disclosed that the Central Committee had banned him from using the organisation's name just days before.⁵⁸ He has refused offers of a face-to-face meeting with Chairman Murad and a different position within the MILF.⁵⁹ The media attention Kato's group has received has put pressure on the government team to raise the issue in negotiations. In private, officials seem less concerned that Kato will jeopardise the peace process than about what Kato's rebellion says regarding the weakness of MILF command and control.⁶⁰

B. THE JUNE ROUND

Though the government agreed in April to present a counter-proposal at the next round,⁶¹ in late June its team was still unable to get clearance from the president, so there was no point in convening the full panels.⁶² Instead, on 27 June a one-day executive session was held with

⁵¹ The government's concern that Othman was biased towards the MILF was the main reason why talks were delayed until January. For more on this, see Crisis Group Briefing, *The Philippines: Back to the Table*, op. cit. According to a member of the International Contact Group, the transition was very abrupt, and no advance warning was given when it would occur. Crisis Group interview, Manila, 4 July 2011. Also see "GPH-MILF talks has new facilitator", *Mindanews.com*, 27 April 2011. The new facilitator is a former diplomat with experience in the Philippines but, like Othman, has also worked in intelligence.

⁵² "Opening statement of Mohagher Iqbal, Chairman of the MILF Peace Panel, during the 21st GPH-MILF Exploratory Talks in Kuala Lumpur on April 27-28, 2011", 27 April 2011, available on luwaran.com.

⁵³ President Aquino ran on the Liberal Party slate in the May 2010 elections. The support of party stalwarts, particularly party president Mar Roxas, who strongly opposed the MOA-AD and ran for vice president alongside Aquino but lost, will be decisive in whether a peace settlement with the MILF is possible. See "MILF sees Roxas in cabinet as plus, minus factor in peace talks", luwaran.com, 18 May 2011. At this stage of the negotiations, there was criticism of the government's consultations from some quarters. Crisis Group interview, local government official, Zamboanga, 8 February 2011.

⁵⁴ "Opening Statement of GPH Panel Chair During the GPH-MILF 21st Formal Exploratory Talks", 27 April 2011, available at www.opapp.gov.ph.

⁵⁵ Crisis Group interview, government official, Manila, 6 May 2011.

⁵⁶ "GPH-MILF Joint Statement on the Formal Exploratory Talks, April 27-28", 28 April 2011, available at www.opapp.gov.ph.

⁵⁷ For an account of the split, see Crisis Group Briefing, *The Philippines: Back to the Table*, op. cit., pp. 6-8.

⁵⁸ "Renegade barred from using MILF name", *Philippine Daily Inquirer*, 29 April 2011.

⁵⁹ Crisis Group interview, military source, 4 May 2011.

⁶⁰ Crisis Group interviews, government officials, Manila, 6 May and 6 July 2011.

⁶¹ Crisis Group interview, government official, Manila, 6 May 2011. In early May, a Western diplomat commented that it was unlikely the panel would have the draft ready for the June session, saying it would doubtless need longer to "dribble". Crisis Group interview, 6 May 2011.

⁶² While some attribute the government's failure to table its proposal in June to difficulties within the cabinet, others believe it was Aquino himself who held up the process. Crisis Group interviews, Manila-based journalists and member of the International Contact Group, Manila, 4-5 July 2011. A senior government official said that "the bottom line for the president [is that] we don't sign anything that we cannot implement". This was what delayed the final agreement with the Cordillera People's Liberation Army, a splinter of the larger communist New People's Army, which was "simple" compared to what is at stake in talks with the MILF. Crisis Group interview, senior government official, Manila, 6 July 2011. Individuals familiar with Aquino's concerns regarding PAMANA (PAyapa at MAsaganang Pamayanan or Peaceful and Resilient Communities), the government's inter-departmental peace and development program, commented that the president reviewed the program and its budget line-by-line. Crisis Group interview, Manila, 4 July 2011.

only the facilitator, panel chairs, one other panel member and the heads of secretariat in attendance. The members of the International Contact Group, which consists of foreign governments and NGOs that attend full panel sessions to help bridge gaps and offer advice, were surprised by the delay, about which they were notified less than a week in advance.⁶³ Nevertheless, according to several people involved, the atmosphere was good when the parties met.⁶⁴ Both sides say they had a frank discussion, despite suspicions of government intentions that the MILF aired before the talks and the frustration it expressed publicly afterwards.⁶⁵

The MILF raised concerns about the privatisation of power plants in Mindanao and Moro political detainees.⁶⁶ The government brought up two issues related to the MILF's capacity to control its troops and which they said were central to its concerns about demands for self-governance. One was the kidnapping of a Chinese-Filipino trader, Angelina Chew Mantigue, from Upi, Maguindanao, on 14 May by men allegedly close to or under Kato's command. The MILF launched an operation in the area in coordination with the Philippine military through the Coordinating Committee on the Cessation of Hostilities (CCCH), and the victim was released on 24 May.⁶⁷ The second was escalating violence linked to a clan feud in Palimbang, Sarangani that in-

involved members of the MILF's 104th and 105th base commands, as well as an MNLF faction led by Randy Karon.⁶⁸ A senior government official said the discussion was "forthright", and there has been "real acceptance of the problems" by the MILF.⁶⁹

Statements released afterwards were light on details, however, and neither side explained why the government had not submitted its counter-proposal.⁷⁰ Even members of the International Contact Group have been kept in the dark on the matter.⁷¹ Civil society groups issued a joint statement urging the government to disclose the cause for the delay.⁷² Both sides seem to have agreed not to disclose what was discussed. According to a senior government official, "the MILF understands very well the reasons behind the delay ... and saw it as a positive development".⁷³

A cryptic remark by MILF panel chair Iqbal that "we downplayed the [government's] 'grand gesture' until we receive their rejoinder draft", has prompted speculation that a meeting between Aquino and senior members of the MILF might be in the works to convey the president's commitment to the process and as a trust-building measure.⁷⁴ Several observers in Manila point to the precedent of the president's mother, Cory Aquino, meeting with Nur Misuari in the early phases of peace talks with the MNLF.⁷⁵ Such a meeting would entail significant political risks for President Aquino and could hand ammunition to his opponents if the administration was subsequently unable to reach a deal.⁷⁶

⁶³ Crisis Group interviews, senior government official, Manila, 6 July 2011; and member of the International Contact Group, Manila, 4 July 2011. The International Contact Group was not present, as it does not participate in executive sessions and was only briefed by the MILF the day after the talks. It includes the UK, Saudi Arabia, Turkey, Japan, The Asia Foundation, the Centre for Humanitarian Dialogue, Conciliation Resources and Muhammadiyah (an Indonesian Islamic organisation).

⁶⁴ Crisis Group interviews, member of the International Contact Group and senior government official, Manila, 5-6 July 2011.

⁶⁵ For example, when asked whether they expected to receive the government draft at the next round, they replied, "we are not so confident". Crisis Group interview, MILF negotiating panel members, Manila, 2 July 2011.

⁶⁶ The MILF is worried that the government will sell the Bangsamoro homeland's resources out from under them before a settlement is reached. See "MILF tells gov't: Let us resolve AD before any exploration in Moro areas", *luwaran.com*, 4 July 2011. The talks resulted in a 2 July visit by the MILF panel to central committee member Edward Guerra (real name: Abraham Yap Alonto), who was detained on 22 September 2010 in Davao. On Guerra, see Crisis Group Briefing, *The Philippines: Back to the Table*, op. cit., p. 4; "MILF negotiators visit Moro political detainees in Taguig", *luwaran.com*, 7 July 2011.

⁶⁷ See "Kidnap victim released to GPH-MILF CCCH", *luwaran.com*, 24 May 2011; "GPH, MILF join forces to rescue kidnapped Fil-Chinese trader", OPAPP, 24 May 2011. The kidnapers demanded 20 million pesos (\$475,000). Crisis Group interview, individual involved in the release, Manila, 3 July 2011. According to one source, a ransom of 1 million pesos (\$24,000) was paid. Crisis Group interview, Manila, 3 July 2011.

⁶⁸ The fighting erupted on 19 June and displaced around 12,000 individuals. The MILF has sent emissaries to try to resolve the conflict, reportedly over tracts of land, but the displaced have yet to return. "MILF intensifies efforts to help resolve feud in Palimbang", *luwaran.com*, 8 July 2011.

⁶⁹ Crisis Group interview, senior government official, Manila, 6 July 2011.

⁷⁰ "GPH panel chair: 'No gov't schemes'", OPAPP, 27 June 2011; "GPH Peace Panel sues for time to submit counterdraft", *luwaran.com*, 28 June 2011.

⁷¹ Crisis Group interviews, members of the International Contact Group, Manila, 4-5 July 2011.

⁷² "Why did the GPH Panel defer to submit a counterproposal?", 28 June 2011, available on the Mindanao Peoples Caucus website, www.mpc.org.ph.

⁷³ Crisis Group interview, senior government official, Manila, 6 July 2011.

⁷⁴ A senior government official acknowledged: "It could be possible, it is in the realm of possibilities, [and] it's a good thing that it is". Crisis Group interview, Manila, 6 July 2011.

⁷⁵ Crisis Group interviews, diplomats and others, Manila, 4-6 July 2011.

⁷⁶ As a diplomat commented, the current set-up leaves "space for the powder to dry" – meaning the president is a couple of steps removed from what is discussed and agreed in Kuala Lumpur. Crisis Group interview, Manila, 6 July 2011.

The next full panel session is scheduled for mid-August. Upper echelons of the Aquino administration are said to be closely involved in finalising the draft of a counter-proposal, but nothing has leaked about its contents.

V. CONCLUSION

For the Aquino government's strategy to work, it needs to make some crucial decisions in the months ahead. It needs to think carefully about whom to entrust with reforming the ARMM over the next two years. The hard work that went into securing postponement of the August elections will be wasted unless competent individuals capable of implementing reforms are selected. The task will be harder if the government decides to give some appointments to the MNLF, whose leadership of ARMM when it was first set up was not marked by professionalism or probity. Reform and "convergence" may be a tough balancing act.

The government also needs to lessen MILF suspicions about its motives, by making it clear that ARMM reform and encouraging unity among the Bangsamoro, including the insurgent organisations, are not substitutes for peace talks. The most concrete proof would be its counter-proposal, which should be provided to the MILF as promised at the next round of talks.

The MILF prides itself on consistency and dogged pursuit of a settlement that recognises the Bangsamoro right to self-determination. But consistency does not need to mean being inflexible. In the same way the Philippine government under President Aquino is testing out a new approach, the MILF should keep an open mind about how a final settlement could be achieved as talks move forward.

Jakarta/Brussels, 3 August 2011

APPENDIX A

MAP OF THE PHILIPPINES



APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in fourteen additional locations (Baku, Bangkok, Beirut, Bujumbura, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria, Sarajevo and Seoul). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh, Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyz-

stan, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Russia (North Caucasus), Serbia and Turkey; in the Middle East and North Africa, Algeria, Egypt, Gulf States, Iran, Iraq, Israel-Palestine, Lebanon, Morocco, Saudi Arabia, Syria and Yemen; and in Latin America and the Caribbean, Bolivia, Colombia, Ecuador, Guatemala, Haiti and Venezuela.

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August 2011

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