

The Mindanao Peace Process: Needing a New Formula

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Voluminous agreements have been produced by more than three decades of negotiations between the Philippine Government and the Bangsamoro liberation fronts, as mediated by the Organization of Islamic Conference (OIC), Libya, Indonesia and Malaysia. These agreements, however, did not end the bloody and costly¹ war on Mindanao island. This paper attempts to present what it views to be the failings of the mediation efforts to solve the problem that has been breeding violence on Mindanao and puts forward what it considers to be the new formula to correct the flaws in the past and on-going peace processes.

The Problem and History

The core issue of the problem is the continuing assertion of the Bangsamoro people—or at least the people who believe they represent the Bangsamoro—for the restoration of their historical independence. Problems of land, mass poverty, neglect and underdevelopment and other social inequities are problems that need the attention of the national government, but it is the issue of political relationship of the Bangsamoro people with the government that needs serious and immediate attention. Aside from its historical roots, this political matter is perceived by certain quarters as the major cause of other social, economic and religious problems (Lingga 2000a).

This paper's view of history is as follows:

Before the arrival of the Spanish colonialists the Bangsamoro was already in the process of state formation and governance. In the middle of the 15th century Sultan Shariff ul-Hashim established the

Sulu Sultanate followed by the establishment of the Magindanaw Sultanate in the early part of the 16th century by Shariff Muhammad Kabungsuwan. Their experience on state formation continued with the establishment of the Sultanate of Buayan, the *Pat a Pangampong ko Ranao* (Confederation of the Four Lake-based Emirates) and other political institutions. These states were already engaged in trade and diplomatic relations with other countries, including China. Administrative and political systems based on the realities of the time existed in those states. In fact, it was with the existence of this well-organized administrative and political system that the Bangsamoro people managed to survive the military campaigns against them by Western colonial powers for several centuries and preserve their identity as a political and social entity.

For centuries the Spanish colonial government attempted to conquer the Muslim states and subjugate their political existence so as to add their territories to the Spanish colonies in the Philippine Islands. History, however, tells us that plan never succeeded. These states with their organized maritime and infantry forces defended the Bangsamoro territories, thus preserving the continuity of their independence. That is why it is being argued, based on the logic that one cannot sell something he does not possess, that the Bangsamoro territories were not part---or should not have been part---of the territories ceded by Spain to the United States in the Treaty of Paris of 1898 because Spain had never exercised effective sovereignty over these areas.

The Bangsamoro resistance against attempts to subjugate their independence continued even when U.S. forces occupied some areas on Mindanao and Sulu. Although at this time the resistance of the Bangsamoro governments was not as fierce as during the Moro-Spanish wars, the combined resistance of group-organized guerrilla attacks against American forces and installations and what remained of the sultans' military power, compelled the U.S. government to govern the Moro territories separately from other territories of the Philippine Islands. Even some individual Bangsamoro showed defiance against American occupation of their homeland by attacking American forces---or at least some Americans---in operations called *prang sabil* (martyrdom, or in Spanish *juramentado*).

When the U.S. Government promised to grant independence to the Philippines, the Bangsamoro leaders registered their strong objection to be part of the Philippine Republic. In the petition to the U.S. President dated June 9, 1921, the people of the Sulu archipelago said that they would prefer being part of the U.S. rather than to be included in an independent Philippine nation (See Appendix C, Jubair 1999). Bangsamoro leaders meeting in Zamboanga on February 1, 1924, proposed in their Declaration of Rights and Purposes that the "Islands of Mindanao and Sulu, and the Island of Palawan be made an unorganized territory of the United States of America" in anticipation that in the event the U.S. would decolonize its colonies and other non-self governing territories the Bangsamoro homeland would be granted separate independence. Had that happened, the Bangsamoro would have regained by now their independence when the United Nations decided in favor of decolonization of territories under the control of colonial powers.

Their other proposal was that if independence had to be granted, to include the Bangsamoro territories, a plebiscite should be held on Mindanao, Sulu and Palawan, fifty years after Philippine independence, to decide by vote whether the territory would be incorporated under the government of Luzon and the Visayas, remain a territory of the United States, or become independent. The proposed fifty-year period ended in 1996, the same year the MNLF and the Philippine government signed the Final Agreement on the Implementation of the Tripoli Agreement. The leaders warned that if no provision of retention under the United States would be made, they would declare an independent constitutional sultanate to be known as the Moro Nation (See Appendix D, Jubair 1999). In Lanao, the leaders who were gathered in Dansalan (now Marawi City) on March 18, 1935 appealed to the U.S. Government and the American people not to include Mindanao and Sulu in the political entity to be organized for the Filipinos.

Even after their territories were made part of the Republic of the Philippines in 1946, the Bangsamoro people continued to assert their right to independence. Congressman Ombra Amilbansa filed House Bill No. 5682 during the fourth session of the Fourth Congress

seeking the grant and recognition of the independence of Sulu. When the bill found its way in the archive of Congress the provincial governor of Cotabato, Datu Udtog Matalam, issued the Mindanao Independence Movement (MIM) manifesto on May 1, 1968 calling for the independence of Mindanao and Sulu.

When it became evident to the Bangsamoro leaders that it would not be possible to regain independence through political means because of lack of constitutional mechanism, the Moro National Liberation Front (MNLF) was organized to pursue the liberation of the Bangsamoro people and their homeland from the Philippine colonial rule through other means.

The repressive reactions of the government to a peaceful independence movement and the emergence of anti-Muslim militias that harassed Muslim communities triggered the violent confrontations between the Bangsamoro forces and the Armed Forces of the Philippines (AFP) on Mindanao and outlying islands.

OIC Involvement

Immediately after the conflict flared up, the Organization of Islamic Conference (OIC) took interest in the resolution of the conflict. The Third Islamic Conference of Foreign Ministers (ICFM) held in Jeddah, Saudi Arabia from February 29 to March 4, 1972 took cognizance of the problem and decided "to seek the good offices of the Government of the Philippines to guarantee the safety and property of the Muslims" as citizens of the country. It authorized the OIC Secretary General to contact the Philippine government.

In its meeting the following year, the OIC decided to send to Mindanao a fact finding delegation composed of the foreign ministers of Libya, Senegal, Somalia and Saudi Arabia. It also urged Indonesia and Malaysia to exert their good offices to help find solution within the framework of the Association of Southeast Asian Nations (ASEAN).

In August 1973, Saudi Arabian Foreign Minister Omar Al-Shakaff, Libyan Foreign Minister Abdulati Al-Obeidi, Somalian

Foreign Minister Arteh Ghalib and Senegal Ambassador to Egypt Moustapha Cisse visited the Muslim communities on Mindanao and in Sulu. Foreign Minister Al-Shakaff was in Manila again on March 9-13, 1974 to follow up earlier efforts of the OIC delegation. President Ferdinand E. Marcos met President Suharto on May 29, 1974 in Menado, and among the issues tackled in the summit meeting of the two ASEAN leaders was the problem on Mindanao. During the Kuala Lumpur meeting on June 21-25, 1974 the OIC urged the government to find peaceful solution to the conflict through negotiations with the MNLF.

Through the mediation efforts of the OIC, representatives of the Philippine government and the MNLF met in Jeddah, Saudi Arabia on January 18-19, 1975.² From thereon until the final peace agreement was signed on September 2, 1996 in Manila, the OIC, or its member states acting on behalf of the OIC, had been actively involved in the negotiations. The Quadripartite Committee, the membership of which was later increased to six and now eight, was organized and tasked to work on ways to resolve the conflict. The dependency of the Philippines on some member countries of the OIC for supply of oil and likewise the dependency of the MNLF for support from Muslim countries were factors that worked for the start of the negotiations between the government and the MNLF.

As incentive to settle their problem through negotiations, the OIC (1974) established the Filipino Muslim Welfare and Relief Agency for the purpose of extending welfare and relief aid direct to Muslims in Southern Philippines so as to ameliorate their conditions and enhance their social and economic well-being." The Islamic Solidarity Fund provided one million U.S. dollars for the agency released to the government. There were also promises of more economic assistance once agreements were reached. After the Tripoli Agreement was signed, the OIC (1977) admitted the MNLF observer in the Islamic world body as an exceptional measure.

GRP-MNLF Negotiations

The Jeddah meeting in 1975 was the start of the formal

negotiations between the government and the MNLF, but it did not progress initially because of serious disagreements on many issues. As an attempt to reconcile the differences, the OIC put forward a plan of action as basis for settlement of the problem. The plan of action was in accordance with Resolution 18 of the Fifth ICFM in Kuala Lumpur that called for the establishment of an autonomous region for the Muslims, at the same time respecting the territorial integrity and sovereignty of the Philippines.

In his earnest desire to bring back the government and the MNLF to the negotiating table, OIC Secretary General Dr. Karim Gaye, in May 1976, sought a meeting with President Marcos in Nairobi, Kenya during the latter's official trip to present the Manila Declaration for the Group of 77 to the United Nations Conference on Trade and Development. In that meeting Dr. Gaye underscored the urgency of the resumption of the peace talks. President Marcos invited Dr. Gaye to visit Manila and on August 22, 1976 the OIC Secretary General and the Quadripartite Commission who were in Malacañang on a visit convinced the President to resume the peace talks. It was also agreed upon that the First Lady, Imelda Romualdez Marcos, be invited to visit Libya. Libyan Foreign Minister Dr. Abdussalam Ali Treki issued the invitation and then President Ferdinand E. Marcos sent his wife, whom he designated as his special envoy. The visit resulted in the establishment of diplomatic relations between the two countries and the agreement to resume the negotiations. The stalled talks resumed on December 15-23, 1976 in Tripoli, Libya under the auspices of the OIC with Libyan Foreign Minister Dr. Ali Treki presiding. The government and MNLF negotiating panels agreed on the establishment of an autonomous region for the Muslims covering thirteen provinces.³

The Tripoli Agreement embodied the general principles for autonomy and its institutional mechanism that would to be established. The details were to be discussed later by a mixed committee composed of the representatives of the government and the MNLF. The mixed committee met in Tripoli in February 1977 but no agreement on details of the autonomy was reached. The highest level of intervention was sought to save the negotiation which had to be terminated on March

3, 1977, the deadline provided for in the Tripoli Agreement. President Marcos and President Ghadaffi spoke together by telephone. Again, President Marcos sent his wife to Tripoli to meet President Ghadaffi and exchanges of cables between the two presidents followed.

The two presidents agreed that (1) a decision be issued by the President of the Philippines declaring autonomy in the thirteen provinces covered in the Tripoli Agreement; (2) a provisional government be formed with the participation of the MNLF and the inhabitants of the areas of autonomy; and (3) a referendum be held in the areas of autonomy concerning administrative arrangements.⁴ The Ghadaffi-Marcos agreement became the basis of the government to unilaterally implement the Tripoli Agreement which was strongly objected to by the MNLF. The negotiations was on a stalemate until President Marcos was removed from power during the EDSA I revolution.

After President Corazon C. Aquino assumed the presidency in 1986 the government initiated the revival of the talks. The President sent Aquilino Q. Pimentel and her brother in law Agapito A. Aquino to Jeddah to meet MNLF chairman Nur Misuari. The meeting that took place at the OIC headquarters resulted in the signing of the Jeddah Accord on January 3-4, 1987. The two panels agreed to continue discussion of the proposal for the grant of full autonomy (Jeddah Accord 1987). It was also agreed upon that a joint commission, which would “discuss and draft the mechanism and details of the proposal for the grant of full autonomy” (Joint Statement of the MNLF and the Philippine Government Panels 1987) would be created. To show her resolve to solve the problem, President Aquino, setting aside protocol and security concerns, flew to Jolo, Sulu on September 5, 1986 to meet Nur Misuari.

The negotiations were again on track but both parties were not able to reconcile their different proposals. The commission that drafted the 1987 constitution provided for the organization of autonomous regions for Muslim Mindanao and the Cordillera. With this constitutional mandate, President Aquino proceeded to establish the autonomous region known as the Autonomous Region for Muslim

Mindanao (ARMM).

It was under the presidency of Fidel V. Ramos, a former military general who succeeded President Aquino, that the final agreement between the government and the MNLF was reached. On September 2, 1996, in Manila, Ambassador Manuel T. Yan, Nur Misuari, Ali Alatas and Dr. Hamid Al-Ghabid, representing the government, MNLF, the OIC Committee of Six, and the OIC Secretariat, respectively, affixed their signatures to the agreement, which was the full implementation of the Tripoli Agreement of 1976 and embodied the totality of all agreements, covenants and understanding between the government and the MNLF. Prior to the signing of the final agreement three rounds of talks were held in Tripoli and Jakarta with the active mediation of Indonesia.

The 1996 Peace Agreement was to be implemented in two phases. During phase 1, the Special Zone of Peace and Development (SZOPAD), the Southern Council for Peace and Development (SPCPD) and Consultative Assembly were to be established covering the provinces mentioned in the Tripoli Agreement. It was also during this transitional period that integration of MNLF forces to the AFP and the police force would start. Full implementation of the agreement would be in Phase 2 after the Organic Act (RA 6734) of the ARMM would have been amended to include the provisions of the agreement.

The differences between the government and the MNLF did not end with the signing of the final agreement, because both parties could not agree on the how and to what extent would be the implementation of the accord. The MNLF, at least the Nur Misuari faction, continued to accuse the government of violation and non-implementation of some provisions of the peace agreement. On the other hand, the government maintained that it had faithfully implemented the accord.

The role of the OIC and Libya was helpful in bringing the government and the MNLF to the negotiation table, and Indonesia was instrumental in forging the final peace agreement. But in the implementation stage the OIC, Libya and Indonesia stayed at the background while the multi-donor agencies took the center stage.

GRP-MILF Peace Talks

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

Although the MILF was as strong a force as the MNLF and was dominant in Bangsamoro areas in mainland Mindanao, the government confined the negotiations with the MNLF until the peace accord was signed in 1996. Peace overtures with the MILF were limited to informal contacts. This was so because the MNLF was the signatory to the Tripoli Agreement, which was the basis of the peace talks. Likewise, the OIC, under whose auspices the negotiations were carried out, recognized the MNLF as the representative organization of the Muslims in South of the Philippines. On the other hand, the MILF did not want to complicate the GRP-MNLF peace talks. In a statement circulated by the MILF, Chairman Salamat Hashim said: "The MILF is maintaining a consistent policy towards the peace process. We will reject any attempt by the Philippine government to open separate negotiations with the MILF unless the GRP-MNLF talk is finally concluded." (Hashim 1993).

When the Philippine government was sure that final agreement with the MNLF would be reached, it contacted the MILF. The contact started when House Deputy Speaker for Mindanao Simeon Datumanong met the MILF Chairman at the latter's office in Camp Abubakar. Except for the statement that the meeting was an effort to search for a peaceful and political settlement of the Mindanao problem, the details of what had been discussed were not made available.

On August 3, 1996 former Executive Secretary Ruben Torres met MILF Vice Chairman for Political Affairs Ghadzali Jaafar in Davao City and in said meeting Secretary Torres relayed the desire of the Philippine government to enter into formal negotiations with

the MILF. Vice Chairman Jaafar and Secretary Torres met again on September 9-10 in Cagayan de Oro City. This time the discussions were on issues concerning cessation of hostilities and the creation of technical committees from both sides to draw the talking points and the guidelines of the proposed ceasefire. After exchanges of communications the technical committees of both parties were organized.

The GRP and MILF technical committees met on January 7, 1997. This meeting marked the beginning of the official negotiations between the two parties.

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

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

Subsequent meetings of the GRP-MILF Technical Committees were focused on the cessation of hostilities. Agreements were mainly on the operational guidelines for the general cessation of hostilities,

administrative procedures, monitoring mechanism and identification and acknowledgment of MILF positions/camps.

After the assumption of President Joseph E. Estrada to office, an agreement was signed on August 27, 1998 that reiterated the commitment of both parties to pursue the peace negotiations, to pledge to implement the joint agreements/arrangements previously signed, and to protect and respect human rights. Both parties recognized that there would be lasting peace on Mindanao when there was mutual trust, justice, freedom and tolerance for the identity, culture, and ways of life and aspirations of all the peoples of Mindanao.

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

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

The peace panels met on April 27, 2000 in Cotabato City and before midnight signed an Aide Memoire enumerating what steps they would take to defuse the tensions. At dawn, however, the AFP launched an attack against Camp Abubakre, opening the Philippine Government-initiated all out war against the MILF.

In response to the call of civil society to save the peace process, a meeting between the two peace panels took place on June

1, 2000, when the GRP representatives presented a political package as a government proposal to solve the problem. What was presented to the MILF was a draft of the amendments to the ARMM Organic Act, which, earlier, had been rejected by the MNLF. After the meeting of the Technical Committees on June 15, 2000 the MILF central committee decided to withdraw from the talks and disbanded its negotiating panel.

After President Gloria Macapagal-Arroyo assumed office, she sought the assistance of Malaysian Prime Minister Mahathir Mohammad and Indonesian President AbdulRahman Wahid to convince the MILF to go back to the negotiation table. Prime Minister Mahathir sent his top aides to talk to MILF chairman Salamat Hashim. After series of trips by the Malaysian emissaries to the Islamic Center in Camp Rajamuda, Salamat agreed to resume talks with the government and sent his top deputy, Al-Haj Murad Ebrahim, the MILF Vice Chairman for Military Affairs and Chief of Staff of the Bangsamoro Islamic Armed Forces (BIAF), to Kuala Lumpur to meet the Philippine Presidential Adviser on the Peace Process Eduardo Ermita. The meeting was kept so secret that even Presidential Assistant for Mindanao Jesus Dureza, the chairman of the new Philippine peace panel, was not informed about it. On March 24, 2001, Murad and Ermita signed the agreement for the resumption of the talks.

The Murad-Ermita agreement provided for the resumption of the peace negotiations to “continue the same from where it had stopped before April 27, 2000 until they shall have reached a negotiated political settlement of the Bangsamoro problem.” It also provided a commitment “to honor, respect and implement all past agreements and other supplementary agreements signed by them.” Both parties agreed to undertake “relief and rehabilitation measures for evacuees, and joint development projects in the conflict-affected areas.” The MILF and the GRP committed themselves “to negotiate with sincerity and mutual trust, justice and freedom, and respect for the identity, culture and aspirations of all peoples of Mindanao.”

Following the Kuala Lumpur talks, the MILF declared the suspension of offensive military action (SOMA) against AFP forces on

April 3, 2001 to reciprocate the government declaration of suspension of offensive military operations (SOMO) against MILF forces. Satisfied that its conditions⁵ were met, the MILF central committee agreed to the resumption of the negotiations and reconstituted its negotiating panel.

Tripoli was chosen as the venue for the resumption of the negotiations. The meeting on June 19–22, 2001 resulted in the signing of the Agreement on Peace Between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front, otherwise known as the Tripoli Agreement on Peace of 2001.

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

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

The third round was supposed to tackle the issue of the

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

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

The agreement reached by the two parties provided for the respect of human rights and observance of international humanitarian laws. It authorized the MILF to determine, lead and manage rehabilitation and development projects through a project implementing body that it would organize. The agreement also provided that the GRP would provide reparations for properties lost in the conflict.

Ancestral domain was the third issue to be discussed but the talks were not resumed after the May 7 meeting. The attack by government forces on MILF positions in Pikit and Pagalungan on February 11, 2003, at the time the Muslims were celebrating *'id el adha* (feast of sacrifice), derailed the resumption of the negotiations. Three exploratory talks were held to put back the negotiations on track, but the talks remained suspended as of this writing (January 2004). The MILF insisted that the government should comply with its commitment made during the exploratory talks that government troops withdrew from the Boliok complex and criminal charges against MILF leaders be dropped.

The Problem Persists

The OIC mediation was fruitful in the sense that it was able to bring to conclusion the peace talks between the Philippine government and the MNLF. "The GRP-MNLF peace agreement is a trophy the OIC proudly holds," Vitug and Gloria (2000:7) said. Following the signing of the 1996 Peace Accord expectations were high that the people of Mindanao would enjoy lasting peace. However, subsequent violent clashes between government troops and Bangsamoro forces displaced more than a million civilians and destroyed their productive assets.

Government and MNLF clashes in Sulu and AFP pursuit of the Abu Sayyaf dislocated close to 300,000 people, as of April 2002 (World Bank 2003: 13). The military confrontations between the AFP and MILF forces in the year 2000 displaced an estimated 932,000 people. Majority of them were Muslims. Oxfam estimates that 85 percent of those displaced were Muslims, 17 percent were Christians and seven percent were non-Muslim indigenous people. (World Bank, 2003: 12-13). In February 2003 when government forces attacked MILF positions in Maguindanao and Cotabato Province, 393,039 people were displaced from their homes (Lingga 2003). Although there is an existing ceasefire, sporadic clashes continue to happen from time to time. The latest was in the municipality of Datu Piang, Maguindanao on December 2003.

The ARMM, which is supposed to translate into reality the political empowerment of the Bangsamoro people, is a near failure. "The value of the ARMM lies in giving recognition to a people's need for a distinct identity and in being a venue to govern themselves. But, given the dire conditions in the area – poverty, lack of basic services, unresponsive leadership – the experiment in autonomy is a near failure." (Vitug and Gloria, 2000:82) In 1998, a long-time journalist who had studied the problem in Mindanao closely, observed that "the Muslim autonomy has not taken off" (Diaz 1998: 144). It is in a state of paralysis.

The peace accord did not improve the living conditions of the Bangsamoro people. The area of the ARMM and other conflict-

affected areas remains the poorest provinces in the country. In fact, the average income of people in conflict-affected areas declined after the 1996 peace agreement was signed. According to the World Bank (2003: 11), "Without exception, all the conflict-affected areas experienced a fall in average per capita incomes from 1977 to 2000." The same report states that, with the exception of North Cotabato and Davao del Norte, "the incidence of people falling below the poverty line and depth of poverty in these provinces rose dramatically from 1977 to the year 2000." ⁵

Flaws

In the view of the MILF, the failure of signed agreements to end the violent conflict is caused by some flaws in how these agreements had been negotiated. The OIC, which actively mediated the peace talks between the government and the MNLF, committed errors in the appreciation of the problem. First, resolution no. 18/5-P of the 5th ICFM prescribed that the solution to the problem should be "within the framework of the national sovereignty and territorial integrity of the Philippines." The OIC at the start of its mediation efforts had already set its own reference for solving the problem. This was probably because the OIC was more interested in having a success story in conflict mediation rather than in addressing the fundamental issue of the problem. And it was handicapped by the fact that some of its member countries were having problems with their own minority populations asserting their right to self-determination.

The United States, which showed interest in helping resolve the conflict, is committing the same error. Assistant Secretary of State James A. Kelly in his reply to the letter of Chairman Salamat Hashim said that, "the United States Government is committed to the territorial integrity of the Philippines."⁷ He probably said so because the U.S. wants to play safe, so that it will not antagonize an ally. To play a constructive role in the peace process, the U.S. Government assigned the United States Institute of Peace (USIP) in assisting Malaysia in facilitating the talks between the Philippine Government and the MILF. Success in the Track II endeavors of USIP will contribute to a climate ripe for the U.S. Government to get involved in the peace

process.⁸ Malaysia, so far, has not imposed its way of solving the conflict in its facilitation of the peace talks, but once it follows the position of the OIC, its role in the peace process, in the MILF view, will become irrelevant.

The second flaw is in the understanding of the actors. The OIC was correct in the identification of the government as party to the conflict, but there was inaccuracy in its appreciation of the role of the MNLF. It overlooked that the MNLF was there to represent the Bangsamoro people who are collectively the real stakeholder on Mindanao. There was nothing wrong recognizing the MNLF as the sole and legitimate representative organization of the Muslims in South of the Philippines, but when the OIC urged the MNLF to abandon the goal of independence it forgot that the MNLF had its constituency to whom it was answerable.

The third flaw is the lack of participation of the Bangsamoro people in the peace process, particularly on matters of vital importance to them. The MNLF made the decision to abandon independence as a goal in favor of autonomy without popular consultation. The consequence of that was the people's lack of support for the peace agreement, as the people perceived it to be a product of betrayal of their cherished dream. As a consequence, there was shift of support from the MNLF to the MILF that vowed to pursue the goal of independence. Even the Abu Sayyaf, in spite of its terrorist activities, received some support from the masses of Basilan and Sulu.

The MILF will suffer the same consequence if it foregoes independence. The possibility that a new group will emerge to continue the struggle for independence is always there for there is a strong sentiment in favor of asserting the right for freedom and independence among the Bangsamoro people. In recent history, after the capture of Kamlon, Congressman Amilbangsa filed his bill in Congress for the independence of Sulu. This was followed by the MIM when no attention was given to the Amilbangsa's bill. After the cooptation of the MIM, the MNLF emerged but after it abandoned its bid for independence and accepted autonomy, a faction that later on evolved into the MILF seceded. Even the notorious Abu Sayyaf group

came into being after the MNLF accepted autonomy.

Negotiations can be handled by a representative organization, like the MNLF or MILF, but any deviation from the people's political agenda have to be approved by them otherwise an accord would be produced with the majority of the people not identifying itself with it. That is why in its declaration, the Bangsamoro People's Consultative Assembly (2001) gave the MILF a conditional support and mandate in negotiating with the government. "(W)e are giving our full support and mandate to the MILF to represent us in ... (the) negotiations... provided, however, that the MILF does not deviate from our demand for complete independence.... Should the MILF choose to deviate, these support and mandate are deemed automatically rescinded and withdrawn."

New Formula

In the search for solution to end the violent conflict, a new formula that would respond to the aspirations of the Bangsamoro people for freedom (Tripoli Agreement of Peace of 2001, par. A2) has to be considered. The government and the MILF must have open minds to search for new formulas that would be free of the straitjacket framework of the OIC. The government and the MILF should be opened to all options of political relationship between the Philippine government and the Bangsamoro people. Issues like improving the existing autonomy, federal arrangement, free association with the Philippine republic and independence should be freely discussed and considered as options.

The government and the MILF should take this matter into consideration if discussions must reach political settlement. Malaysia, which is facilitating the talks, and the U.S., which indicated interest in the negotiations, should understand that insistence on solving the conflict within the OIC framework will lead nowhere. It is understandable that third parties have to respect the principle of friendly relations and cooperation among states (UNGA Resolution 2625), but they also should not curtail a people's right to self-determination, including the right to have its own state and government. The norm

of respect for the territorial integrity of a state applies to relations of states with each other and does not restrict the right of a people, which has been forcefully incorporated into these states, to freedom and self-determination.

A new formula should ensure participation of the Bangsamoro people in the peace process. Their non-participation would mean that they had no part in the peace agreement. As the real stakeholders, their collective voice should be the basis of the authority and the last word in the solution to the problem. The negotiations with the government could be done by a representative organization, like the MILF, but fundamental issue, like the political relationship with the national government, would have to be decided by the Bangsamoro people themselves. They should be the ones who should decide, through a referendum, the choice of political status, such as an expanded autonomy, a federal relationship, free association with the Philippines, or independence. A referendum on “yes” or “no” to a single option, like the previous referendum on acceptance or rejection of autonomy, would not a good way of conducting consultation; it would be just a way of ‘rubber stamping’ agreements.

A new formula should also consider the deployment of a third party peacekeeping force that would be capable of enforcing the ceasefire on the ground. Declaration of ceasefire⁹ is necessary in starting the negotiations, and once it is declared it has to be sustained in order to implement whatever agreement is reached as a progressive way of resolving the problem.

Following the signing of the 1976 Tripoli Agreement, a formal ceasefire agreement between the government forces and the MNLF was concluded on January 20, 1977. A committee composed of the government, MNLF and the OIC quadripartite committee representatives was organized to oversee the implementation of the ceasefire. But towards the end of the year, the truce collapsed when government forces attacked MNLF strongholds and recognized bivouac areas (Jubair 1999: 178-9).

The government and the MILF twice signed formal ceasefire

agreements, on July 18, 1997 after the start of the formal talks and on August 7, 2001, after the resumption of peace negotiations. The first agreement broke down when Camp Abubakre was attacked by government troops in the year 2000, and the second agreement was scuttled after the 2/11 attacks on MILF positions.

In all these ceasefire agreements, there have been provisions for monitoring their implementations, but these did not stop parties from violating the truce. As this author has indicated elsewhere, "Having just foreign monitoring teams will not work if there are no ground troops with the capacity to stop any violation of the ceasefire. The ground forces could be from the U.N. or the OIC. You need someone in the middle to enforce strictly the ceasefire. If not you will continue to have this cycle of ceasefire and war, ceasefire and war, and bloodshed and deaths."¹⁰

Conclusion

The experience in the Mindanao peace process has shown the importance of third parties involvement. It was the productive participation of the OIC that facilitated the negotiations between the government and the MNLF. When there was a stalemate after the first meeting in Jeddah in 1975, it was through Libya's effort that the talks were continued and broad principles on solving the problem was agreed upon. It was also through the mediation of Indonesia that the government and the MNLF reached a final agreement.

At the beginning, there was no third party involvement in the GRP-MILF talks but after the collapsed of the peace talks in the year 2000, the government had to seek the assistance of Malaysia and Indonesia to bring back the MILF to the negotiating table.

But mediators should not bring in their own agenda in the negotiations or impose a framework. If this happened, either the peace process would be scuttled or the outcome would not solve the problem that triggered the violent conflict. When the OIC limited the exploration of alternative solutions within the sovereignty and territorial integrity of the Philippines, the result of this fundamental

flaw in approaching the problem was a signed peace agreement that failed to solve the problem.

To avoid the same error, the ongoing peace process between the government and the MILF should consider exploring new formula free from the restrictions imposed by the OIC. The participation of the Bangsamoro people is not only essential but their collective will should be the basis of authority of their representative body and the last word in the settlement of the problem. The representative organization has to ensure that the Bangsamoro people are consulted on major decisions. To sustain the peace process and in order that incremental agreements will be implemented to build a climate of confidence, it is necessary to ensure that declared ceasefire holds. The presence of third party peacekeeping force is the better way to do it.

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NOTES

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¹The consequences of war on Mindanao have been painful and costly. More than one hundred thousand people died, and a hundred thousand more were estimated injured. Millions were displaced from their homes, and several hundred thousands, including more than two hundred thousand Bangsamoro who sought refuge in the Malaysian state of Sabah, have not returned home.

For a period of 26 years from 1970 to 1996 the government spent around 76 billion pesos in fighting the war. In 2000 alone, when the Armed Forces of the Philippines (AFP) attacked the controlled territories of the MILF, the government spent no less than six billion pesos. If this amount of money were spent for education, health and other social services the life of the people would certainly have been better than what they are experiencing now.

On April 19, 2002, quoting "very preliminary" findings from a then ongoing World Bank study, former Presidential Assistant for Regional Development Paul Dominguez revealed before a forum organized by Kusog Mindanao on "the Costs of Mindanao Conflict and Their Implications on the Budget" that "the present value of the economic cost of a never-ending conflict would be at least US \$2

billion over the next ten years.” Dominguez told MindaNews the following day that the figure was purely the technical costs. “There are hidden costs that are still difficult to quantify. In addition to that, there are costs you cannot measure. This is just the economic cost, not the social cost.” (See Arguillas, 2003)

²Executive Secretary Alejandro Melchor headed the government panel with Admiral Romulo Espaldon, Ambassador Lininding Pangandaman, Col. Jose Almonte, and four others. Chairman Nur Misuari headed the MNLF panel with Salamat Hashim, Abdulbaki Abubakar, Hamid Lukman and Abdulrasad Asani.

³The 13 provinces are Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao del Sur, South Cotabato, Palawan, and all cities and villages situated in these provinces.

⁴These were proposed by President Muammar Al-Ghadaffi in his letter to President Ferdinand E. Marcos on March 18, 1977 and approved by the latter in his reply on March 19, 1977.

⁵The MILF conditions for the resumption of the talks are: that negotiations be held in a foreign country; all previous agreements be respected and implemented, and said negotiations be under the auspices of the OIC or mediated by an OIC member country. (Lingga, 2002d)

⁶The El Niño phenomenon and decline in the prices of copra and rubber contributed to the worsening poverty.

⁷Assistant Secretary of State James A. Kelly, upon instruction of President Bush and on behalf of the U.S. Government, wrote a letter to MILF Chairman Salamat Hashim dated June 18, 2003 outlining the U.S. Government policies with respect to the conflict on Mindanao. This letter was in reply to the second letter of Chairman Salamat to President Bush dated May 20, 2003. The first letter dated January 20, 2003 was delivered to the U.S. Embassy in Manila.

⁸“The term Track II Diplomacy was coined in 1981 by Joseph Montville, referring to a broad range of unofficial contact and interaction aimed at resolving conflicts internationally between states. Montville, then a U.S. diplomat, used the term in contrast to Track I diplomacy, which refers to diplomatic efforts to resolve conflicts through the official channels of government.” (Notter and McDonald, 1996)

⁹“Ceasefires can be defined as follows: *an agreement that organizes cessation of any kind of military activities at a precise time in a given place.*” (Guinard, 2002:33)

¹⁰Abhoud Syed M. Lingga as quoted in an Agence France Presse report by P. Parameswaran, “International peacekeeping force proposed in southern Philippines,” datelined Manila, March 17, 2003.

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