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NEGOTIATING PEACE IN MINDANAO

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This paper is an account of the efforts to resolve the conflict in Mindanao between the Government of the Republic of the Philippine (GRP) and the Bangsamoro liberation fronts through peaceful means. Specifically, it examines the negotiations between the government and the Moro National Liberation Front (MNLF), and the current peace talks between the government and the Moro Islamic Liberation Front (MILF), the two mainstream Bangsamoro liberation organizations. Hopefully, from these accounts lessons can be drawn in addressing other intra-state conflicts in the region.

Why the Conflict?

The problem in Mindanao is sovereignty-based. The Bangsamoro liberation fronts assert sovereign right over a territory that the Philippine Government is currently exercising sovereign power over and which it considers part of the national territory. The foundation of the Philippine claim is that the territory was part of what the United States granted to the Philippine state when independence was proclaimed on July 4, 1946. On the other hand, the Bangsamoro¹ contend that the incorporation of their territory into the Philippines was without their plebiscitary consent, a blatant violation of their human

rights as guaranteed by various United Nations instruments guaranteeing peoples' right to determine their political status.

Before the arrival of the Spanish colonialists, the Bangsamoro were already in the process of state formation and governance². Their sultanates were engaged in trade and diplomatic relations with other countries in Asia, including China. The attempts of the Spanish colonial government to subjugate the sultanates never succeeded³. For this reason, Bangsamoro nationalists insist that the Muslim territories were not part of what was ceded by Spain to the United States in

¹ The Muslims who traditionally inhabited Mindanao, the islands of Basilan and Palawan, and the Sulu and Tawi-Tawi archipelago in the south of the Philippines identify themselves as Bangsamoro. The name Moro was given by the Spanish colonizers to the Muslims in Mindanao whom they found to have the same religion and way of life with the Muslims of North Africa who ruled the Iberian Peninsula for centuries. The Malay word *bangsa*, which means nation, was prefixed to suggest distinct nationhood. The term has found place in official documents of the Organization of Islamic Conference and agreements between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF).

² The Sulu Sultanate was established in the middle of the 15th century and the Magindanaw Sultanate in early part of the 16th century. See Cesar Adib Majul, *Muslims in the Philippines*, Quezon City: University of the Philippines Press, 1999, pp. 1-37.

³ The wars between Spain and the Muslims in Mindanao was lumped by historians under the heading "Moro Wars." For detailed accounts of the Moro Wars, see Majul, pp. 121-375.

the Treaty of Paris of 1898, simply because Spain never exercised effective sovereignty over these areas.

Even during the American occupation, the Bangsamoro continued to resist attempts to subjugate them. They also continued to assert their right to a separate independent state. 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 United States President dated June 9, 1921, the people of Sulu archipelago said that they would prefer to be part of the United States rather than to be included in an independent Philippine nation⁴.

At a meeting in Zamboanga on February 1, 1924, Bangsamoro leaders 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."⁵ They were anticipating a U.S. move to decolonize its colonies and other non-self governing territories, which would mean that the Bangsamoro homeland would be granted separate independence. 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 Amilbangsa filed House Bill No. 5682 during the fourth session of the Fourth Congress that sought the grant and recognition of the independence of Sulu⁶. When the bill ended up in the archives of Congress, the then provincial governor of Cotabato, Datu Udtog Matalam, issued the Mindanao Independence Movement (MIM) manifesto on May 1, 1968 that called for independence for Mindanao and Sulu⁷.

This peaceful movement for independence was deflected when the *Ilaga*, which were government-backed Christian militias, attacked Muslim communities in the early 1970s, burning mosques and houses, and massacring hundreds of people, including women and children. The Muslims were left with no other alternative but to fight back to defend themselves and their communities. The MNLF came into existence to lead the struggle.

Talking Peace

Immediately after the conflict flared up, the Muslim World took an interest in its peaceful resolution. The Organization of Islamic Conference (OIC) had played an active role in the

⁴ Text of the petition reprinted as Appendix C, in Salah Jubair, *Bangsamoro: A Nation Under Endless Tyranny*, Kuala Lumpur, Malaysia: IQ Marin Sdn Bhd, 1999, pp. 293-297.

⁵Text of the petition was reprinted as Appendix D, in Jubair, pp. 298-303.

⁶ See Jubair, pp. 304-305.

⁷ Text of the petition reprinted as Appendix F, in Jubair, pp. 306-313.

negotiations between the Philippine government and the MNLF throughout from 1975 to 1996⁸. Today, Malaysia is facilitating the on-going peace talks between the GRP and the MILF.

GRP-MNLF Negotiations

The Third Islamic Conference of Foreign Ministers (ICFM) of the OIC held in Jeddah, Saudi Arabia on February 29 to March 4, 1972 took cognizance of the problem of the Muslims in South Philippines 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.⁹ It authorized the OIC Secretary General to contact the Philippine government. 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 a solution within the framework of the Association of Southeast Asian Nations (ASEAN).

In August 1973, OIC delegations visited Muslim communities in Mindanao and Sulu. Foreign Minister Al-Shakaff of Saudi Arabia was in Manila from March 9 to 13, 1974 to follow up earlier efforts of

the OIC delegation. President Ferdinand E. Marcos met President Suharto of Indonesia on May 29, 1974 in Menado, Indonesia and discussed, among other issues, was the problem in Mindanao. During the Kuala Lumpur meeting on June 21-25, 1974, the OIC urged the Philippine government to find a 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. This was the start of formal negotiations between the two parties. The Jeddah meeting showed no progress initially because of serious disagreements on many issues. In an attempt to reconcile the differences, the OIC put forward a plan of action as a basis for the settlement of the problem. The plan of action was in accordance with Resolution 18 of the Fifth Islamic Conference of Foreign Ministers, which called for establishment of an autonomous region for the Muslims, at the same time respecting the territorial integrity and sovereignty of the Philippines.

In his desire to bring back the government and the MNLF to the negotiating table, OIC Secretary General Dr. Karim Gaye met President Marcos in Nairobi, Kenya in May 1976. In that meeting Dr. Gaye underscored the urgency of the resumption of the peace talks. President Marcos invited Dr. Gaye to visit Manila. Dr. Gaye and the Quadripartite Commission were in Manila on August 22, 1976 and got the

⁸ See Julkipli M. Wadi, “Islamic Diplomacy: A Case Study of the O.I.C. and the Pacific Settlement of the Bangsamoro Question (1972-1992),” master’s thesis, Institute of Islamic Studies, University of the Philippines, 1993.

⁹ Resolution No. 12 (Resolution on the Situation of Moslems in the Philippines), Third Islamic Conference of Foreign Ministers, Jeddah, Saudi Arabia, 29 February – March 4, 1972.

commitment of President Marcos for an early resumption of the talks. It was also agreed during the conversations that an invitation would be extended to the first lady, Imelda Romualdez Marcos, to visit Libya.

President Marcos designated his wife as his special envoy, and her visit resulted in the establishment of diplomatic relations between the Philippines and Libya. The Philippines also agreed to an early resumption of 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 talks culminated in the signing of the Tripoli Agreement of 1976¹⁰. The Tripoli Agreement provided the establishment of autonomy for Muslims in Southern Philippines, within the realm of the sovereignty and territorial integrity of the Philippines, covering thirteen provinces. Under the agreement, foreign policy, national defense, and mines and mineral resources are under the competence of the Central Government. The autonomous region has the authority to set up its own court, schools, legislative and administrative system, financial and economic system, regional security forces, and representation and participation in all organs of the state.

Subsequently, formal ceasefire took effect on January 20, 1977. A committee

composed of representatives from the GRP, MNLF and OIC Quadripartite Commission was created to oversee the implementation of the ceasefire agreement. At the beginning the truce was holding but it collapsed towards the end of the year.

The details in the Tripoli Agreement were to be discussed later by a mixed committee composed of the representatives of the government and the MNLF. This mixed committee met in Tripoli in February 1977, but came to no agreement. The highest level of intervention was sought to save the negotiations, which had a deadline of March 3, 1977. Telephone conversations between President Marcos and President Ghadaffi took place. President Marcos again sent his wife to Tripoli. After an exchange of cables between the two presidents, an agreement was reached. This involved (1) a decision to be issued by the President of the Philippines declaring autonomy in the thirteen provinces covered in the Tripoli Agreement; (2) a provisional government to be formed with the participation of the MNLF and the inhabitants of the areas under autonomy; and (3) a referendum to be held in the areas of autonomy concerning the administrative arrangements within these areas. The Ghadaffi-Marcos agreement became the basis for the Philippine government to unilaterally implement the Tripoli Agreement, which was strongly objected by the MNLF because the details of the provisions of the Tripoli Agreement were still under discussion by the GRP and MNLF negotiating

¹⁰ For chronology of events that took place from the signing of the Tripoli Agreement between the GRP and MNLF in 1976 to the signing of the 1996 peace accord, see Magsaysay S. Werble, "The Mindanao Peace Process: Chronology of Events from Tripoli to Jakarta 1976-1996", master's thesis, Institute of Islamic Studies, University of the Philippines, 1996.

panels. The implementation of the Tripoli Agreement, in the MNLF view, had to be undertaken jointly by the Philippine government and the MNLF with the participation of the OIC. The negotiations remained stalemated until President Marcos was removed from power in 1986 in a popular revolt known as EDSA I people's power revolution.

After President Corazon C. Aquino assumed the presidency in 1986, the Philippine government initiated the revival of the talks. The President sent Aquilino Q. Pimentel, Jr. and her brother-in-law Agapito A. Aquino to Jeddah to meet MNLF chairman Nur Misuari. The meeting on January 3-4, 1987 resulted in the signing of the Jeddah Accord, which provided that the discussion on the proposal for the granting of full autonomy shall continue and that a joint commission would be created to "discuss and draft the mechanism and details of the proposal for the grant of full autonomy." Showing her resolve, President Aquino set aside protocol and security concerns and flew to Jolo, Sulu on September 5, 1986 to meet Nur Misuari.

The negotiations were again on track, but the two parties were not able to reconcile their differences. The commission that drafted the 1987 Philippine Constitution provided for the organization of autonomous regions for Muslim Mindanao and the Cordilleras. With this constitutional mandate, President Aquino proceeded to establish the autonomous region known as the Autonomous Region for Muslim Mindanao (ARMM). The mandate of the

ARMM was to establish a regional autonomous government in Muslim Mindanao within the framework of the constitution, national sovereignty and territorial integrity of the Republic of the Philippines, and "to ensure the peace and equality before the law of all people in the Autonomous Region." The organic law¹¹ governing ARMM, which provided the basic structure of the autonomous government, was signed into law on August 1, 1989, and the first ARMM election was held on February 12, 1990.

It was under the presidency of Fidel V. Ramos that agreement on the full implementation of the Tripoli Agreement of 1976 was reached. The accord signed in Manila on September 2, 1996 embodied the totality of all agreements, covenants and understanding between the government and the MNLF¹². Prior to the signing of the agreement, several rounds of talks were held in Tripoli, Jakarta and Mindanao with the active mediation of

¹¹ Republic Act No. 6734, otherwise known as An Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao.

¹² MNLF spokesman Abraham Iribani wrote a detailed account of the GRP-MNLF negotiations for the period from 1992 to its conclusion in 1996 in his book, *Give Peace a Chance: The Story of the GRP-MNLF Peace Talks*. Mandaluyong City, Philippines: Magbasa Kita Foundation, Philippine Council for Islam and Democracy, and Konrad Adenauer Stiftung, 2006. President Fidel V. Ramos wrote also his own account in his book, *Break not the Peace: The Story of the GRP-MNLF Peace Negotiations*, privately printed, 1996. GRP negotiating panel member Prof. B. R. Rodil had his own story in his book, *Kalinaw Mindanao: The Story of the GRP-MNLF Peace Process, 1975-1996*, Davao City, Philippines: Alternate Forum for Research in Mindanao, 2000.

Indonesia. The 1996 peace accord defined the specific provisions of the Tripoli Agreement of 1976 which were left for discussion in later negotiations.

The 1996 Peace Agreement was to be implemented in two phases. During phase one, 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 is also during this transitional period that integration of MNLF forces into the Armed Forces of the Philippines (AFP) and the police force would start. Full implementation of the agreement would be in phase two, after the Organic Act (Republic Act 6734) of the ARMM was amended to include the provisions of the agreement. The 1996 GRP-MNLF peace agreement did not change the mandate of the ARMM. The ARMM was placed under the leadership of the MNLF with the election of MNLF Chairman Nur Misuari as Regional Governor on September 9, 1996.

On March 31, 2001 Republic Act 6734 was amended and became Republic Act 9054, the new Organic Act for the ARMM. A plebiscite was conducted on August 14, 2001, which ratified Republic Act 9054 and expanded ARMM with the inclusion of the province of Basilan and city of Marawi.

The differences between the Government and the MNLF did not end with the signing of the agreement, because both parties could not agree on how to implement the accord and the

extent of the implementation. To this day, the MNLF, at least the Nur Misuari faction, continues to accuse the government of violating and not implementing some provisions of the peace agreement. The MNLF asserts that Republic Act 9054 watered down the 1996 Peace Accord. On the other hand, the government maintains that it faithfully implemented the accord. Attempts to convene a meeting among the OIC, GRP and the MNLF to resolve these differences have not so far succeeded.

GRP-MILF Negotiations

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

Although the MILF was as strong of a force as was the MNLF, the national government confined negotiations with the MNLF until a peace accord was signed in 1996. Peace overtures with the MILF were limited to informal contacts. This was because the MNLF that was the signatory to the Tripoli Agreement of 1976, not the MILF. In addition, the OIC recognized the MNLF as the sole representative organization of the Muslims in southern Philippines. For its part, the MILF did not want to complicate the GRP-MNLF peace talks.

MILF chairman Salamat Hashim was reported to have 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."¹³

When the GRP was certain that final agreement with the MNLF would be reached, it contacted the MILF. On August 3, 1996, Executive Secretary Ruben Torres met MILF vice chairman for political affairs Ghadzali Jaafar in Davao City and relayed the desire of the Philippine government to enter into formal negotiations with the MILF. Vice Chairman Jaafar and Secretary Torres met again on September 9-10 at Cagayan de Oro City to discuss the cessation of hostilities and the creation by both parties of their respective technical committees, which would draw the talking points and the guidelines of the proposed ceasefire. After exchanges of communications, the technical committees of both parties were organized.

The GRP and MILF technical committees met on January 7, 1997. This meeting marked the beginning of the official negotiations between the two parties. But before the second meeting was convened, armed confrontations between the two protagonists erupted in Buldon, Maguindanao from January 16 to 27, 1997, when the AFP attempted to intrude into what the MILF claimed as perimeter defense of Camp Abubakar. To

prevent the fighting from spilling over to other areas, the GRP and MILF Technical Committees on Cessation of Hostilities met on January 27 and signed an agreement for an interim cessation of hostilities in Buldon. On June 17, 1997 the AFP launched massive military operations in Pagalungan, Sultan sa Barongis and Pikit. Consequently, the MILF refused to return to the negotiation table until the situation in the area normalized.

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

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

¹³ Abhoud Syed M. Lingga, "The GRP-MILF Negotiations", *Notre Dame Journal*, XXVII (1), June 1997, p. 56.

After the assumption of President Joseph E. Estrada to office, an agreement was signed on August 27, 1998 that reiterated the commitment of both parties to pursue peace negotiations, to implement the joint agreements/arrangements previously signed, and to protect and respect human rights.¹⁴

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

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

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

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

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

¹⁴ General Framework of Agreement of Intent Between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front, signed at Dawah Center, Crossing Simuay, Sultan Kudarat, Maguindanao on 27 August 1998.

On March 24, 2001 Murad and Ermita signed an agreement for the resumption of the talks.

The Murad-Ermita agreement provided for the resumption of the peace negotiations and stated that the peace process would “continue the same from where it had stopped before April 27, 2000 until the parties shall have reached a negotiated political settlement of the Bangsamoro problem.” It also made a commitment “to honor, respect and implement all past agreements and other supplementary agreements signed by them.” Both parties agreed to undertake “relief and rehabilitation measures for evacuees, and joint development projects in the conflict-affected areas.”¹⁵

Tripoli, Libya was chosen as the venue for the resumption of the negotiations. The meeting on June 19–22, 2001 resulted in the signing of the Agreement on Peace between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front, otherwise known as the Tripoli Agreement on Peace of 2001.¹⁶

The agreement called for discussion of three issues: (1) security (ceasefire); (2) rehabilitation and development of conflict-affected areas; and (3) ancestral domain. The agreement recognized the distinct identity of the Bangsamoro as a people occupying a definite territory, which is referred to in the document as the Bangsamoro homeland, and the inherent right of the Bangsamoro people

over their ancestral domain. It also acknowledged the fundamental right of the Bangsamoro people to determine their future and political status, in effect acknowledging that the problem is political in nature and needs a comprehensive, just and lasting political settlement through negotiations. The agreement also acknowledged that negotiations and a peaceful resolution of the conflict should involve consultations with the Bangsamoro people, free of any imposition. It called for evacuees to be awarded reparation for their properties lost or destroyed by reason of the conflict. While previous agreements do not mention the participation of the OIC, this time the MILF and the GRP wanted it to act as observer and to monitor implementation of all agreements, not just the ceasefire agreement.

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

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

¹⁵ Agreement on the General Framework for the Resumption of Peace Talks Between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front, signed in Kuala Lumpur, Malaysia on 24 March 2001.

¹⁶ This agreement is the basis of negotiations between the Philippine Government and the MILF.

October 18, 2001 at Mines Resort, Selangor, Malaysia.

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

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

But the peace talks were discontinued once again after government forces attacked the MILF positions in Pikit and Pagalungan on February 11, 2003, at a time the Muslims were celebrating *'id el adha* (feast of sacrifice). To keep contact between the two parties and continue

discussions on pending issues, the Malaysian facilitators introduced a creative approach called exploratory talks. Initially it was designed as informal discussion involving a few representatives of both panels for the purpose of exploring ways to resume negotiations, but later whole panels and technical working groups of both parties participated in discussing substantive issues.

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

Thirteen exploratory talks were held starting on March 27-28, 2003. The issue of ancestral domain, divided into four strands - concept, territory, resources and governance -, has been tackled in the exploratory talks. Concept, territory and resources were discussed during the 7th exploratory talks (April 18-20, 2005), and the issue of governance during the 8th exploratory talks (September 15-16, 2005). A consensus on the four strands, which will form the framework within which the panels would be crafting the memorandum of agreement on ancestral domain, was reached.

Among others, the consensus points include the “entrenchment of the Bangsamoro homeland as a territorial space aims to secure the identity and posterity of the Bangsamoro people, protect their proprietary rights and resources and establish a system of governance suitable and acceptable as a distinct and dominant people.”¹⁷ The birthright of the Bangsamoro people to identify themselves as Bangsamoro was recognized, however, non-Muslim indigenous tribes were given free choice to be part of the Bangsamoro entity or not. Both parties agreed on ARMM as part of the core of the Bangsamoro homeland and inclusion of other areas will be discussed later. There was also agreement on the establishment of a constitutional commission to write the organic charter of the Bangsamoro juridical entity (BJE). The consensus points also include empowering the Bangsamoro juridical entity to legislate, administer and allocate revenues, and to establish government institutions with defined executive, legislative and judicial powers and functions. To determine future political status of the Bangsamoro people, the GRP and MILF agreed on popular consultation leading to a referendum. The details of this modality shall be contained in future agreement.

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

and on the matter of constitutional process. To break the impasse, the GRP offered the MILF recognition of Bangsamoro right of self-determination and the conduct of referendum to provide the Bangsamoro people the opportunity to determine their political status¹⁸. As of this writing (September 2007), no resumption of exploratory talks is scheduled¹⁹, but Malaysia continues its shuttle diplomacy between Manila and the MILF Camp Darapanan.

Lessons for Others

The search for peace in Mindanao is still a continuing process. Although the MNLF and the government had reached an agreement, but the MILF track of the peace process is on-going. Thus, the lessons that can be drawn here are tentative.

First, negotiations are the preeminent approach to resolve conflicts. Military approach, as the Mindanao experience shows, does not only fail to resolve but in many cases fuel conflicts. Conflicting parties have to be encouraged to negotiate and work towards building settlement.

Second, it is valuable for conflicting parties to have similar understanding of

¹⁷ Consensus Points, 7th and 8th Exploratory Talks between the Philippine Government and Moro Islamic Liberation Front, held on April 18-20, 2005 and September 15-16, 2005, respectively, in Malaysia.

¹⁸ Letter of Secretary Silvestre C. Afable, Jr., Chairman, GPNP for Talks with the MILF, dated November 9, 2006, to Chairman Mohagher Iqbal, MILF Peace Negotiating Panel.

¹⁹ Executive meeting between the GRP and MILF negotiating panels was held in the last week of August 2007 for the purpose of extending for another year (September 2007 – August 2008) the tour of duty of the Malaysian lead International Monitoring Team.

the problem. Probably, one reason why the peace process in Mindanao is taking too long is because the government and the Bangsamoro liberation fronts have different appreciation of the problem. The government insists that the problems are widespread poverty, underdevelopment and discrimination but the MNLF and MILF assert that the fundamental issue is Bangsamoro self-determination. It was only very recent that self-determination framework was introduced by the government negotiating panel.

Similarly, it is important that parties are able to differentiate their interests from their negotiating positions. In this way, it is easier to come to compromise without each leaving behind their respective interests.

Third, the capacity of conflicting parties to negotiate has to be looked into. This is not about the legal or moral basis of the party's grievances but the nitty-gritty of negotiations. It is easier to draw to a dialogue a party who feels confident of its capability to negotiate.

Fourth, it is helpful to start the dialogue with no pre-conditions. This made the start of the talks between Government and the MNLF in 1975 and then the negotiations between the Government and the MILF in 1997 easier. The decisions of parties to set aside display of flags and other symbols made them unperturbed by the denotations of symbols and concentration were focused on substantive issues.

Fifth, even if the negotiations drag on for long time encourage parties to keep

talking peace. It is a fact that the conflict between the Philippine government and the Bangsamoro liberation fronts have been violent and resulted in large-scale wars, but most of the time they are engaged in peace talks. The destruction to life and properties would have been incalculable if negotiations are not taking place.

The danger in a long-drawn peace talks is "negotiation fatigue" if people do not see any result. It is important that whatever agreement reached (even how small) should be implemented. Agreements on ceasefire, and return and rehabilitation of evacuees are important steps that have to be undertaken before or simultaneous with discussion on substantive issues.

Sixth, while talking peace, ceasefire is significant to keep the peace process going and to preserve whatever gains achieved. It provides space to build confidence among conflicting parties. To sustain a ceasefire, an independent monitoring body is essential.

Seventh, the national leadership must be able to rally support for the peace process. The support of influential institutions like the military, congress, media, business and the religious strengthen government position to search for creative measures in resolving the conflict.

Eight, the role of a third party is helpful to bring together conflicting parties to talk peace. When there is a

deadlock, third party intervention is useful to break it.²⁰

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 collapse of the peace talks in the year 2000, the government had to seek the assistance of Malaysia to bring back the MILF to the negotiating table.

The role of the third party does not end at the signing of settlement. It is important to see to it that every provision is implemented not just for compliance but with the spirit of addressing the causes of the problem in order to avoid a relapse into conflict and to build and consolidate sustainable peace. But mediators should not bring in their own agenda in the negotiations or impose a framework.

Ninth, after an agreement is signed, it is important to have a road map of implementation and benchmarks to guide parties to the agreement, third parties intervener and funding institutions in implementing the agreement. The absence

of a road map and benchmarks for the implementation of the 1996 GRP-MNLF peace accord is one of the reasons that both parties keep on accusing each other of not fully implementing the agreement.

Conclusion

The lessons learned from the Mindanao peace process might not be relevant to all conflicts in the region for each conflict possesses its own distinctive characteristics. Every conflict has its own history, context, issues and intensity. The approach and process to address them must be responsive to the circumstances. On the other hand, in conceptualizing creative approaches to a conflict situation it is useful to learn from the experiences of others.

²⁰ See Abhoud Syed M. Lingga, "Role of Third Parties in Mindanao Peace Process", paper presented during the International Conference on Peace Building in Asia Pacific: The Role of Third Parties, Khon Kaen, Thailand, July 1-3, 2006.

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