

Lessons and Insights on the Peace Process

Abhoud Syed M. Lingga

Executive Director

Institute of Bangsamoro Studies

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Peace process

In this discussion, peace process refers to the negotiations between the Government of the Republic of the Philippines (GRP), and the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF) to find solution to the uneasy, and sometimes violent, relations between the GRP and the Bangsamoro people.



Two tracks

MNLF track

MILF track



GRP-MNLF negotiations

- January 13-27, 1975 – GRP and MNLF meeting in Jeddah, Saudi Arabia. Start of the formal peace talks.
- December 13-24, 1976 – GRP and MNLF meeting in Tripoli, Libya under the auspices of the OIC. The Tripoli Agreement was signed on December 23, which provides for establishment of an autonomous region for the Muslims.
- January 20, 1977 – GRP-MILF ceasefire agreement signed in Zamboanga City.
- February 9 – March 3, 1977. Meeting of the Mixed Committee composed of GRP and MNLF representatives in Tripoli, Libya.
- The mixed committee failed to reach agreement on the details of autonomy.
- GRP organized 2 regional governments (Region 9 and 12)



- January 3-4, 1987 – President Aquino initiated the revival of the peace talks. The GRP and MNLF peace panels meeting in Jeddah, Saudi Arabia agreed to continue discussion of the proposal for the grant of full autonomy.
- The 1987 constitution provides for the organization of autonomous regions for Muslim Mindanao and the Cordillera.
- August 1, 1989 – R.A. 6734 (ARMM Organic Act) was approved.
- February 1992. Presidential candidate Fidel Ramos and Cong. Jose de Venecia met with Libyan Leader Muamar Khaddafy in Tripoli, Libya to discuss a comprehensive and permanent solution to the conflict.



- October 2-3, 1992 – First Round of Exploratory Talks in Tripoli, Libya.
- April 14-16, 1993 – Second round of exploratory talks in Cipanas, Indonesia.
- Oct. 25 – Nov. 7, 1993 – First round of GRP-MNLF formal talks.
- Sept. 1-5, 1994 – Second round of GRP-MNLF formal talks.
- Nov. 28 – Dec. 2, 1995 – Third round of formal talks.
- August 30, 1996 – Fourth round of formal talks.
- September 2, 1996 – The GRP-MNLF final peace agreement was signed in Manila.



GRP-MILF peace talks

- Negotiations to solve the Mindanao problem were confined with the MNLF before the 1996 Peace Accord.
- Contacts between the GRP and the MILF were at the informal level.
- August 3, 1996, Sec. Ruben Torres met MILF vice chair for political affairs Ghadzali Jaafar in Davao City.
- Another meeting was held in Cagayan de Oro City on Sept. 9-10, 1996 where issues on cessation of hostilities and creation of technical committees to draw talking points and guidelines of ceasefire were discussed.
- Jan. 7, 1997, first meeting of the technical committees of GRP and MILF Peace panels. The start of the formal negotiations.



GRP and MILF recognize

- The need for comprehensive, just and lasting political settlement of the conflict in Mindanao through negotiations.
- That the “peace negotiations between the GRP and MILF is for the advancement of the general interest of the Bangsamoro people and other indigenous people”.
- “The negotiation and peaceful resolution of the conflict must involve consultations with the Bangsamoro people free of any imposition”.
- The “Bangsamoro people’s fundamental right to determine their own future and political status.”
- “...respect for the identity, culture and aspirations of all peoples of Mindanao.”



GRP-MILF agreements

- Cessation of hostilities
- Monitoring team
- Acknowledgement of MILF camps
- Return and rehabilitation of evacuees
- Implementation of development programs
- Reparation
- Respect for human rights and observance of international humanitarian laws
- Isolation and interdiction of criminal elements



Cessation of hostilities

- Both parties agreed “To commit the armed forces of the GRP and the MILF to a General Cessation of Hostilities.” (Cagayan de Oro City, July 18, 1997)
- The ceasefire agreement has its administrative and implementing operational guidelines (Cotabato City, Sept. 12, 1997 and Marawi City, Nov. 14, 1997)
- After the government all-out war against the MILF in 2000, both parties “agree to strengthen the GRP-MILF Agreement on the General Cessation of Hostilities dated 18 July 1997.”
- The implementing guidelines was signed in Putrajaya, Malaysia on Aug. 7, 2001.



Ceasefire mechanism

- Coordinating Committees on the Cessation of Hostilities (CCCH) – implement agreements on the ceasefire.
- Independent Fact-Finding Committee (IFFC) – conduct fact-finding inquiries on matters referred to it by either coordinating committee.
- Quick Response Team (QRT) – response immediately to a reported conflict/confrontation between the GRP and MILF forces.
- Local Monitoring Teams (LMT) – perform the functions of the IFFC and QRT.



Monitoring team

- “The Parties agree to invite representatives of the Organization of Islamic Conference (OIC) to observe and monitor the implementation of all GRP-MILF Agreements.”
- The Monitoring Team shall “Monitor the implementation of all rehabilitation and development projects; the observance of international humanitarian laws and internationally recognized human rights, and the protection of evacuees and displaced persons, and their safe return to their places of origin, in the areas affected by the conflict.”
- Serve as an advisory body to the GRP and MILF Panels in the implementations of agreements.



Acknowledgement of MILF camps

■ To effectively implement the general cessation of hostilities and avoid armed encounters or confrontation between the GRP and MILF, the following MILF camps/positions were acknowledged:

■ Camp Abubakre as-Siddique

■ Camp Bushra Somiorang

(Feb. 10, 1999)

■ Camp Bilal in Lanao del Norte

■ Camp Rajamuda in North Cotabato

■ Camp Darapanan/Usama bin Zaid in Maguindanao


■ Camp Omar ibn al-Khatab in Maguindanao

■ Camp Badre in Maguindanao

(Oct. 6, 1999)



Return and rehabilitation of evacuees


 The Parties shall safely return evacuees to their places of origin and provide all necessary financial/material and technical assistance to those evacuees for them to start a new life.



Development programs

- The MILF shall establish a project implementing body with the power and function to receive and disburse private and GRP funds. (*Implemented with the creation of the Bangsamoro Development Agency*)
- Through the project implementing body, the MILF shall determine, lead and manage rehabilitation and development projects.
- GRP and concerned government agencies, in coordination with the MILF, shall continue to undertake rehabilitation and development efforts.
- The ARMM shall enter into contractual relations with the MILF implementing body pertaining to rehabilitation and development.

Reparation

 “The GRP shall award reparations for the properties lost or destroyed by reasons of the conflict, upon reasonable proof thereon as mutually verified and acknowledged by both parties.”



Respect for human rights

- Observance of international humanitarian laws.
- Respect for human rights and fundamental freedom for all persons within Mindanao.
- GRP will secure to all persons within its jurisdiction or territory the highest level of recognized human rights and fundamental freedom.
- GRP shall grant recognized accredited human rights agencies and organizations full access to monitor the human rights situation in conflict-affected areas.
- Full access to persons for visits in accordance with ICRC's procedures.
- Each Party shall provide information , through ICRC tracing system, to families of missing persons.



Isolation and interdiction of criminal elements

- GRP and MILF agreed to isolate and interdict all criminal syndicate and kidnap-for-ransom groups.
- The AFP/PNP shall convey to the MILF an order of battle containing the names and identities of criminal elements.
- The MILF and GRP shall form an Ad Hoc Joint Action Group against criminal elements to pursue and apprehend them.
- Quick coordination system have to be established.
- The MILF shall block entry of criminals into MILF areas/communities.



Substantive agenda

Ancestral domain

-  Concept
-  Territory
-  Resources
-  Governance




Lessons learned

- Third party assistance
- Confidence building
 - Ceasefire
 - Rehabilitation of evacuees
- Process
 - Overcoming preconditions
 - Communication
 - Use of unofficial channel
- Substantive issues
 - Incremental approach
- Timeframe
- Implementation




Third party assistance

- **Third party assistance (as mediator or facilitator) is important in negotiations.**
- It was through 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 agenda in the negotiations or imposed a framework. If this happened, either the peace process will be scuttled or the outcome will not solve the problem that triggered the violent conflict.



OIC resolution no. 18/5-P of the 5th ICFM prescribed that solution to the problem should be “within the framework of the national sovereignty and territorial integrity of the Philippines.” This 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 is a signed peace agreement that failed to solve the problem.



Ceasefire

- To promote confidence building and establish favorable atmosphere for the negotiations, it is important that the two parties commit themselves to a ceasefire.
- Ceasefire between the GRP and MNLF started after the signing of the Tripoli Agreement in 1976.
- The first agreement signed (July 17-18, 1997 in Cagayan de Oro) by the GRP and MILF was for general cessation of hostilities.



Rehabilitation of evacuees

- To provide civilians in conflict affected areas breathing space, both parties have to reach an agreement, before discussing substantial issues, on return and rehabilitation of evacuees. This will also promote the build-up of peace constituencies among affected civilians.
- GRP and MNLF had no agreed program for the rehabilitation of evacuees before signing the 1996 peace accord.
- After the ceasefire agreement, the GRP and MILF reached agreement on issue of the rehabilitation of refugees and development of conflict-affected areas.



Overcoming preconditions

- GRP position – the negotiations shall be within the ambit of the constitution, the sovereignty and territorial integrity of the Philippines
- MILF position – Independence of the Bangsamoro people.
- Compromise solution – GRP shall not raise in the course of the negotiations the issue of constitutionality of any agreement, and the sovereignty and territorial integrity of the Philippines; on the other hand, the MILF shall not raise the issue of independence.



Communication

- Agreed channel of communication is important to establish contact even if the peace talks are stalled.
- In the case of GRP-MILF peace talks, Malaysia acting as facilitator organized a secretariat. Communications between the GRP and MILF are coursed through this secretariat. The secretariat is also the custodian of signed agreements and proceedings.
- In the GRP-MNLF negotiations, there was no designated secretariat.

Use of unofficial channel

- The unofficial channel of communication supplement the official channels. This can be used in a deadlock to continue discussion.
- The third round of GRP-MILF negotiations was supposed to tackle the issue of the rehabilitation of refugees and development of conflict-affected areas but the two panels cannot agree on details. Malacañan announced the negotiations would still continue through back channel. After months of back channel contacts, agreement was reached.

Incremental approach

- Incremental approach is useful in discussing substantive issues. Discussion shall start with less controversial concerns. Complicated problems can be subdivided into manageable issues. Every agreement reached can be implemented even without the final agreement. The final accord will just be the consolidation of the signed agreements.
- In the GRP-MILF peace talks, the Tripoli Agreement of Peace of 2001 provides the framework of the negotiations.
- The issue of ancestral domain, which is the contentious issue, was subdivided into four strands – concept, territory, resources and governance.
- In the GRP-MNLF negotiations, discussions were focus on political issues.



Timeframe

- Negotiations should aim for a comprehensive settlement of all aspects of the conflict. Negotiators will be in a tight situation if given time limit.
- The GRP-MNLF peace talks lasted for almost 22 years (1975-1996)
- The ongoing GRP-MILF negotiations is now on its 9th year (since January 1997) .



Implementation

- The ceasefire between the GRP and MILF holds because
 - Presence of the International Monitoring Team (composed of contingents from Malaysia, Brunei and Libya), and
 - Vigilance of civil society
- The implementation of the 1996 GRP-MNLF peace accord is subject of disagreements. The GRP contends that it fully implemented the provisions of the peace accord, while the MNLF says otherwise. The issue of non-implementation cropped up because of
 - GRP poor records of implementing its commitments
 - Differences of interpretation
 - The MNLF relied on GRP in the implementation of the accord. The MNLF could have implemented provisions of the accord if it did its part.



Conflicts differ in historical background, context and issues. The approach and process to address them must be responsive to the circumstances.


What works in the Bangsamoro Homeland is no guarantee it will work in, say, the Cordillera.



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signs**

For all the differences, our brothers in the Cordillera can learn some lessons from the Bangsamoro experience.

Although time consuming, and sometimes disheartening because for years you cannot see the light at end of the tunnel, negotiation is the path the Bangsamoro people prefer to thread. Talking for years is better than a day of shooting war.



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During the negotiations, stay focus on the fundamental issues that would address the valid grievances of the people.

The danger in a long-drawn peace talks is “negotiation fatigue” if people do not see any result. That is why it is important that whatever agreement reached (even how small) should be implemented. Agreement on ceasefire, and return and rehabilitation of evacuees are important steps before discussion on substantive issues begins.



Thank you

