



**PHILIPPINE INSTITUTE FOR POLITICAL VIOLENCE  
AND TERRORISM RESEARCH**

No. 5, Road 7, West Crame,  
San Juan, Metro Manila, Philippines  
Tel: +632 6665763, Fax: +632 4335248, Website: [www.pipvtr.com](http://www.pipvtr.com)

**PERSPECTIVES ON THE GRP-MILF  
PEACE TALKS CRISIS**

**Mindanews**

**PEACETALK: End in sight?  
by Soliman M. Santos, Jr.**

As one who had a hand in writing the *Philippine Human Development Report 2005* (PHDR 2005), including 7 out of its 8 proposals or recommendations, I am glad that this is being revisited in the light of the still ongoing fall-out from the aborted GRP-MILF Memorandum of Agreement on Ancestral Domain (MOA-AD). Having said that gladness, I actually have more sadness about the current turn of events on that front. I am usually an optimist (one has to be) when it comes to the peace process, but it is not hard these days to be pessimistic about the future (even before the more current bad news of a global financial crisis)

To be candid about it, when I first heard the news of the Supreme Court Temporary Restraining Order (TRO) against the signing of the MOA-AD, the first thought that came to mind, "Wow, this is going to radicalize the MILF." As the days went by, even after supervening event, it became evident that there has been a definite setback in the GRP-MILF peace process and for that matter the whole comprehensive peace process. From what I thought was about to be "peace in our time," it began to sink in on me that this looks like it will take another generation. Is there an end in sight? There has to be, but it's hard to see it from a time distance to a more distant future.

It's easier of course to see the immediate past, the present and maybe the immediate future. Let's start with this in assessing the MOA-AD fall-out through the prism of the PHDR 2005 recommendations, and in process assess the relevance of these recommendations themselves. One of those recommendations (No. 3.2) was that, on the Moro front with its three tracks represented by the MNLF, MILF and ASG in historical order, the *highest priority should be given to the GRP-MILF peace negotiations* as the linchpin of the Mindanao peace process, mainly because it would, could or should finally complete the solution to the Bangsamoro problem. The idea was to fill in whatever gaps in aspirations that were not addressed or were inadequately addressed in the 1996 GRP-MNLF Final Peace Agreement and its implementation, and at the same time learn from and build on this. This unification or harmonization of the two peace process tracks

with the MILF and MNLF would then themselves together better address the third track of the legitimate fight against terrorism represented by the ASG.

But with the setback in the GRP-MILF peace negotiations, there is a strong tendency in the Philippine establishment to take the path of least resistance by settling back on the MNLF track of low intensity autonomy as the policy arrangement for Bangsamoro self-determination. After all, the Autonomous Region in Muslim Mindanao (ARMM) is well under the framework of the Constitution. But if there is one thing that the MOA-AD teaches us it is that doing justice to Bangsamoro self-determination requires “thinking out of the box” of the Constitution. For me, this vindicates the recommendation (No. 5) in PHDR 2005 to *dovetail possible charter change with the peace process*. This is best done when the change is the product of the process, whether that product is finally called Bangsamoro Juridical Entity (BJE) or otherwise.

The setback in the GRP-MILF peace negotiations tends to reinforce the doubts among MILF commanders and *mujahideen* about the viability of these negotiations to achieve the political objectives of Bangsamoro self-determination, and consequently to consider other more drastic or radical options. For now, it appears that the MILF leadership is able to rein in the bulk of its forces to hew to a “policy to uphold the Peace Path as still the best way forward.” This is going to be severely tested in the next few weeks, with much depending on how the government proceeds with its new peace policy.

But before going to those matters of policy, it should be noted that the setback in the GRP-MILF peace negotiations also reinforces the continuing four-year suspension (since August 2004) in the other major peace negotiations, that *with the NDF* where there is no ceasefire unlike with the MILF. The PHDR 2005 recommendation (No. 4) to *resume negotiations* has not been heeded at all by both sides. So now, it is the NDF telling its tactical ally the MILF “I told you so” in trying to entice it, including through tactical offensives to draw military pressure away from the MILF, to drop its peace strategy in favor of a war strategy like the NDF. Boy, this financial crisis makes it really bad timing to have a war on two major fronts.

Perhaps the two biggest lessons from the MOA-AD fallout reflect three unheeded recommendations (Nos. 1, 2 and 6) of PHDR 2005. The first two can be taken together: *ensure policy consistency*, and *legislate national peace policy*. The sixth recommendation was to *build a national constituency for peace*. This last one is obvious from the national controversy about the MOA-AD. The blame on this, if we must play the blame game, should not be limited to GRP lack of transparency and to MILF rogue commanders. The blame lies too with the peace spoilers – the hysterical headlines, editorials, columns and full-page ads as well as the inflammatory speeches, whether in Congress or in some provincial or city hall down South. I will not say much more here now about this peace constituency problem. But this is what makes me now think in terms of instead

placing hope and information-education efforts with the next generation, starting with young Filipinos and Moros, including students, of today.

Finally, most frustrating, because there is supposed to be more degree of control with this than with general public opinion, is the lack of policy consistency even within one administration and even with an executive order supposedly defining policy for a comprehensive peace process, which has long historical roots and a solid basis in the 1993 NUC Consultations. How can this be so easily set aside suddenly without any thorough policy discussion and debate by those who know and feel deeply about peace processes? *Baligtad na ang mundo*: the ascendant hawks say “the paradigm of root causes... is used as an excuse to bear arms against the government.” It is clear that rational and for that matter Muslim Mindanao peace policy should no longer be set at the executive level; it should graduate to legislation and even constitutional entrenchment. Thank you.

*[Soliman M. Santos Jr. is a Bicolano human rights lawyer, peace advocate, legal scholar; A.B. History cum laude (UP), LL.B. (UNC), LL.M. (Melb); author of The Moro Islamic Challenge: Constitutional Rethinking for the Mindanao Peace Process (UP Press, 2001), Peace Advocate (DLSU Press, 2002), Dynamics and Directions of the GRP-MILF Peace Negotiations (Alternate Forum for Research in Mindanao, 2005), and Peace Zones in the Philippines (Gaston Z. Ortigas Peace Institute, 2005); and co-author of Philippine Human Development Report 2005: Peace, Human Security and Human Development in the Philippines (Human Development Network, 2005). He delivered this piece during the Philippine Human Development Network Forum on September 19 in Quezon City. You can reach him at [gavroche23@gmail.com](mailto:gavroche23@gmail.com). ]*

### **PEACETALK: GRP-Moro Conflict: Is there an end in sight? By Rodolfo C. Garcia**

I had been asked to assess the current government policy on the Moro conflict, as implied or explicit in the GRP-MILF MOA-AD and its aftermath, against the recommendations of the 2005 PHDR; to evaluate if the recommendations were valid then and, with the current realities and as a way forward towards a peaceful resolution to the GRP-Moro conflict, to assess if those recommendations are still valid now.

When the PHDR Report of 2005 was issued with its recommendations, the Peace Process with the MILF was proceeding, but not without difficulty. Negotiations are inherently difficult, not “walks in the park”. Much, however, was accomplished in 2005 until August 2006 when talks got snagged over the Territory strand of the AD. The impasse was to last until November 2007, or after more than one year. But typically in these on-and-off again protracted negotiations, and in accord with PHDR recommendations, negotiations continued, overcoming these episodal impasses and breakdowns. Hopes were

high as the hard negotiations were seen leading towards the MOA signing last 5 August 2008.

The MOA-AD, now dead, was in accord with the track proposed in PHDR 2005 – to give priority to the MILF negotiations. Uncannily so, because frankly, the PHDR recommendations were not a reference point for the then Panel, which was chaired by Sec. Afable. By some bureaucratic lapse perhaps. The Panel, however, clearly saw the need that the PHDR had also seen: the urgency to foster a regime of Peace in troubled Mindanao thru principled negotiations which trajectory was to achieve a just political settlement of the Moro problem.

As the MOA showed, the Panel adopted an approach that refused to be boxed in by the oft-used traditional approaches and experiments of the past which were widely assessed to have failed to deliver on the aspirations of the Bangsamoro. It was a bold, 'out of the box' tact that aimed to strike a balance between the legitimate aspirations of a minority people and the non-negotiable requirement of Philippine sovereignty and territorial integrity. The Panel which crafted the MOA acknowledged that the problem which had festered for long and caused so much destruction in lives and property and which impeded National Development and that of Mindanao, must be resolved and now. This could be the last opportunity presented to us to settle a lingering problem before the generation of leaders of the MILF whom we are dealing with fade away to give way to a younger generation of leaders, more impatient, deeply suspicious and distrustful of Government and with a more progressive, activist and possessed of a dangerous disposition. They will be harder to deal with, and imperils a shift from the current negotiation-oriented, pragmatic and tempered engagements with the MILF into a more forceful, radical and adverse-to-negotiations mindset in the assertion of the Bangsamoro peoples' aspirations. Commanders Bravo and Kato typify this set. And there could be more of this segment in the MILF who could tilt to a new norm of behavior and methods in achieving their aspirations especially if negotiations fail to achieve any real concessions for the Bangsamoro people. There is an urgency to the task of negotiating, given that if negotiations get protracted or ultimately fail, the rise of this group may come to be and thus, the specter of more destructive confrontations and resultant damage may be greater than one can imagine - a quantum leap from the level of conflict we have known in the past. We might be seeing a new dimension of conflict inspired by a new Jihadist activism.

To arrive at a workable, acceptable prescription to a deep-seated problem, our mindsets must be freed from restraints that normally in the past had fenced in negotiations to parameters that restrict/limit the possibilities of a genuine solution to a problem. We opened ourselves to the possibilities available for truly solving a problem that has deep historical roots, recognizing that our Moro brothers have a unique identity and culture. These possibilities we explored find expression in the provision of the MOA, even if it is merely a preliminary agreement, a compendium of consensus points many aspects of which still has to be negotiated leading to a Final Peace Agreement.

It is now a much demonized document that has been called by many names: a sell-out, a dismemberment of the Republic, a virtual grant of independence to the Bangsamoro. It is attacked as being unconstitutional. The Panel, shouts its oppositors, are guilty of treason.

I take comfort in the PHDR recommendations and the intriguing truths it has discovered in its research. It had highlighted what to me are the fundamental moral underpinnings of why the Bangsamoro problem has to be taken by the horns, be solved and restitutions made to the historical injustices, past policy errors and current prejudices our Moro brothers were inflicted with.

The MOA stands on defensible legal grounds. Our team of legal experts can stand up to the legal challenges. The moral dimension, however, had been pushed to the margins and not been given the merit it deserves. Many are hardly aware of this important dimension. And yet this is the dimension that gives any decent person the moral imperative to act, if justice is to be dispensed; if fear, want, indignity and humiliation can be addressed and corrected.

This is why I see good sense in building a Peace Constituency. The MOA controversy had for a while brought the prevailing insecurity in the South back into the headlines, and into public conversations and debate. If the PHDR recommendations on building a peace constituency had taken root or if a parallel track had been in place through a much earlier conscious Government effort in this direction, perhaps the MOA could not have been bedeviled for what it is not. Perhaps many unfounded suspicions and fears stoked by its oppositors could not have resulted to shrill, hysteric outcries. A public with a fair understanding of the roots of the Moro problem, aware of the injustice and indignity suffered by a people, aggravated by poverty, deprivation and ignorance engendered by the inadequacy of opportunities (or worse, of opportunities denied), will not be taken in by politically motivated posturing and machinated exaggerations.

But even as we wade through an uncertain period, the opening of discourse brought about by a smoldering issue that is now merely simmering, about to get lost in public consciousness as fresh public controversies take over public attention (we seem to just go from one controversial issue to another, as part of media entertainment fare), must be followed-up and built upon. Perhaps we should build up from the ashes of the MOA and keep the public discourse going in the areas directly affected and to the nationwide constituency. Through engagements with the civil society organizations, national communities, schools, the vital influential sectors (business, religious, the academe, sectors with a stake and which will reap the dividends of peace), the momentum could be maintained. The interest the MOA triggered presents a real opportunity, a positive momentum to generate awareness and build a constituency for peace. This constituency will be a powerful force, knowledgeable and can lend the needed sober, balancing influence for the fearful, the emotional, yet hardly informed segments of society.

The harsh reality we have to accept is that this is a minority-majority issue: of a minority aspiration trapped by the obvious supremacy of the majority (tyranny of the majority?). Does not the Constitution intend to give justice to a people wronged? Does it not have the means to retribute grievances in the interest of a higher goal – national unity? If that is not so, how then can a minority's aspiration be realized? Must such aspiration be muzzled, chained forever at the fringes of our collective consciousness? Do we tempt the harsher options we allow to happen by denying such aspirations?

This is why I agree to dovetailing the Peace Process with the initiative for charter change. The framers did not intend the Basic Law to be an immovable object, insensitive to current realities and needs. The Constitution allows itself to be revised or amended, following prescribed processes. The Constitution, thus, gives hope.

As to the major question posed by this forum, is there an end in sight on the GRP-Moro conflict? I will take an optimistic position. Having reached this far and accomplished so much – and even as the process is in limbo, the negotiations track is not yet clinically dead. It still beats, but faintly. It can be resuscitated and nursed to a healthy, regular heartbeat. It may take some time from now, but it surely should not be abandoned. Hope should spring eternal. But hope, they say, is not a method. We must audaciously give muscle to our hopes. Our collective voices are needed to give the resumption of this vital process a much needed push. Or shove.

*(Retired Lt. Gen. Rodolfo Garcia was vice chief of staff of the Armed Forces of the Philippines when he chaired the ceasefire committee for the government peace panel in the negotiations with the Moro Islamic Liberation Front, became vice chair of the panel after retirement from the AFP and was chair of the panel from July last year until it was dissolved on September 3 this year. He delivered this piece during the Philippine Human Development Network Forum on September 19 in Quezon City).*

**PEACETALK: On the botched MOA-AD: Lessons never learned**  
**By Rufa Cagoco-Guam**

History is repeating itself in the current uproar generated by the Memorandum of Agreement on Ancestral Domain (MOA-AD). It is the history of never learning lessons from a previous peace process. The MOA-AD was supposed to have been signed by both Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) panels on the first week of August – a significant breakthrough in the more than a decade-old peace process between the two parties.

In the protracted peace and conflict processes in Mindanao, the MOA-AD stands as a progressive document that has elevated the Bangsamoro aspirations for self-determination via “associative” governance of their ancestral domain, something that has been glaringly absent in the previous peace process with the Moro National Liberation Front (MNLF). For the first time, a Philippine government administration seemed to be opening the door toward the recognition of the reality of a significant other identity in the Filipino nation – the Bangsamoro. For them, it was more than a pyrrhic victory – it was a gesture, albeit a delayed one, of finally coming to terms with a significant other in the ethnically diverse Philippine society.

But it was a milestone that was too good to be true – and indeed, its promulgation was marked largely by vociferous protests telling all and sundry that the Philippines, its state mechanisms and processes are still under the control of a vast majority that likes to imagine the country as one solid and integrated “Filipino” nation. Such a nation is built on a core of basically Christian Filipino values that largely negates identities that contravene or do not belong to these core values. When the GRP announced that it was to sign a MOA granting “extraordinary” rights to a group that does not hold the same core values, the majority group reacted negatively, even violently.

In 1996, the GRP signed the first ever peace accord with the Moro National Liberation Front (MNLF), hoping to end decades of sporadic fighting in many parts of Central and Western Mindanao, including the Sulu archipelago. The signing was considered a major benchmark in the process that started with the discredited Marcos regime. In December 1976, President Marcos, through his emissaries signed the Tripoli Agreement with the MNLF, granting the latter some semblance of autonomy. More than two decades later, the new Philippine president at that time, Fidel V. Ramos, signed the Final Peace Agreement (FPA) with the MNLF.

The signing of the FPA also led to the establishment of the Southern Philippines Council for Peace and Development (SPCPD) in Mindanao that was tasked, among others, to oversee the implementation of development projects for the MNLF members who were to be “mainstreamed” in the Philippine democratic bureaucracy. When SPCPD’s creation was announced, it was met with loud protests, rallies and mobilizations that denounced government’s failure of informing the larger public – the majority Christian Filipino population – about the rationale of the FPA, and of the peace process as a whole.

In any peace process, the state that engages a rebel group in negotiations and dialogues is expected to set in motion a parallel process of information dissemination and public education about why such a process has to take place. In a country that has been divided along religious fault lines, such a process is imperative for both protagonists: for the state to secure the “consent” from its majority constituents on a deal with a group that is perceived by the majority as the cause of all the “trouble.” The leadership of the rebel group also needs to

explain the *raison d'être* of their armed struggle to the majority, not necessarily to win them over, but to open lines of dialogue with them and eventually prevent demonization of the group and its cause.

But no such information dissemination processes took place – in both the previous and the current peace processes in Mindanao. The first peace process now goes down in history as a dismal failure. A major evaluation of the 1996 FPA implementation has concluded that there were many things the agreement lost – in the transition from war to peace, in the haste to sign an agreement, many opportunities for the MNLF to become the vanguard for pushing the right of self-determination among the Bangsamoro were squandered. But more importantly, its failure was attributed to the lack of information dissemination among the various Philippine constituents – both its majority and minority populations.

As many pundits have written, there was nothing “final” in the FPA: instead, it was just a brief detour in the rocky road to peace in Mindanao.

The massive outburst of protests against the MOA-AD is a consequence of the lack of information dissemination and consultative processes on the very rationale why it needs to be signed. This also happened in the signing of the FPA and in the creation of government bodies to implement some provisions in it. Being steeped in anti-Muslim literature, folklore and prejudices, the larger community of majority Christian Filipinos felt that the Philippine government has done them a disservice in granting some favors to the MNLF, whom many perceive as having sowed violence in Mindanao.

Despite its flaws and omissions (especially on more inclusive processes in social development for the BJE) the MOA-AD stands as a powerful instrument that can move the peace process forward. A series of dispassionate, rational and level-headed community-level discourses on it can pave the way toward forging peace in a region that has seen so much bloodshed throughout more than three decades of sporadic fighting. Sadly, discussions on it have been emotionally charged, triggering hard-line positions on both sides. Some spoilers have exacerbated the situation by using it to foment disinformation, especially in resuscitating deep wounds wrought during the height of the armed conflict in the 1970s.

One of the latest reports from the Lanao areas bespeaks of the articulation of deep-seated animosities among Christians against their Muslim neighbors. Some Christian communities have allegedly barricaded the highways toward the mountainous areas where the Muslim Maranaws are currently staying to evade conflict. The reason: to prevent aid agencies to deliver food assistance for them. There is also a report that after the siege in Kolambugan, Lanao del Norte, no less than a Cabinet secretary of Pres. Arroyo went to the town to distribute shotguns to civilians. Allegedly, civilian local government officials in Kolambugan requested the cabinet secretary because the military has been inefficient in coming to their rescue during times when they are attacked by MILF rebels. Using the inefficiency of the military as a pretext for arming civilians is a flimsy



excuse to absolve government of its responsibility in ensuring the security and safety of its constituents. More importantly, this act is downright condemnable – the Philippine government has once again affirmed its monopoly of violence and worse, that whatever violence it engenders is legitimate. This situation eerily repeats the intense state of insecurity of people during the dark ages of Martial Law under President Marcos.

Clearly, the present crisis wrought by the botched MOA-AD needs to be addressed so we do not add to the growing number of casualties reported everyday. But for the long term, the MOA-AD needs to be resuscitated because it holds the key to exploring possibilities of rectifying age-old injustices against the Bangsamoro and other indigenous populations in the Philippine nation-state. These injustices have been wrought from colonization to the unilateral annexation of the ancestral domain areas of the Bangsamoro and indigenous peoples by the Philippine central government. Coming to terms with these injustices is crucial to start forging a livable peace for all the diverse populations that consider Mindanao their home.

The long trek toward peace in the strife-torn areas in Mindanao starts with careful, although painful small steps that are guided by tolerance and mutual understanding. More importantly, there is a need for openness to new possibilities rather than being fixed within certain boxes and rigid legal instrumentalities, like the Philippine Constitution.

*(Prof. Rufa Cagoco-Guiam is presently in Kyoto as a senior Asian Public Intellectual fellow at the Nippon Foundation Center for Southeast Asian Studies, Kyoto University.)*

**Source: Mindanews at <http://www.mindanews.com>**