



Prospects and Problems for Peace in the Southern Philippines





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Foreword

DPI aims to foster an environment in which different parties share information, ideas, knowledge and concerns connected to the development of democratic solutions and outcomes. Our work supports the development of a pluralistic political arena capable of generating consensus and ownership over work on key issues surrounding democratic solutions at political and local levels.

We focus on providing expertise and practical frameworks to encourage stronger public debates and involvements in promoting peace and democracy building internationally. Within this context DPI aims to contribute to the establishment of a structured public dialogue on peace and democratic advancement, as well as to create new and widen existing platforms for discussions on peace and democracy building. In order to achieve this we seek to encourage an environment of inclusive, frank, structured discussions whereby different parties are in the position to openly share knowledge, concerns and suggestions for democracy building and strengthening across multiple levels. DPI's objective throughout this process is to identify common priorities and develop innovative approaches to participate in and influence the process of finding democratic solutions. DPI also aims to support and strengthen collaboration between academics, civil society and policy-makers through its projects and output. Comparative studies of relevant situations are seen as an effective tool for ensuring that the mistakes of others are

not repeated or perpetuated. Therefore we see comparative analysis of models of peace and democracy building to be central to the achievement of our aims and objectives.

This paper aims to examine and compare the sources of conflict and processes of negotiation and conflict resolution within the southern Philippines in relation to the communities and insurgent groups in Muslim areas of Mindanao and the Sulu Archipelago. With thanks to Graeme MacDonald, the author of this paper, and Professor John Sidel of the London School of Economics, who edited it.



Kerim Yildiz, Director
Democratic Progress Institute
December 2012

The Philippines: National Institutional and Political Context

The Philippines is an archipelago with three major regions: the island of Luzon, the Visayan islands, and Mindanao and the Sulu Archipelago. In terms of administration, the Republic of the Philippines consists of 17 regions, 80 provinces, 138 cities, 1,496 municipalities and 42,025 barangays. Some 92 million people are dispersed across these islands, with considerable regional diversity in economic, cultural, linguistic, and religious terms.

The scattered settlements and small-scale polities of the Philippine Archipelago were drawn into the orbit of Spanish colonial rule and Catholic evangelization from the mid-sixteenth century until the end of the nineteenth century, when a popular insurrection led to the establishment of a short-lived Republic of the Philippines and a military invasion and occupation by the United States in the context of the Spanish-American War. American colonial rule persisted until the Japanese invasion in World War II, and succeeded in incorporating highland regions of Luzon and Islamicized areas of Mindanao and the Sulu Archipelago which had remained outside Spanish control. The Philippines was granted independence in 1946, but the country remained closely linked to the United States, with American companies enjoying ‘parity rights’ in the Philippine economy into the 1970s and the U.S. government retaining a dominant role in domestic and foreign security policy and important military bases until the early 1990s.

These close economic and military linkages are still in evidence today.

The system of government in the Philippines is American-style presidential democracy, with a bicameral legislature, and elected provincial governors and city and municipal mayors enjoying considerable discretion over local affairs, as spelled out in the Local Government Code of 1991. There is a separation of powers between the executive, legislative, and judicial branches of government along American lines. The Constitution of the Philippines (*Saligang Batas ng Pilipinas*) is the supreme law of the nation and has been revised several times since independence was won from the United States. The current version dates from 1987 and stipulates a single 6-year term for the president, a nationally elected 24-member Senate, and a House of Representatives with a small number of sectoral representatives elected by a ‘party list’ system to accompany those elected to represent the 229 congressional districts in the country. It also allows for the creation of two special autonomous regions of the Philippines in the highland Cordilleras of northern Luzon and in the Muslim areas of Mindanao and the Sulu Archipelago.

Scholars and other observers have characterized the Philippines as an ‘oligarchical democracy’. Electoral politics has largely consisted of factional competition between rival clusters of businessmen, large landowners, and machine politicians, with voters mobilized through a mixture of clientelist, coercive, and monetary inducements and pressures. Political parties are weakly institutionalized and

fluid, with politicians frequently switching parties on the basis of personal linkages rather than policy platforms. Municipal and city mayors, provincial governors, and congressmen typically use their control over state resources and regulatory powers to protect and promote their private business interests, and the Senate is filled with corporate lawyers, celebrities, and machine politicians who also use their discretion over legislation and government oversight for personal gain. Rampant corruption, criminality, and electoral fraud and violence have given Philippine politics a reputation for being dominated by ‘guns, goons, and gold’. On a local level, the entrenchment of individual politicians or families in the local elected offices and local economies of municipalities, cities, congressional districts, and provinces has led some commentators to speak of ‘political dynasties’, ‘local bossism’, and even ‘warlordism’.

Oligarchical democracy in the Philippines has also faced a number of challenges since independence in 1946. In the early aftermath of World War II, a peasant movement based in the densely populated rice-bowl region of Central Luzon emerged to demand recognition for its role in anti-Japanese guerrilla activities during the Japanese Occupation and to press for improved tenancy conditions and agrarian reform. This movement joined forces with the small Partido Komunista ng Pilipinas (PKP or Philippine Communist Party) to launch what became known as the Huk rebellion, which was suppressed through a counterinsurgency campaign organized and assisted by the United States. In the late 1960s, a new Communist Party of the Philippines (CPP) emerged and

began to grow in various parts of the country, especially after the proclamation of martial law, the closing of Congress, and the onset of authoritarian rule under then president Ferdinand Marcos in 1972. The CPP began to gain influence in areas of the countryside through its armed New People's Army (NPA), and in factory belts and urban areas through various other allied organizations. By the mid-1980s, the NPA was said to have gained control of some 20% of the barangays of the country, with CPP-linked organizations also gaining influence among the urban population. The fall of the Marcos regime in 1986, the restoration of democracy in the late 1980s, and another US-backed counterinsurgency campaign combined to weaken the NPA and greatly diminished the strength of the Left. But the NPA has survived in a few areas of the country, and left-wing organizations are likewise active in urban and rural areas, promoting implementation of land reform, and organizing labour unions and urban poor groups behind local causes.

In addition, oligarchical democracy has also faced challenges from 'reformist' and 'populist' politicians. Most notable in this regard was the election of popular action-film star Joseph 'Erap' Estrada to the presidency in 1998, as candidate of a party known as the Partido ng Masang Pilipino, the Party of the Filipino Masses. His election was unprecedented in terms of Estrada's populist campaigning style and the importance of his popular appeal – rather than traditional 'machine'-based mobilization – in winning votes. While Estrada was forced out of office in early 2001 after impeachment by the House of Representatives in 2000 and amidst a trial by the

Senate for corruption charges, the 2004 presidential elections saw Estrada ally Fernando Poe, Jr. – another action-film star – only narrowly (and, by many accounts, fraudulently) defeated by the incumbent Gloria Macapagal-Arroyo, who had served as Estrada’s vice-president and succeeded him in 2001. Although Estrada was arrested, imprisoned, and tried and convicted for corruption, he was later pardoned by Macapagal-Arroyo, and he placed second with 26% of the vote, thus establishing his continuing popularity among some segments of the Philippine electorate.

Since the 1950s, a number of politicians and civic groups have also taken up the mantle of ‘reform’. Ramon Magsaysay, who served as Secretary of Defense and led the counterinsurgency campaign against the Huks in the late 1940s and early 1950s, won the presidency in 1953 with American support on a ‘reformist’ platform and pushed through modest land and labour reform legislation during his term in office. Ferdinand Marcos’s proclamation of martial law was likewise styled as an effort to promote a ‘New Society’ and to undertake reforms impeded by the oligarchical nature of Philippine democracy. The overthrow of Marcos in 1986, moreover, saw a new wave of reforms under the presidency of Corazon Aquino, whose husband, former senator Benigno “Ninoy” Aquino, Jr. had led the opposition to the Marcos regime but was exiled to the United States and then assassinated upon his return to the country in 1983. Under Corazon Aquino’s presidency, agrarian reform legislation was passed, the police were re-civilianized, a local government code was enacted, non-governmental organizations

were given a formal role in local government, and new institutions were created to tackle corruption.

The current president, Benigno “Noynoy” Aquino III, has likewise styled himself as a ‘reformist’ since he assumed the presidency in June 2010. The son of the late Corazon Aquino and Benigno Aquino, Jr., Aquino is a scion of an established political dynasty, and his extended family on his mother’s side – the Cojuangcos – is notable for its vast landholdings in the Central Luzon province of Tarlac as well as its prominence in major businesses across the Philippines, most notably the San Miguel Corporation. President Aquino, however, campaigned on a strongly anti-corruption platform and since his assumption of office has promoted prosecution of corrupt officials from the preceding administration as well a number of institutional reforms. But with Aquino almost halfway through his single 6-year term and facing mid-term elections in May 2013, and given the president’s limited control over Congress (especially the 24-member Senate), there are real doubts as to the nature and extent of the ‘reform’ his administration will implement before a new president assumes office in 2016.

Conflict in the Southern Philippines

It is against this historical, institutional, and political backdrop that the on-going conflict in the southern Philippines – and recent efforts to resolve it – should be understood. This conflict has been concentrated in those areas of central Mindanao and the Sulu Archipelago where a sizeable Muslim population is found, with various armed groups claiming to represent ‘Moro’ – i.e. Muslim – grievances and aspirations for an independent homeland. This conflict first erupted in the late 1960s and early 1970s in a major armed conflict in the southern Philippines. Subsequent decades have been characterized by a mixture of accommodation, informal live-and-let-live arrangements, and institutionalized experiments with special autonomy, on the one hand, and enduring armed presence and recurring outbreaks of violence among the diverse Muslim and government security forces still active in the region.

Historical Background: Spanish and American Colonial Eras

The origins of the conflict arguably date back to the sixteenth century, when Spanish colonization and Christianization of the Philippine archipelago began, against the backdrop of the *Reconquista* and the forced expulsion of Muslims and of the institutions of Islam from the Iberian Peninsula. When Spanish forces arrived in the Philippines, the archipelago had already experienced early incorporation into the Muslim world, with conversion to Islam and linkages to other Islamicized areas of Southeast Asia and the Indian Ocean strongest in the southern islands of Mindanao and the Sulu Archipelago. Spanish forces established a set of fortified settlements in various areas of Luzon, the Visayas and western Mindanao, including the port town of Zamboanga, and forcibly created new villages and towns ‘within earshot of the bells’ of newly built Catholic churches which served as sites of Christian conversion and colonial control across lowland areas of the archipelago. The central areas of Mindanao and the Sulu Archipelago remained outside the orbit of Spanish colonial rule and Christian evangelization, and over the seventeenth, eighteenth, and nineteenth centuries, sultanates evolved which established distinctly Islamic forms of local rule in these southern regions of the Philippine archipelago.

With the American invasion, occupation, and colonization of the Philippines at the turn of the twentieth century, these Islamicized southern areas of the archipelago were incorporated for the first time into a unified state. Violent ‘pacification’ of Muslim

Mindanao and the Sulu Archipelago was effectively achieved by the end of the first decade of the twentieth century, and in due course a Moro Province was established under American military rule. With independence in 1946, the Muslim population of the southern Philippine archipelago thus became a small – perhaps 5% -- minority in a poor, peripheral area of an overwhelmingly Catholic-majority Philippine nation-state.

For the first two decades following independence, ‘national integration’ appeared to be proceeding smoothly within the context of Philippine democracy. Muslims in towns and villages in Mindanao and the Sulu Archipelago elected Muslim mayors, governors, congressmen, and even senators who joined hands with Christian politicians in the two major political parties of the pre-martial law era, the Liberals and the Nacionalistas. Elected representatives of the Muslim population – like their Christian counterparts – remained factionalized and focused upon local patronage politics. Muslims were drawn into national elections, into the national school system, and into the national market much like their Christian counterparts elsewhere across the Philippine archipelago. There were no organizations mobilized in support of independence or other forms of politics which distinguished Muslim areas from other regions of the archipelago.

Yet over the course of the 1950s and 1960s, this pattern of national integration was complicated and compromised by the various ways in which Muslims became subordinated to Christians and

suffered from Christian encroachment. Christian-owned firms dominated inter-island shipping, rice, coconut and sugar milling, and concentration of capital and technology in the cities of the Christianized parts of the archipelago meant that it was Christian banks providing loans and Christian companies providing electricity to those Muslims who could afford to partake in national development in the Philippines. At the same time, Christian-majority political predominance in the national capital, Manila, guaranteed Christian pre-eminence among the holders of pasture lease agreements for cattle ranchers, in the awarding of logging and mine concessions, and the titling of large landholdings in Muslim areas of Mindanao and the Sulu Archipelago. At the same time, both spontaneous migration and government resettlement schemes brought hundreds of thousands of Christian settlers to Muslim areas of the southern Philippines. By the late 1960s, tensions between Muslim and Christian communities, and rivalries between Muslim and Christian politicians, had led to unprecedented incidents of communal violence in areas of central Mindanao.

The Marcos Era

Against this backdrop, the rise of Ferdinand Marcos to the presidency in Manila in 1966, his re-election in 1969, and his proclamation of martial law in 1972 stimulated new forms of mobilization among the Muslim population of the southern Philippines. In 1969, just months after left-wing activists in Manila declared the formation of the new Communist Party of the Philippines and

the New People's Army (NPA), an organization calling itself the Moro National Liberation Front (MNLF) was founded, under the leadership of Nur Misuari, a Muslim professor at the University of the Philippines. The MNLF took the unprecedented step of calling for an independent homeland for the Bangsamoro people – the people of the 'Moro' nation – and mounting an armed guerrilla struggle against the government in support of this goal.

As with the CPP/NPA, the MNLF enjoyed quiet support and protection from local politicians affiliated with the Liberal Party who were at odds with Nacionalista rivals affiliated with the Marcos administration. With Marcos exploiting all the financial and coercive resources of incumbency to win an unprecedented second presidential term in November 1969, and then going on to proclaim martial law and disband Congress in 1972, the MNLF began to grow in areas of Muslim Mindanao and the Sulu Archipelago, even as the CPP/NPA began to achieve 'take-off' elsewhere in the country. This process accelerated after the proclamation of martial law in 1972, as Marcos's subordination of local police forces to the centralized Armed Forces of the Philippines and the AFP's campaign against smuggling, 'warlordism' and 'private armies' targeted opposition politicians, including Muslim congressmen, governors, and mayors affiliated with the Liberal Party. Over the course of the early-mid 1970s, the conflict evolved into a full-blown war in the southern Philippines involving an estimated 85% of the AFP's troops, causing an estimated 50,000 casualties, leading to forced displacement and hardship on a massive scale among the

local population.

In 1976, this conflict subsided with the signing of the Tripoli Agreement, which provided for a formal ceasefire between the AFP and the MNLF and some provision for autonomous government across some thirteen provinces of the southern Philippines. Whilst the promises of new forms of autonomous government were never fully implemented or institutionalized, and the AFP retained bases and checkpoints scattered across the region, the preceding pattern of heightened armed conflict gave way to a new pattern of accommodation. A number of MNLF commanders and MNLF-affiliated politicians were appointed to local government positions or otherwise informally acknowledged as local powerbrokers entitled to a share of state patronage and control over the – legal and illegal – economies of their bailiwicks. At the same time, the late 1970s also saw the fragmentation of the MNLF, as exemplified by the formation of a splinter group known as the Moro Islamic Liberation Front (MILF) under the leadership of the Cairo-educated Islamic intellectual Hashim Salamat in 1977. As signalled by its name and its leadership, the MILF claimed to re-articulate the aspirations for independence among the ‘Moro’ population of the Philippines in distinctly Islamic rather than more secular and communal Muslim nationalist terms. This split has been variously described as the product of the Marcos’ governments meddling and manipulation, as the result of conservative Middle Eastern governments’ efforts to counterbalance Libyan support for the MNLF, and as an ethnic Maguindanao counterweight in Central Mindanao to the ethnic Taosug leadership of the MNLF based in Sulu. Whatever the case

may be, the late 1970s and early-mid 1980s saw a discernible lull in the conflict in the southern Philippines, even as complex patterns of co-optation and factionalization began to erode the organizational and ideological coherence of the struggle for an independent Moro homeland.

The Post-Marcos Era: From Accommodation to Resumption of Conflict

This pattern of accommodation and factionalization began to shift in the mid-1980s in the context of the restoration of democracy in Manila. In 1987 and 1988, prominent figures in the Aquino administration established linkages with elements of the MNLF and the MILF, forging business deals and political alliances for the congressional and local elections. In 1989, moreover, an act was passed in line with provisions in the 1987 Constitution allowing for the creation of a special autonomous region for Muslim Mindanao, with a plebiscite held across 13 provinces and 10 cities to determine whether local residents wished to be included in the new region. In 1990, the Autonomous Region of Muslim Mindanao (ARMM) was formally inaugurated, with Cotabato City as its capital, but with only four provinces – Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi – included within its jurisdiction.

In 1992, Aquino's successor, former AFP Chief of Staff and Defense Secretary Fidel Ramos won the presidency by a narrow margin, with help from the Aquino administration as well as large blocs of votes

‘manufactured’ by political allies in Muslim areas of Mindanao and the Sulu Archipelago. Once elected, Ramos began to forge an alliance with MNLF chairman Nur Misuari, helped propel him to the ARMM in 1996, and placed the hitherto largely notional ARMM on a seemingly firmer institutional and fiscal footing with a Final Peace Agreement signed the same year. But while Misuari’s assumption of office drew the MNLF into an effective alliance with Manila, the ARMM itself remained weakly institutionalized and limited in its resources and oversight powers vis-à-vis municipal mayors and provincial governors with the region, even as the MILF retained its armed strength in central Mindanao and reportedly grew in fighting power and internal discipline.

Meanwhile, the early-mid 1990s saw the emergence of a shadowy group identified as ‘Abu Sayyaf’ (Bearer of the Sword) in the island province of Basilan, which remained outside the ARMM until its belated incorporation in 2001. Small, secretive, and said to have been founded by a veteran of the *jihad* in Afghanistan, the Abu Sayyaf Group was allegedly committed to a distinctly Islamic form of violent struggle, as exemplified by a series of kidnappings and beheadings of Christian missionaries. But knowledgeable sources also identified the Abu Sayyaf Group as a local protection racket enjoying close ties with local Muslim politicians on Basilan, and, by some accounts, clandestine ties to the AFP’s Southern Command (SouthCom) in nearby Zamboanga City.

But this complex pattern of accommodation, co-optation, and

criminalization suffered a reversal in 1998 with the election of Joseph Estrada to the presidency. Estrada had won office without the kinds of alliances which his predecessors had forged with Muslim politicians linked to the MILF and/or the MNLF. Instead, Estrada enjoyed close relations with Christian politicians based in Christian-majority provinces along the fringes of ARMM, who had both business interests in Muslim areas and political interests in stoking Christian fears of ARMM expansion and Muslim aggression in the region. Against this backdrop, in 2000 Estrada launched an 'All-Out War' against the Moro Islamic Liberation Front (MILF) in central Mindanao and initiated moves to remove Misuari from the ARMM governorship and install a close ally in his stead. As large-scale AFP attacks drove the MILF from its well established encampments in central Mindanao and led to major gun battles in the Sulu Archipelago, hundreds of thousands of local residents were forcibly displaced from their homes and communities, leading to untold casualties, hardships, and indignities.

The Southern Philippines and the 'Global War on Terrorism'

It was against this backdrop of renewed conflict in the southern Philippines that Gloria Macapagal-Arroyo assumed the presidency in January 2001 and the Islamist terrorist attacks on New York and Washington, D.C. unfolded on September 11th of the same year. These events helped to set the stage for the continuation – and, at times, the escalation – of conflict in the southern Philippines,

rather than a return to the preceding pattern of accommodation, over much of the first decade of the 21st century.

Indeed, the early 2000s saw the resumption of combat encounters pitting AFP troops against armed contingents of the MILF and the MNLF, with extensive re-deployment of soldiers to the southern Philippines and periodic military manoeuvres of a major scale across large swathes of central Mindanao and the Sulu Archipelago, leading to hundreds if not thousands of casualties and displacing hundreds of thousands of local residents. In addition, the extended presidential term of Gloria Macapagal-Arroyo (2001-2010) witnessed the partial incorporation of this counterinsurgency campaign within the rubric of counter-terrorism operations in close collaboration with the military and intelligence services of the United States government, with hundreds of American troops deployed to Mindanao and the Sulu Archipelago to advise and assist AFP troops in combat operations. These operations greatly diminished the armed strength and effective influence of both the MILF and the MNLF, as seen most dramatically in the forced flight of MNLF chairman Misuari to Malaysia in 2001, and his arrest, deportation to the Philippines, and detention on terrorism charges. In 2005, Zaldy Ampatuan, a close ally of Macapagal-Arroyo and a member of an entrenched local political dynasty, was elected as ARMM Governor, thus signalling the extent of Manila's effective reassertion of control over the southern Philippines.

At the same time, the weakening of the established organizations and modes of warfare of the MNLF and the MILF was accompanied

by – and arguably engendered – the emergence of new forms of violence deployed in the name of the struggle for a Moro homeland and a broader Islamic jihad. From 2003, a series of bombings in cities outside Muslim Mindanao focused attention on evidence of cooperation between elements of the MILF and the shadowy Islamist terrorist network identified as *Jemaah Islamiyah*, whose predominantly Indonesian members were held responsible for the bombings of nightclubs on the Indonesian island of Bali in October 2002 and a series of subsequent detonations in Jakarta (and again on Bali) over the next several years. Meanwhile, the Abu Sayyaf Group began to re-emerge as an armed fighting force in the Sulu Archipelago, first on Basilan and then, in the face of aggressive US-backed AFP operations, shifting – or spreading – to Sulu Province, where it was also accused of harbouring *Jemaah Islamiyah* activists with whom it had made common cause.

Meanwhile, the Macapagal-Arroyo government and the MILF leadership engaged in periodic negotiations and allegedly in quiet collaboration against *Jemaah Islamiyah* operatives and Abu Sayyaf forces enjoying support from ‘rogue’ elements within the MILF. These contacts and discussions eventually bore fruit in the forging of an agreement between the Philippine government and the MILF in August 2008 for the creation of a new institutional rubric for autonomous Muslim government in the southern Philippines, a so-called Bangsamoro Juridical Entity. But Christian politicians in Mindanao and Manila quickly expressed outrage over provisions for Muslim ‘ancestral domain’ and for the extension of the BJE beyond the boundaries of the ARMM, and successfully petitioned

the Supreme Court to declare the agreement unconstitutional in October of the same year. A wave of violence followed this reversal, leading to hundreds of casualties and displacing hundreds of thousands of residents in central Mindanao.

Thus, overall, the history of the conflict in the southern Philippines since the late 1960s has been one of oscillation between two poles. On the one hand, there have been long periods of informal and/or weakly institutionalized agreements and forms of accommodation between Manila and politicians and/or organizations claiming to represent Moro aspirations and grievances. These periods arguably include the long years from independence in 1946 until martial law, and then, in modified form, from 1976 through 2000. On the other hand, there have been shorter periods during which Manila-based politicians have tried to strengthen their prerogatives and the powers of the national government in Muslim areas of Mindanao and the Sulu Archipelago, only to find their efforts countered by violent mobilization by various armed Muslim groups.

The Aquino Administration and the 2012 Peace Agreement

It is against this backdrop that the assumption of the presidency by Benigno “Noy” Aquino III in June 2010 and the announcement of a new agreement between the Philippine government and the MILF in October 2012 should be understood. Aquino came to office as the so-called ‘Global War on Terrorism’ was winding down under the Obama Administration in Washington, D.C., and as a much-publicized massacre in the central Mindanao province of Maguindanao had led to the removal of close Macapagal-Arroyo ally and ARMM Governor Zaldy Ampatuan and the prosecution of various Ampatuan family members for murder and other criminal charges.

With the U.S. government signalling its eagerness to reduce its involvement in the southern Philippines and domestic political opportunities favouring reform of ARMM, Aquino adopted a new approach. In 2011, the president appointed Mujiv Hataman as ‘officer-in-charge’ governor of the ARMM with a mission to reform the corrupt and inefficient workings of the regional government. He also postponed ARMM elections scheduled for later the same year, with re-registration of voters unfolding under the auspices of an established election-watch body in mid-2012 to purge the voters’ lists of fictitious names and enhance the credibility of elections in advance of the 2013 mid-term polls. In early 2011, moreover, Aquino also initiated moves to renew negotiations with

the MILF, meeting with the MILF chairman in Tokyo in August of the same year.

Over the course of 2011 and 2012, negotiations proceeded in Malaysia between the Philippine government and the MILF. These negotiations have been facilitated by the Malaysian government and an International Contact Group (ICG) comprised of the British, Japanese, Turkish, and Saudi Arabian governments and a small group of international NGOs, namely the San Francisco-based Asia Foundation, the Geneva-based Centre for Humanitarian Dialogue, London-based Conciliation Resources, and the Indonesia-based Islamic association Muhammadiyah. These negotiations have borne fruit in a framework agreement announced in October 2012.

The agreement provides for a framework for the establishment of a new Bangsamoro regional government to replace the existing Autonomous Region of Muslim Mindanao (ARMM). The framework agreement defines the ‘core area’ of this Bangsamoro as including the present geographical area of the ARMM, namely the provinces of Basilan, Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi. In addition, the ‘core area’ will also include Cotabato City and Isabela City, as well as areas in Lanao del Norte and North Cotabato which voted for inclusion within ARMM in a 2001 plebiscite, and other contiguous areas where local governments issue resolutions – or 10% of local voters sign petitions – requesting inclusion. Throughout *all* of these areas, inclusion in a Bangsamoro regional government will be contingent on “popular ratification” in some

form, with an international third-party monitory team certifying its credibility and fairness.

The framework agreement provides for the creation of a transition commission consisting of eight members appointed by the MILF (including the chairman) and seven members appointed by the Philippine government. This commission will be responsible for drafting a Bangsamoro Basic Law, which must be ratified by the Philippine Congress and then subjected to popular ratification within the ‘core areas’ of the Bangsamoro territory outlined above. The framework agreement is notable for its stipulation that the form of government in the new Bangsamoro regional entity will be ‘ministerial’ in form, based on a parliamentary system that is intended to strengthen parties, promote policy-based parties, and encourage cooperation among disparate groups, rather than a winner-takes-all system with a strong executive open to capture by ‘traditional politicians’ and ‘local dynasties’. Other provisions of the framework agreement include promises to strengthen Islamic law, to respect the rights of indigenous peoples, to facilitate the decommissioning of MILF troops and the transfer of responsibility for local security from the AFP to a police force answerable to both the Philippine and Bangsamoro governments.

Prospects and Problems for Conflict Resolution

Whilst the agreement between the Philippine government and the MILF has been widely welcomed in Mindanao, Manila, and elsewhere, there are many challenges and constraints facing the path to sustainable conflict resolution in the months and years ahead. In narrowly procedural terms, after all, the agreement has only identified a framework for further negotiations and a process for ratification of a substantive agreement yet to be forged, and the transition commission will have to achieve consensus on a range of contentious issues. If and when the Bangsamoro Basic Law is promulgated by the commission, it must be ratified by the Philippine Congress and its provisions must be squared with the 1987 Constitution, whether through constitutional amendments or otherwise as need be. Ratification by both houses of Congress must be accompanied by popular ratification in the Bangsamoro 'core area', and such ratification must be certified as credible by international observers. These formal processes are anticipated to take until 2016 to unfold.

Beyond the formal procedural hurdles to be overcome, moreover, there are also political obstacles to be negotiated as well. The Aquino administration has signalled its strong commitment to the peace process, but President Aquino's term will end in mid-2016, and even if the administration performs strongly in the mid-term elections in May 2013 the President will be unable to impose his will on recalcitrant or otherwise sceptical members of Congress, especially in the Senate, where the administration is more weakly

represented. Within the Aquino administration there are said to be many sceptics and nay-sayers, with Secretary of the Interior and Local Government Mar Roxas – Aquino’s running mate in 2010 and the ruling Liberal Party’s likely presidential candidate in 2016 – said to be among them, judging from his strong stance against the 2008 agreement. Other contenders for the presidency in 2016 include former president Estrada and Vice President Jejomar ‘Jojo’ Binay (Estrada’s running mate in 2010), whose previous record and current political linkages and leanings do not suggest a strong commitment to promoting a peace accord with the MILF. Thus there is a strong danger that the agreement with the MILF will rise and fall with the Aquino presidency rather than outliving his administration.

Alongside these national-level challenges and constraints facing the peace process are a number of local obstacles to conflict resolution in Mindanao and the Sulu Archipelago as well. Here it is worth noting the inclusion among the Bangsamoro ‘core areas’ of Muslim-majority municipalities and barangays in the predominantly Christian provinces of North Cotabato and Lanao del Norte, as well as the current ARMM capital, Cotabato City, and the Basilan capital city of Isabela, both of which are predominantly Christian. Christian fears and Christian-Muslim tensions in these localities are likely to be exacerbated – and exploited – in the months and years ahead in ways which might lead to localized outbreaks of violence along communal lines. Indeed, it was in precisely such areas where outbreaks of violence occurred in the wake of the Supreme Court’s revocation of the peace agreement of 2008.

At the same time, considerable political conflicts and tensions among within the majority-Muslim ‘core areas’ will also complicate the prospects of whatever Bangsamoro regional government takes shape. Here it is worth noting that the majority-Muslim provinces of the southern Philippines are notable for their linguistic diversity, with the Muslims of the central Mindanao provinces of Lanao del Sur and Maguindanao speaking Maranao, Maguindanao, and other languages distinctly different from the Taosug, Samal, and Yakan tongues spoken across the Sulu Archipelago. Here it is also worth noting that there has never been a single administrative, economic, intellectual, or spiritual hub city in the southern Philippines where Muslims from various provinces could congregate, communicate, and undergo forms of education and socialization which might promote a more deeply shared common ‘Moro’ – or Islamic – identity. Indeed, even avowedly pan-‘Moro’ organizations like the MNLF and the MILF have suffered from the centrifugal pull of local allegiances, with the MNLF largely based in the Sulu Archipelago (especially in Sulu itself) and the MILF’s strongholds largely confined to Maguindanao and neighbouring provinces in central Mindanao, thus roughly replicating the divisions between the Sulu and Maguindanao sultanates of the nineteenth century, not to mention the ‘seven settlements of the lake’ of the Maranao speakers of Lanao del Sur. As for the institutions of Islamic learning in the southern Philippines, they have remained insufficiently institutionalized – and insufficiently well attended – to serve as bases for the strengthening of Muslim identities across the linguistically diverse and geographically scattered ‘core areas’ of

the prospective Bangsamoro regional territory.

More importantly, perhaps, it is also worth mentioning the underlying problem of the existing forms of representative government and elective offices in the municipalities, cities, congressional districts, and provinces which might comprise a new Bangsamoro regional entity. Under the ARMM as it belatedly crystallized in the latter half of the 1990s and has endured over the past decade, these locally elected officials have continued to hold office and have remained enmeshed in structures of state power – and structures of patronage politics – largely outside the control of the Autonomous Region of Muslim Mindanao. These local politicians and their families have entrenched themselves for many years, with local political machines and local business empires which guarantee their continuing role as powerbrokers in local politics for decades to come.

Thus if the Bangsamoro Basic Law spells out a system of local government which reduces the autonomy and authority of these local powerbrokers and interferes with their linkages to Manila, it is likely that they will mount considerable resistance, whether in terms of opposing popular ratification of the Basic Law or otherwise. In addition, even if the framework agreement will in due course produce ratification of a new Bangsamoro regional government, and even if this new government is ‘ministerial’ – i.e. parliamentary – in form, it is unlikely that institutional design alone will prevent effective local ‘state capture’ by local Muslim bosses and political dynasties as has occurred with the ARMM. With their control

over local police forces and other armed formations, these local powerbrokers are also likely to continue to engage in the various forms of local feuding (*rido*) which have also plagued the southern Philippines and undermined efforts to establish new forms of local representative governance among the Muslim populations of the region.

In conclusion, overall there remain considerable obstacles to the full implementation of the framework agreement of October 2012, in procedural, institutional, and political terms. The current agreement may well provide the basis for a return to the accommodationist and co-optative patterns of earlier years after a decade of on-again, off-again armed conflict in the southern Philippines. But the uncertainties and anxieties – and hopes and expectations – produced by the framework agreement may also provoke new forms of violence as well. Even if the framework agreement does lead to the ratification and institutionalization of a new Bangsamoro regional government, the deep problems of the southern Philippines are likely to remain entrenched for years to come, thus requiring continued efforts – local, national, and international – to promote cooperation between Muslims and Christians, and among Muslims, in a region which has suffered from recurring violent conflict over the past several decades.

Implications

Given the complexity of the history and of the current situation in the southern Philippines, and the ambiguities and uncertainties surrounding the exact form and future prospects of the October 2012 framework agreement between the Philippine government and the MILF, it is difficult to discern the broader implications of the longstanding conflict and the latest efforts to achieve conflict resolution in this region of the world. Yet at least some provisional conclusions can be drawn from the case of the southern Philippines which are of broader relevance for understanding other conflicts, and other efforts to promote conflict resolution, elsewhere.

First of all, the longstanding conflict in the Philippines exemplifies problems of national integration in ethnically, regionally, and religiously diverse countries in which established patterns of democratic politics are interrupted by more authoritarian forms of rule. It was the aggregation of power under Ferdinand Marcos in the late 1960s and early 1970s, and then his declaration of martial law in 1972 which stimulated the armed rebellion by the Moro National Liberation Front, and the legacies of the martial law era – in terms of militarization in particular – continue to haunt the southern Philippines today. It was likewise the return to more assertive and aggressive policies and politics by presidents Estrada and Macapagal-Arroyo at the turn of the 21st century which returned the region to open armed conflict after many years of informal accommodation. *The varying quality of democracy, and the varying capacities and inclinations of national-level democratic leaders*

for accommodation are crucial determinants of conflict, on the one hand, and conflict mitigation and management, on the other.

Second, both the longstanding conflict and recurring efforts at conflict resolution in the southern Philippines have been in various ways enabled and impelled by international developments and trends. Marcos's aggregation of power in the late 1960s and early 1970s and his proclamation of martial law and aggression in the southern Philippines were endorsed and encouraged by the Nixon Administration in Washington, D.C. in the context of broader threats to American power in Southeast Asia and elsewhere during the Cold War. The Estrada and Macapagal-Arroyo administrations' aggressive and interventionist stance in the southern Philippines was likewise actively assisted and egged on by the Clinton and George W. Bush administrations in Washington, D.C. in the context of what evolved into the 'Global War on Terrorism' after September 2001. By the same token, the efforts of the Obama Administration since 2008 to de-escalate and resolve conflicts and tensions in some – though not all – parts of the Muslim world through diplomacy have clearly presented a more hospitable environment for conflict-resolution efforts in the southern Philippines. *Changes in international political climate shape national governments' responses to challenges and forms of mobilization from among aggrieved minority populations.*

Third and finally, both the longstanding conflict and recurring efforts at conflict resolution in the southern Philippines have also been shaped by constellations of centre-local relations and by the

machinations and machineries of local politics. This dynamic is evident in the period of political ‘quiescence’ in Muslim areas of Mindanao and the Sulu Archipelago in the 1950s and 1960s, the emergence and evolution of the MNLF in the late 1960s and early 1970s, the two subsequent decades of modified re-accommodation if not full re-incorporation of local Muslim powerbrokers into local government, and the return to conflict at the turn of the 21st century. This pattern reflected successive shifts in the terms of exchange between Manila and local powerbrokers in the southern Philippines, with informal alliances – and conflicts – between and among local and national-level politicians determining the ebb and flow of conflict over the years. In the case of the southern Philippines, these dynamics mattered more than symbolic issues of ‘identity’ politics, more than Islam as a faith, more than communal tensions between Muslims and Christians, and more than shared aspirations, grievances, or solidarities among the diverse and dispersed Moro population as a whole. *Conflicts involving mobilization among minority populations involve issues of local politics, in which centre-local elite linkages, and the interests and actions of local powerbrokers figure at least as prominently as the identities of minority populations at large.*

These lessons are suggestive with regard to conflicts – and conflict resolution efforts – in other areas of Southeast Asia where national integration has unfolded in problematic ways, and where minority populations have been drawn into what are variously described as ‘separatist’, ‘secessionist’ or ‘national liberation’ struggles of varying popularity and political success. Here the resurgence of violent

conflict in southern Thailand since 2001 in striking parallel with developments and trends in the southern Philippines comes to mind, as do the highly variegated trajectories of conflicts in East Timor, Aceh, and Papua since Indonesia experienced a transition from authoritarian rule at the turn of the century. Here it is also worth noting the shifting prospects for the diverse ethnically-based insurgencies in Burma as the authoritarian rule has shifted from narrowly centralized military to more parliamentary and decentralized institutional forms. Beyond Southeast Asia, moreover, in the post-Cold War context of declining American hegemony and emerging multipolarity, and in an era of globalization, democratization, and decentralization, shifts in the international, national, and local structures of power will continue to shape conflicts and conflict resolution efforts in troubled minority regions around the world, much as they have for the Muslim areas of the southern Philippines.

Map of the Autonomous Region of Muslim Mindanao (ARMM)



Appendix:

DPI Board and Council of Experts

Director:

Kerim Yildiz

Kerim Yildiz is Director of DPI. He is an expert in international human rights law and minority rights, and is the recipient of a number of awards, including from the Lawyers Committee for Human Rights for his services to protect human rights and promote the rule of law in 1996, the Sigrid Rausing Trust's Human Rights award for Leadership in Indigenous and Minority Rights in 2005, and the Gruber Prize for Justice in 2011. Kerim has written extensively on human rights and international law, and his work has been published internationally.

DPI Board Members:

Nicholas Stewart QC (Chair)

Barrister and Deputy High Court Judge (Chancery and Queen's Bench Divisions), United Kingdom . Former Chair of the Bar Human Rights Committee of England and Wales and Former President of Union Internationale des Avocats.

Professor Penny Green (Secretary)

Head of Research and Director of the School of Law's Research Programme at King's College London and Director of the International State Crime Initiative (ICSI), United Kingdom (a

collaborative enterprise with the Harvard Humanitarian Initiative and the University of Hull, led by King's College London).

Priscilla Hayner

Co-founder of the International Center for Transitional Justice, global expert and author on truth commissions and transitional justice initiatives, consultant to the Ford Foundation, the UN High Commissioner for Human Rights, and numerous other organisations.

Arild Humlen

Lawyer and Director of the Norwegian Bar Association's Legal Committee. Widely published within a number of jurisdictions, with emphasis on international civil law and human rights. Has lectured at law faculties of several universities in Norway. Awarded the Honor Prize of the Bar Association for Oslo for his work as Chairman of the Bar Association's Litigation Group for Asylum and Immigration law.

Jacki Muirhead

Practice Director, Cleveland Law Firm. Previously Barristers' Clerk at Counsels' Chambers Limited and Marketing Manager at the Faculty of Advocates. Undertook an International Secondment at New South Wales Bar Association.

Professor David Petrasek

Professor of International Political Affairs at the University of Ottawa, Canada. Expert and author on human rights, humanitarian law and conflict resolution issues, former Special Adviser to the Secretary-General of Amnesty International, consultant to United Nations.

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Expert in humanitarian, development, peacemaking and peacebuilding issues. Consultant on women, peace and security; and strategic issues to clients including the Centre for Humanitarian Dialogue, the European Peacebuilding Liaison Office, the Global Network of Women Peacemakers, Mediator, and Terre des Hommes.

DPI Council of Experts

Dr Mehmet Asutay

Reader in Middle Eastern and Islamic Political Economy and Finance at the School of Government and International Affairs, Durham University. Researches, teaches and supervises research on Middle Eastern economic development, the political economy of Middle East including Turkish and Kurdish political economies, and Islamic political economy. Honorary Treasurer of the British Society for Middle East Studies and of the International Association for Islamic Economics. His research has been published in various journals, magazines and also in book format.

Christine Bell

Legal expert based in Northern Ireland; expert on transitional justice, peace negotiations, constitutional law and human rights law advice. Trainer for diplomats, mediators and lawyers.

Cengiz Çandar

Senior Journalist and columnist specializing in areas such as The Kurdish Question, former war correspondent. Served as special adviser to Turkish president Turgut Ozal.

Yilmaz Ensaroğlu

SETA Politics Economic and Social Research Foundation. Member of the Executive Board of the Joint Platform for Human Rights, the Human Rights Agenda Association (İHAD) and Human Rights

Research Association (IHAD), Chief Editor of the Journal of the Human Rights Dialogue.

Salomón Lerner Febres

Former President of the Truth and Reconciliation Commission of Perú; Executive President of the Center for Democracy and Human Rights of the Pontifical Catholic University of Perú.

Professor Mervyn Frost

Head of the Department of War Studies, King's College London. Previously served as Chair of Politics and Head of Department at the University of Natal in Durban. Former President of the South African Political Studies Association; expert on human rights in international relations, humanitarian intervention, justice in world politics, democratising global governance, just war tradition in an Era of New Wars and ethics in a globalising world.

Martin Griffiths

Founding member and first Executive Director of the Centre for Humanitarian Dialogue, Served in the British Diplomatic Service, and in British NGOs, Ex -Chief Executive of Action Aid. Held posts as United Nations (UN) Director of the Department of Humanitarian Affairs, Geneva and Deputy to the UN Emergency Relief Coordinator, New York. Served as UN Regional Humanitarian Coordinator for the Great Lakes, UN Regional Coordinator in the Balkans and UN Assistant Secretary-General.

Dr. Edel Hughes

Senior Lecturer, University of East London. Expert on international human rights and humanitarian law, with special interest in civil liberties in Ireland, emergency/anti-terrorism law, international criminal law and human rights in Turkey and Turkey's accession to European Union. Previous lecturer with Amnesty International and a founding member of Human Rights for Change.

Professor Ram Manikkalingam

Visiting Professor, Department of Political Science, University of Amsterdam, served as Senior Advisor on the Peace Process to President of Sri Lanka, expert and author on conflict, multiculturalism and democracy, founding board member of the Laksham Kadirgamar Institute for Strategic Studies and International Relations.

Bejan Matur

Renowned Turkey based Author and Poet. Columnist, focusing mainly on Kurdish politics, the Armenian issue, daily politics, minority problems, prison literature, and women's issues. Has won several literary prizes and her work has been translated into 17 languages. Former Director of the Diyarbakır Cultural Art Foundation (DKSV).

Jonathan Powell

British diplomat, Downing Street Chief of Staff under Prime Minister Tony Blair between 1997- 2007. Chief negotiator in Northern Ireland peace talks, leading to the Good Friday

Agreement in 1998. Currently CEO of Inter Mediate, a United Kingdom -based non-state mediation organization.

Sir Kieran Prendergast

Served in the British Foreign Office, including in Cyprus, Turkey, Israel, the Netherlands, Kenya and New York; later head of the Foreign and Commonwealth Office dealing with Apartheid and Namibia; former UN Under-Secretary-General for Political Affairs. Convenor of the SG's Executive Committee on Peace and Security and engaged in peacemaking efforts in Afghanistan, Burundi, Cyprus, the DRC, East Timor, Guatemala, Iraq, the Middle East, Somalia and Sudan.

Rajesh Rai

Rajesh was called to the Bar in 1993. His areas of expertise include Human Rights Law, Immigration and Asylum Law, and Public Law. Rajesh has extensive hands-on experience in humanitarian and environmental issues in his work with NGOs, cooperatives and companies based in the UK and overseas. He also lectures on a wide variety of legal issues, both for the Bar Human Rights Committee and internationally.

Professor Naomi Roht Arriaza

Professor at University of Berkeley, United States, expert and author on transitional justice, human rights violations, international criminal law and global environmental issues.

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