



# Peace Monitor

ALTERNATE FORUM FOR RESEARCH IN MINDANAO, INC.

FOURTH QUARTER, 2008

## Chasing the elusive peace in Mindanao

### Monthly highlights (2008)

#### May

10- Malaysia, IMT's leader, pulled out half of its contingents from Mindanao.

#### July

- 01 - Armed skirmishes started in Aleosan, Cotabato
- 21- Cotabato Sangguniang Panlungsod passed a resolution opposing its inclusion to the proposed Bangsamoro Juridical Entity
- 24- GRP-MILF started talks in Malaysia; Administration congressmen filed a bill to postpone the ARMM August 11 election
- 27- MOA-AD initiated by both panels at Kuala Lumpur, Malaysia

#### August

- 05 - stalled MOA-AD formal signing at Malaysia
- 15 - Supreme Court held oral arguments on MOA-AD issue
- 21- GMA announced new paradigm for peace: disarmament, demobilization and reintegration (DDR) and community dialogues

#### September

- 03- GRP peace panel headed by Ret. Gen. Rodolfo Garcia dissolved

#### October

- 14- Supreme Court declared MOA-AD unconstitutional
- 31- Muslim Legal Assistance Foundation filed motion for MOA-AD's reconsideration

#### November

- 30 - IMT's tour of duty ended

#### December

- 01- new GRP peace panel headed by Department of Foreign Affairs Undersecretary Rafael Seguis announced

The GRP-MILF exploratory talks started in August 1996, a month after the signing of the Final Peace Agreement (FPA) of the GRP-MNLF peace talks in 1996 (Santos, 2005) with the agreed single point agenda of solving the real Bangsamoro problem which is the “illegal and immoral annexation of Mindanao and Sulu into the national territory of the Philippines in granting of the Philippine independence in 1946.” (Iqbal, 2008). The peace negotiation went on for more than a decade. Armed conflict in Mindanao however escalated in 2008 due to the aborted signing of the Memorandum of Agreement on Ancestral Domain (MOA-AD).

### The unconstitutionality of the MOA-AD

The last quarter of 2008 highlights the SC's declaration of the MOA-AD as unconstitutional with 8-7 votes (Arguillas, 2008a).

Mainly, the SC's declaration was based on two major issues namely: 1) that the Office of the Presidential Adviser on the Peace Process (OPAPP) and the GRP panel “violates the constitutional and statutory provisions on public consultation and the right to information when they negotiated the MOA-AD” and 2) “that the contents of the MOA-AD violates the Philippine Constitution” (Santos, 2008).

Specifically, the SC raised the following issues:

- a. the Presidential Adviser on Peace Process has committed grave abuse of discretion when he failed to consult the local government units or communities as

mandated by Executive Order No. 3 entitled Defining Policy and Administrative Structure for Government's Comprehensive Peace Efforts. As stated in the said EO issued on 28 February 2001, a National Peace Forum with peace advocates and concerned sectors in both local and national level shall be conducted by the PAPP in order to facilitate people's participation and build consensus for a peace agenda and process (Arguillas, 2008b).

b. The MOA-AD cannot be accommodated in the present Philippine Constitution due to its concept of "associative relationship" between the GRP and the Bangsamoro Juridical Entity (BJE) which "presupposes that the associated entity is a state and implies that the same is on its way to independence" (Rempillo, 2008).

c. The MOA-AD implicitly assures that necessary amendments to the Constitution will be done even if neither the GRP peace panel nor the President is authorized to make such an assurance. This constituent power is vested only in Congress, a constitutional convention or people's initiative (Rempillo, 2008).

Nevertheless, the SC recognized the MOA-AD's significance in the implementation of the GRP-MILF Tripoli Agreement on Peace signed in June 2001 which is considered as the "mother" of all the agreements. This implies that the MOA-AD could still be renegotiated or another one could be crafted (Rempillo, 2008).

Two weeks after the SC's declaration, the Muslim Legal Assistance Foundation, Inc. and the Consortium of Bangsamoro Civil Society filed a Motion for Reconsideration. This was not granted by the SC because the latter failed to present any new issue that might justify the reconsideration of the case (Luwaran, 2008).

### **Costs of war**

There is no exact national figure of displaced persons caused by the escalation of armed conflict between the government and MILF forces after the stalled MOA-AD signing due to the absence of a systematic monitoring of displacement and return movements. Based on the reports of the Internal Displacement Monitoring Centre (IDMC) from August until

November 2008, there were more than 600,000 internally displaced persons (IDP) in Mindanao, 83 persons killed, and 104 injured, mostly were civilians (NDCC, 2008).

Moreover, an average of PhP2.6 million was spent everyday for relief assistance to the victims of armed conflict (Arguillas, 2008c). The IDPs, mostly children, died because of inadequate provision of basic needs and services like food and medicine. Around 550 students had also dropped out of school due to the destruction of their classrooms, traumatic experiences of war and the perceived danger and insecurity within the school premises (Manar, 2008). As of 4 October 2008, damage to agriculture and infrastructure was recorded at PhP189,315,837 (NDCC, 2008). Figures might have gone up at the end of the year.

### **Calls for intervention of international community**

With the serious and glooming effects of war, various peace advocacy groups have called on the intervention of the international community particularly in urging both panels to return to the negotiating table. As a response, Oxfam, a United Kingdom-based aid agency, released a statement that there is a real humanitarian crisis happening in Mindanao (Fernandez, 2008). The European Union and the United Nations' World Food Program extended financial help for relief operations. Some efforts were also done by civil society organizations such as handing over a letter to Pope Benedict XVI asking him to help convince the GRP and MILF to resume the peace talks.

In contrary, Senator Rodolfo Biazon, the chair of the Senate Committee on National Defense and Security urged the government to try conducting the peace talks without any foreign intervention (Luwaran, 2008). This is in response to the government's call for foreign countries to participate in the peace process as a replacement of Malaysia since its tour of duty as IMT leader ended in November 2008. Although there were other countries who responded to the said call but none was actualized because the peace talk was again stalled.

### **Lessons from the 2008 events**

*Fast turn-over of GRP panel members.* The GRP frequently change the composition of its panel members for various reasons. GRP panel chair Jesus Dureza served from 2001 to 2003, Silvestre C. Afafe Jr. from 2003-2007, Rodolfo Garcia from 2007-2008 and currently Foreign

Affairs Undersecretary Rafael Seguis beginning December 2008. Changes in the GRP panel leadership through the appointment of the President affect the peace negotiation process. Every new appointment entails time and effort to be familiarized with the dynamics of the Mindanao conflict and the previous agreements and mechanics of the peace negotiations.

It is more beneficial to have one GRP panel head throughout the duration of the peace negotiations to achieve consistency in terms of planning and decision-making. The GRP panel head and members should be a Mindanaoan, and has understood the historical context of the Mindanao problem.

*High level of distrust.* Due to the frequent impasse of the talks, the MILF has been questioning the sincerity of the government in concluding the peace negotiation. According to the MILF, the government has been using various delaying tactics just to prolong the peace process (Pañares, 2008).

The political will and sincerity of the President are key factors to the success of peace talks. Atty. Soliman Santos, a known peace advocate and legal scholar, has stated that the “best peace policy” so far was that of former President Fidel V. Ramos for it consistently and willfully pursued and successfully ended the GRP-Moro National Liberation Front (MNLF) peace negotiations in 1996 (Santos, 2005).

*Failure of communication within government.* When the MOA-AD controversy erupted, there were claims that the President had not yet read the document when it was supposed to be signed by the GRP panel. People asked how come the panel initialed the MOA-AD without the President knowing the content of the document. A mechanism should be in place to ensure accountability of the GRP panel and transparency in decision-making.

*Participation in the peace process of all stakeholders.* There seemed to be lack of consultation at the grassroots level. The National Peace Forum which mandated the OPAPP to consult all stakeholders in Mindanao was never held (Arguillas, 2008b). There were already fora, seminars, workshops on the Mindanao peace process and the MOA-AD, but were conducted with civil society organizations and networks. None reportedly happened within the barangay or community level. Particular for the IP, they claimed that they were invited to the actual peace talks only as observer but were not consulted during decision-making process.

With the executive department’s change in peace process policy in August, the President has decided to tap the Bishop-Ulama Conference (BUC), an interfaith group composed of bishops and Muslim religious leaders in Mindanao to lead civil society organizations in the conduct of series of Mindanao-wide consultation on the peace process. The BUC has been active in supporting the peace process since 1996 “through the promotion of mutual understanding, acquaintance and friendship as well as reconciliation through repentance and forgiveness” (PNA, 2008).

Cotabato Archbishop Orlando Quevedo says “if the definitive and lasting peace accord would be forged between the government and the MILF, it will contain the substantial principles of the MOA-AD, surely expressed in a different way but essentially balancing two postulates -- Moro self-determination and the territorial integrity and sovereignty of the Philippines -- and firmed up through widespread consultation” (Mindanews, 2008).

*Widened peace constituency.* A massive, intensive and continuing campaign for peace and information drive on the historical context of the Mindanao problem is needed to keep the people aware and help them understand the present Mindanao situation. Mindanao history must be an integral part of the primary and secondary schools’ curriculum so as not to pass on the inherited biases against the Moro, Lumad or Christian. Mindanao has a distinct history, thus, it should be included in Philippine history textbooks. As a social researcher and peace advocate Maugan Buat Mosaid puts it, “any attempt to build peace will not succeed unless we build critical mass of supportive peace constituency” (Mosaid, 2008).

The media plays a crucial role in projecting balanced and objective information on Mindanao issues and lessening the biases of people especially among settlers and Moro-dominated communities.

### **One of the efforts**

Genuine peace and sustainable development can be anchored on four basic elements namely, socio-economic well-being, identity as a people, intra and interpersonal transformation and good governance. Today, civil society efforts concentrate on pushing for

the resumption of the peace negotiations and rehabilitation of conflict-affected areas. Government's sincerity in achieving genuine peace is again put to question.

The search for peace continues.

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## Peace Monitor

A monthly analyses on the updates of the peace negotiations between the GRP and the MILF. It also contains issues involving efforts of the government and the civil society towards peace and development in Mindanao.

### Alternate Forum for Research in Mindanao (AFRIM), Inc.

**Address** : Unit 1H Anda Corp. Centre,  
F. Iñigo St., Davao City, Philippines  
**Phone** : (082) 226-4592  
**Fax** : (082) 226-3932  
**Email Add** : info@afrim.org.ph  
**Website** : <http://www.afrim.org.ph>