

The Philippines: Back to the Table, Warily, in Mindanao

I. OVERVIEW

Peace talks between the Philippine government and the Moro Islamic Liberation Front (MILF) are back on track, with one round of talks in Kuala Lumpur in February 2011 and another scheduled for late April. The obstacles to achieving a final peace are huge, but the administration of President Benigno S. “Noynoy” Aquino III has at least brought some fresh air to the process. A new government peace panel seems determined to find a way out of a negotiator’s nightmare: multiple parties engaged in parallel and sometimes contradictory talks; powerful potential spoilers; and ethnic divisions, feuding clans and divergent political interests among the Bangsamoro – the Muslims of Mindanao and the Sulu archipelago – that make unity within the MILF’s own constituency elusive.

Enough commitment exists on both sides to move forward despite these obstacles, but the two parties need to recognise some hard truths. One is that, sooner or later, the separate peace processes with the Moro National Liberation Front (MNLF) and the MILF will have to converge, and more thought is needed now about how to make it happen. Another is that there is deep scepticism, not just in Manila but also in the Moro heartland, about the capacity to make any autonomous government in Mindanao work; the MILF thus needs to do more even before a peace agreement is signed to show with concrete actions that its end product will be a qualitative improvement over the existing Autonomous Region of Muslim Mindanao (ARMM).

The MILF remains committed to the creation of an autonomous sub-state “in association” with the Philippines. In the past, opponents have seen this as an assault on Philippine sovereignty and fought against both the concept and the proposed boundaries of a Moro homeland. Also standing in the way of a sub-state is the ARMM itself, a dysfunctional unit created by the Philippine Congress in 1989 as part of the post-Marcos effort to reach out to regional insurgencies, then slightly expanded in 2001. Its fate is an issue in the government’s talks with both the MNLF and MILF and thus a major reason for finding a way to coordinate the two sets of negotiations. The history of corruption and poor governance in ARMM since

its founding is also used as ammunition by critics to argue against any plan that would result in an expansion of its powers or territorial reach.

The Aquino government has not made its negotiating stance public, but it seems to accept in principle the idea of a sub-state as long as its territory is contiguous; the details will be the hard part. It also understands the need for consultations with and buy-in from potential opponents and is determined to avoid the pitfalls that led to the 2008 breakdown of negotiations.

The talks would be difficult enough if this were all the negotiators had to contend with, but there are other complications. Government unhappiness with the Malaysian facilitator, Datuk Othman Abdul Razak, delayed resumption until 2011, as Manila pressed for his removal; while he now is likely to be replaced, it remains to be seen whether Manila will find his successor more impartial. A move in December 2010 by Ameril Umbra Kato, a key commander, to break away from the MILF’s army, the Bangsamoro Islamic Armed Forces, and establish his own unit has raised concerns about the extent of MILF command and control. The bombing of a bus in Manila’s main business district in late January 2011 led to media speculation about the possible involvement of extremists from the Abu Sayyaf Group (ASG) or the MILF, raising the old spectre of links to terrorists, though the perpetrators were never identified.

Through all of these difficulties, the complex architecture of the government-MILF peace process has been one of its strengths, providing a framework for monitoring and dispute resolution that survives changes of administration and keeps a range of stakeholders engaged. But the parties need to find a way to move beyond the status quo, a ceasefire stretching indefinitely into the horizon without ever reaching a political settlement that enough people can accept to make it both legitimate and enforceable.

The talks now underway could produce one of three possible outcomes. One would be a final comprehensive compact formally ending the conflict and creating a new autonomous region. Another would be protracted negotiations that never quite manage to reach an end but have enough forward momentum to keep the MILF rank and file on board and the ceasefire mechanisms in place. The

third would be breakdown, triggered by either frustration on the MILF side at lack of progress or an external event, such as an attack and retaliation in the field. History is not on the side of successful resolution. Nevertheless, with genuine political will in Manila, there may be room for cautious optimism.

II. RESUMING TALKS

On 9-10 February 2011, for the first time since the Aquino administration came to power, the MILF and the government negotiating panels met formally in Kuala Lumpur. It was a long road back to the table. Resumption of hostilities in 2008 had displaced hundreds of thousands in central Mindanao. In July 2009, the government of President Gloria Macapagal Arroyo suspended military operations in a bid to get an agreement before she left office, and the MILF reciprocated. A substantive pact did not materialise, however, and the horrific massacre in November 2009 of 58 people in Maguindanao by members of a clan politically allied to Arroyo put an end to any effort on her part to leave with a positive legacy.¹ Her successor, President Aquino, promised a more constructive stance, but delays in naming a government negotiating team and a dispute over Datuk Othman Razak, the Malaysian facilitator, led to delays and frustration in MILF ranks, to the point that some began calling for a return to armed struggle.

The return to talks is thus in some ways a triumph in itself, but there is a marked difference in approach of the two sides. For the MILF, talking is in some ways the default option. There is little excitement about going back and doing more of the same, even with a new partner; there seems to be a sense of jaded fatalism that when push comes to shove, this government will show little more spine than the last. The new government team, by contrast, is fired up, convinced that with a new approach, some fresh ideas and the president's backing, a real breakthrough is possible.

A. CLIMBING BACK FROM COLLAPSE

The ill-fated 2008 Memorandum of Agreement on Ancestral Domain (MOA-AD) is the giant shadow hanging over the current talks, a powerful reminder of how badly things can go wrong.² In it, the two parties had agreed to parameters for a final peace agreement that would grant extensive powers and territory to a future autonomous region known as the Bangsamoro Juridical Entity (BJE). When

the text became public in July 2008, two Christian politicians, North Cotabato Vice-Governor Emmanuel Pinol and Zamboanga City Mayor Celso Lobregat, filed petitions with the Supreme Court to stop implementation. Both were outraged at the planned geographic scope of the new entity, which included their spheres of influence, and argued that the "associative" relationship envisioned between the BJE and the central government was unconstitutional. The court issued a temporary restraining order, derailing at the last minute the planned signing of the MOA-AD in Malaysia on 5 August.

Clashes between the MILF and government forces, which had been increasing even before the court injunction, escalated.³ Hundreds of thousands were displaced and more than 200 killed by late September.⁴ The government placed bounties on the heads of three "renegade" MILF commanders held responsible for attacks on civilians and dissolved its peace panel. On 14 October, the Supreme Court ruled the MOA-AD unconstitutional. The decision made it clear that any final settlement with the MILF would require constitutional change. The mandate of the Malaysia-led International Monitoring Team (IMT) expired, and in late November, its last twelve Malaysian members left the Philippines.⁵ Military operations continued until both sides agreed in July 2009 to suspend hostilities. This paved the way for resuscitation of the peace process, with the two sides meeting informally in Kuala Lumpur on 28-29 July.

Progress during the last few months of the Arroyo government was marginal. On 15 September 2009, the parties agreed to create the International Contact Group, composed of governments and civil society organisations acting in an advisory capacity to them.⁶ Formal negotiations

³ Attacks on 18 August 2008 in Lanao del Norte killed 28 civilians, three soldiers and a policeman.

⁴ Crisis Group Briefing, *The Philippines: The Collapse of Peace in Mindanao*, op. cit., p. 13.

⁵ "Mindanao fears peace monitor exit", BBC News, 2 December 2008.

⁶ "Framework Agreement on formation of the International Contact Group for the GRP-MILF Peace Process", GRP and MILF peace panels, 15 September 2009. There is no connection between the International Contact Group (ICG) and the International Crisis Group, which is also sometimes known by its initials. As of March 2011, the International Contact Group is comprised of representatives of Saudi Arabia, Turkey, the UK, Japan, the Asia Foundation, the Centre for Humanitarian Dialogue, the Indonesian social organisation Muhammadiyah and Conciliation Resources. Other parts of the peace process architecture include local ceasefire monitoring committees (Coordinating Committees for the Cessation of Hostilities, CCCH) and the small IMT with representation from Malaysia, Brunei, Japan and Libya, and as of 2011, the European Union (EU) and Norway. Saudi Arabia and Indonesia were expected to join the IMT later in the year to bring it to its full strength of 60 per-

¹ On the massacre and its immediate aftermath, see Crisis Group Asia Briefing N°98, *The Philippines: After the Maguindanao Massacre*, 21 December 2009.

² See Crisis Group Asia Briefing N°83, *The Philippines: The Collapse of Peace in Mindanao*, 23 October 2008.

resumed in December, and the two panels agreed to renew the mandate of the IMT.⁷ But there was little agreement on anything else. Although the parties had agreed to frame their drafts for their January 2010 meeting around seven consensus points, the documents exchanged in Kuala Lumpur were so different that the MILF negotiating panel refused to attend the second day of talks.⁸

The government proposal was closer to enhanced autonomy within the pre-existing framework of the ARMM, whereas the MILF, in what it called a “comprehensive compact on interim governance”, proposed a sub-state with control over most aspects of governance except external defence, postal service, foreign relations and currency, which would be retained by the central government. Constitutional amendments would be necessary in order to accommodate a basic law that would set up the new entity. The MILF draft suggested a six-year transition period and, with a few modifications, has been brought back into the current round of talks.⁹

With the International Contact Group trying to bridge the gap, further talks yielded very little: a joint statement on efforts to return the internally displaced and clear landmines and unexploded ordnance, signed in April 2010, and a six-point interim agreement, the “Declaration of Continuity for Peace Negotiations”, signed in June, that said almost nothing.¹⁰

sons. A Civilian Protection Component (CPC) of the IMT, composed of NGOs, was created in 2010 to ensure compliance of both parties with their obligations under international human rights and humanitarian law to protect civilians. The Ad Hoc Joint Action Group (AHJAG) is a forum through which the government and MILF work together to pursue criminals, extortionists and terrorists. Renewal of the mandates for the IMT and AHJAG in February 2011 were important precursors to addressing the harder substantive issues on the table.

⁷ Its members returned to the Philippines on 28 February 2010.

⁸ The seven points were identity and citizenship; government and structure; security arrangements; wealth-sharing, natural resources and property rights; restorative justice and reconciliation; implementation arrangements; and independent monitoring. See Patricio Diaz, “GRP, MILF clash in drafts (2): the drafts”, www.mindanews.com, 19 March 2010.

⁹ “Peace agreement between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front” and “Government of the Republic of the Philippines and Moro Islamic Liberation Front Comprehensive Compact on Interim Governance”, copies on file with Crisis Group.

¹⁰ Without breaking any new ground on the core issues of power-sharing or territory, the interim agreement stated the need to build on the consensus points already achieved and to “re-frame” those on ancestral domain. It is available in full at www.luwaran.com.

B. AQUINO AND MINDANAO

Mindanao was not a high priority for any of the presidential candidates in the May 2010 elections, but compared to his opponents, Benigno Aquino seemed more likely to pursue a political settlement seriously.¹¹ During the campaign, he delivered a speech on security issues in which he said:

The rejection of the MOA-AD has taught valuable but costly lessons to the advocates of peace. The absence of a clear national policy and coherent strategy for peace negotiations led to confusion and false expectations across the table. The negotiations were done secretly and without involving the views of key stakeholders The result was a patchwork of provisions in a document that caused greater division than unity.¹²

In late May, Aquino appointed Teresita “Ging” Deles as presidential adviser on the peace process, a role she had held between 2003 and 2005 under President Arroyo. The difference this time was that Deles had campaigned hard for Aquino, had easy access to him and was guaranteed presidential support. Other appointments followed slowly, with Marvic Leonen, dean of the University of the Philippines College of Law and a constitutional expert, named negotiating panel chair on 15 July.¹³

The MILF was angered by the new administration’s delays in putting its team together, efforts to replace Malaysia as the facilitator and moves to curtail the role of the International Contact Group, to the point that MILF Chairman Al Haj Murad Ebrahim warned in a press conference on 9 August that the talks could be in peril.¹⁴ He also

¹¹ But Mindanao is not a priority for Aquino, according to a senior military official posted on the southern island. In August, he observed: “There is no Mindanawon in his cabinet”. Crisis Group interview, Davao, 13 August 2010.

¹² Speech delivered by Senator Benigno Aquino Jr to the Peace and Security Forum, Mandarin Oriental hotel, Makati, 22 April 2010. He struck a similar tone in his first state of the nation address in July 2010.

¹³ Deles was one of ten cabinet members who resigned over allegations that Arroyo had cheated in the 2004 elections. See details on the “Hello Garci” scandal in Crisis Group Asia Report N°152, *The Philippines: Counter-insurgency vs. Counter-terrorism in Mindanao*, 14 May 2008, p. 23. Other panel members were Miriam Coronel-Ferrer, a political science professor and Senen Bacani, former agriculture secretary; Ramon Piang, Sr., vice mayor of Upi, Maguindanao and an ethnic Teduray; and Hamid Barra, the head of the National Commission on Muslim Filipinos.

¹⁴ “MILF girds for war, Aquino braces for talks”, *Daily Inquirer*, 11 August 2010. The press conference was also the first time Murad had spoken to the press since the August 2008 violence. Crisis Group interview, Manila-based journalist, Manila, 11 August 2010.

pointed out that the government was better off reaching a political settlement now, as “the next generation would be more militant”.¹⁵

The government gave in on Malaysia, despite deep suspicions within Manila’s political elite of a hidden Malaysian agenda.¹⁶ President Aquino had publicly floated the possibility of Indonesia taking on the facilitator’s role, but the MILF was opposed.¹⁷ In the end, a senior government official said, the MILF was so invested with Malaysia, and vice versa, that trying to shift to another country would have needlessly delayed the process.¹⁸

In early September, the MILF named its panel, returning Mohagher Iqbal as chair and including one new member, Professor Abhoud Syed Lingga, of the Institute of Bangsamoro Studies in Cotabato City.¹⁹ Although the government had promised talks would resume soon after the Muslim fasting month was over in September, a new obstacle soon appeared. On 11 October, the MILF publicly disclosed that the Criminal Investigation and Detection Group, a police unit, had arrested Eduard Guerra (real name: Abraham Yap Alonto), 54, a member of its Central Committee, at the Davao airport on 22 September.²⁰ The MILF said the arrest was a violation of the ceasefire as well as the agreement on safety and security guarantees; Leonen, the government panel chair, countered that Guerra was arrested on the basis of a warrant issued on 1 September 2010 for crimes committed in August 2008 in Sarangani province and was not listed as a direct MILF negotiator.²¹

Guerra was detained at a sensitive time. Days before, the MILF had complained about another arrest, of Hadi Abdul, a member of the 105th Base Command, on 13 September, and warned that such detentions are “a triggering device that does not auger well for the ceasefire and the effort to resume the peace talks”.²² It is unclear whether the arrest of Guerra was coordinated with officials involved in the peace process; it may well have been an example of lack of coordination between security and intelligence forces on the one hand, and the peace panel on the other.²³ Guerra, who is being held by the army’s Intelligence Services Group in Fort Bonifacio, Manila, is believed to have been the MILF’s point person for finance and logistics, and allegations surfaced of his raising funds in Saudi Arabia – not necessarily an illegitimate activity – as well as ties, as yet unproven, to foreign jihadis.²⁴ Unconfirmed but credible reports soon surfaced that Guerra had been tortured, and officials from the Commission on Human Rights were denied access to him.²⁵

By early November, the two panels still had not met, and Moro civil society organisations began protesting. Rallies in Sultan Kudarat, Maguindanao and Kabacan, North Cotabato on 6 November accused the government of insincerity. The cause of the delay soon became clear: the government was seeking to replace the Malaysian facilitator.²⁶ Shortly after announcing in September that Malaysia would retain its role in the peace process, President Aquino had raised the issue of Othman with his counterpart, Prime Minister Najib, on the sidelines of the UN General Assembly in New York. He raised it again during the ASEAN summit in Hanoi in late October, but the Ma-

¹⁵ “MILF worried Aquino gov’t is using talks as ‘counter-insurgency tool’”, *Daily Inquirer*, 10 August 2010.

¹⁶ Segments of Manila’s political elite have long believed that Malaysia is not impartial, because of the territorial dispute over Sabah, which the Philippines claims and Malaysia’s economic interests in Mindanao. There was pressure from Congress to use the change in administration to remove Malaysia from the role.

¹⁷ The MILF has distrusted Indonesia since the late Indonesian Foreign Minister Ali Alatas brokered the 1996 agreement with the MNLF and, in the MILF’s view, sold out Bangsamoro interests.

¹⁸ Crisis Group interview, Manila, 10 February 2011.

¹⁹ Other members were Attorney Datu Michael Mastura and Maulana Bobby Alonto, who kept their positions from the Arroyo-era panel, and Abdullah Camlian, formerly an alternate panel member.

²⁰ The MILF chair, Murad, had sent letters to inform the Malaysian facilitator of the arrest and to request the Philippine government to immediately release Guerra. “MILF demands immediate release of arrested rebel leader”, *Daily Inquirer*, 11 October 2010.

²¹ “Arrest casts doubt on gov’t sincerity on peace process, MILF says”, www.luwaran.com, 13 October 2010; and Crisis Group interview, individual close to the peace process, Manila, 3 February 2011.

²² “AFP cautioned to go slow on making arrests”, www.luwaran.com, 16 September 2010. Tensions on the ground increased after Guerra’s arrest. Crisis Group interview, Zamboanga, 8 February 2011.

²³ According to a senior military officer, the arrest was coordinated “by Manila” – not by those stationed in Mindanao. Crisis Group interview, Zamboanga, 7 February 2011.

²⁴ There are also allegations of involvement in attempts to purchase weapons from North Korea in the late 1990s. “Court of Appeals junks amparo petition of jailed MILF leader”, *Philippine Star*, 13 December 2010; Crisis Group interviews, military officials, Mindanao, 5 and 7 February 2011.

²⁵ Crisis Group interview, civil society members, Manila and Cotabato, 3-4 February 2011; “CHR blocked twice by AFP human rights office during visit to MILF political detainee”, www.luwaran.com, 25 January 2011.

²⁶ The Arroyo government had also asked Malaysia to replace Othman to no avail. See Crisis Group Asia Briefing N°88, *The Philippines: Running in Place in Mindanao*, 16 February 2009, p. 5. Part of the problem may have been Othman’s personality. An individual who has worked with him described Othman as “very tough, and likes to do things his own way”. Crisis Group interview, Cotabato, 5 February 2011.

laysian prime minister was non-committal.²⁷ Manila's preference was for someone from the foreign affairs ministry, rather than intelligence, like Othman.²⁸

The MILF strongly objected. On 13 November, its Central Committee passed a resolution requesting that Othman stay on to "ensure continuity and preservation of the gains of the peace process".²⁹ But if, in September, the government had given in on Malaysia, the MILF eventually gave in on Othman, saying it was Malaysia's call.³⁰ More important was to get the talks going, especially as the failure to meet was preventing the IMT's mandate from being renewed.³¹ Frustration with the delays crystallised in mass protests in Marawi City on 22 November. The rally, attended by thousands, produced a manifesto accusing the Aquino government of bad faith and calling on the MILF leadership to withdraw from negotiations and revert to its original stand: "the political independence of the Bangsamoro nation from the Philippine state".³²

A face-saving arrangement eventually ended the impasse over Othman, with the Philippine government stipulating that he be present for not more than three meetings.³³ Exploratory meetings were held in Kuala Lumpur on 13 January, with only the panel chairs, one other panel member from each side and the heads of secretariat present. The MILF handed over a list of 25 political detainees, including Guerra, whom it wanted released; the government agreed to set up a panel to consider it.³⁴ The government raised the issue of a potential split within the MILF, following reports of the breakaway group led by Kato. The two parties formally resumed the peace talks in Kuala Lumpur on 9-10 February, with all panel members, tech-

nical support and members of the International Contact Group present. While Othman facilitated the meeting, no successor has been announced, and it is unclear whether he will again preside over the next scheduled meeting, on 27-28 April.

C. THE CURRENT POSITIONS

Going into the March meeting, the MILF's position is essentially the draft from January 2010, with a few refinements based on a series of consultations between the leadership and its constituents beginning on 25 January 2011. One set of these was with Moro civil society members; a second was with its own military ranks; and a third was with the mass base, through representatives called to Camp Darapanan.³⁵ On 5 February, at the end of the process, Chairman Murad held a press conference and said of the 4,000 to 5,000 people who took part in the consultations, around 10 per cent wanted the MILF to return to demanding independence. He had argued for the "need to be consistent in our position of peaceful negotiated political settlement" and said the government deserved an opportunity to prove its sincerity. But, he added, the MILF's base had "cautioned us that an endless peace process and a 'ceasefire forever' situation are intolerable".³⁶

The government panel has not disclosed the details of the counter-proposal it plans to offer, mindful that premature leakage of the MOA-AD's details contributed to its demise. Nevertheless, a senior official explained that the government hoped to persuade the MILF that it should accept more limited, contiguous territory in exchange for a more manageable governance structure. It is conscious of the need to move closer to the MILF's position on a sub-state and of the probable need for constitutional change.³⁷

²⁷ Crisis Group interview, Manila-based journalist, Manila, 29 November 2010.

²⁸ Crisis Group interview, individual close to the peace process, Manila, 10 February 2011. Othman was formerly director general of the Research Department, an intelligence body in the prime minister's office.

²⁹ "MILF requests Malaysia to retain Datuk Othman as facilitator", www.luwaran.com, 15 November 2010.

³⁰ *Ibid.*

³¹ The monitoring body had been given a one-year mandate on 9 December 2009, but it only deployed in late February 2010. Unless the two parties met, there was no way to renew the mandate. In the end, the Philippine government requested a three-month extension, a stop-gap solution until talks resumed.

³² "The Ranao Manifesto: A restatement of intent and purpose", 22 November 2010.

³³ Crisis Group interviews, individuals close to the peace process, Jakarta, 12 January 2011, Manila, 10 February 2011.

³⁴ Of the prisoners on the list, all but four were arrested from 2009 onwards, including thirteen in 2010, six of them from Sarangani. Most of the 25 were charged with murder, robbery or arson, a few with illegal possession of weapons or explosives. "Initial List of Moro Political Detainees", 9 January 2011, obtained from MILF officials, 5 February 2011.

³⁵ According to a participant in the civil society meeting, the consultations were very inclusive, and even individuals associated with the MNLF participated. The input provided ranged from pointing out typos in the draft to raising questions about land rights and quotas for resource sharing. Crisis Group interview, civil society member, Cotabato, 4 February 2011.

³⁶ Opening statement, MILF Chairman Al Haj Murad Ebrahim, press conference at Camp Darapanan, Sultan Kudarat, 5 February 2011.

³⁷ The government has been vague on whether it is willing to consider the kind of constitutional change that would be a virtual prerequisite to a final agreement – or do the hard lobbying in Congress needed to bring it about. But Leonen seemed to recognise the inevitable when he said, "the MILF should also understand that our actions are measured against the framework of a constitution – a constitution which ... provides space to find a political settlement, including, if necessary and acceptable to all, a process of amendment and revision". "Let Us Make Peace", statement of Dean Marvic Leonen, government negotiating panel chair, National Solidarity Conference for

The problem, however, is what to do with Basilan, the Sulu group and Tawi-Tawi off the south-western tip of Mindanao, whose ethnically distinct populations would prefer having their own region rather than be dominated by what would inevitably be a mainland Mindanao-led administration.³⁸

III. FACTORS THAT COULD AFFECT THE PEACE PROCESS

The peace process does not take place in a vacuum, and several factors have the potential to complicate it. One is the Kato split, which has raised new questions about the extent of the MILF leadership's command and control and thus its ability – and Manila's perception of its ability – to deliver on what it negotiates.

Another is the simultaneous negotiating process with the MNLF and the obstacles to the two insurgencies formulating a joint strategy. Ethnic divides, power differentials, factionalism and political interests militate against it, but any peace would be stronger if both Moro groups bought into it, and there may be ways to narrow the gap between them.

A third factor is the wrangling over elections for ARMM, once scheduled for August 2011 but now likely to be postponed. Some of the posturing of Moro leaders and politicians over the elections is clan-based, but some reflects deep disenchantment with ARMM as an additional bureaucracy that prevents local officials from dealing directly with Manila. This could indicate the difficulties the MILF will have in bringing some of these leaders on board for its concept of a sub-state.

Finally, the issue of terrorism will not go away; anyone wanting to discredit the MILF before crucial negotiating rounds can always raise allegations of ongoing links to foreign jihadis and elements of the ASG through a shadowy unit known either as the Special Operations Group (SOG) or Elite Force.

A. THE KATO SPLIT

Ameril Umbra Kato, former commander of the MILF's key 105th Base Command located in and around the Liguasan Marsh in Maguindanao, was one of three commanders whose units were involved in violence that followed the collapse of the MOA-AD and triggered a military offensive. The other two were Abdullah Macapaar,

alias Commander Bravo, of the 103rd Base Command in Lanao del Norte, and Aleem Pangalian, of the 102nd Base Command in Lanao del Sur, but neither had the clout, the religious prestige or the following of Kato.³⁹

In May 2010, as the new government of President Aquino seemed to be holding out an olive branch, Kato was replaced as the 105th's commander amid rumours that he was making moves to form a new group.⁴⁰ On 6 December, he released a video in which he announced the creation of the Bangsamoro Islamic Freedom Fighters (BIFF), separate from the Bangsamoro Islamic Armed Forces (BIAF), the MILF's armed wing.

Some in Manila saw Kato's video as a ploy by the MILF to strengthen its hand before talks resumed, a warning to the government that unless it made serious concessions, frustrations could erupt in the ranks. But while frustration over the slow pace of progress towards a political solution is real (and goes well beyond Kato's followers), the breakaway was no stunt. At a press conference on 5 February 2011 in MILF headquarters, Chairman Murad acknowledged that Kato had indeed formed his own group but said that he remained loyal to the MILF, and the split was an internal problem.⁴¹ It was the first time the MILF had publicly admitted the existence of BIFF. Chief negotiator Mohagher Iqbal went a step further in an opening statement at the talks in Kuala Lumpur on 9 February:

On the part of the MILF, we have problems. Ustadz Umbra Kato is one of those problems, but the MILF leadership is still hopeful that we can manage and solve this problem; otherwise, we will tell the government, the facilitator and the international community that he has already burned his bridges with the MILF. He is not one of us; he is not with the MILF.⁴²

For the MILF, the military and the government negotiators, the big question was not just whether Kato's rebellion would be quelled, but whether any other major MILF commanders would join him. As of late March, the answer appeared to be "no", but the nature of the split left other questions about how solid the MILF's command structure really was.

Mindanao, University of the Philippines, Quezon City, 13 August 2010.

³⁸ Crisis Group interview, senior government official, Manila, 10 February 2011.

³⁹ For more on the violence, see Crisis Group Briefing, *The Philippines: The Collapse of Peace in Mindanao*, op. cit. Kato, a Middle Eastern-trained scholar, is one of the few among the MILF who can be said to subscribe to a salafi jihadist ideology.

⁴⁰ "Umbra Kato replaced as 105th Command chief", *Sun-Star* (Davao), 27 May 2010.

⁴¹ Crisis Group notes, Murad's answers to questions, press conference, Camp Darapanan, Sultan Kudarat, 5 February 2011.

⁴² "Every step brings us closer to our destination", opening statement of Mohagher Iqbal, chairman, MILF peace panel, during opening program of the twentieth GPH-MILF Exploratory Talks in Kuala Lumpur, 9-10 February 2011.

1. The 6 December video

The video depicts a man who feels betrayed by his own comrades, personally and ideologically. Kato says on camera that if anyone is separating from the original goals of the movement, it is the rest of the MILF, not him. He notes that the MNLF and MILF both began as organisations committed to independence, but two groups eventually broke away: the MNLF members who accepted autonomy and even integration into the Philippine armed forces, and the MILF members who agreed to negotiate with the government on autonomy or federalism. If there are conflicts now, it is because some have backed away from the commitment to full independence.

He says he remains loyal to the MILF because “there is no other Bangsamoro group” and because it follows the teachings of Islam. But he accuses MILF leaders of having turned their backs on him for not insisting that the government lift the 2008 arrest warrant before resuming talks, thus playing into what he called its divide and rule strategy.⁴³

They also undercut his leadership, he says, by passing over him to deal directly with his deputy and others ostensibly under his command. When they did not inform him – “not even a secret message” – about the mutual suspension of military operations in July 2009, he resigned.⁴⁴ (The MILF leadership has a different version of events.⁴⁵) He accuses the BIAF of being involved in kidnappings and drugs and of abandoning jihad. Now only he and his followers are fighting for freedom, while the rest of the MILF is being taken in by the government’s false promises.

2. Reshuffling of the BIAF

Kato’s resentment may be related not just to his replacement as commander of the 105th by Central Committee member Zacaria Goma, but to other changes in the BIAF

as well. Aleem Pangalian, for example, one of the other “rogue” commanders wanted by the Philippine military, was made vice chief of staff of the BIAF in early 2010.⁴⁶ Bravo was left to his own devices. Of the three, only Kato seems to have been sidelined.

More importantly, in October 2010, the Central Committee created a new base command called the 118th, largely carved out of the 105th and 106th commands. While the ostensible reason was that the 105th was too big and needed to be broken up, the real story was more complicated. Ever since the Maguindanao massacre of November 2009 and the loss of power of the Ampatuan clan and its private army, feuds have erupted between members of the 105th and 106th commands over their share of the spoils – especially land and guns. The Central Committee decided a buffer was needed in the form of a new command separating the two.

It served another purpose as well. Kato’s deputy, Wahid Tundok, initially took over the 105th after Kato’s suspension. Smart, strategic and described by some as aggressive, he was becoming a source of concern to the MILF leadership, in part because it was on his watch that the escalation of *rido* [clan feuds] conflicts took place.⁴⁷ To bring things in the 105th and 106th under control, the Central Committee sent Gordon Saifullah, commander of the Central Mindanao Front, and the Task Force Ittihad, a kind of BIAF internal disciplinary force, to restore order.

Now Wahid Tundok was the one who felt resentful and reportedly began organising his own men. Around July 2010 he reportedly met in secret with followers who agreed to form a new unit, the Buayan Base Command. Six commanders of the 106th joined, and another religious scholar-fighter, Ustad Bashir, was made acting commander. Their application to the Central Committee for recognition as a new base command – the 118th – was approved in October 2010, perhaps as a way of keeping Tundok on side. Unusually, it had a rotating troika leadership, with Bashir, Wahid Tundok and a third man, Abdulmukti, taking turns as commander for six months each.⁴⁸

⁴³ He compares his treatment with his experience under Hashim Salamat, the MILF’s founder. When Hashim first started talks with the government, he says, there were arrest warrants out for 100 MILF men, and Hashim insisted that they all be cleared before he would begin negotiations. The current leadership only had to make a case for three – Kato, Bravo and Aleem Pangalian – but they failed to do even that.

⁴⁴ English translation, video transcript, obtained in Cotabato, 6 February 2011.

⁴⁵ The MILF says somewhat disingenuously that Kato resigned because he recognised that, at his age, he was no longer physically capable of carrying out his command duties. The Central Committee accepted his resignation and gave him civilian duties; its members were surprised when he expressed resentment that he was no longer in command. Crisis Group interview, 5 February 2011.

⁴⁶ He reportedly replaced Yahya Lucsadatu, who died in 2009. Crisis Group interview, military officer, Cotabato, 5 February 2011.

⁴⁷ Two senior military officers involved in the peace process said they find Wahid Tundok generally cooperative, however, and do not regard him as a danger. Crisis Group interviews, Cotabato and Zamboanga, 5 and 7 February 2011.

⁴⁸ There are different versions of who is currently in charge. A senior MILF official said that as of January 2011, Abdulmukti was acting commander, and Wahid was his deputy; a member of the International Monitoring Team said Bashir was in charge with the two others as deputies, and a military document obtained by Crisis Group says Bashir was appointed, effective 4

If the video is any indication, all these moves took place without any consultation with Kato and left him, one of the most senior fighters, without any command over troops.⁴⁹

3. Implications for the peace process

The split is serious because Kato is so respected, and there remains a concern that other commanders could join him; because his defection – even if only from the BIAF and not the MILF more broadly – will complicate command and control issues in an already volatile area; because potential spoilers can use it to raise questions about the MILF's credibility; and because the government negotiating team is clearly worried about how well its MILF counterparts will be able to enforce any agreement.

The MILF leadership recognises the gravity of the situation and had sent respected *ulama* (religious scholars) as couriers to invite Kato for talks. A Central Committee member said in February that Kato had “responded positively”, but no discussions had yet taken place.⁵⁰ Leaders were also reportedly conducting “loyalty checks” on commanders, particularly within the 105th.

All that said, the significance of the split should not be overdrawn, and reports circulating in Manila in February about Kato having a 1,000-strong fighting force are nonsense. The best estimates from military sources are that he has between 60 and 80 armed men, most of them his own relatives, and there have been no major defections from other base commands. If Kato were to use his Middle East connections to get access to outside funding, the situation could change for the worse, but for now, the split is another wrinkle that will have to be smoothed out, rather than a major obstacle to peace.

October, for six months. Wahid Tundok himself in mid-January reportedly told a member of the ceasefire panel that he was acting commander.

⁴⁹ It is unclear what the understanding was between Kato and the Central Committee when he was removed from the 105th after the August 2008 violence. If his suspension was pending the outcome of an internal MILF investigation, Murad said at the press conference that the MILF had cleared him and the other two commanders, that they had been attacked first and acted in self-defence. (He also said, however, that the MILF would not publish its report as long as there was still a possibility of a neutral international investigation, because he did not want to prejudice the outcome.) If Kato was indeed cleared, he might have expected to return as commander. Instead, he was given civilian duties – according to one source, in charge of *daawa* (religious mission), according to another, as an imam on the MILF's “supreme court”. Crisis Group interviews, Cotabato, 5-6 February 2011.

⁵⁰ Crisis Group interview, Camp Darapanan, 5 February 2011.

B. RELATIONS WITH THE MNLF

One of the many conundrums of the Mindanao conflict is how the government coordinates the MILF negotiations with its separate efforts to implement its 1996 “final agreement” with the much smaller and factionalised MNLF. Since 2006, there have been four sessions of the so-called Tripartite talks, bringing together government negotiators and the MNLF under Organisation of the Islamic Conference (OIC) auspices; the most recent, from 15 to 23 February 2011, took place in Jeddah, Saudi Arabia, under Indonesian chairmanship.⁵¹

The Jeddah meeting was aimed at reaching agreement on proposed amendments to Republic Act 9054, the 2001 law that allowed for expansion of ARMM, and was said to focus on natural resources and devolution of more powers from the central government, although the exact proposals were not made public. The three most difficult issues on which the two sides have not yet found common ground – the boundaries of the expanded territory; the precise powers of the provisional government; and wealth-sharing with the central government – were set aside, with an understanding that the 1996 agreement could not be fully implemented until these were addressed.⁵² These are the same core issues at the heart of the MILF talks, and the government could hardly reach agreement with one of its insurgent partners without the other crying foul. But it also means there may be room for grassroots efforts with donor support to bridge MNLF-MILF differences on one or more of these areas in a way that would strengthen the prospects for future coordination.

One example is territory. The MNLF faction led by Nur Misuari argues that the original 1976 agreement with the Marcos government was for an autonomous region of thirteen provinces and nine cities in Mindanao. In 1989, after Congress established the ARMM, a plebiscite was held in those areas, and only four provinces – Sulu, Tawitawi, Lanao del Sur and Maguindanao – voted to join, with Basilan and Marawi City included after another plebiscite

⁵¹ The concept of the Tripartite talks emerged from the 33rd meeting of OIC foreign ministers in Baku, Azerbaijan on 19-21 June 2006, at which concern was voiced over failure to fully implement the 1996 agreement. The original purpose of the talks was to review implementation and create a new Joint Monitoring Committee to examine complaints and work out solutions. See “Statement of Sec. Teresita Quintos-Deles During the Opening of the 4th GPH-MNLF-OIC Tripartite Meeting in Jeddah”, www.opapp.gov.ph/news.php?id=354.

⁵² Crisis Group interview, MNLF adviser, Cotabato, 6 February 2011. Of 36 issues initially identified as needing resolution, the two sides reached agreement on fifteen during the Arroyo government and on eighteen others in the first six months of the Aquino government. “Statement of Sec. Teresita Quintos-Deles”, op. cit.

in 2001. Both the MNLF and the MILF argue for an expanded ARMM that the government is willing to accept in principle, but Nur Misuari claims the boundaries envisioned in 1976 must be upheld. This is politically impossible, as much of that area is Christian-majority today.⁵³

The MILF claimed a smaller area in the 2008 agreement, looking at adding sub-provincial units with Muslim majorities to start with and then offering inclusion after 25 years to other designated areas through a plebiscite. Even this more limited concept generated deep opposition. Misuari now is a stumbling block, but if the OIC and others exert pressure from above and NGOs work on building consensus from below, an agreement on the basic boundaries of a new unit might just be possible.⁵⁴

The two sides in Jeddah also discussed the establishment of a Bangsamoro Development Assistance Fund (BDAF) that is to be set up after a joint delegation of the OIC, Islamic Development Bank and other Islamic NGOs conducts a needs assessment.⁵⁵ It remains to be seen how the MNLF-influenced BDAF would differ in its scope and programs from the MILF-led Bangsamoro Development Agency; how donors would relate to the two; and whether it would lead to a major new influx of funding from the Gulf states, with attendant social and religious implications.⁵⁶

If the MILF and MNLF could ever coordinate efforts and negotiate as one Bangsamoro voice, it would obviously simplify matters, but the obstacles to doing so are huge. The MILF sees the MNLF has having sacrificed freedom and self-determination in 1996 for integration into the

Philippine state, without getting much in return.⁵⁷ The closest the two organisations have come to coordination in recent years was in Dushanbe, Tajikistan in May 2010, when Murad Ebrahim and Nur Misuari, under OIC pressure, signed a “unity accord”. They also discussed a coordinating mechanism that could evolve into a “Bangsamoro High Council”, but what one participant referred to as a “protocol error” left Misuari feeling slighted, and there was no OIC follow-up. Pressure from within Mindanao may be building, however. In September 2010, an “ARMM Regional Peace Summit” recommended that the MNLF and MILF “have a common stand for the settlement of the Southern Philippine Conflict”.⁵⁸

1. MNLF Factions

Part of the problem of finding common ground relates to factionalism in the MNLF. It does not speak with one voice and can hardly coordinate with the MILF unless its differences are resolved. And resolution is not imminent. Nur Misuari, ethnically part Tausug, part Yakan and part Sama, whose base is in the Sulu archipelago, retains the loyalty of a significant number of armed fighters under the command of Habier Malik.

In April 2001, a challenge to Misuari’s leadership arose with the formation of a government-backed Council of Fifteen, which set up a rival headquarters under Muslimin Sema, an ethnic Maguindanaon. Sema, until recently mayor of Cotabato and now vice-mayor, has reasonably good relations with the MILF, thanks to common ethnic ties, intermarriage, and convergence of political interests and has nothing but contempt for Misuari. He also has fighters at his command in areas that overlap with and sometimes clash with the MILF’s troops in central Mindanao.

Other factions of the MNLF include:

- ❑ Melham Alam’s Islamic Command Council (ICC), based in Zamboanga, which split from Misuari in 1995. Melham had been Misuari’s chief of staff until he disagreed with the acceptance of autonomy. His followers probably number in the low hundreds, if that.
- ❑ Datu Randy Karon, a Maguindanaon based in Lebak, Sultan Kudarat, heads a small force in central Mindanao whose members have been engaged in a long-running feud with some MILF members that has nothing to do with organisational differences and everything to do with competing land claims. In August 2010, he denied

⁵³ This is the formulation in the original agreement signed in 1976 in Tripoli between the MNLF and the government of then President Ferdinand Marcos. Many of the areas are now majority Christian, and many voted not to join in 2001, when a plebiscite on an expanded ARMM was conducted. See Carolyn O. Arguillas, “It stops with us”, www.mindanews.com, 26 February 2011.

⁵⁴ This would not, of course, guarantee agreement on who would run the new unit or what would happen to the existing ARMM. One MILF source sees the MILF and MNLF turning into political parties that would contest the leadership in a free and fair election. Crisis Group interview, Cotabato, 6 February 2011.

⁵⁵ “Statement of Sec. Teresita Quintos-Deles”, *op. cit.* In May 2010, Secretary Deles noted, the OIC urged “member states, subsidiary organs, and specialised and affiliated institutions as well as benevolent Islamic organisations in the Member States to increase their medical, humanitarian, economical, financial and technical assistance” to the southern Philippines.

⁵⁶ Saudi and Kuwaiti funding for mosque and school construction has sometimes been accompanied by provision of teachers from the salafi stream of Islam, much more puritan than the more relaxed and tolerant stream followed by the majority of Bangsamoro.

⁵⁷ Crisis Group notes, Murad’s answers to questions, press conference, Camp Darapanan, Sultan Kudarat, 5 February 2011.

⁵⁸ “Building a roadmap for lasting peace and sustainable development in Southern Philippines”, ARMM Regional Peace Summit, 21 September 2010.

he had split from Misuari, but said that Misuari should not be allowed to determine the destiny of the Moro people by himself.⁵⁹

- Dima Ambil, another Maguindanaon MNLF commander, is chair of the Sebangon Revolutionary State Committee in North Cotabato. He is head of the forces engaged in a *rido* feud with some MILF members in Kabacan, North Cotabato that had resulted in thirteen deaths as of early February 2011.⁶⁰

The splintering of the MNLF and the evaporation of Misuari's legitimacy outside Sulu raised the same question for the government that the Kato split prompted: how do we know our negotiating partner can deliver? One answer was to bring the non-Misuari elements into the meetings, initially with little success, because the men concerned did not want to be seen as subordinate to Misuari. At the February 2011 session of the Tripartite talks, however, all major leaders appear to have been present, including Sema.

An MNLF adviser said a joint MILF-MNLF strategy was not impossible, but only if Misuari were out of the picture or radically changed his position.

2. Need for a stronger broker

MILF leaders said if the MILF-MNLF coordination council announced in Dushanbe were to have any hope of success, it would require a sustained and energetic push from the OIC, as the only body Nur Misuari listens to. But the OIC has never been effective, and the idea of its playing a real negotiating role – coming up with creative compromises and bullying or cajoling to get them accepted – is not realistic. There has not even been follow-up on a plan discussed in Dushanbe to have the two organisations form technical working groups on specific issues, and the MILF and MNLF leaders are not going to initiate them on their own. Moreover, said a Philippine official close to the peace process, as long as the OIC continues to recognise Misuari as the paramount MNLF leader, there is a fundamental disconnect with reality; he is not the person who can bring the Moros to consensus.⁶¹

Some in the government would like to see Indonesia or Qatar play a stronger role if the OIC is not up to the job. Indonesia is an obvious choice, because it brokered the 1996 agreement, has maintained a presence at the Tripartite talks through its foreign ministry and desires to play a more prominent regional role. MNLF leaders are close to Jakarta, and if the MILF is not, its dislike, rooted in Indo-

nesia's brokering of the 1996 agreement, has diminished. In 2010, it agreed to invite Indonesia to take part in the International Monitoring Team, and Jakarta formally agreed in March 2011.⁶² The large Indonesian social and educational organisation, Muhammadiyah, now participates in the International Contact Group. But whether the Indonesian government would have the forcefulness and imagination to bring about more agreement between the two Moro groups remains open to question.

So the separate negotiations continue, linked by the peace adviser to the president and little else. In the meantime, the failure to reach closure with Misuari remains an irritant in the background to the more important negotiations with the MILF. As Jesus Dureza, a former presidential adviser, put it, "how can we credibly negotiate and enter into another agreement with another rebel group if the 1996 agreement is still found wanting?"⁶³

C. THE ARMM ELECTIONS

Still other fault lines, along ethnic and political lines, have emerged as the issue of the ARMM elections grows more heated. The ARMM governor is chosen for a three-year term, and new elections were scheduled for 8 August 2011. President Aquino has proposed that they be postponed for two years and synchronised with the next national elections in 2013. On 22 March, the House of Representatives passed the bill on postponement, but the Senate had yet to approve it as Congress entered a 45-day recess. The debate has implications for the peace process.

The last elected ARMM governor was Zaldy Ampatuan, whose father, Andal Ampatuan Sr, is accused of having given the order for the November 2009 massacre in which 58 men and women in the convoy of a political rival were gunned down. Zaldy, who was in Manila at the time, was one of ten Ampatuan clan members arrested for complicity. With two years of his three-year term left to go, he was suspended by the interior and local government department; Ansaruddin Adiong was appointed as caretaker (Officer in Charge) and remains in place. Among the many politicians who were said to be considering throwing their hat in the ring were two members of the Manguadatu clan, ethnic Maguindanons whose members had been the target of the massacre: Zacaria Candao, who held the post under the Cory Aquino and Fidel Ramos administrations, and Sakur Tan, now governor of Sulu, an ethnic Tausug.

⁵⁹ "MNLF top leader regrets Misuari's unilateral decision", *Zamb Times*, 1 August 2010.

⁶⁰ "Rival Moro rebs clash in land feud; 13 killed", *Philippine Daily Inquirer*, 4 February 2011.

⁶¹ Crisis Group interview, Manila, 10 February 2011.

⁶² The agreement was signed during President Aquino's state visit to Jakarta in March 2011. The understanding in Cotabato was that Indonesia would send sixteen police.

⁶³ Jesus Dureza, "Nur must reconcile with MNLF leaders", *Gold Star Daily*, 25 January 2011.

As manoeuvring by potential candidates was getting underway, proposals to delay the elections emerged from two directions. One was from Misuari's MNLF, arguing that if the Tripartite talks had amendments to the 2001 law on the agenda, no elections should be carried out until the new law was in force. The second was President Aquino's proposal that would in effect give the government two years to attempt a massive clean-up of the ARMM. A delay would require an act of parliament, but it would not be a major departure; ARMM elections have been postponed eight times since the region was created.⁶⁴

Reaction to the proposal has fallen out along clan and political lines, so by one count, there are now some five positions:

- ❑ postpone the elections and retain the current administration until 2013. This is the position of many in the ARMM government, not surprisingly, but it is also advantageous to clans like the Semas, who believe they have a chance to win the governorship if they have two years to build up to it;⁶⁵
- ❑ postpone the election and appoint a new team from Manila to clean up the ARMM administration before new elections are held. Some Moros believe that President Aquino is sincere about wanting time to improve governance. Others voice concerns that this stance suggests a colonial mentality that the Moros are unable to govern themselves. On 18 March, however, four out of five ARMM governors signed a statement at Malacanang, the presidential palace in Manila, supporting postponement;⁶⁶
- ❑ proceed with the elections in August 2011. This is favoured by President Aquino's political opponents, who accuse him of trying to disenfranchise the Bangsamoro, and many Congressional representatives from Mindanao, who think Manila already has too much control.⁶⁷ It is also, however, the position of the pow-

erful clan leader Pax Mangudadatu and his nephew, Jong, both of whom want to contest the election and believe they have a chance of winning. With Toto Mangudadatu now governor of Maguindanao, this would cement the power of a clan that has a very mixed relationship with the MILF;⁶⁸

- ❑ declare ARMM bankrupt and liquidate it as one would a corporation, then build new arrangements through the peace process. This is favoured by some within the MILF but is not a realistic option; and
- ❑ abolish the ARMM entirely and rethink geographic arrangements. One elected official says ARMM has been little more than another layer of bureaucracy interposed between local executives and the central government, and they would rather deal directly with Manila. He also said some officials in Sulu would prefer a separate autonomous region there, rather than being subjected to domination by ethnic Maguindanons or Maranaos from central Mindanao.⁶⁹

The multiplicity of positions does not bode well for consensus on a final political arrangement for the Bangsamoro, although the MILF would argue that ARMM has been so flawed since inception that a new start would enable political safeguards to be built in.

Another factor that could affect the peace process and perhaps generate momentum in the talks with the MILF is that Secretary Deles and her office are juggling multiple processes. The week after the two panels met in Malaysia, the government also held formal negotiations with the communist National Democratic Front of the Philippines (NDFP) – for the first time in six years. According to a senior official, the immediate priority is a settlement with the MILF, so as to free up military resources to focus on the persistent threat posed by the New People's Army, the armed wing of the communists, with whom no long-term ceasefire is likely.⁷⁰

⁶⁴ "Peace groups oppose deferment of next ARMM poll", *Mindanao Cross*, 5 February 2011.

⁶⁵ Vice-Mayor Sema would have to clear his name in a kidnapping case involving a Chinese trader in which he was implicated in January 2011. See "Sema to clear name out", *Mindanao Cross*, 5 February 2011.

⁶⁶ Crisis Group interview, Manila, 11 February 2011. See also Bong Montesa, "On the proposal to postpone ARMM elections", bongmontesa.wordpress.com, 20 December 2010, who argues that trying to install "good" civil servants is just another form of intervention from Manila in the affairs of the Bangsamoro. The governors of Sulu, Tawi-Tawi, Maguindanao and Basilan signed the 18 March declaration; the governor of Lanao del Sur did not. "4 ARMM governors back postponement of regional polls", *Philippine Daily Inquirer*, 18 March 2011.

⁶⁷ Domini M. Torrevillas, "From the stands", *Philippines Star*, 1 March 2011.

⁶⁸ On the one hand, Toto's vice-governor is Dustin Mastura, son of the MILF negotiator, Michael Mastura; on the other hand, the Mangudadatu clan is involved in an ongoing land dispute in the Buluan Lake area with several MILF members that the MILF Central Committee has had to try to resolve. See "MILF to Mangudadatus: Let's settle the conflict in Buluan Lake amicably", www.luwaran.com, 6 March 2011.

⁶⁹ Crisis Group interview, Zamboanga, 7 February 2011.

⁷⁰ See the government internal peace and security plan, Oplan Bayanihan; Crisis Group interview, senior government official, Manila, 10 February 2011.

D. TERRORISM AND OTHER CRIMES

The issue of terrorism and extortion will not go away, much as the MILF would like it to, as long as foreign jihadis are believed to remain in MILF territory in the Butig mountains; lines between the MNLF, MILF and Abu Sayyaf Group (ASG) in Basilan and Jolo remain blurred; and the perpetrators of acts like the 25 January 2011 bus bombing in Manila remain unidentified. It does not help matters when palpably false information periodically surfaces about terrorist connections that seems designed to discredit the MILF. The lack of clarity about links and allegations about the existence of an MILF Special Operations Group (SOG) or Elite Force will not hinder the negotiations, but they may continue to be used by spoilers to question the desirability of a final peace.

The MILF under Chairman Murad has vehemently denied any links to terrorists and the existence of an SOG, and there is no question that it took concrete steps in November 2005 to expel some of the region's best-known jihadis, like ex-Jemaah Islamiyah members Dulmatin (killed in Indonesia in March 2010) and Umar Patek, to the latter's deep and lasting resentment.⁷¹

The MILF has also gone out of its way to distance itself from members linked to terrorism. An interesting case is that of Mukosid (Mugosid) Delna alias Abu Badrin of the 108th Base Command, who was arrested in late January 2009.⁷² As talks resumed in Kuala Lumpur in February 2011, the MILF submitted a list of 25 "political prisoners" whom it wanted released. Mukosid's name was not on it, yet he was one of their most senior commanders, an Afghan veteran in the same batch as Umar Patek and, until his arrest, the first major point of contact with the MILF for any South East Asian jihadi showing up in Mindanao. When asked why he was not on the list, a senior MILF official claimed he had not heard of him, then that he was not MILF.

But it may have been because Mukosid's connections were too much of an embarrassment. When he was arrested, he had just come from visiting Khair Mundoz, one of the Abu Sayyaf Group's most wanted men, in Basilan. Mundoz, he said, wanted to discuss Umar Patek's desire to return to central Mindanao, not to the Maguindanao area – because he did not trust the MILF since his expulsion – but to Mt Apo, near Davao. Mukosid told interrogators that he went on his own to meet Mundoz, that the MILF

members did not know of his trip to Basilan and probably would not have approved if they did.⁷³ That rings true, but it and other elements of his testimony reinforce the notion that the MILF is not always in a position to know about, let alone control the actions of its commanders.⁷⁴ (Kato's references to MILF members being involved in kidnappings may reflect the same problem.)

Mukosid also testified that he led one of three groups of MILF Elite Forces. His was based in a camp near the town called Salipada K. Pendatun (SKP for short) on the Maguindanao-Sultan Kudarat provincial border; the other two were in Darapanan and Zamboanga.⁷⁵ It is impossible to know the circumstances under which Mukosid's statement was made or verify all its contents, though Crisis Group was able to corroborate parts of it with Indonesian sources.

But if one commander can have his own private communication with ASG leaders, then others can as well, and to protect its flanks, the MILF leadership needs to be vigorous about rooting out extremists. The renewal of the mandate of the Ad Hoc Joint Action Group (AHJAG) will be useful in this regard.⁷⁶ It does not matter if the leadership denies they are MILF members, as long as they are willing to use this mechanism to report criminals to the authorities.

IV. CONCLUSION

The peace process in Mindanao remains a work in progress, but there are a few new elements, most notably a new team in Manila; new momentum in the Tripartite talks; and thus increasing recognition of the need to coordinate the MILF and MNLF negotiations. Coordination will be an immensely difficult and politically fraught process, but there is a role for all parties to make it happen: the government, in working out a strategy; the OIC, in influencing Nur Misuari in particular; donors, in funding programs that might aid in bridging differences; and civil society, in undertaking community-based initiatives.

⁷¹ Privileged interview with Mohamed Baehaqi, an Indonesian jihadi from the organisation KOMPAK, arrested in Mindanao, made available to Crisis Group, April 2008.

⁷² For background on Mukosid, see Crisis Group Report, *The Philippines: Counter-insurgency vs. Counter-terrorism in Mindanao*, op. cit., p. 5.

⁷³ Privileged interview with Mukosid Delna made available to Crisis Group, March 2009.

⁷⁴ He said, for example, that bombings of the National Transmission Company towers in Cotabato and Lanao in 2008 were carried out on orders of the MILF Central Committee – something that MILF spokesmen had denied at the time – but that commanders sometimes carried out attacks on their own initiative.

⁷⁵ He claimed the Darapanan unit was headed by Kagui (Haji) Bok and was responsible for the manufacture and repair of weapons, while the Zamboanga unit was led by Aloy Asri.

⁷⁶ See fn. 6 above.

There are also other tasks at hand. The MILF needs to resolve the Kato issue quickly and either demonstrate his return to the fold or make a decisive break and leave him to Philippine authorities to deal with. Much more importantly, it has an uphill battle to convince sceptics – non-Muslim communities, elected officials, even some local community leaders – that its vision offers a better option than the status quo. What hope can it offer that an autonomous sub-state will be cleaner or more efficient than ARMM, or that it will somehow be able to rise above warlordism and clan politics? Donors have funded a number of training programs via the Bangsamoro Leadership and Management Institute, set up through the peace process to train future Moro leaders, but these have not yet succeeded in attracting young professionals who see their future more in Manila than at home. The problem is deeper, though, than just lack of capacity in public administration; it is lack of a clearly articulated vision of how a sub-state might fundamentally improve lives of the MILF's own mass base.

The explosion of *rido* conflicts in the aftermath of the fall of the Ampatuan clan in Maguindanao suggests that some MILF fighters still have a sense of entitlement to spoils. Especially on land issues, the MILF needs to give more reassurances than it did in the MOA-AD that a sub-state will have the political will and institutional capacity to protect land title and resolve disputes.

The MILF also has to tackle head-on the issue of what role religion will play in a future sub-state where Islam has been a key element of Bangsamoro identity. Chairman Murad addressed concerns of the non-Muslim community in the 5 February press conference in Camp Darapanan, when he said that the notion of an Islamic state or Islamic government had never been mentioned in the negotiations; in fact, he said, the word Islam never comes up. The aspirations of the MILF are freedom and self-determination, and while the MILF believed in an Islamic way of life, it could not impose what shape a sub-state would take. It was for the Bangsamoro people to decide, he said.⁷⁷ That may be true, but the MILF has a major role to play in shaping Bangsamoro opinion, and a clearer idea of its own thinking would be helpful.

For its part, the government could consider a major symbolic gesture towards the Bangsamoro to underscore its commitment to resolving the conflict, beyond good will and new ideas. One suggestion on the table is that President Aquino appoint a Moro notable to fill the next vacancy on the Supreme Court. Some dismiss this as tokenism, but giving Moro professionals more visibility and presence in national institutions could help demolish stereotypes and improve the climate for peace.

Jakarta/Brussels, 24 March 2011

⁷⁷ Crisis Group notes, Murad's answers to questions, press conference, Camp Darapanan, Sultan Kudarat, 5 February 2011.

APPENDIX A

MAP OF THE PHILIPPINES



APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

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The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

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