

Peace Talks in the Philippines: Ways out of the Impasse

National Reforms Needed to End Local Conflict in Mindanao

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Peace negotiations between the Philippine government and the Moro Islamic Liberation Front (MILF) have reached an impasse. The longer the peace process drags on without the government being able to make the independence movement any substantial concessions, the greater the risk of fragmentation and radicalisation of the MILF-led insurgency in Mindanao. Many of the obstacles to a peace treaty are structural in nature however. This includes constitutional hurdles that make it practically impossible to establish a largely autonomous administrative entity for the Muslim population – the Moros – in Mindanao. These difficulties are compounded by grave deficits in the Philippine security sector that encourage the activities of private and state-backed militias. Constitutional change and security sector reforms are therefore central to ending the conflict. So far, Germany and the EU have supported the peace process primarily through development cooperation. Apart from this, they should also work to promote relevant national reforms and coordinate these with the peace process.

Peace talks between the Philippine government and the MILF were cut short on 23 August 2011 after Manila offered the rebels limited political autonomy. The MILF has been fighting for Moro self-determination since the late 1970s, and its approximately twelve thousand fighters currently control a considerable swathe of territory on the island group of Mindanao. Since 1997 various Philippine governments have conducted Malaysian-mediated peace talks with the MILF, and a cease-fire agreed in 2003 has largely held until today. The

current round of talks under President Benigno S. Aquino III began in early 2011.

In February 2011 the MILF demanded the establishment of a “sub-state” where the Moros could run their internal affairs themselves, leaving the central government responsible only for external relations, national defence, currency and postal services. Conceding such far-reaching autonomy would require turning the unitary Philippine state into a federal system of government, which would only be possible if the constitution was changed.

Manila's latest offer, in contrast, proposes resolving the conflict within the framework of the present constitution, promising the MILF massive efforts to boost economic development and enhance governance in the Moro territories – including the *Autonomous Region in Muslim Mindanao* (ARMM) established in 1989 – as well as recognition of the cultural identity of the Moros. The MILF's emphatic rejection of this proposal constitutes a severe setback for the peace process.

Risk of Fragmentation and Radicalisation of the Insurgency

The MILF explicitly pursues the realisation of an Islamic way of life. It is not a terrorist organisation, however, and many of its goals are primarily ethno-nationalist in nature. Especially the current leadership around Al Haj Murad Ibrahim is regarded as moderate. Nevertheless, individual MILF commanders are known to have repeatedly cooperated with national and international terrorist organisations since the early 1990s.

One of these is the *Abu Sayyaf Group* (ASG), a Philippine terrorist group founded in 1991 with the support of al-Qaeda that has carried out numerous attacks on national targets and U.S. military facilities in the country. Members of this group are known to have found refuge in MILF camps. Similarly, fighters belonging to the Indonesian terrorist organisation *Jemaah Islamiyah* (JI), whose attacks include the 2002 Bali bombings and the 2004 Australian embassy bombing in Jakarta, could train in MILF camps, while top JI leaders like Umar Patek and Dulmatin have found refuge in areas controlled by the Moro rebels. The MILF cooperates with such terrorist organisations largely for tactical reasons. For instance, transnational terrorist groups have provided the insurgents with access to funds and training.

But in comparison to the 1990s the threat posed by Islamist terrorism in the southern Philippines has declined

significantly. Apart from beefed-up U.S. counter-terrorism assistance in Mindanao after 9/11, this is also quite tangibly an outcome of previous peace talks. The 2002 round of negotiations, for instance, established the *Ad Hoc Joint Action Group* (AHJAG), which brings together members of the Philippine army and police with MILF representatives in a mechanism that allows both sides to take coordinated action against criminals and terrorists. In 2005 the AHJAG was instrumental in the initiative to drive then ASG chief Khadaffy Janjalani and JI leaders Umar Patek and Dulmatin out of mainland Mindanao. Conversely, the MILF has so far maintained its links to terrorist groups mainly because of the experience of repeated disappointment in the peace talks with the government.

As the experience of the past shows, the longer the peace process drags on and the less able the government is to offer substantial concessions to the Moro rebels, the greater the risk of fragmentation and radicalisation of the MILF-led insurgency. In 2008, for instance, under President Gloria Macapagal-Arroyo, the parties negotiated the *Memorandum of Agreement on Ancestral Domain* (MOA-AD), which provided for a largely autonomous administrative entity for the Moros to be set up within the Philippine state, but opponents of the President and Christian politicians from Mindanao filed a petition against the agreement with the Supreme Court. In August 2008, the court placed a moratorium on the MOA-AD and later declared it unconstitutional. In response to the moratorium individual MILF commanders, including Ameril Umbra Kato (Commander Kato, leader of 105th Base Command), attacked Christian communities in Mindanao. Clashes between government forces and MILF splinter groups forced more than half a million to flee their homes.

The current peace talks between the Aquino government and the MILF have cemented the rupture between Commander Kato and the MILF Central Committee. Kato, who is known for his extremist beliefs,

rejects the “sub-state” formula advocated by the current MILF leadership and instead demands an independent Islamic state for the Moros. His *Bangsamoro Islamic Freedom Movement* (BIMF) currently numbers a few hundred former MILF fighters, and credible reports suggest that Kato is one of the (ex-)MILF commanders who maintain especially close contacts to international terrorist groups like the JI. If the current round of peace talks were to fail or the MILF leadership were to accept a strongly curtailed autonomy, more MILF fighters could be expected to join the BIMF. This could boost terrorist tendencies in Mindanao again.

Debates about Charter Change

Emmanuel Piñol, former governor of North Cotabato province in Mindanao, announced in August 2011 that he would ask the Supreme Court to review the constitutionality of the MILF’s “sub-state” proposal as the latter was still based on the failed MOA-AD of 2008. But if the constitution were to be changed in a political process that observed the mechanisms of charter change laid down in the constitution itself it would definitely be possible to establish a largely autonomous administrative entity for the Moros in Mindanao. Under present circumstances it is, however, likely to be extremely difficult to carry through such a constitutional reform.

The constitution of 1987 restricts the president to a single six-year tenure, designed to prevent any repetition of a dictatorship like the one of Ferdinand Marcos (1965–1986). Aquino’s predecessor Arroyo, who became embroiled in numerous corruption scandals while in office (2001 to 2010), came to power in 2001 through a popular uprising and was elected president in 2004 in elections that she had manipulated massively. Until shortly before the end of her term Arroyo pressed for a constitutional shift from a unitary presidential system to a federal parliamentary one. This would have allowed her to remain the most powerful political figure by

switching seamlessly from the post of president to that of prime minister in a new parliamentary government.

The MOA-AD of 2008 brought Arroyo’s government very close to a peace treaty with the MILF, but the opposition blocked the constitutional change required for its implementation fearing that this would allow Arroyo to consolidate her grip on power. If President Aquino were to propose constitutional reforms at this stage he would probably find himself confronted with similar accusations.

The Role of Militias in Mindanao

The pervasive violence in Mindanao is caused not only by insurgent organisations like the MILF but also in large part by militias aligned with the state security apparatus. Many of these paramilitary units provide personal security for business-people, politicians and clans, and have mutated into the latter’s private armies over the course of time.

Clashes between armed political clans have always played an important role in the conflict in Mindanao. Successive national governments have deliberately reinforced the power of such local clans, profiting in return from their patronage networks at election time. The violent potential of pro-government clans and militias in Mindanao was demonstrated by the Maguindanao massacre in November 2009. In order to prevent an opponent from standing for the post of governor, members of the Ampatuan clan had fifty-seven people murdered in broad daylight by their private army. In 2004 politicians from the same clan had helped to falsify the presidential election in favour of Arroyo, who showed her gratitude in the following years by allowing clan leaders to massively expand their private armies.

When he assumed office in 2010 President Aquino promised to reform the security sector, among other things, by disbanding the private armies that operate throughout the country and disempower-

ing political clans, above all in the ARMM. However, Aquino himself comes from an established political family and will probably move only against warlords who support the political opposition.

Starting Points for International Support

A long-term resolution of the conflict in Mindanao will not arrive simply through the Philippine government promising reforms and development in the Moro territories. It must also tackle structural problems at the national level, such as the proliferation of militias and private armies, and initiate constitutional reforms leading to a federal system. Concrete steps in that direction could also improve the credibility of the Aquino government in the eyes of the MILF and thus prevent the peace process from breaking down in the short term.

Germany and the EU should use their diplomatic and development relations with the Philippines to explore how they could support parliamentary and societal decision-making processes with regard to constitutional reform. The German party-political foundations have already accumulated significant experience on the issues of electoral and constitutional reform in the Philippines, and could hence supply important momentum in this regard.

Germany and the EU should also urge the Aquino government to actually implement its announced security sector reforms. Concrete initiatives in this area need to be actively supported. One useful first step could be an EU *Needs Assessment Mission* to explore the perspectives for disarming militias and private armies. The EU has already conducted a similar mission in 2007, to help the Philippine government investigate extra-judicial killings by the armed forces. In the framework of the peace talks with the MILF national reforms designed to disarm militias linked to the state security apparatus should also be put on the table. Among other things, this

could encourage the rebels to accept disarmament of their own fighters in the longer term.

Since the beginning of 2011 the EU has been leading the Humanitarian, Rehabilitation and Development Component of the *International Monitoring Team* (IMT) that monitors observance of the cease-fire between government forces and the MILF. In addition to this engagement the EU should examine whether it can support the establishment of mediation mechanisms centring on coordinating national reforms in the security sector with the peace process. Unlike the United States, the EU is a neutral actor with no immediate security interests in the region, and could therefore make an important contribution to overcoming the structural roots of the conflict in Mindanao.

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