

# **Philippines: Storm surging for Peace in Mindanao - Part 7 - “the Aquino government and the MILF should be humble enough to accept at this point that they have failed in negotiating and building sustainable peace in the Bangsamoro”**

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## **ACCEPTING REALITY of Defeat to Save more Lives is Bravery in its highest form**

Several days ago, President Noy Aquino had made statement to convince everybody once and for all to approve the Bangsamoro Basic Law (BBL). The President has been very consistent with his position that only through the BBL and the setting up of the Bangsamoro political entity can peace be attained in Mindanao. He made this latest pronouncement on the occasion of the 73<sup>rd</sup> anniversary of commemorating the fall of Bataan to the Japanese on April 9, 1942. He described the bravery of those who defended Bataan as the same spirit of bravery that it is needed to pass the BBL.

The timing of the statement was intentional because, the President was calling for the same spirit of bravery and unity of the Filipino people and American soldiers to defend Bataan but they (brave soldiers) had realized the futility of putting up more resistance to the overwhelming forces of the advancing Japanese - that was why they (Filipino and American soldiers) had surrendered and caused the so-called fall of Bataan on April 9, 1942. This is a clear manifestation that the President had missed an important point - that is - bravery can be in the form of surrender or even accepting defeat to save more lives or for the interests of the greater majority and broad sectors of the peoples.

At this stage, the President and his administration should be candid enough, to show that the agreed version between the (Executive - Office of Presidential Adviser on Peace Process (OPAPP) and the Government Peace Panel) and the MILF could never pass Congress. Aside from the questions of Constitutionality, the BBL cannot be acceptable to the three peoples' of Mindanao or even in the Bangsamoro because it is not inclusive. This point is very basic because if one builds peace in the Bangsamoro it must not only cater to the interest of one group like the MILF but it should also consider the interests and needs of other peace stakeholders especially in territories claimed by the

MILF. Compartmentalized peace can never be durable and sustainable. Inputs coming directly from stakeholders through a democratic process are the non-negotiable and should be principally considered.

In order to capture the spirit of bravery of the Bataan heroes, the Aquino government and the MILF should be humble enough to accept at this point that they have failed in negotiating and building sustainable peace in the Bangsamoro. Both of them have negotiated in a very narrow framework of answering the interest and needs of only one group like the MILF and they have mutually agreed to work this out during the specific term of the President. Exclusivity here does not only refer to the scope and content of the BBL but also the term of the sitting President. That is why, both of them became frustrated that Congress has taken a longer time to pass the proposed BBL.

The January 25, 2015 Mamasapano police operation fiasco has contributed a lot to strongly remind the people and Congress on the big democratic deficit of the proposed BBL which its proponents (GPH and MILF) have maneuvered to have the proposed law submitted directly to Congress without democratically discussed and broadly consulted with the concerned stakeholders.

The Mamasapano violent incident seems to greatly help put things in proper perspective. Few days ago, the Chair of the MILF peace panel said in a forum that the approval of the BBL (their version) and the setting up of the Bangsamoro government will make the existence of other revolutionary groups irrelevant. One can never know where the MILF chair of their peace panel came from. He seems as well as the Aquino government to strongly believe that the BBL and the Bangsamoro government is a cure all formula. One can never think that the Chair should be reminded that the reason for being a revolutionary group like MILF is to lead in the struggle for right to self determination of the whole Moro people and not only the MILF. The basic purpose of such struggle is to eliminate the existence of the national oppression in whatever manifested forms they exist today. If it (the struggle for RSD) is not directly addressing the elimination or at least steps towards such political direction then it (the struggle) can only be allowing oneself to be mainstreamed to the existing and current national state or government e.g. the Aquino government.

One should be reminded that unless the root causes of the problems like poverty and extreme social inequalities are effectively addressed, the revolutionary movement will continue to flourish and revolutionary groups continue to exist.

The worst thing is that, in the proposed BBL, the MILF will help the Philippine government to go after and neutralize other revolutionary groups just like what was stated in R.A 9054 or the expanded ARMM as agreed by the MNLF and the Philippine government in 2001.

This a standing challenge for the MILF, which consistently claims itself to be a revolutionary organization.

In a different forum, the MILF Vice Chair for Political Affairs, was heard saying that armed problems and conflicts like the clan wars can be effectively addressed if the Bangsamoro government is set-up. Again, the Vice Chair has been thinking of an instant miracle. As revolutionary, the MILF is already in a position to effectively intervene in facing and resolving conflicts between and among Moro families (big or small clans). One should not wait and depend for the existing government structures, which it wants to be part with, before effectively intervening in such conflicts among the people we claim to represent. If the MILF leadership in resolving the clan wars (rido) cannot take actions now, one cannot expect that, the Bangsamoro government that will definitely be composed of the MILF can effectively solve such real problems in the future.

## **The PEACE Council and the VOICES from BELOW**

In the last few days, the Peace Council which has been created by President Aquino and which claims itself to be independent has started deliberating different issues on the BBL. Again, as mentioned earlier, with this kind of panel one can expect hearing exclusive voices from above. In its present composition, one cannot imagine businessman Zobel de Ayala discussed economic issues while one hears that he is the businessman and his family and their various companies in Mindanao, who have non-stop invested in almost all business fields like oil, natural gas exploration and mining. At present, he is involved in putting-up various coal-powered electric plants in Mindanao as supposed to be an instant answer to the power deficit experienced by the peoples in Mindanao. Coal-powered plants are the dirtiest source of energy and no country in the world has used them anymore because of the worst pollution it can create. But of course, in terms of return of investments, it will be the most viable source of huge profits. Right now, for instance, it has started construction of this kind of power plants in Kauswagan, Lanao del Norte and Brgy Dalipuga in Iligan City. People like the Ayalas are just happy to work and approve the BBL in the form and substance that they (elite) can use as license to explore and exploit the still untapped natural resources of Mindanao and the Bangsamoro territory. These constructions have been done without consultations with the people who will be affected by the pollution. But the worst is, they are constructing these kind of plants almost few kilometers from the hydro-electric plants in Lanao province and Iligan City.

And now everybody sees Ayala as part of the Peace Council involve in discussing the economic provisions of the BBL. If this is not a joke then the President who appointed Ayala must be coming from another world. This is not just an insult to the people of Mindanao, this is a manifestation of none knowledge the President has for Mindanao. If this is a glimpse of peace that the President is thinking for Mindanao then he should stop hallucinating - at the expense - of the real lives of peoples.

At this stage, the Senate has already planned to invite the Peace Council for further deliberation on the BBL. And in this period, one can just imagine the impact of the inputs of the Council. The Senate had to contend not only the question of Constitutionality of the BBL but also the economic framework that people like Zobel de Ayala has brought in into the proposed BBL. Surely, the economic framework that the Ayala's will lobby will be the neo-liberal globalization which will be applied in the Bangsamoro territory. Resources and social benefits will be privatized and the economic policies to protect the local products will be liberalized.

In the same manner, the House of Representatives had just finished their investigation on the Mamasapano and sooner they will also continue to deliberate on the BBL and might invite the Peace Council to attend their sessions.

## **ACCEPTING RESPONSIBILITY and ACCOUNTABILITY - GIVING JUSTICE to the 44 PNP/SAF**

It will be very helpful to mention about the results of the House's investigation of the January 25, 2015 botched police operation. Aside from the confirmed cracks on the relationships between the government's two main security sectors, the task to ensure peace and order and solve criminality or international terrorism is the main role of the Philippine National Police (PNP). The Armed Forces of the Philippines (AFP) is mainly tasked to secure the country from external aggressors and to help in ensuring security in peace processes with revolutionary groups like the MILF.

In the January 25, 2015 Mamasapano bloody incident these tasks of the two security sectors of the

country seemed to have clash. It has become crystal clear from the deliberations of the House that the AFP has hesitated to give reinforcements to the beleaguered SAF/PNP which was under heavy attacks from the MILF/BIAF, BIFF and private armed groups because such action can possibly jeopardize the about to be concluded peace process of the Government with the MILF. It has been proven in the exchanges of discussions that the principal consideration of the President and the AFP during those decisive moments was to save the life of the peace process with the MILF and to abandon the SAF/PNP to die on the ground. Obviously, the President had approved the Oplan Exodus but did not want the peace process with the MILF affected. He wanted to capture or neutralize the international terrorists in the middle of the three base commands of the MILF, the BIFF and private armed groups but did not have in mind to help the successful extraction of the SAF/PNP who bravely obeyed his order to have the mission accomplished. These hard facts came out in the House of Representatives two-day investigations. Now is the time for the President to answer why he abandoned the SAF/PNP and take his responsibility as well as accept his accountability. This can be good start of attaining justice for the 44 PNP/SAF and the start of the healing period of the nation.

### **Legislating or Making Political Statement?**

In both Houses of Congress, another reality has unfolded while the issues on the peace process with the MILF, the BBL and the Mamasapano bloody event have discussed. The allies and friends of the President and his Liberal Party (LP) have stood differently in the abovementioned issues. In fact, from the outside, it seemed that the debates and legal conflicts are between the Executive with the MILF and the Legislative or the Congress.

Others will say that in those discussions, one has to differentiate giving political statements, mostly done by the President and people from OPAPP and the GPH peace panel, and the deliberations of the legality or constitutionality of the proposed BBL. Hence, one can remain an ally and friend of the President but will have his/her attention on whether the BBL can pass the constitutional parameters. The people in Mindanao has already spoken their opposition with the peace panel's version of the BBL. Politicians has become conscious of this position because the 2016 elections is fast approaching. These politicians have begun to secure their political interests at this period of time.

The whole debates on the MILF's claim of its being revolutionary organization and that its negotiator like Iqbal is still revolutionary and therefore continues to use his nom de guerre, is really a question of constitutionality or its (MILF) appraisal of its transition from a non-state armed group to being part of the state. The government and its negotiator have been consistent that their framework is the Constitution in talking with the MILF. On the other hand, the MILF has tried to use its framework of being not part of the government (non-state armed group) and therefore cannot yet accept the constitutional framework. It has argued that its relationship with the Philippine government is as good as the documents it has signed. This means that after signing the Framework Agreement on the Bangsamoro (FAB) in 2012 and the Comprehensive Agreement on the Bangsamoro (CAB) in 2014, it has already partly entered into the constitutional framework of the government. The full approval of the BBL will be the decisive document from which the Bangsamoro government will be established then and only then, the MILF becomes part of the Philippine government with its unique autonomous status.

Both Houses of Congress have promised to finish their deliberations of the proposed BBL by the end of June 2015. This is in time for the last State of the Nation Address (SONA) of President Aquino.

Several possibilities can happen here, one is that Congress will approve the BBL not in the form and

substance of the one mutually agreed by GPH and MILF panels. The MILF might accept this version but they will try to settle such issue on the Plebiscite which will be conducted 60 days after the President signs the BBL. Another possibility is that the MILF will never accept such approved version by Congress and therefore go back to square one and will declare that they are still open for peace talks with the new administration but will seek the international intervention like the United Nations or the ASEAN to present and argue their case. Meanwhile, the RA 9054 remains valid and legal and ARMM elections will take place in 2016, which the LP (Party of the President) and United Bangsamoro Justice Party (UBJP) can work together, and put-up common candidates as part of the transition period of the Bangsamoro government. A third possibility will be the start of unpeace situation and where all the stakeholders will be affected. This will be a situation when everybody is not a winner.

## Conclusion

Time now is of an essence here. Both the government and the MILF peace panels should be brave and candid enough that their mission to fast track the phases of the peace process and the signing of the final peace agreement cannot be realized during the term of President Aquino. There can never be business as usual from this period. A peace process cannot be shortcut. It is a continuous process where one gets and learns to appreciate the small victories along the way. This will surely build a peace, which will be durable and sustainable. One should not count the years of the process of the negotiations. This is not a contest. This is the peoples' lives that we are working and building peace with.

The most appropriate steps that can be taken by both panels and all interested and affected stakeholders are the works to make the BBL more inclusive and the peace, which should be built, should be durable and sustainable.

The involvement of elite Peace Council can provide the BBL a new perspective but these deliberations and discussions should always be validated from the ground. Stakeholders should always be vigilant that people and elite businessmen like the Zobel and the Ayala can never take a decisive role in crafting the BBL which will be the legal basis for building the Bangsamoro government. This government should be established by the people for their own interest and should be managed by people coming from the broadest section of the three communities in the Bangsamoro. The people should freely determine their economic, political and cultural lives.

**Raymund de Silva**, April 11, 2015

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