

Aquino's GRP-MILF Peace Talks: Hopes, Fears, Tasks

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Contents

- [Hopes](#)
- [Fears](#)
- [Tasks](#)

"The hopes and fears of all the years are met in thee tonight..." Just passed four months into the new six-year Aquino administration, it is more than timely to ask and speak about expectations and hopes as well as fears on the resumption of the GRP-MILF peace talks under this new administration. Also, to ask and speak about what should be done to help bring fruition to those hopes and expectations and to help reduce/minimize/lessen those fears.

Hopes

The most obvious hope is that the six years of the new administration should be enough to achieve a breakthrough comprehensive negotiated political settlement of the Bangsamoro problem. This is more than just the GRP-MILF peace talks because there is also the implementation of the 1996 GRP-MNLF Final Peace Agreement to reckon with, not to mention other aspects of the broader Mindanao peace process, especially the people-to-people or inter-tri-people aspects of it. At first glance, six years should be enough. But at second glance, this is not really that much time to work out this complex process, given the history of protracted peace negotiations, albeit on and off, from 1975 to 1996 with the MNLF and then from 1997 to the present with the MILF, spanning now six presidential administrations. At the same time, this indicates that this process of seeking to solve the Bangsamoro problem politically through peace negotiations is not starting from scratch and in fact has not only a number of signed agreements but also much experience, lessons and gains to build on. The unfinished GRP-MILF peace talks still has the best potential as a vehicle, especially when improved by restructuring or reframing, that can bring this process to a successful logical conclusion not only for the MILF and the Bangsamoro but also for all stakeholders of the Mindanao peace process.

The two key elements or factors that have to be worked out for the success of this complex process are (1) *a political-constitutional formula* that addresses the Bangsamoro aspiration for "a system of life and governance suitable and acceptable to the Bangsamoro people" that at the same time accords "respect for the identity, culture [,way of life,] and aspirations of all [the] peoples of Mindanao;" and (2) *a national political consensus* on this, in other words, it must also be acceptable to the Filipino people. These two key elements or factors are of course easier said than done. And in the case of a national political consensus, one indispensable subset is a *Bangsamoro political consensus* on the solution to their problem. It is political consensus, *which includes political will as well as political support* for a comprehensive negotiated settlement, that may be the more difficult or intractable of the two key elements or factors to work out. But this is also where the acknowledged

significant *political capital* of the new President Aquino, as well as the related impetus for reforms in governance and the national life, can play a positive role.

Of course, political capital is not everlasting but a finite resource that can dissipate with time. In so far as the solution of the Bangsamoro problem necessitates a new political-constitutional formula, this will have to reckon with the question not only of national political consensus but also of timing for any necessary constitutional changes. The best timing for needed charter change in general (which ideally should also include a new political-constitutional formula for the Bangsamoro) is early enough or within the first half of the new administration when its political capital is still presumably plenty and such charter change is not unduly muddled by issues of lifting of term limits and perpetuation in power. In other words, ideally also, the GRP-MILF peace talks should, by that time of charter change, have already successfully concluded with its envisioned comprehensive compact. Given the lessons of the aborted GRP-MILF Memorandum of Agreement on Ancestral Domain (MOA-AD) debacle in 2008, it is not “*premature*” at all to speak of necessary charter change. The ancestral domain negotiations since 2005, its consensus points, the aborted MOA-AD itself in August 2008 and the Supreme Court decision thereon in October 2008 all provide important guidance for this.

Fears

As we said, the main worry – as it has been historically — is national political consensus for a negotiated political settlement with the MILF, from both the Filipino elite and the general public. But in the particular case of the new Aquino administration, there are among its Liberal Party (LP) stalwarts, as well as among its Makati big business support base, those who were (and are) the strongest and most vocal personalities and forces opposed to the MOA-AD. This could become the proverbial “immovable object” in relation to the “irresistible force” of the MILF’s still carrying the torch for the spirit, if not the letter, of the aborted MOA-AD, notwithstanding the Supreme Court decision thereon which the MILF does not consider itself bound to.

In addition to these divergent frames between the GRP and MILF regarding the aborted MOA-AD, there appear to be other relevant divergent frames, both substantive and procedural. On the substantive side, the new administration is still grappling with its national security policy and strategy. Presumably, this would frame or guide the GRP in its peace talks with the MILF. For now, President Aquino has indicated four general elements: governance; delivery of services; economic reconstruction and sustainable development; and security sector reform. How these elements specifically address the articulated Bangsamoro aspirations remains to be seen. Relevant to this, while the GRP has understandably emphasized its own key principles of national sovereignty and territorial integrity, it has been reluctant (perhaps understandably) to explicitly recognize or acknowledge the Bangsamoro people’s right of self-determination. Without this recognition, there is not only prejudice to the necessary balancing of interests for a sought-for political-constitutional formula but also a showing of lack of real understanding of the Bangsamoro problem.

On the procedural side, there appear to be divergent approaches in interpreting and applying the 29 July 2009 agreed guiding point of “Acknowledgment of MOA-AD as an unsigned and yet initialed document, and commitment by both parties to *reframe the consensus points with the end in view of moving towards the comprehensive compact* to bring about a negotiated political settlement.” The MILF appears to be more ready for further discussions on drafts for a comprehensive compact which fleshes out and supplies the details of certain perceived consensus points, and even working out interim governance arrangements for a transition period before full implementation. The GRP appears to be more disposed to initially setting just a general framework of principles for a comprehensive compact, but more importantly moving to flesh this out and supply the details

through a transitional process of arrangements and mechanisms that actualize participation, consultation and inclusivity of all stakeholders, with the end-product of a Bangsamoro Basic Law. In addition, however, the GRP appears to be particularly concerned with clarifying, if not revising, the terms of reference for Malaysia's role as third-party facilitator as well as those for the increasing multiple international involvement, both governmental and non-governmental, in this peace process with the MILF. This avowed review by the new administration of both procedural and substantive elements of this process apparently accounts, at least partly if not mainly, for the delay in the resumption of the talks under a new administration that is still organizing itself and setting its directions.

As for the problem with Bangsamoro (as distinguished from national) political consensus, the historical tendency of Bangsamoro fragmentation or factionalism, including most notably between the MILF and MNLF, continues to bedevil what is still essentially their common cause. Long-time MNLF Chairman Nur Misuari's hubris has become part of the problem. The other worry is the rise of radicalism among the next generation of Bangsamoro leaders, in case of the definitive failure of the current moderate leadership of the MILF to achieve something qualitatively better than the already failed 1996 GRP-MNLF Final Peace Agreement. A more radical MILF would be more worrisome strategically than any resurgence of Abu Sayyaf.

Tasks

The above-mentioned divergent approaches between the GRP and MILF in "moving towards the comprehensive compact" can and should be reconciled in a way that gets or uses the best of both approaches. The MILF's thrust for *negotiations between the main parties to flesh out a comprehensive compact* that builds on previous agreements, consensus points and terms of reference **can be combined with** the GRP's accent on *a more inclusive process of participation and consultation of all stakeholders* to produce the best results in terms of more purposively both finding the right political-constitutional formula and building a national political consensus for it. Stakeholder consultation is not only a matter of process for consensus-building or the building of political support; it can also contribute inputs for the substantive content of a comprehensive compact. There has of course been a surfeit of public consultations post MOA-AD, most notably Konsult Mindanaw and Dialogue Mindanaw. The challenge is to draw the best inputs from these consultations, not "reinvent the wheel" on this, further consult more purposively and creatively on what has not yet been covered, and establish mechanisms for these to effectively fork into the actual peace negotiations. One form of input contribution as far as Mindanao civil society peace advocates are concerned is to prepare their own draft comprehensive compact. This can be useful, among others, in case of a stalemate between the main parties on which between their respective drafts will be used as working draft.

As far as a breakthrough or key political-constitutional formula is sought, this will have to effectively address the MILF's more recent articulation "for an asymmetrical state-substate arrangement." During the early 2010 negotiations, the GRP had in turn articulated "enabling the highest form of autonomy for Muslim Mindanao" as an "ultimate objective." If "autonomy" here is properly understood in its generic sense and not limited to the existing Autonomous Region in Muslim Mindanao (ARMM) as an entity only to be "enhanced," then the gap between the parties in finding "new formulas" has been reduced. For one, it appears clear enough that whatever finally agreed "new formula" will be a non-independence arrangement and that the failed existing ARMM will be replaced, but of course it has to be by something better, presumably higher, in autonomous governance. It will, however, no longer suffice to rely on labels like "autonomy," "associative relations" and "sub-state," which can even be misleading. The real deal or score is in the sharing of

powers and resources between the GRP and the Bangsamoro self-governing entity (or whatever it may eventually be called). This is where both sides have to do *much thinking and rethinking, and both inside and outside the box*, whether that box is the Constitution or the aborted MOA-AD. But it is best to avoid the complications of getting bogged down with the MILF-sought “interim governance arrangements.”

It might help this thinking and rethinking to avail of the familiar Mindanao tri-people framework, albeit on two levels: (1) *combined* — as part of a broader whole like Mindanao itself which they must share as they interact with each other; and (2) *separate* - in their respective (Settler, Moro, Lumad) distinct majority areas which carry their identity, culture, and way of life. The concept of legal pluralism for a country of cultural diversity might be applied to or be useful for the sought-for political-constitutional formula. In fact, in the case of indigenous peoples like the Lumad, there is in the Indigenous Peoples’ Rights Act (IPRA) of 1997 already an element of recognition of their indigenous customary law.

On the Bangsamoro front again, both for the political-constitutional formula and for Bangsamoro political consensus, the MILF and MNLF must find a convergence, which will also have to be in a better and higher autonomy than the existing ARMM. Former President and now Rep. Gloria Macapagal-Arroyo’s proposal in her House Bill No. 173 creating two Muslim Mindanao autonomous regions (Southwestern Mindanao and Central Mindanao), which actually has good historical and current basis, is relevant to the MNLF-MILF territorial and ethnic base configuration (this was originally a proposal in the 2000 masteral thesis of the late Abraham Iribani, former MNLF peace talks secretariat head). Maybe there needs to even be a Bangsamoro referendum on political options with the results providing the basis of an ensuing unified position. But more effective MILF-MNLF unity efforts will need the external help of the Organization of the Islamic Conference (OIC) and particularly Libya. On the other hand, bringing the MNLF into a broader process related to the GRP-MILF peace process will probably entail a reduction or dilution of Malaysia’s role, if only because of Misuari’s animosity to it.

Finally, there must be more of a sense of urgency about the GRP-MILF peace talks and their resumption, given a realization that there is not really that much time under the new six-year Aquino administration to work out the complex Mindanao peace process. Yes, do all the necessary review and preparatory work, but this can teach one only so much. It is actual engagement in the peace negotiations that teaches best. An initial engagement is already called for, not only to send the right public signal and to break the ice esp. for the new GRP peace panel, but also to learn first-hand what it is that has to be brought back to the drawing board. Yes, just do it, get your feet wet, “Let the talks begin.”

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P.S.

* Article written in response to a request from Carol Arguillas of MindaNews.

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