

# Mindanao (Philippines): Is martial law the right response to the ISIS threat?

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Never since the early years of Marcos' martial law in the 1970s has Marawi City, the capital of Lanao del Sur province, experienced such bloody fighting as over the past week between government troops and ISIS-linked extremist groups - the Maute Group and Abu Sayyaf. The fighting was triggered by a botched military operation to capture Abu Sayyaf leader Isnilon Hapilon, one of the world's most wanted terrorists and reportedly the designated "emir" of ISIS in the Philippines. As of Sunday, the sixth day of fighting, 95 people had been killed - 61 terrorists, 15 government forces and 19 civilians [1].

Announcing that "ISIS is already here" and claiming that foreign jihadists had joined Maute and Abu Sayyaf extremists in the gun battles in Marawi, President Rodrigo Duterte has declared martial law in the entire island of Mindanao. The Philippine Constitution requires Congress to approve Duterte's martial law imposition, limits martial rule to 60 days, and allows the Supreme Court to rule on its legality. Duterte has stated, however, that he is prepared to defy the Supreme Court and Congress on the matter.

Human rights and civil liberties advocates and victims of Marcos' dictatorial rule have denounced Duterte's move, warning that this is just a prelude to the imposition of a Duterte dictatorship over the entire country. With the rise of the Maute Group and other ISIS-linked terrorist groups and with Abu Sayyaf's alignment with ISIS, is the declaration of martial law in Mindanao truly warranted? Or is it just a pretext for another agenda?

## Part of protracted armed conflict

The recent fighting in Marawi is part of a protracted armed conflict in Mindanao that has spanned nearly half a century and that has claimed the lives of over 120,000 people and displaced two million more. The government has signed peace agreements with the two main rebel groups, but the pacts signed with the Moro National Liberation Front (MNLF) in 1976 and 1996 are generally viewed as having been failures, and that signed with the now bigger Moro Islamic Liberation Front (MILF) has not been implemented because of the lack of an enabling law.

The emergence of extremist groups in Mindanao has usually come about during periods of breakdown of the peace process - the Abu Sayyaf, a few years after the failure of the Jeddah Accord

of 1987; the Bangsamoro Islamic Freedom Fighters (BIFF), after the collapse of the Memorandum of Agreement on Ancestral Domain (MOA-AD) in 2008; and now the Maute Group, after the non-passage of the Bangsamoro Basic Law (BBL) for the implementation of the Comprehensive Agreement on the Bangsamoro (CAB) of 2014. The rise of the Abu Sayyaf, BIFF and the Maute Group is mainly the result of the repeated failures of the Philippine government - from Marcos to Duterte - to forge and judiciously implement a just and durable peace agreement with the MNLF and the MILF.

Not long after ISIS gained global prominence in 2014, some extremists in Mindanao already started to organize themselves into small groups, and tried to gain recognition from ISIS. The aftermath of the Aquino government's botched counterterrorist operation in Mamasapano, Maguindanao province, in January 2015, which resulted in the deaths of one terrorist, 44 Special Armed Forces of the government, 17 MILF fighters, 5 civilians and possibly some others, yielded a bonanza for the ISIS-inspired groups. Demagogic politicians, eyeing the 2016 elections, played to the crowd and whipped up anti-Moro and anti-Muslim hysteria. The BBL failed to pass.

### **Jihadists and breakaways**

Soon after the non-passage of BBL, this writer already warned: "The danger lies more with jihadist groups or possible breakaways from MNLF/MILF taking advantage of the BBL/CAB collapse. In a video released by ISIS' official newsletter, Al-Naba, early this year [2016], the fearsome terrorist organization claimed that four groups of Filipino jihadists had merged under the leadership of ASG ideologue Isnilon Hapilon, and pledged allegiance to ISIS leader Abu Bakr al-Baghdadi. The ISIS seems to be girding to establish a *wilayat* - a province under its caliphate - in Southeast Asia, which would then allow the latter to obtain financial and other support from ISIS." (See "Mindanao: Nationalism, Jihadism and Frustrated Peace," *Journal of Asian Security and International Affairs*, April 2016.)

Upon assuming the presidency, Rodrigo Duterte immediately endeavored to revive the Mindanao peace process. But he took a different tack, somewhat more ambitious than that of his predecessors. Knowing fully well that the 1996 Final Peace Agreement (FPA) with the MNLF covered practically the same territory as that of the 2014 CAB with the MILF, Duterte has insisted on, and persisted in, trying to get the MNLF and the MILF to work together in negotiating with the government.

But MNLF founding chairman Nur Misuari has not quite come on board. Ever since January 1986, when the Organization of the Islamic Conference (OIC) - now the Organization of Islamic Cooperation - recognized the MNLF as "the sole legitimate representative of the Bangsamoro people," Misuari has refused to sit down with representatives of the MILF and other factions of the MNLF in negotiating with the government.

### **Separate dealings**

Consequently, previous administrations have chosen to deal with the MNLF and the MILF separately. President Ramos signed the 1996 FPA with the MNLF before proceeding to formal talks with the MILF. While ostensibly implementing the FPA, President Estrada waged all-out war against the MILF, and Presidents Arroyo and B. Aquino negotiated with the MILF.

President Duterte has managed to draw the MILF and the MNLF faction led by Yusoph Jikiri and Muslimin Sema to work together, but Misuari has remained reluctant in fully joining in. As recently

as just a few weeks ago, no less than the OIC Secretary-General Yousef Al-Othaimen invited delegations of the MILF, MNLF (Misuari) and MNLF (Jikiri) for a meeting of the Bangsamoro Coordination Forum (BCF) in Jeddah, Saudi Arabia, in order to “harmonize the two peace tracks” and preserve the gains contained in past peace pacts. The MILF and MNLF (Jikiri) delegations attended, but neither Misuari nor a representative of his faction turned up.

Just before the BCF meeting in Jeddah, Duterte was quoted as saying that because of factionalism among the Moro rebel groups, he was “a bit pessimistic now” about the Bangsamoro peace process and “a little bit worried that nothing will come out of this.”

The Maute Group, the Abu Sayyaf and other pro-ISIS extremist groups have intensified their terrorist activities and recruitment. They have been tagged as having perpetrated the September 15, 2016 bombing in Davao City that claimed the lives of 15 people and Christmas Eve bombing in Midsayap, North Cotabato, that injured 13 people.

Since the Davao bombing, Philippine security forces have, in turn, stepped up their counterterrorist operations against extremist groups. In January, this year, police killed Mohammad Jaafar Maguid (“Tokboy”), the leader of the ISIS-inspired Ansar Khalifa Philippines (AKP) in a remote village of Sarangani province. In April alone, Philippine security forces killed three Abu Sayyaf leaders in firefights: Muamar Askali (“Abu Rami”) and Joselito Melloria in Bohol, and Alhabsy Misaya (“Abu Misaya”) in Parang, Sulu.

### **ISIS-inspired groups**

Over the past few years, ISIS-inspired groups have been trying to open a major fighting front in Southeast Asia. With its history of long unresolved armed conflict and with large areas outside of government control, Mindanao is looming as the new ISIS front. Pointing to the repeated failures of past peace pacts, the ISIS-linked groups have been hammering on the irreconcilability of Christian and Muslim differences.

To bolster their argument, they may well be trying to exploit recent developments: the post-Mamasapano anti-Muslim hysteria, the non-passage of BBL and the current impasse in the Mindanao peace process. The ISIS-linked groups want to turn Samuel P. Huntington’s much ballyhooed “clash of civilizations” into a reality in Mindanao.

Martial law is the wrong approach to the ISIS threat. It is like jumping from the frying pan to the fire. It is precisely what the ISIS-linked groups have wanted to happen. With Mindanao in the spotlight, they can now show to jihadists all over the world that they have succeeded in opening a major fighting front in Southeast Asia. They can now mobilize greater financial and material support from ISIS and other terrorist groups worldwide. They can now attract more jihadists from all over to join them. They may even realize their dream of being declared a *wilayat* of the ISIS caliphate in Southeast Asia.

Over the past months, the war against the ISIS-linked groups has been coming more and more to the fore, and the peace negotiations with the MILF and MNLF have been pushed to the sidelines. Precisely because of the ISIS threat, a comprehensive political settlement with the MILF and the MNLF is of utmost urgency. Martial law, however, highlights the military approach over the political approach in dealing with the problems of Mindanao.

## **No budget for agreement**

While the government has been spending millions of pesos on military operations against ISIS-linked terrorist groups, the Bangsamoro Transition Council (BTC), which is crafting a draft basic law (in place of the BBL) for the Comprehensive Agreement on the Bangsamoro, still does not have a budget up to now and its employees have not been paid their salaries.

As the experience with Marcos' martial law has shown, civilian oversight over the military's operations tends to weaken during martial law, resulting in grave human rights abuses. In Moro areas, military operations under Duterte's martial law run a greater risk of inadvertent clashes between government forces and MILF/MNLF fighters. Duterte's recent order to government troops - "all people who are not authorized by government to carry arms and they resist, kill them, wipe them out" - is most worrisome. It is a well-known fact that many Moros keep their own guns for self-defense and these arms are usually not registered.

The appropriate main response to the ISIS threat and the solution to the long-standing armed conflict in Mindanao lie in painstakingly working out and implementing a just peace with the MILF and the MNLF. Intensified military operations against terrorists are necessary, but peaceful political settlement, not military action, should be the government's top priority in Mindanao.

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### **P.S.**

\* US Bureau / 03:36 PM May 30, 2017:

<http://globalnation.inquirer.net/157444/martial-law-right-response-isis-threat#ixzz4ihdi4Ku9>

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### **Footnotes**

[1] These are the official figures given by the government. Real figures maybe much higher - ESSF.