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About this issue

FOCUS: THE SITUATION IN THE SOUTHERN PHILIPPINES

—Toshiya Hoshino

Professor, Osaka University; Editor-in-Chief, *P's Pod*, 29 March 2013

In this issue of *P's Pod*, we have focused on the peace process between the Government of the Philippines and Moro separatist groups to end a four-decade long conflict in the Southern Philippines. Particularly in the wake of the October 2012 signing of historic Framework Agreement on the Bangsamoro (FAB) between the Government and the Moro Islamic Liberation Front (MILF), we are at a critical juncture to test ourselves to find whether we, both the parties to the agreement and their international partners, can materialize the goals of this important initiative. It is a valuable common ground on which people in the region should explore the ingenious ways to imagine, learn and practice to live together peacefully and those of us outside should extend whatever support we can to further push all the positive developments on the ground..

This would be no easy task, as this is one of the protracted conflicts in the world whose causes are complex and the fault lines cannot be drawn simply over the difference in religious beliefs, such as between Christianity and Islam; it is a conflict whose cause lies in the nature of the history of the modern Filipino nation-statehood. In spite of these difficulties, however, both the Government of the Philippines and the MILF jointly took brave steps to reach this laudable agreement. Moreover, as an internationally supported peace process, it may be distinct in that it involves a variety of mediating actors, especially states in the Organization of Islamic Cooperation (OIC). Japan, too, has been involved in this process since 2006 as part of its peacebuilding diplomacy in East Asia, trying to play a useful role as an Asian, non-Christian and non-Islamic country. In fact, it has been a unique endeavour on the part of Japan as it attempts to play a role outside its usual comfort zone of working within the United Nations-mandated framework or as an ally of the United States.

It is our aim to be fair, impartial and objective in treating this issue of peace and conflict in the Southern Philippines. However, given the complexity and political sensitivity of as yet a volatile peace process, we cannot hope to cover all of its aspects—including the divergent views of the parties involved—in a single issue. Moreover, it is an on-going process and we can only capture a momentary snapshot of a segment of a dynamic whole. Therefore, we thought it appropriate as a starting point to look at



the recently signed FAB. The FAB was indeed considered a breakthrough in the peace negotiations between the two of the contending parties at the time, but its significance and challenges in the overall path to comprehensive peace has yet to be properly understood nor fully appreciated by outsiders as it may be by those who are party to the process. Thus, providing the adequate context and constructive analysis of the FAB is what we are trying to do in this issue.

To this end, this issue has been extremely fortunate to have two significant contributions from the Philippines. Mohagher Iqbal, Chairman of the MILF Peace Panel, insightfully reflects on the FAB's significance, while Soliman Santos, well known for his commentaries and analyses on the subject, provides an excellent profile of the important role of Islamic diplomacy in the efforts to bring an end to the conflict. In addition, Kei Fukunaga, an officer

from the Japan International Cooperation Agency (JICA) working as member of the International Monitoring Team (IMT) sheds light to Japan's involvement through the project, J-BIRD. Our contributing editor, Masako Ishii, has provided us with a useful overview of the peace process, set in the context of the history of the conflict, as well as a brief chronology of events since the 1970s. Meg Kagawa, our monitor based in the area, has contributed a brief on the recent stir in Sabah, a region that borders Southern Philippine and Malaysia.

In the coming *P's Pod* issues, we intend to take up the other aspects of the peace process not covered in this one, in the hope that they contribute to the better understanding of the situation and developments in the Southern Philippines.

Toshiya Hoshino

PROPOSED BANGSAMORO CORE TERRITORY

A. The present geographical areas of the ARMM

- Provinces: Basilan, Sulu, Tawi-tawi, Lanao del Sur and Maguindanao
- Cities: Marawi and Lamitan

B. Areas that voted Yes to inclusion in the ARMM in the 2001 plebiscite

6 Lanao del Norte towns

- | | |
|----------|----------|
| Baki | Pantar |
| Munai | Tagoloan |
| Nunungan | Tangkal |

39 out of 208 barangays in six towns in North Cotabato

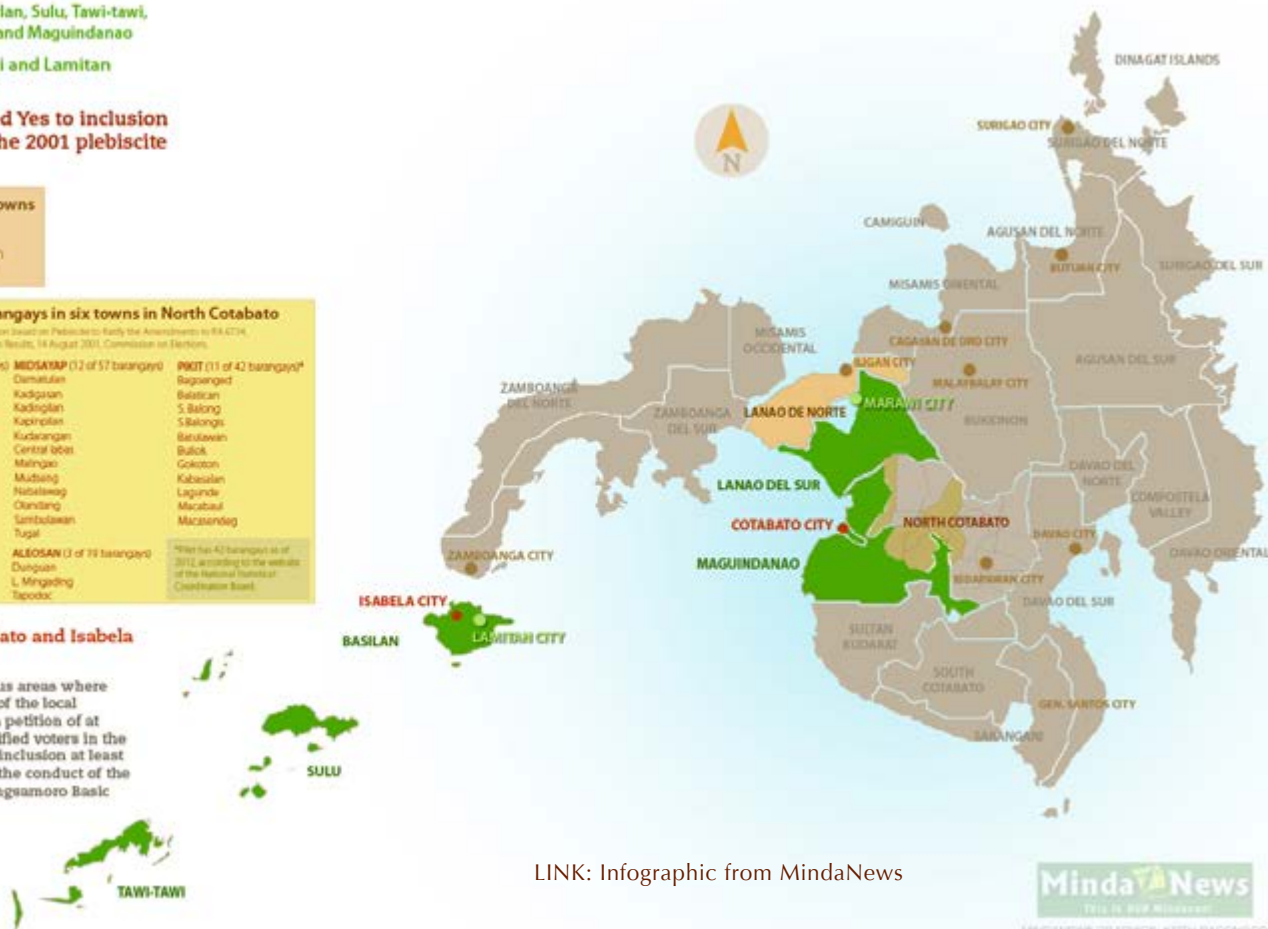
From Prof. Raul Roco's compilation based on Plebiscite Results and Amendments to RA 6714, Constitutional ARMM Referendum Results, 18 August 2001, Commission on Elections.

PIKAWAYAN (8 of 40 barangays)	MIDYATAP (12 of 57 barangays)	PROT (11 of 42 barangays)*
Lower Bagayan	Dumatuhan	Bagsongod
Balacayan	Kadugayan	Balaciran
Balaciran	Kadugayan	S. Balong
Datu Bismasing	Kapiripan	S. Balong
Kadugayan	Kudangan	Barulawan
Melac	Central Iboes	Bulok
P. Pangasinan	Malingao	Gokiton
P. Pangasinan	Mudwing	Kabanalan
KABACAN (3 of 24 barangays)	Nabalinog	Lagande
Panganan	Oandang	Micabaul
Sembuhay	Sambutan	Micabandog
Sanggalang	ALCOBAN (3 of 29 barangays)	
CARMEN (2 of 28 barangays)	Dunguan	
Manarhan	L. Mingding	
Nasipitan	Tapodac	

*After the 42 barangays as of 2012, according to the website of the National Bureau of Statistics.

C. Cities: Cotabato and Isabela

D. All other contiguous areas where there is a resolution of the local government unit or a petition of at least 10% of the qualified voters in the area asking for their inclusion at least two months prior to the conduct of the ratification of the Bangsamoro Basic Law



LINK: Infographic from MindaNews



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THE SOUTHERN PHILIPPINES: EXIT FROM 40 YEARS OF ARMED CONFLICT

—Masako Ishii, Osaka University, Associate Professor, Osaka University;
Contributing Editor, *P's Pod*

INTRODUCTION

The Philippines is a predominantly Christian country, but there are some Muslims living mainly in Mindanao Island, Palawan Island, and the Sulu archipelago, in the Southern Philippines. For over 40 years armed conflict has been a chronic feature in the Southern Philippines. It began around 1970, when the local population—robbed of political rights and economically deprived—mainly led by Muslims formed the Moro National Liberation Front (MNLF) to fight for independence from the Philippines. Since then, this conflict—without as yet a resolution—has been variously called as the “Moro problem,” “Muslim problem” or the “Mindanao problem.” Muslim academics retort and call it a “Christian problem.”¹ In Japan, it is known more often as the “Mindanao conflict.”

However, I prefer to call this the “Southern Philippine problem” or the “Southern Philippine conflict.” There are several reasons. First, Southern Philippines include Mindanao Island, Palawan Island and Sulu archipelago, but the local situation differs from each other. Mindanao and Sulu, in particular, have different histories and sources of conflict; we cannot treat all of them as the “Mindanao problem.” Second, since the 1976 Tripoli Agreement was signed on December 23, 1976 between the MNLF and the Philippine government in Libya’s capital, Tripoli, the Moro separatist forces have changed their demand from “independence” to “autonomous rule” within the Philippine sovereign state. The Southern Philippine problem arose in this process of this region’s becoming part of the Philippine state, and at issue is how to redefine the region’s position vis-à-vis the Philippine state.

Later on, the MNLF resumed armed conflict with the Philippine government over the implementation of the 1976 Tripoli Agreement, but



Mural in Mindanao (Photo: Masako Ishii)

on September 2, 1996 the two parties signed the 1996 Final Peace Agreement.² However, the two parties could not agree on the ways to set up the new autonomous government, and negotiations on the implementation of the Final Peace Agreement continue to the present.

On the other hand, the Moro Islamic Liberation Front (MILF), the splinter group from the MNLF, has been repeating armed clashes and peace negotiations with the Armed Forces of the Philippines. It is between these two parties that numerous peace negotiations have been taking place since 1997, and that the Framework Agreement on the Bangsamoro (FAB) toward final peace between the two parties was signed on October 15, 2012. This FAB included the roadmap toward the establishment of the Bangsamoro Government in 2016 (Table 1).

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CHALLENGES AHEAD

The death toll in the last 40 years of conflict is said to have been over 120,000.³ The conflict has also produced several million internally displaced people. As a result the regions where Muslims live have become the country's poorest.⁴ In view of the sufferings of the ordinary people, I am compelled to wish for lasting peace in the southern region. However, there are still many more hurdles to overcome before the two parties reach the final, Comprehensive Agreement.

First, the FAB planned to draw up the four Annexes regarding, "power sharing which includes the principles on intergovernmental relations," "wealth sharing," "normalization," and "transitional arrangements and modalities," to conclude the Comprehensive Agreement together with the FAB. Initially, the Annexes were to be written shortly after the FAB, and there were even reports that the Comprehensive Agreement might be signed within the year 2012.⁵ However, it took until February 27, 2013 for the Annex on the "transitional arrangement and modalities" to be signed, and the remainders are still under discussions.

On the other hand, the fifteen members of the Transition Commission responsible for drafting the Bangsamoro Basic Law were announced on February 25, 2013. Seven members from the Philippine government and eight from MILF were selected and Mohagher Iqbal, long standing representative of MILF's peace panel, was chosen as the chairman of the commission. At the time of the announcement, the Philippine government suggested that the commission might also include someone from MNLF's Misuari faction,⁶ but in the end no one who could speak on MNLF's behalf was chosen.

Conflict in the Southern Philippines involves various peoples and groups. There are many anti-government armed groups and militias beside MILF and MNLF. In terms of population size the Christian immigrants and their descendants as well as indigenous peoples, Lumad, who did not convert to Islam outnumber the Muslim population.⁷ The regional difference between Mindanao and Sulu has become clearer with the incident of the "Sabah Standoff" where the "Royal Sulu Army" had occupied Lahad Datu, Sabah, Malaysia in March 2013. In the incident, Jamalul Kiram III, who claims to be Sultan of Sulu, expressed the discontent

over the peace process between the Mindanao-based MILF and the Philippine government.⁸ The resolution of the conflict very much depends on whether an agreement can be forged among these various parties.

THE ROLE OF THE INTERNATIONAL COMMUNITY

The international community has been offering a variety of assistance to the conflict and peace process in the Southern Philippines. In July 2006, the Japanese Government announced the "active contribution to the Mindanao peace process by Japan." The assistance project is called, "Japan-Bangsamoro Initiative for Reconstruction and Development (J-BIRD)." J-BIRD sends Japanese development experts to the International Monitoring Team (IMT) that is responsible for ceasefire monitoring and humanitarian assistance.

Japan's sending experts to the IMT is considered a significant step in Japan's peace-building efforts for two reasons: the process does not involve the United Nations and it is peace framework led by Islamic states. Japanese peace-building assistance tends to have UN cover or to be within a framework agreed upon by the international community, where most Western countries tow the same line. However, in the case of the Southern Philippines it has been the member states of the Organization of Islamic Cooperation (OIC), such as Libya, Malaysia and Indonesia, who have played the role of the mediator for peace since the conflict began in the early 1970s.

The real test to bring about lasting peace in the Southern Philippines begins now. It is crucial that the international community, including Japan, cooperate with the OIC countries in order to improve its understanding of the complex sources of conflict in the Southern Philippines, with the thoughts to cultivating ways to connecting the diverse actors and parties to the conflict.

Masako Ishii

24 March 2013

TABLE 1: ROADMAP TOWARD ESTABLISHING THE BANGSAMORO GOVERNMENT ACCORDING TO THE FRAMEWORK AGREEMENT ON THE BANGSAMORO

(Masako Ishii)

	Year	Month	Date	Events	Concerns
Past	2012	Oct	15	Signing of the Framework Agreement on the Bangsamoro (FAB). The parties plan to adopt Annexes on: 1) Power Sharing, 2) Wealth Sharing, 3) Normalization, and 4) Transitional Arrangements and Modalities to be included in the Comprehensive Agreement.	Objection raised by other stakeholders such as Nur Misuari, the first Chairman of MNLF.
		Dec	12-15	34th Exploratory Peace Talk. The parties ended in an impasse.	
		Dec	17	Executive Order (EO) No. 120 creating Transition Commission which will draft Bangsamoro Basic Law. MILF has selected its 8 nominees, but the GPH has been short-listed.	
		Dec	19	Congress passed a resolution supporting EO No. 120.	
	2013	Jan	26	35th Exploratory Peace Talk. The parties adopted and signed the draft Term of Reference of the Third Party Monitoring Team (TMPT). TMPT is envisioned to be an independent body that is tasked to monitor, review and assess the implementation of all signed agreements, primarily the FAB and its Annexes.	
		Feb	25	GPH side has appointed its 7 members for Transition Committee. They, together with the 8 members selected by MILF, are tasked to draft Bangsamoro Basic Law.	MNLF members are not represented well in the Transition Committee.
Feb		27	36th Exploratory Peace Talk. Both parties signed the Annex on Transitional Arrangements and Modalities, the first of four Annexes to the FBA. They also signed the Terms of Reference for the Independent Commission on Policing.	Three other Annexes are yet to be signed.	
Future	2013	May	13	Autonomous Region in Muslim Mindanao (ARMM) election; National and local elections.	
				Signing of the Comprehensive Agreement.	
				Transition Commission drafts Bangsamoro Basic Law Bill.	Do they need to amend the Constitution to draft the Bill?
				Bill is certified by President.	
				Bill is submitted to Congress, Supreme Court, and President for approval. Transition Commission will cease to operate upon the enactment by Congress of Bangsamoro Basic Law.	Do Congress, Supreme Court and politicians approve the Bill? Do Lumad's groups and other stakeholders in the Southern Philippines agree to the Bill?
				A plebiscite is held in the affected areas for the ratification of the Bangsamoro Basic Law.	
				Promulgation and ratification of Bangsamoro Basic Law.	
				Bangsamoro Transition Authority is created. ARMM is deemed abolished.	
			A ministerial form and cabinet system of government will be commence once the Bangsamoro Transition Authority is in place.		
	2016	May		Bangsamoro Transirion Authority is replaced upon the election and assumption of the members of the Bangsamoro legislative assembly and the formation of the Bangsamoro Government.	

NOTES:

1. Soliman, Santos. *The Moro Islamic Challenge: Constitutional Rethinking for the Mindanao Peace Process*, (Manila: University of the Philippine Press, 2001), pp. 39-54.
2. Formally called, 1996 Peace Agreement with the Moro National Liberation Front; commonly referred to as 1996 Final Peace Agreement.
3. However, the death toll reported in the mid-1990s has also been 120,000. Considering the fact that many more have died in the last 20 years it is evident that there is no systematic data on the death toll.
4. According to figures in the UNDP's (UN Development Programme) Human Development Index (HDI), the 5 provinces in the Autonomous Region in Muslim Mindanao are positioned within the bottom 10. *Philippine Human Development Report*, (Human Development Network, 2006), p. 103.
5. Geronimo, Gian C. Leonen. "Bangsamoro Agreement Annexes Likely to be Done by End-2012," *GMA News*, October 23, 2012.
6. In April 2001, the members of the MNLF central committee expressed discontent to Nur Misuari's leadership, MNLF's first chairman, and core officials of MNLF formed the anti-Misuari faction, the Executive Council of 15 (EC15).
7. According to the 2000 Census, the population of the Southern Philippines is estimated to be around 21 million. Kawashima, Midori. *Minority and Nation State: Muslims in the Philippines*, (Tokyo: Yamakawa Shuppansha, 2012), pp. 9-11 (in Japanese). Lumad is composed by 18 ethno-linguistic groups, and its population is around 2 million.
8. *GMA News*, Sabah standoff a result of peace pact with MILF, Sulu sultan claims. *GMA News*, Feb. 18, 2013.



PROSPECTS AND OBSTACLES OF THE FRAMEWORK AGREEMENT ON THE BANGSAMORO

—Mohagher Iqbal,
Chairman, Moro Islamic Liberation Front Peace Panel

INTRODUCTION

The peace negotiation between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF) has been going on for the last 16 years since January 1997. When will it conclude successfully is beyond the competence of this writer. It is very much dependent on many varying factors, some of which are beyond the control of the parties. However, the most crucial factor is still the willingness and commitment of the main players in the conflict to end it. They can always find ways and means to bring the process to success, with no side losing face and short-changed. The process is made more assuring if they can draw the significant support of others, including the international community. After all, negotiation is a dialogue between two or more people or parties, who intend to reach an understanding, resolve point of difference, produce an agreement or craft outcomes to satisfy various interests of the parties and other stake-holders. The need for everybody to own the process and its result is a tall order in this kind of undertaking.

Currently, measured in term of the positive responses of the public, not to mention the MILF members and sympathizers and government officials, especially those in the provinces and municipalities, the prospects of the GPH-MILF Framework Agreement on the Bangsamoro (FAB) appear great. Even those who were previously opposed to the GPH-MILF Memorandum of Agreement on the Ancestral Domain (MOA-AD) are now generally supportive of the Agreement and the peace process.

However, the positive posture above is just one side of the equation. There is the other side of it. In the succeeding discussion, I will try to present the two sides of the issue and let the readers draw their own views or conclusions. The fact is that success or failure of the Agreement and the peace as a whole is not yet



The Philippine president visits MILF headquarters for the first time. (photo by Meg Kagawa)

determined. It depends on many factors, inside and outside of main peace process, and how the parties and their support groups conduct themselves.

In negotiation, success and failure are relative; meaning, success is not measured in term of signing an agreement. Similarly, failure is not reckoned to mere inability of any of the parties, or two of them, to comply with one or two aspects of the agreement.

Essentially, success and failure are measured in their totality. They encompass the purposes and processes. In the case of the Moro Question in Mindanao, it is a success if it is fully addressed, the real healing process begins, and ends in a situation of normality in the Bangsamoro. Failure, on the other hand, takes place if the parties or just one side decides to stop talking, throw whatever achievement into the dustbin, discard each and all infrastructures of the peace process, and start shooting. Then and there, violence becomes the normal happening.

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THE PROSPECTS

Without fear of contradiction, the Government of the Philippines (GPH) and the MILF have largely concluded that settling the conflict in Mindanao by military means is not practical. It is a waste of lives and properties. It only prolongs the sufferings of the people and stunts development in and outside of conflict zones. The war stalemates and there is no clear winner.

Of course, the Armed Forces of the Philippines (AFP) has a clear edge in conventional warfare. But war is not settled alone by material and logistical considerations; sometimes or oftentimes, the will to fight and to sacrifice counts as much or perhaps even more. The MILF can always fight back and survive by the application of full guerrilla warfare. Using small and highly-trained and well-motivated fighters, the MILF can create havoc and destruction everywhere without losing sight of the Bangsamoro people's political agenda and aspiration. As a consequence, the two parties saw the negotiating table as the "most practical and civilized way" of settling their conflict. This led to the negotiation that started in January 1997.

This perhaps is the first reason to be hopeful that the GPH-MILF peace negotiation has a bright future. Bloodied protagonists, in addition to the population tired of war, will find solace and comfort in the negotiating table in settling their conflict that is deeply rooted in the past.

The next factor that reinforces the chance of success of this negotiation is the perceived sincerity, popularity, and leadership shown by President Benigno Aquino III. Except for his own mother, the late President Corazon Aquino, who is considered an icon of democracy in the Philippines, perhaps no other Filipino president from Martial Law years of President Ferdinand E. Marcos in 1972 has ever enjoyed such clout and popularity as the current President Aquino. He won the presidency with overwhelming majority over his closest rival, surprisingly the deposed President Joseph Estrada. Added to this is Aquino's down-to-earth approach or statesmanship that endeared him to the people; for example, in his meeting with MILF Chairman Al Haj Murad Ebrahim in the outskirts of Tokyo, Japan, on August 4, 2011.

Many quarters did not appreciate this gesture, describing it as demeaning the status of the presidency. So far, he has not faltered in complying with his commitment delivered to the MILF through the government peace panel. Consider

the following: After the signing of the FAB on October 15, President Aquino signed the Executive Order on November 16 creating the Transition Commission (TC). The next day, his allies in Congress spearheaded the adoption of the congressional resolutions of the House and the Senate in support of the Executive Order.

But sincerity of one side is meaningless if not matched by the partner. We are lucky, because the MILF is not lacking in it. If one examines all past major violations of the ceasefire that led to bloody wars and the impasses in the peace talks, it becomes clear that those were mostly committed by the government and its armed forces. The MILF merely reacted and defended itself. A brief flashback to events will show these facts: In 2000, former President Estrada ordered an all-out war against the MILF despite the ceasefire and the progress of the talks.

On February 11, 2003, former President Gloria Macapagal-Arroyo again launched another all-out war against the MILF on the pretext of running after kidnap-for-ransom groups holding out in the Liguasan Marsh. At the time of the attack, the late MILF Chairman Salamat Hashim was delivering a sermon during the Eid'l Adha prayers marking the culmination of the pilgrimage to Mecca, the fifth pillar of Islam. In August 2008, the government deliberately did not sign the Memorandum of Agreement on Ancestral Domain (MOA-AD) after the parties initialed it on July 27. War broke out immediately.

Another important reason that gives the peace process a good shot in the arms includes the support given by the public, civil society and non-governmental organizations (NGOs), as well as other sectors of society. The media, church people, academe, women, members of the indigenous communities, and local government officials are all generally supportive. On the other hand, except for Zamboanga City Mayor Celso Lobregat, who occasionally snipes at the peace process and the FAB, the traditional spoilers like former North Cotabato governor Emmanuel Piñol and Iligan City Mayor Lawrence Cruz, are generally quiet. They are either unwilling to go against the bandwagon created by the signing of the FAB or feel subdued by the popularity of President Aquino. Which is which is difficult to determine.

Likewise, the participation or contribution of the international community, both states and international non-governmental organizations (INGOs), particularly the International Contact Group (ICG), in stabilizing or promoting the peace

process cannot be overstated. Suffice to say that members of the ICG, whose mandate is to “exert proper leverage” to the parties, are surely not remiss in this regard. Mostly doing their thing unheralded, their efforts and effects on how the parties conduct themselves, not excluding change of positions, are easily noticeable. No one would admit this openly, but in the negotiation bargaining is not only taking place between or among the formal players but support groups are also part of it. Much of those things are taking place beyond the flashes of cameras and publicity stunts.

Similarly, other countries outside the loop of the peace process but whose strategic interests are intertwined and affected by the resolution or non-resolution of the conflict in Mindanao cannot adopt passive stance at the sidelines. Surely, they will decide and act in accordance with what is good for their national interests.

Finally, the architecture of the GPH-MILF peace process is designed in such a way that failure is not part of it; or at least it is the last thing to happen. The parties have drawn a lot of good or bitter lessons from the experience of the MNLF and the government where their agreement, after more than a decade after signing, is still the subject of bickering, especially in matter of implementation. Their peace panels disbanded immediately after the signing of the GRP (Government of the Republic of the Philippines)-MNLF Final Peace Agreement of September 2, 1996. There was no effective monitoring mechanism to rely on. MNLF leaders jockeyed for positions in government and their combatants hurriedly integrated themselves into the AFP and the Police. The two measures effectively derailed the objective of the Bangsamoro. To this day, they seemed to have stumbled into the quicksand of uncertainty.

In the current GPH and MILF arrangement, there is in Mindanao the presence of the ICG, the Third Party Monitoring Team (TPMT), and the International Monitoring Team (IMT), as well as the vigilance of the NGOs and civil society organizations, both international and domestic, which give practically no elbow room for any party to violate any of their commitment. Whichever party tries to undermine key obligations to the Agreement will be put in a very odd situation and in the spotlight. It has no effective way to defend itself. With the advent of the state-of-the-art technology that reaches any part of the globe in seconds, non-compliance is very easy to expose and the guilty will be condemned before it can assemble its defense. Shaming and blaming are

always available especially to the weaker party. This is especially lethal if the aggrieved party, after exhausting all the remedies provided by the process, is willing to take the risk of war if only to showcase its adherence to the sacredness of obligations. The MILF had proved itself on this issue in several instances in the past.

One important safeguard feature of this peace process is the Transitional Arrangement and Modalities, which outlines the roadmap or steps the parties have to follow and must comply with. In order to ensure compliance, they created the Third Party Monitoring Team (TPMT) whose mandate is to monitor, review and assess the implementation of all signed agreements, primarily the FAB and its Annexes.

The other safety nets include: 1) The peace panels will not be disbanded and will continue to engage each other as long as there are still unresolved issues or new ones cropped up necessary to be taken up for discussion; 2) There will be no unilateral implementation of all signed agreement especially the FAB; 3) As above-stated, the TPMT is created by the parties to monitor their sincere and full compliance; 4) The Joint Normalization Commission (JNC) composed of the GPH, MILF Peace Negotiating Panels, together with Malaysian Facilitator and the TPMT, whose main function is to review, assess or evaluate the implementation of all agreements and the progress of the transition, was also created; and, 5) An “Exit Agreement” officially terminating the peace negotiation may be signed by the parties if and only when all agreements have been fully implemented.

On the more concrete example of this bright prospect: On January 25, 2013, the parties ended their 35th Exploratory Talks in Kuala Lumpur with milestone achievements that included the signing of the Term of Reference (TOR) of the TPMT whose mandate is “to monitor, review and assess the implementation of all signed agreements, primarily the FAB and its Annexes”. They also scored heavily in their discussion of the four Annexes on power-sharing, wealth-sharing, transitional arrangement and modalities, and normalization. I share the confidence of my counterpart in government, Prof. Miriam Ferrer-Coronel, when she asserted that the signing of the comprehensive agreement can be possible in March this year, barely less than one month from now. This will happen if there will be no major intervening events, which sometimes are expected in long and hard negotiation.

THE OBSTACLES

The best evidence to show how these obstacles played hard on the parties is to say that the GPH-MILF Peace Talks has been with us for the last 16 years. It encompassed four Filipino presidents and 11 government chief peace negotiators. (The MILF has four chief peace negotiators). Three major wars, 2000, 2003, and 2008, were fought during this span of time. Until today, the parties still struggle to finish the peace process; and long sought success is not yet in the bag, so to say.

Additional inputs to stress the present difficulty in the peace process follows: Before they signed the TOR of the TPMT and settled several substantive issues in the FAB's four Annexes, they first had to end their 34th exploratory meeting last December 12-15 in virtual impasse. They adjourned on the fifth day without signing any formal document, not even setting the dates for the next round of talks. This was, however, overcome during the subsequent meeting of the parties last January 21-25.

As earlier noted, the road ahead is not paved; it is still full of twists and turns. There are dangers practically lurking everywhere. There are many "ifs" and "supposes"; for instance, suppose the Bangsamoro Basic Law will be rejected by Congress, which is supposed to pass a "good legislation". Suppose the Basic Law, even if passed by Congress, will not be ratified by the people in the plebiscite? Suppose only few provinces, cities, and municipalities will join the new Bangsamoro entity? Suppose the Basic Law will be declared by the Supreme Court as unconstitutional? Suppose the spoilers and other resisters will succeed to mass their guns and launch an all-out attack against the Basic Law?

Answering one if or getting through one phase breeds more ifs and uncertainties. The litany of the possibilities is endless and one can easily court depression in the process. The only consolation is like what the Portuguese explorer, Ferdinand Magellan, in search of the Spice Island, did by ordering his men while in the high seas for six months without any sight of land, to sail, sail, and sail until they finally landed on Limasawa on the central part of the Philippines on March 16, 1521. Our yearning for real peace in our homeland and to arrest the worsening situation keep us moving until we achieve our objective; and in doing so, we do not want to entertain failure in the current negotiation. For us, we confront and settle one problem after another.

The truth is that even spoilers and other resisters are not wholly treated negatively, but they add reason in our determination to work harder and harder.



MILF soldiers celebrate the FAB (photo by Meg Kagawa)

Oftentimes, these spoilers enable us to discover creative and much-improved ways and means to address a particular problem. And through sincere continuing engagement or dialogue, if one, two or several of the resisters are won over to the side of the peace-makers, the impact on the whole exercise is tremendous. They can become the best spokesmen to win over or neutralize other spoilers, or at least, their effectiveness is rendered less encompassing.

Still, there are other spoilers who never hide their resistance or abhorrence for the success of the GPH-MILF peace negotiation. Until now MNLFC Chairman Nur Misuari is lashing at the GPH-MILF peace negotiation, especially the FAB. He described process as an illegal exercise and the FAB as menu for war in Mindanao. Another MNLFC faction headed by Cotabato City Vice Mayor Muslemin Sema could also hardly conceal his displeasure over the FAB and the impending success of the MILF at the negotiation table.

By and large, these groups are deterrent to the success of the FAB and the peace process. However, the MILF continues to play cool in the face of these seemingly provocations and instead keep on reaching out to them, with the hope that they see the wisdom behind the FAB. The MILF ceaselessly explains

that the FAB is for the entire Bangsamoro people. The MILF is only good for the duration of the two transition periods, and after which everybody is free to join the political fray and whoever succeeds will run the Bangsamoro regular government in 2016.

Finally, I am tempted to add one more deterrent to the brighter light at the end of the proverbial tunnel; i.e., the time constraint. Two months of the allotted three-year for the two transitions, Transition Commission and Transition Authority, to operate and write the Bangsamoro Basic Law, Congress to pass a good legislation, and have it adopted by the people in

a plebiscite, have already been consumed. The four Annexes to the FAB have not yet been settled by the parties as of this writing. Chances for more delays cannot be discounted altogether, especially after a new GPH peace panel chairperson took over the saddle of their negotiating team. As chairperson, she is still a neophyte.

So far, however, the time allotted to finish the process is not yet in the critical level. There is still enough time to do it. The two parties can still make it.



CONCLUSION

Truly, peace-making is not an easy task. It is unnerving as it is exhausting. It is not the forte of the genius or the strong. They are known to have less patience in talking to the naïve and the weakling. Only those imbued with a purpose and mission—and armed with perseverance—can make it through to the end. After all, negotiation is not by force that it moves forward; rather it is the collaborative work of the parties that sets it in motion.

Frankly, I do not know what exactly lies ahead in the peace process, say three years from now. While the prospects are brighter than the obstacles, the final outcome is not for us to know yet. Many interlocking factors play against each other. The only consolation, or perhaps as a way of ensuring success

in the exercise, as far as the MILF is concerned, is we work more than 24 hours a day especially after we signed the FAB. There is a little bit of exaggeration here but this is to describe how we make sure non-compliance is not part of our work norm.

But the international community, especially Japan, can make a difference in pushing the GPH-MILF peace process and the FAB to greater chance of success. The current efforts of Japan in helping the peace process formally or outside of its infrastructure are great, and perhaps few states can equal. But certainly these can be made greater and greater.

Mohagher Iqbal

4 February 2013

THE ROLE OF ISLAMIC DIPLOMACY IN THE MINDANAO PEACE PROCESS

—Soliman M. Santos, Jr.
Naga City, Philippines



INTRODUCTION

This article deals with the mediation or facilitation role of Muslim entities, most notably Malaysia and the Organization of Islamic Cooperation (OIC), in the peace negotiations between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF) “to solve the Bangsamoro problem” in the Muslim Mindanao region of the Southern Philippines. There is in fact a broader Mindanao peace process that also includes the implementation of the 1996 Final Peace Agreement (FPA) between the GPH and the Moro National Liberation Front (MNLF). There has also been Islamic mediation by the OIC in the latter peace process and there is an emerging correlation between this process and the currently pivotal, nearly-culminating peace negotiations with the MILF. However, we are here focusing on the latter negotiations. While we focus here on the mediation or facilitation role of Muslim entities, we should not lose sight that a broader Islamic diplomacy also covers ceasefire monitoring, humanitarian assistance, rehabilitation work and socio-economic development in the Mindanao

peace process. Finally, our focus here is on the more recent 2010-13 period under the incumbent Aquino administration in the Philippines.

The Muslim entities whose mediation roles in the GPH-MILF peace negotiations we cover here are: Malaysia as the third-party facilitator; the OIC, now with observer status, and Saudi Arabia, Turkey and the Indonesian NGO *Mubammadiyah* as members of the International Contact Group (ICG); and, Libya and Indonesia as two countries which have historically played roles in the peace negotiations with the MNLF and the MILF, although Indonesia’s role, like that of the OIC (of which Indonesia is chair its Peace Committee for Southern Philippines), has been mostly limited to the peace process with the MNLF. Our perspective on the mediation roles of these Muslim entities is necessarily limited as we are not ourselves part of the negotiations and mediation. We are, however, privileged to have some special sources in those processes, whose identities we cannot reveal. Other sources are publicly available, such as documents released from those processes

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and good media reportage of them, notably by Carolyn O. Arguillas of the on-line *MindaNews*. We hope to give a good sense of the mediation roles and impacts of these Muslim entities, and conclude with recommendations in light of the perceived situation of the peace process.

It must be made clear that the involvement of Muslim entities in the GPH-MILF peace process is only a “subset” of a broader and multiple international involvements, the most in number ever for any Philippine peace process and possibly still increasing. These multiple international involvements go beyond the OIC circle and has included, at various times and extent, the United States, the United Nations, World Bank, International Committee of the Red Cross (ICRC), and other international organizations.¹ Also the ICG, “the first ever *hybrid facilitation* support body in that it has states and international NGOs working together” also includes the United Kingdom (UK), Japan, The Asia Foundation (TAF), Centre for Humanitarian Dialogue (HDC) and Conciliation Resources (C-R). In the International Monitoring Team (IMT), aside from Malaysia which heads and mainly staffs it, there are also Brunei (still another Muslim country), Norway and the European Union (EU). These are all part of “an increasingly sophisticated peace support architecture,”² that also has local components. The level of internationalization of the mediation of the conflict is much more than the level of internationalization of the conflict itself.

ISLAMIC DIPLOMACY

The term “Islamic diplomacy” is used here mainly to refer to the mediation role of Muslim entities in the Mindanao peace process. The OIC’s mediation of the conflict between the Government of the Republic of the Philippines (GRP) and the MNLF since 1972 can be contextualized with the principles of Islamic diplomacy.³ *Kiyasa* (Islamic diplomacy) and *sijarah* (peaceful settlement) are part of *siyar* (Islamic international relations or law). Even as *siyar* is evolving away from the classical Islamic external relations framework of *jihad* (often misunderstood in its strict translation as “holy war”), the OIC had already employed modern interpretations of *siyar* alongside UN-type means of pacific settlement in its mediation of the GRP-MNLF conflict. The latter dimension

alone is insufficient to fully understand the OIC mediation.⁴

It was during the crucial third and finally successful attempt at GRP-MNLF peace negotiations from 1992 to 1996 that Indonesia became the new chair of the OIC Ministerial Committee of the Six (formerly the original Quadripartite Ministerial Commission, and currently the Peace Committee for Southern Philippines) in 1993, tasked with mediating those negotiations relevant to the “Question of Muslims in Southern Philippines.” This was in recognition of the Asian context of the Filipino Muslim problem. Indonesian diplomacy is indeed not so much Islamic as it is Asian, or more precisely oriented to the Association of Southeast Asian Nations (ASEAN). The then Indonesian Ambassador to the Philippines, when speaking of the Muslim approach, emphasized the “importance of approach, not only the Muslim” and that while all may be considered Muslim, the Indonesian approach is “different from the Saudi or Libyan approach.”⁵ In Philippine President Fidel V. Ramos’ book on the said third round of negotiations, his epilogue cites lessons learned, one of which is: “The ASEAN approach of *Musjawarah* (consultation) and *Mufakat* (consensus) proved to be the most productive.”⁶

The term “Islamic diplomacy” is also used to refer to a form of struggle that the MNLF and MILF engaged in, along with two other forms of struggle, i.e. armed struggle and peace negotiations. It was used in the sense of international solidarity work with the OIC and Muslim countries and entities to gather political and material support for either for the armed struggle or the peace negotiations or both. There was a time when such Islamic diplomacy was the main form of struggle waged by the MNLF, with the OIC as the main arena for this, as it was the OIC that brought the MNLF to engage in peace negotiations. It was never that way with the MILF, which has since 1997 been waging peace negotiations as its main form of struggle, although this was backed by a significant military capacity to wage armed struggle as well. In reverse case of the MNLF, it was the peace negotiations that brought the MILF into international diplomacy, starting not with the OIC but with the neighboring Muslim country of Malaysia in 2001.

MALAYSIA

Malaysia is the third-party facilitator of the GPH-MILF peace negotiations and the most important international involvement in it. Malaysia’s facilitation,

aside from being host, usually involved the following functions: serving as go-between conveying positions of the parties; providing a conducive atmosphere, venue and facilities; having a presence in the talks as “referee” and to witness commitments and understandings; helping bridge differences by shuttling between the parties; administering the talks; and, recording and keeping minutes, including details of what had actually been agreed upon. For the most part in the past 12 years, Malaysia has been effective, efficient and successful in this role, according to the general feedback from the negotiators of both sides as well as close observers, like those in the ICG in more recent years. The common Malay culture and temperament among the key players no doubt eased Malaysian facilitation, and its steady role may be described as the one constant in the ups and downs of the Mindanao peace process.⁷

The Framework Agreement on the Bangsamoro (FAB) in October 2012 was a major breakthrough, the signing ceremony of which was graced by both the Philippine President Benigno Aquino III and the Malaysian Prime Minister Najib Razak. No arguing against success, this has secured Malaysia’s role as facilitator of these negotiations. But during the early months of the Aquino administration (actually beginning in the last years of the preceding Arroyo administration), the GPH had expressed its discomfort with the then Malaysian facilitator Datuk Othman Bin Abd Razak whom the GPH considered being partial to the MILF. During the impasse over this, some quarters in the GPH and among Filipino opinion makers were pushing for the replacement of Malaysia itself by Indonesia as a more “honest broker.”

This issue was resolved by the replacement of Othman by a new Malaysian facilitator, Tengku Dato Ab Ghafar bin Tengku Mohamed, by the 21st Round of the Formal Exploratory Talks in April 2011. Knowledgeable sources (not from the GPH) say that the issue was not really about whose personality or style suited the GPH more between Othman and Tengku, but more to do with GPH’s coming to terms with the need for a third-party facilitator like Malaysia, which the MILF was adamant to keep, for the process move forward. Malaysia had proven itself in this regard in being an “honest broker,” and the GPH changed its attitude towards it. Tengku’s taking over doubtless helped the GPH to change its attitude, but the facilitation staff and its institutional memory has remained the same. That the Malaysian facilitation team came from the Office of the Prime Minister (OPM)-



Photo: Masako Ishii

Research Department (RD), which is actually its intelligence branch, also initially bothered the GPH peace panel under President Aquino which felt that the facilitation should be handled by the Ministry of Foreign Affairs. But the current GPH panel has since got over its misgivings about this and has learned to live with it.

Tengku, in a rare interview he gave to the Malaysian media, where he is described as “the consummate deal maker, calm, soft-spoken, low-key and comfortable in the background... the first to tell you that discretion is the key to success in any peace negotiation,” gave these insights into his facilitation as well as about the negotiations:

“What we did was, we agreed on the principles and they would discuss them in detail. When I move the principles in, I don't get involved in the discussions. I opened the way for them to discuss. I also had to make them feel at ease. During one instance, all we did was sit on a sofa, had coffee and talked freely. In that three-hour session, we touched roughly on the points. There was no taking down of notes. It was partly to get that sense of friendliness... No, I never issued ultimatums. The government and the MILF had their own positions and I had mine. Nobody can say ‘You do this, you do that.’ It required a lot of compromises and understanding. My role was that of the problem solver.

“Patience, endurance and the willingness to listen are key. What we wanted to

accomplish was important. It was important that we understood the body language, the nuances and the toughest of all, coming from a federal kind of system, we had to understand the presidential system with its different set-up and terminologies.

“From April 2011, right up to April 2012, it was constantly trying to make them comfortable and trying to win the confidence of the respective negotiators—the Philippine government and the MILF. That was important, getting their confidence.

“I also closed myself up because you cannot discuss negotiations publicly. You cannot disturb the feelings of the two sides. It is not right for the facilitator to talk during on-going discussions. That was why I was very unwilling to speak to you.

“This was driven in large by the aspirations of the Bangsamoro. When we started last year, both sides changed their approach. There was more engagement with the people, consultations, advocating and arriving at a consensus. Everybody was involved, the inclusiveness of the process made it strong. So, it was a matter of arranging everything in a basket, so to speak.” [Quoted from interview article, *New Straits Times*.]⁸

By various accounts over the years, Malaysia’s role has actually moved beyond facilitation towards mediation. This includes, among others, devising or promoting a solution, loosening the tension between the parties, creating an atmosphere conducive to negotiation, being an effective channel of information, and providing the parties with suggestions.⁹

In his speech at the 15 October 2012 signing ceremony for the FAB held at the Philippine presidential palace, Malaysian Prime Minister Najib Razak said, among others, that Malaysia was ready to help as the Philippines’ partner for peace. He said Malaysia was willing to offer training and education in particular: “To all the people of the Philippines, we will stand with you to make this agreement work.... It’s my hope that this agreement brings about a new time of moderation.” A joint statement issued by the Philippines and Malaysia described Najib’s visit as a “significant milestone” in bilateral relations and “signals a new phase of deeper and more robust

ties between the two countries.”

Post-FAB, however, two problems about Malaysia’s role as the third-party facilitator have come to the fore by this first quarter of 2013. First, the most vocal opposition earlier on to the FAB and Malaysia’s role came from MNLF Chairman Nur Misuari, signatory to the OIC-brokered 1976 Tripoli Agreement and 1996 FPA between the GRP and the MNLF. These agreements had already provided for an Autonomous Region in Muslim Mindanao (ARMM), but President Aquino has declared it as a “failed experiment” after 16 years of problematic implementation, and FAB would replace it with a new autonomous political entity called Bangsamoro.

Second, the resurrection of the “Sabah claim” due to a standoff and armed hostilities there arising from an armed occupation of a small village by the “Royal Army” of the residual Sulu Sultanate led by the Kiram family. Aside from its impact on Philippine-Malaysian relations, this again has raised the usual question about Malaysia as an “honest broker” in the GPH-MILF peace negotiations, which is now also being assailed for ignoring the “Sabah claim” of the sultanate and, for that matter, of the Philippines. Along with Misuari’s opposition to the FAB and the skepticism of clan-based politicians in the Sulu archipelago towards the peace process,¹⁰ this new development regarding the “Sabah claim” is seen by the MILF in particular as part of the problem of “peace spoilers.” These two problems raise valid questions about the sustainability of the FAB (and the expected ensuing comprehensive agreement) because of significant divisions in the Bangsamoro constituency. *Not all is quiet on the Western front.*

ORGANIZATION OF ISLAMIC COOPERATION (OIC)



It is with that backdrop of significant Bangsamoro divisions, particularly between the MILF and the Misuari-led MNLF, that the relatively small observer role of the OIC in the GPH-MILF peace negotiations bears noting. It was at the 26th Round of Exploratory Talks, which ended on 21 March 2012, that the parties approved the request of the Office of the Secretary-General (OSG) of the OIC “to sit as

observer.” The significance of this arises from the view and expectation that only the OIC has the clout to bridge the MILF and the Misuari-led MNLF and, thus, also their respective peace agreements with the GPH. Mindanao historian and former GPH peace negotiator Professor Rudy Rodil commented that the OIC was the “perfect mediator between the MNLF and MILF.”¹¹ In this regard, it is well known that historically the OIC has much more hold on the MNLF than on the MILF, while the MNLF has much more influence than the MILF has in the OIC, particularly with its crucial OSG. Now, more than ever, “a new struggle [or goal] to achieve Bangsamoro unity to ensure lasting peace has emerged among Moro revolutionary groups.”¹² This has become a major imperative for the viability and sustainability of a comprehensive peace settlement on the Moro front that, if the OIC were to accomplish even only MNLF-MILF unity (not merger), then that would be its best contribution.

Note that it is the OSG in particular, not the OIC as a whole nor its Peace Committee for Southern Philippines (PCSP) which focuses on the GRP-MNLF peace process, that was granted observer status in the GPH-MILF peace negotiations. A less obvious significance of this observer status is that it would widen the OIC’s horizons on the “Question of Muslims in Southern Philippines” and on discerning which between the MNLF and the MILF is the more legitimate representative of the Bangsamoro people. Finally, the presence of the OIC in the GPH-MILF peace negotiations adds major clout to its already considerable complement of international guarantors for resulting peace agreements.

But since the entry of the OIC, or more precisely the OIC-OSG, as observer in the GPH-MILF peace negotiations, it has attended only one of the ten rounds of the almost monthly exploratory talks held in Kuala Lumpur from April 2012 to February 2013 (although OIC Secretary-General’s Special Envoy for Peace in Southern Philippines, Ambassador Sayed Al Masry, was once on his way to Kuala Lumpur but had to return to Egypt on an emergency). According to knowledgeable sources, they are understaffed for attending these exploratory talks regularly. That said, the OIC Secretary-General Professor Ekmeleddin Ihsanoglu attended the FAB signing ceremony and met on its sidelines with President Aquino.

The OIC’s main line so far, since the breakthrough FAB, has been to link or harmonize the FAB with

the 1996 FPA. The MILF has given mixed signals about this. On one hand, the MILF says that the FAB or its ensuing comprehensive agreement can embody or incorporate the full implementation of the 1996 FPA; on the other hand, the MILF also says that the same is not possible because their respective frameworks are not congruous.

The OIC’s said line or related messages are mainly made not through its observer role in the GPH-MILF peace negotiations but through its high-level annual Resolutions of the Council of Foreign Ministers (CFMs) “On the Question of Muslims in Southern Philippines.” The latest Resolution, No. 2/39-MM, at the 39th CFM of the OIC in Djibouti last November 2012 (post-FAB) is particularly instructive in showing the latest OIC discourse on the matter, including a rather *MNLF-skewed* view (almost seemingly MNLF-drafted), and deserves extensive quotation. Its Paragraphs 1 to 4 show the premium that the OIC continues to give to the 1996 FPA, which is understandable because it is the OIC’s “baby.” Paragraph 5, then, pushes the GPH to make certain flexible concessions to the MNLF, including for the GPH “to sponsor the request by the MNLF on conducting a new plebiscite,” as all relate to MNLF demands regarding the problematic implementation of the FPA and expansion of the autonomous region:

Para. 5: Calls on the GPH to show flexibility that would allow progress on the pending major difficulties, namely the size of the autonomous region, transitional mechanism or transitional period arrangements and an agreed definition of strategic minerals, also calls upon it to sponsor the request by the MNLF on conducting a new plebiscite under neutral supervision to consult the population on whether they are willing to join the autonomous rule region; [underline by author]

This is followed by Paragraph 6 on the OIC’s latest MNLF-MILF unity efforts, interestingly indicating the MILF’s acceptance of the OIC proposal for institutional coordination which the MNLF has yet to accept:

Para. 6: Commends the efforts of the Secretary General in holding the second coordination meeting in December 2011 between the leaderships of the MNLF and MILF to continue their joint coordination and work to achieve peace and development for the people of Bangsamoro and calls for

the continuation of dialogue to form the proposed Bangsamoro Coordination Forum (BCF) and requests Secretary General to present a progress report to the next Session. Commends MILF's acceptance of the proposal and urges MNLF to accept the proposal as soon as possible to enable institutional and orderly coordination between them. [*underline by author*]

The BCF is just the latest in several such attempted MNLF-MILF unity mechanisms. During earlier phases of the GPH-MILF peace negotiations, some on the GPH side viewed the MNLF-MILF unity efforts as “being actually a parallel negotiation.”¹³ It is only in Paragraph 7 that the FAB comes into the picture of the latest OIC-CFM Resolution which expresses hope that it not suffer the fate of certain past peace agreements both with the MNLF and the MILF:

Para. 7: Welcomes the conclusion of the Framework Agreement between GPH and MILF signed October 15, 2012 and express the hope that it shall be implemented in good faith and that its fate would be different from that of its predecessors which were either retracted, such as the Memorandum of Agreement concluded with the Moro Islamic Liberation Front (MILF) which was not implemented due to a Philippine Constitutional Court order, or the Peace Agreements of 1976 and 1996 concluded with MNLF which have not been fully implemented so far. [*underline by author*]

Paragraph 8, “Commends the role of the Government of Malaysia as the third party facilitator” in the GPH-MILF peace negotiations and mentions the presence of the OIC Secretary-General Professor Ihsanoglu, among others, at the FAB signing ceremony. Malaysia is after all an OIC member and also of the OIC-PCSP. The second *prefatory* paragraph of the Resolution also gives credit to Libya and Indonesia as well as the OIC Secretary-General in the GRP-MNLF peace process, thus: “Commending the role played by Libya in reaching the Tripoli Agreement in 1976 and instrumental the role [sic] of the Republic of Indonesia as Chair of the PCSP and all its members, as well as to the Secretary-General's efforts...”

Most telling are Paragraphs 9 and 10 in their attempt to put the FAB in its proper place, as it were, in relation to the OIC-favored 1996 FPA and even the 1976 Tripoli Agreement:

Para. 9: Invites all parties to improve on the Framework Agreement by linking it to the Peace Agreement of 1976 and abiding by the area of the autonomous region stipulated in this Agreement and reconfirmed in the Final Peace Agreement of 1996.

Para. 10: Calls upon the Secretary General to hold another session of the tripartite meeting at the earliest to contain any impacts that may result from the Framework Agreement between GPH and MILF, save the 1996 Agreement and link it to the Framework Agreement, and develop a mechanism between MNLF, MILF and GPH to oversee the implementation of these two agreements i.e. the agreement with the MILF and the agreements with the MNLF. [*underline by author*]

It appears here that the OIC views the FAB as inferior to, and has to be “improved on” in accordance with, the 1996 FPA (which must be “saved”) and even the old 1976 Tripoli Agreement. The purported superiority of the latter two OIC-brokered peace agreements lies in “the area of the autonomous region stipulated”—14 provinces and 9 cities—compared to the FAB's core area of 5 provinces, 3 cities and 6 municipalities. But the “14 provinces and 9 cities” are a Misuari pipedream because most of these are already Christian majority areas and they have voted consistently against inclusion in a Muslim autonomous region in several plebiscites. The FAB is more realistic in aspiring for the inclusion of only Muslim majority areas in the vicinity of, but not yet under, the existing ARMM. The undue focus by the MNLF and the OIC in expanding the territory of a Muslim autonomous region even to provinces and cities where it would be unrealistic (because the Christian majority there would not accept it) overshadows the more important substance of the autonomy in terms of power-sharing and wealth-sharing, where it is clear that the FAB and its ensuing comprehensive agreement in fact would “improve on” the 1996 FPA (that subsumed the 1976 Tripoli Agreement).

Since the FAB would appear to provide better autonomy than that under 1996 FPA, it is rather strange that the OIC aims “to contain any impacts that may result from the Framework Agreement between the GPH and the MILF” and “to save the 1996 Agreement” even if the FAB would be better for the Bangsamoro people. On the other hand, the OIC’s call to “develop a mechanism between MNLF, MILF and GPH to oversee the implementation of these two agreements” is something that may be needed in the near future to purposefully correlate not only the two agreements but also the two Moro liberation fronts. But given the MNLF’s animosity toward Malaysia, it is only the OIC that can effectively mediate the MNLF-MILF axis and, for that matter, the MNLF-MILF-GPH axis. Worrisome is an unofficial or semi-official MILF comment against the OIC-proposed MNLF-MILF-GPH mechanism “as [an] unnecessary mechanism that will only complicate the gains of the GPH-MILF Framework Agreement on the Bangsamoro.”¹⁴ This carries an undertone of MILF vanguardism or exclusivity that can only be counter-productive to building a unified Bangsamoro peace constituency.

Finally, there is Paragraph 11, which is what the MILF highlights about the Djibouti Resolution:

Para. 11: Requests the Secretary General to invite the representatives of the Moro Islamic Liberation Front (MILF) to participate in ministerial conferences as guest, in coordination with the hosting state, in order to facilitate coordination between the two fronts [underline by author].

The MILF website *Luwaran* says: “It will be recalled that all past invitations to the MILF to attend OIC’s conferences had been [as] part of the MNLF delegation, which has been granted ‘observer status’ in the OIC. However with this new status, the MILF can be invited separately from the MNLF”¹⁵ [underline by author]. Incidentally, it was at the 27th CFM of the OIC in Kuala Lumpur in 2000 that the MILF first attended such conferences as part of the MNLF delegation and that the Philippine government first attended also as a guest.¹⁶ So the MILF, since 2000 (particularly after an “all-out war” by the Philippine government against it), has come a long way and of age in the OIC (particularly after the 2012 FAB).



OTHER MUSLIM ENTITIES

After the main players Malaysia and the OIC, there are the secondary players or supporting cast: Saudi Arabia, Turkey, the Indonesian NGO *Muhammadiyah* as ICG members, and Libya and Indonesia. First of all, it may be good to enumerate the mandated functions of the ICG, which is “complementary to the existing facilitation mechanism and peace process architecture:”

1. To attend and observe the face-to-face negotiations upon invitation by the Parties with the concurrence of the Facilitator;
2. To conduct visits, exchange views, and give advice on discreet basis in coordination with the Parties and the Facilitator;
3. To seek out the assistance of recognized experts, resource persons or groups on specific issues in order to support the Parties; and
4. To meet upon request by any of the Parties at various levels to help resolve substantive issues based on agreed agenda.¹⁷

The above has all been done and, by all indications, the ICG has been very useful for the negotiations. Of course, the participation and contributions vary among the ICG members. The information we have and share here is from knowledgeable sources but is also scant.

—**Saudi Arabia:** Saudi Arabia’s participation has been very limited and is more symbolic. Their embassy in Manila has never joined an ICG meeting. Their embassy in Kuala Lumpur occasionally sends a delegate to attend the peace talks but briefly, for just a few hours.

—**Turkey:** Turkey’s embassy in Manila does not have the human resources to do much, but they have on occasions attended ICG meetings in Manila. Their embassy in Kuala Lumpur has sent a delegate to most peace talks, occasionally staying for almost the full duration of the talks, which can be from three to five days. At the Ministerial Meeting Preparatory to the 12th Islamic Summit Conference of the OIC in Cairo this February 2013, Turkish Foreign Minister Ahmet Davutoglu welcomed the FAB, congratulated Malaysia for it, and supported the pending application for observer status of the Philippines.

—**Muhammadiyah:** *Muhammadiyah* accepted the invitation to join the ICG as “in line with the mission and identity of *Muhammadiyah* as an Islamic movement.”¹⁸ They are very committed as part of the ICG and never miss a single round of peace talks. They have convened multiple activities in Indonesia to increase social awareness and political support for the Mindanao peace process. They have invited the MILF, GPH and ICG to peace events in Indonesia, and have done some bridging between the MILF and MNLF. They have conducted exploratory visits to Mindanao to identify how best they can contribute with their expertise in human development. Their major constraint is their lack of a formal mandate to do international collaboration, and therefore have limited human and financial resources.

—**Libya:** Libya used to be like a secondary or supporting (to Malaysia) third-party facilitator in the GPH-MILF peace negotiations, but all this stopped with the fall of the Gaddafi regime in October 2011. Although there is word that Libya may return to the talks, it is not likely to regain its previous role. That role was very much identified with Gaddafi himself as his personal pet project, and Libya now has other priorities and is certainly not well placed to play that role anymore. Besides there may not be much need for further facilitation, given the expected conclusion of negotiations on a comprehensive agreement.

—**Indonesia:** Indonesia has been trying to increase its presence on the GPH-MILF peace front but some say this is hampered by its role in the GPH-MNLF peace front and the 1996 FPA, also known as the “Jakarta Agreement.” Indonesian President Susilo Bambang Yudoyono signified their intention to join the IMT that monitors the GPH-MILF ceasefire during a state visit of Philippine President Aquino in 2011. Indonesia’s intention is “to reciprocate the Philippine peacekeeping assistance in Aceh” but it has yet to formally submit this intention to the Philippine government.¹⁹ Potentially, Indonesia can play a more significant role given its being chair of the OIC-PCSP. At least five other members of the PCSP are also involved in the GPH-MILF peace front in varying degrees: Saudi Arabia (which is the PCSP vice-chair), Libya, Malaysia, Brunei and Turkey, in chronological order of involvement in the PCSP.²⁰

—**ASEAN:** At this point, something must be said about the *ASEAN* factor, *even though this is not itself a Muslim entity*, with only three Muslim countries among its ten member nations. It is interesting to note that the East ASEAN bloc of Brunei, Indonesia, Malaysia and the Philippines (BIMP)—with three Muslim countries out of the four—configures in the Mindanao peace equation. One analyst has noted the FAB’s implications for ASEAN: “With the signing of the Framework Agreement, economists predict EAGA [East ASEAN Growth Area, which is equivalent to BIMP] will push for more socio-economic cooperation.... it signals a new phase by which the Manila government and the MILF can now work as partners in the implementation of its provisions not only for the people of the Philippines but also for the ASEAN region.”²¹

In the crucial 5th CFM of the OIC in Kuala Lumpur in 1974, it was Indonesia and Malaysia which pushed for the “framework of the national sovereignty and territorial integrity of the Philippines” to balance the call for the Philippine government to negotiate with the MNLF, in the face of Libyan and Pakistani advocacy for OIC intervention in behalf of Muslim minorities in non-member states.²² Indonesia and Malaysia were “anxious to prevent the interference of other countries (including the Arabs) in Southeast Asia,”²³ which was starting to cope with its own

regional stability through the emergent *ASEAN*—*which to these two Muslim states was the higher value, not the OIC and, much less, Islamic solidarity.*²⁴

At the 38th CFM of the OIC in Astana in 2011, Indonesian Foreign Minister Dr. R.M. Marty M. Natalegawa said that, “Indonesia continues to urge the OIC to grant observer status to the Philippine Government, as this will demonstrate how the OIC engages and cooperates with non-member countries with significant Muslim minority populations” [*underlines by author*]. If some kind of GPH-MILF-MNLF mechanism would be needed eventually to sort out the two tracks represented by the MILF/FAB and the MNLF/1996 FPA, then Indonesia rather than Malaysia or the OIC Secretary-General might be the most widely acceptable mediator. We should recall that *before Malaysia entered the GRP-MILF peace negotiations as third-party facilitator* in 2001, *Indonesia nearly took on that role* with an offer to mediate through no less than its President Abdurrahman Wahid, with the assent from his acquaintance, MILF Chairman Salamat Hashim, but this was blocked by then Philippine President Joseph Estrada who had unleashed an “all-out war” against the MILF in 2000,²⁵ thus scuttling the negotiations.

SOME RECOMMENDATIONS

Barring unforeseen circumstances, the GPH-MILF peace negotiations should culminate with a comprehensive agreement that fleshes out the Annexes of the FAB in the very near future. That might be the easiest part of the road map outlined by the FAB. The next substantive step in that road map is the drafting of the Bangsamoro Basic Law (BBL) by the Transition Commission (TC), its members already in place. But it has been noted that there is “*no MNLF member*” in the TC, as “*the MNLF chose not to endorse a member*”²⁶ for designation either by the GPH or the MILF. This should be a matter of major concern, sounding alarm bells, **because an antagonistically divided Bangsamoro stakeholder in the BBL will simply not do for its viability and sustainability.**

Things are already at the stage of drafting the organic law for a new autonomous political entity for the Bangsamoro based on a peace agreement, yet a significant Bangsamoro stakeholder, the MNLF (with a constituency in the South-western

archipelagic half of the entity’s core territory) is currently “not on the same boat,” and even currently opposing it. **This has to be sorted out before Bangsamoro autonomous arrangements are “entrenched” into law.** But the definitive sorting out of the two tracks represented by the MILF/FAB and the MNLF/1996 FPA is *not clearly indicated in the FAB road map* now being followed. And yet it has become increasingly clear that **Bangsamoro unity, with MILF-MNLF unity as the litmus test, should already be treated as a goal in itself of the peace process²⁷ and no less than part of solving the Bangsamoro problem.**

This would be not only a **matter of sorting out two peace agreements** (the FAB / comprehensive agreement and the 1996 FPA) **but also the relations between the MILF and the MNLF.** The newly appointed TC would not be able to do this, not only because there is no MNLF member there, but also because the said sorting out is not in its mandate, even if there may be TC members who know the MNLF perspectives. The said sorting out can only be done by a **GPH-MILF-MNLF mechanism mainly to sort out the two peace agreements and a MNLF-MILF unity mechanism** to sort out the intra-Moro (some might say “Moro-Moro”) relations. In both mechanisms, it would appear that any necessary mediation (and it appears to be necessary) would have to be by the OIC. It cannot be by Malaysia anymore because of the MNLF’s aversion to Malaysia, exacerbated by the current Sabah stand-off. **This is where Indonesia, as an OIC member (its PCSP chair at that) mediator that appears to be the most commonly acceptable to the GPH, MILF and MNLF, could come in.** Indonesia would be more commonly acceptable than the OIC-OSG because of the MNLF’s perceived hold there. The OIC has, of course, already proposed the Bangsamoro Coordination Forum (BCF), which the MILF has accepted but the MNLF not yet. Aside from this, the two Moro liberation fronts should be able to hold a dialogue and negotiate even just between themselves, without an OIC mediator. There is also the just as important domestic intra-Moro effort of Bangsamoro civil society to work for MNLF-MILF unity.²⁸

Actually, as early as 2000, a Filipino political scientist once wrote about the need for a three-cornered “GRP-MNLF/MILF peace process” leading to “a new peace agreement involving the

GRP, MNLF and MILF.”²⁹ Another Filipino-American academic’s proposal in 2004 was to establish a GRP-MNLF-MILF Commission on Bangsamoro self-determination with an MNLF-MILF working group within it, to review the existing ARMM and determine what key changes may be necessary.³⁰ So the OIC’s 2012 call to “develop a mechanism between MNLF, MILF and GPH to oversee the implementation of these two agreements” is not really a new idea. The unofficial or semi-official MILF comment against this, “as [an] unnecessary mechanism that will only complicate the gains of the GPH-MILF Framework Agreement on the Bangsamoro” is understandable, given those gains and the limited time frame of its road map. **But these gains could also come to naught if the MNLF problem (to put it bluntly as that) is not solved.** Better to address this problem now early in the transition rather than as a bigger problem later down the road. **This urgent task should have its own road map, which of course should interlink with the FAB road map, and thus contribute thereto.** Even road maps can be works in progress. If there are to be institutions and mechanisms of Bangsamoro self-governance, there too should be institutions and mechanisms of Bangsamoro unity.

Islamic diplomacy, or more precisely Muslim entity mediators led by the OIC, has a key role to play in helping achieve the necessary Bangsamoro unity for the peace process. But they themselves need all the help (or push) they can get for this. Among others, the **non-Muslim entities in the ICG**, like Japan and the international NGOs, **should consider what they might contribute to a particularly urgent task of addressing the MILF-MNLF unity problem in the transition.** There is Islamic diplomacy, but there is also the usual international diplomacy that can address this problem. The mediators and the parties themselves in the GPH-MILF peace negotiations **need now more than ever to augment their peace efforts** of mediation and negotiation **with diplomatic efforts** mainly in the arena of the OIC and its key members for the Mindanao peace process.

Soliman M. Santos, Jr.
9 March 2013



Photo: Masako Ishii

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NOTES:

- 1 See Chapter 3 on “Multiple International Involvements” in Soliman M. Santos, Jr., *Dynamics and Directions of the GRP-MILF Peace Negotiations* (Davao City: Alternate Forum for Research in Mindanao, Inc., 2005), pp. 86-108.
- 2 Kristian Herbolzheimer and Emma Leslie, “Persevering for Peace,” *Philippine Daily Inquirer*, October 10, 2012, p. A13.
- 3 See esp. Julkipli M. Wadi, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question (1972-1992)* (M.A. Islamic Studies thesis, Institute of Islamic Studies, University of the Philippines, 1993).
- 4 See Chapter 3 on “Islamic Conference Mediation of the Philippines-Muslims Dispute” in Soliman M. Santos, Jr., *The Moro Islamic Challenge: Constitutional Rethinking for the Mindanao Peace Process* (Quezon City: University of the Philippines Press, 2001, 2nd Printing 2009), pp. 55-93.
- 5 Author’s interview with Amb. Abu Hartono, Indonesian Ambassador to the Philippines (Makati City, December 22, 1998).
- 6 Fidel V. Ramos, *Break Not The Peace: The Story of the GRP-MNLF Peace Negotiations 1992-1996* (Philippines: Friends of Steady Eddie, 1996).
- 7 See Soliman M. Santos, Jr., *Malaysia’s Role the Peace Negotiations Between the Philippine Government and the Moro Islamic Liberation Front* (Penang: SoutheastAsian Conflict Studies Network, Peace and Conflict Research Report Number 2, 2003).
- 8 Farrah Naz Karim, “SUNDAY INTERVIEW: Quiet Envoy Helps Seal Peace Deal,” *New Straits Times* (Kuala Lumpur), October 21, 2012.
- 9 J.G. Merrills, *International Dispute Settlement* (Cambridge: Cambridge University Press, 2nd ed., 1993), pp. 34-5, 41.
- 10 See International Crisis Group, *The Philippines: Local Politics in the Sulu Archipelago and the Peace Process*, Asia Report No. 225, May 15, 2012.
- 11 Carolyn O. Arguillas, “OIC to Sit as Observer in GPH-MILF Peace Talks,” *MindaNews* (www.mindanews.com), 22 March 2012.
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- 13 Author’s interview with Sec. Norberto B. Gonzales, Presidential Adviser on Special Concerns, Office of the President of the Philippines, on June 6, 2002 in Manila.
- 14 “OIC to invite MILF as ‘guest’ in future meetings,” *Luwaran* (MILF website www.luwaran.com), November 21, 2012.
- 15 Ibid.
- 16 Carolyn O. Arguillas, “OIC to Sit as Observer in GPH-MILF Peace Talks,” *MindaNews* (www.mindanews.com), March 22, 2012; and Salah Jubair, *The Long Road to Peace: Inside the GRP-MILF Peace Process* (Cotabato City: Institute of Bangsamoro Studies, 2007), p. 34.
- 17 *Framework Agreement on the Formation of the International Contact Group for the GRP-MILF Peace Process*, September 15, 2009, Kuala Lumpur, in Government Peace Negotiating Panel, *Breakthrough: Critical Documents of the GRP-MILF Peace Talks (1997-2010)* (Quezon City: Central Book Supply, Inc., 2010), p.110.
- 18 Prof. Dr. M. Din Syamsuddin, President of *Muhammadiyah*, letter of acceptance of invitation to the ICG, 30 November 2009, in *GRP-MILF Peace Process: Compilation of Signed Agreements & other related Documents (1997-2010)* (MILF Peace Panel and The Asia Foundation, 2010), p. 325.
- 19 Bong C. Sarmiento, “Indonesia Wants to Join Foreign Truce monitors,” *MindaNews* (www.mindanews.com), March 13 2011.
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- 21 Ava Patricia C. Avila, “The Bangsamoro Framework Agreement: Implications for ASEAN,” RSIS Commentary, No. 195, October 19, 2012. (S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore).

- 22 James P. Piscatori, *International Relations of the Asian-Muslim States* (University Press of America, 1986), pp. 9-10; and Nehemia Levtzion, *International Islamic Solidarity and its Limitations* (Magne Press, 1979), pp. 45-46.
- 23 Levtzion, p. 31.
- 24 Aside from Piscatori 13 on the Malaysia-Indonesia-ASEAN factor in the GRP-MNLF-OIC equation, see also Michael Antolik, *ASEAN and the Diplomacy of Accommodation* (ME Sharpe Inc., 1990), pp. 69-83.
- 25 As noted in Datu Michael O. Mastura, *Bangsamoro Quest: The Birth of the Moro Islamic Liberation Front* (Penang: Southeast Asian Conflict Studies Network [SEACSN] and Research and Education for Peace [REP-USM], 2012) footnote 78, p. 175.
- 26 See TJ Burgonio, "Bangsamoro Transition Panel Formed," *Philippine Daily Inquirer*, February 26, 2013, p. A2. There is, however, a TC member Fatmawati Salapuddin who is an MNLF member but does not represent it in the TC. Surprisingly, not even a representative from the MILF-friendly, Cotabato-based Sema faction of the MNLF was designated either by the GPH or the MILF for TC membership.
- 27 To draw from the title of the article of Ryan D. Rosaura, "New peace goal: Bangsamoro unity," *Philippine Daily Inquirer*, January 13, 2013, p. A13.
- 28 See, for example, Consortium of Bangsamoro Civil Society, "A Proposal to Enhance Bangsamoro Solidarity," (adopted April 26, 2009 during the Bangsamoro Solidarity Summit and Validation Workshop, Hotel Camila, Pagadian City.)
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- 30 Dr. Astrid S. Tuminez, "Ancestral Domain: Territory, Governance, Culture and the Quest for Bangsamoro Self-Determination" (Paper prepared for the Philippine Facilitation Project, U.S. Institute of Peace, Washington, D.C., November 2004).



JAPAN'S CONTRIBUTION TO THE MINDANAO PEACE AND DEVELOPMENT: VIEWS FROM THE GROUND

—Kei Fukunaga

First Secretary, Embassy of Japan, Philippines

Senior Advisor for Socio-Economic Assistance, International Monitoring Team

At the Malacañang Palace in Manila, the capital of the Philippines, on the afternoon of October 15, 2012, the Government of the Philippines and the Moro Islamic Liberation Front (MILF) signed the Framework Agreement on the Bangsamoro (FAB). The historical signing ceremony was reported widely in the local press in the Philippines as well as in the Western media. The Japanese media also reported some aspects of Japan's contribution to the conflict area in Mindanao, but as one of the Japanese involved on the ground, I would like to briefly introduce what Japan is doing.

After the FAB was signed the Japanese government immediately issued a statement by the foreign minister to express that Japan welcomes the agreement and that it will continue to support the efforts toward peace and development in Mindanao. In fact, Japanese support toward Mindanao started after the then-Prime Minister Shinzo Abe announced the launch of the "Japan-Bangsamoro Initiatives for Reconstruction and Development" (J-BIRD) in December 2006 on the occasion of the fiftieth anniversary of normalization of ties between the Philippines and Japan. Since then, Japan had been party to the Mindanao peace process and helped efforts toward post-conflict reconstruction and development at the grass-roots level.

J-BIRD's objective has been to support the process of peace negotiations between the Philippine government and the MILF by offering assistance in the area of reconstruction and development to the conflict and poverty stricken Bangsamoro. In fact, the Japanese government was the first foreign donor country to formally assist Bangsamoro; moreover, that Japan began its assistance during the peace negotiation process rather than after the peace agreement was something new to Japan.

The amount of Japanese assistance to the conflict-affected areas in Mindanao has reached over 12 billion yen (about US\$130 million) in the past 6 years, and one could say that Japan has established a strong relationship based on trust not only with the



Philippine government but also with the MILF.

The characteristic of the J-BIRD operation has been that it organically combined three types of assistance, namely: technical cooperation, grant aid and loan aid. This means that: first, under technical cooperation, we conduct field survey to grasp local needs in the conflict-affected area's target communities; then, according to the results of the field survey, small-scale facilities are built through small grant aid and middle-scale aid or region-specific facilities arranged through loan aid. It is a comprehensive approach. In order to do this, the Japan International Cooperation Agency (JICA), in charge of carrying out the operation on ground, has been sending experts of socio-economic development assistance since 2006 to the International Monitoring Team (IMT) that was established in 2004 to monitor ceasefire operations. While ensuring safety in conflict-affected areas, JICA staff has been frequenting the area since. In fact, as early as 2002, JICA has been sending its development specialists to assist in human capacity development for the Autonomous Region in Muslim Mindanao (ARMM), working face-to-face with and nurturing the trust from the concerned parties over time in various aspects of technical cooperation projects in the ARMM region.

The peace process between the Philippine

government and the MILF did not exactly go smoothly. In August 2008 their trust broke down and armed clashes spread. The IMT had to leave but Japan's aid policy continued even under this difficult situation. At the end of 2009, the Philippine government and the MILF that resumed the peace talks requested for the assembly of the International Contact Group (ICG), and Japan, together with the United Kingdom (UK), Turkey and four other international NGOs (non-governmental organization) sat as observer to the peace negotiation. It was not only the Philippine government that regarded highly the Japanese assistance thus far who asked Japan to part of the ICG, but the MILF had also requested so. Furthermore, when the meeting between Philippine President Benigno S. Aquino III and Mr Al Haj Murad, Chairman of the Central Committee of MILF took place at Narita (outskirts of Tokyo), MILF was said to have asked for it to be in Japan upon Philippine government request to meet. When the trust between the two parties was breaking down, the result of years of development assistance through the J-BIRD operations and efforts of Japanese staff sent to IMT or ICG to sustain the dialogue between the two parties had contributed to bringing the two back on talking terms.

The prospects for the FAB are that the next three years are a transitional period toward peace in Mindanao. There are many difficult challenges ahead in the next two years, from setting up the Transition Committee, drafting the Bangsamoro Basic Law Bill, and the establishment of the Bangsamoro Transition Authority in place of ARMM.

The Japanese government has expressed the following assistance in the transition period to the Philippine government: (1) assistance toward the consolidation of peace; (2) assistance toward institutional building and human capacity development; and, (3) assistance in regional infrastructure and community development. Already started is the project to assist the MILF's middle-management human capacity development; last year the training facility was built through the Embassy's grass-roots grant aid and JICA is offering technical cooperation by running the training programs. In addition, JICA also started this year the human capacity development assistance for MILF's Bangsamoro Development Agency, and is expanding the size of the target area for operation. Japan is expected to contribute actively to the process of the realization of the FAB by utilizing the experiences from the J-BIRD activities and building on the trust from the two parties.

Kei Fukunaga
28 January 2013



WHAT IS J-BIRD

As of 12 October 2012
Embassy of Japan in the Philippines
<http://www.ph.emb-japan.go.jp/bilateral>



1. J-BIRD

Launched in December 2006, J-BIRD (Japan-Bangsamoro Initiatives for Reconstruction and Development) is designed to contribute to the peace process and development in the Conflict-Affected Areas in Mindanao (CAAM) and the surrounding areas in the ARMM (Autonomous Region in Muslim Mindanao). The objective of J-BIRD is to enable the people and the communities in the target areas to enjoy the “dividends of peace” through the Japanese ODA on the basis of “Human Security” principles. As of now, the total amount of the assistance is approximately JPY12 billion.

- Grant Assistance for Grassroots Human Security Projects (GGP):
 - Since the launch of J-BIRD in 2006, Japan has implemented 50 projects in conflict-affected areas in Mindanao, amounting to a total of approximately JPY410 million. 26 projects were implemented in the ARMM.
 - The projects include construction or rehabilitation of school buildings, training centers, water supply systems and agricultural facilities.

2. GRANT AID

- Grant Assistance for Grassroots Human Security Projects (GGP):
 - Since the launch of J-BIRD in 2006, Japan has implemented 50 projects in conflict-affected areas in Mindanao, amounting to a total of approximately JPY410 million. 26 projects were implemented in the ARMM.
 - The projects include construction or rehabilitation of school buildings, training centers, water supply systems and agricultural facilities.

- Grant Aid for Japanese NGO’s project:
 - 1 project (OXFAM-JAPAN) in JFY 2009;
 - 3 projects (OXFAM-JAPAN 1 project and ICAN 2 projects) in JFY 2012.
- Emergency food aid of rice to Internally Displaced Persons (IDPs) through the United Nation’s World Food Program (WFP): JPY860 million (Distribution: Jan. 2009 – Jan. 2010)

3. TECHNICAL COOPERATION

- Senior Advisor for Regional Development of ARMM: Japan dispatches a senior advisor who coordinates ODA projects for ARMM and provides policy advice on development issues with the ARMM government.
- ARMM Human Capacity Development Project (JPY350 million): This project aims to improve capacity of middle management and operating core members of the ARMM government through the assistance for development of the “Halal Industry”, establishment of the “ARMM Administration Code” and the “Human Resource Information System,” and “Management of Infrastructure”.
- Rice-based Farming System Training and Support for ARMM (JPY85 million), etc.

4. LOAN AID

- ARMM Social Fund for Peace and Development Project
- This project started in April 2004, co-financed by JICA and the World Bank. Japan’s contribution amounts to JPY2.47 billion.

- CDA (Community Development Assistance) 321 projects (smaller infrastructure projects with 1.5 million peso allotted for each community) and SRI (Strategic Regional Infrastructure) 33 projects (larger infrastructure projects for each province) are being conducted in the ARMM region.
- CDA and SRI projects include construction of multi-purpose centers, water-supply facilities, agricultural facilities, elementary and high schools, and rural roads etc.
- Central Mindanao Road Project (JPY3.7 billion): This project aims to construct roads between North Upi and Kalamansig (74.82km) in Maguindanao Province.

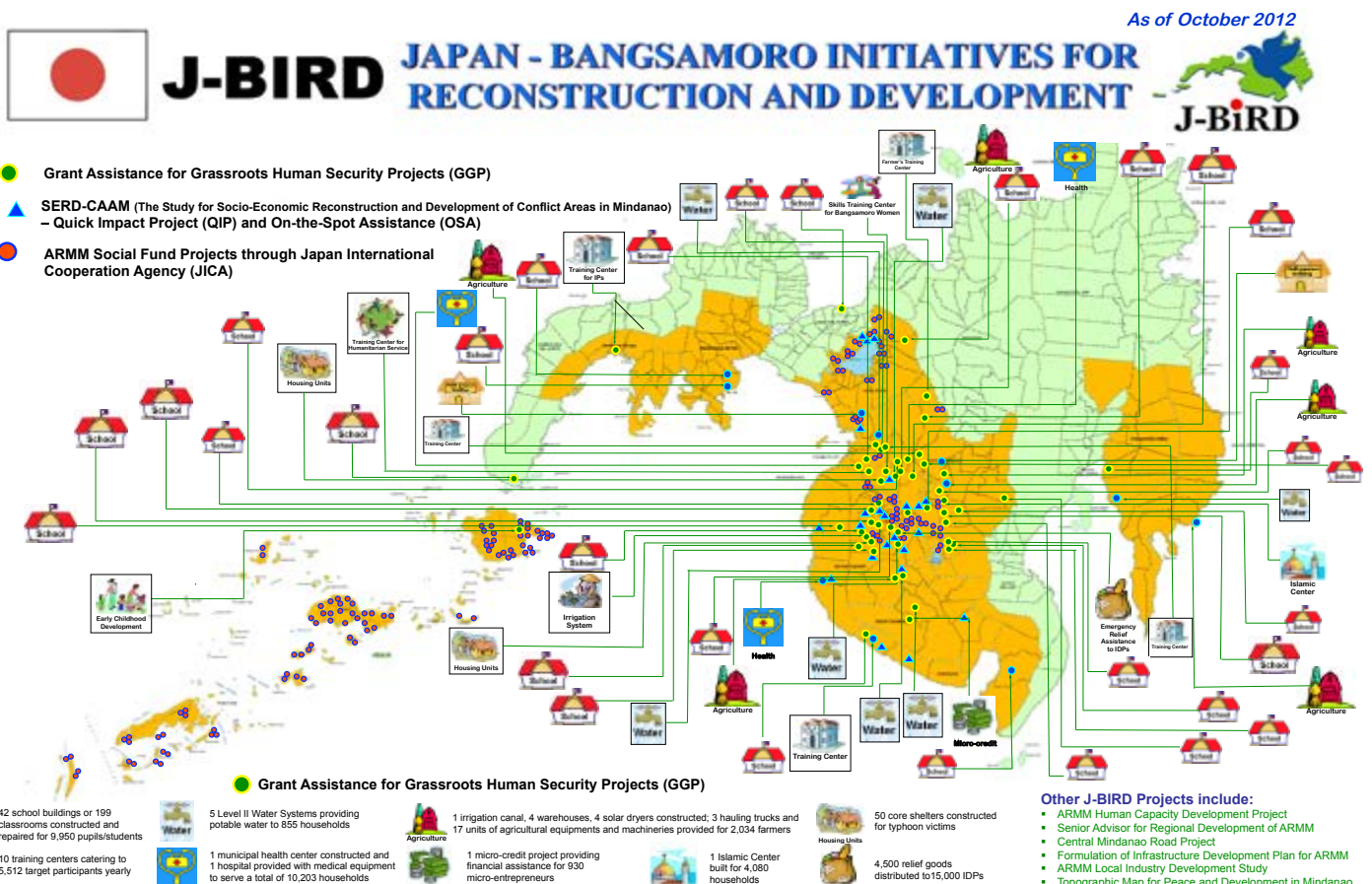
5. NPGA (NON-PROJECT GRANT ASSISTANCE) COUNTER VALUE FUND

- Three projects were approved in June 2009:
 - Construction of Japan-ARMM friendship hall and training center (JPY58 million).
 - Equipment supply for improvement of road network in ARMM (JPY282 million).

- Personal computers for public high schools project (Phase 4 in Mindanao) (JPY 340 million).

6. OTHER

- SERD-CAAM (Study for Socio-Economic Reconstruction and Development of Conflict-Affected Areas in Mindanao) (JPY684 Million; March 2007- November 2009)
- This project created the “Socio-Economic Development Plan” (SEDP) for the reconstruction and development of conflict-affected areas based on the comprehensive social survey and need analysis conducted on 3,847 communities.
- The study also implemented 11 QIPs (Quick Impact Projects) and 23 OSAs (On the Spot Assistance). These are small infrastructure projects (e.g., schools, water supply facilities, rice mills) to address immediate needs of the community based on the “In-Depth Barangay Needs Analysis” (IBNA).
- Senior Advisor for Socio-Economic Assistance (SEA) of International Monitoring Team (IMT): Japan dispatches 2 senior advisors who coordinate SEA projects and provides the monitoring of all J-BIRD projects in the IMT Headquarter in Cotabato.



THE SABAH SITUATION

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(The information in this article is based primarily on Philippine media reporting.)

On February 9, 2013, Raja Mudah Agbimuddin Kiram, a brother of the self-claimed Sultan of Sulu, Jamalul Kiram III, with about 1000 of his followers, including 300 armed men of the Royal Security Forces of the Sultanate of Sulu and North Borneo (or Royal Army of Sulu; RAS), took ‘a journey back home’ to Sabah on small boats. The ocean borders between Sabah and the Philippines are quite porous, and in Sabah, the Government of the Philippines (GPH) estimates 600,000 Filipino are quietly living and working by crossing the Sulu Sea.

Malaysian authorities gave a deadline to the Sultan Jamalul Kiram III to order his followers to return by February 22. Malaysian security forces put the RAS in a standoff. President Aquino ordered his administration to study the legal validity of Jamalul Kiram III’s claim to Sabah, and prepared to dispatch a humanitarian ship (but with no permission from Malaysia to enter Sabah). The Filipino media was in favor of saving the lives of Filipino-Sabah residents where the Philippines claim as their territory.

Despite these efforts, Sultan Jamalul Kiram III ordered his followers to stay. On March 1, after the RAS ran into shortage in food supply, the two-week standoff turned into a bloody clash between the RAS and Malaysia police. Malaysia troops embarked on mopping-up operations by air and ground assaults until March 8. On March 7, UN Security-General, Ban Ki-moon, stated: “The SG is closely following the situation in Sabah and urges an end of the violence and encourages a dialogue among all the parties of a peaceful resolution of the situation.” Although the statement was silent on the issue of the ownership of Sabah, the UN letter of appeal stopped escalation of armed violence. Small clashes are still happening, but on March 24 Malaysia declared Sabah was under control.

WHY NOW?

Why did the Sultan of Sulu, Jamalul Kiram III, express claim now? According to Abraham Idjirani, spokesperson of the Sulu Sultan Jamalul Kiram III, the claim as the ancestral homeland of the Sultanate has been neglected by the GPH since 1962. What triggered the Sultan Jamalul Kiram III’s decision to take action was the Framework Agreement on the Bangsamoro between the GPH and the Moro Islamic Liberation Front (MILF) that was signed last October. In the FAB the “historic and sovereign rights” of the Sulu Sultanate and North Borneo to territories were not included. To the Sultan Jamalul Kiram III, the above rights were an “integral and essential” aspect of any peace agreement with any armed groups in Mindanao. He said the Sultan Jamalul Kiram III’s “desire and intention” to be part of the peace process was expressed in a letter of former President Arroyo in April 2009.

On the other hand, two descendants of the Sulu Sultanate have condemned Sultan Jamalul Kiram III for putting the lives of Tausug people (a Muslim Filipino ethno-linguistic group in Sulu) in danger. The Sulu Sultan Bantilan Esmail Kiram II, who said he was appointed by the elders of the “Sultanate” to be the ‘acting sultan’ (in the article, “Esmail Kiram II: Aquino never abandoned us,” *Philippine Daily Inquirer*, March 11, 2013), met with Interior Secretary Manuel Roxas II, for strategies and means to end the crisis in Sabah.

Who is supporting Sultan Jamalul Kiram III and why? The Filipino media reported that Presidential Palace believes the purpose of Jamalul Kiram III’s action to sabotage the peace talks between the Aquino administration and the MILF, and also to sink the administration itself. The suspected supporters are: the Moro National Liberation Front (MNLF), the followers of former President Arroyo and the President’s uncle, Jose “Peping” Cojuangco

and his wife, Margarita “Tingting” Cojuangco, whose plan to run for governor of the ARMM in 2011 came to nothing when Congress postponed the regional election and synchronized it with this year’s midterm elections to give President Aquino time to introduce reforms in Muslim Mindanao. The MNLF leader, Nur Misuari, denied supporting Jumalul Kiram III’s action but commented that many of Tausug-led MNLF members are loyal to the Sultan. Those around Arroyo are silent.

WHAT NOW?

After the airstrike, Malaysian security officials announced that 63 suspected RAS had been killed while the Malaysian side suffered 10 deaths. Malaysia also announced on March 25 that it had filed terrorism and rebellion charges against the eight arrested and will carry out investigations of over 100

more detainees. The Philippine Navy intercepted 35 of the Sultan Jumalul Kiram III’s followers in the Sulu Sea on March 18 and they are now in charge with criminal offenses in Tawi-Tawi, the closest Philippine island to Sabah. From March 2 to 27, 4727 evacuees from Sabah landed to Sulu archipelago by 48 boats. The price of food in Tawi-Tawi, nearly 80 percent imported from Malaysia, has since almost doubled.

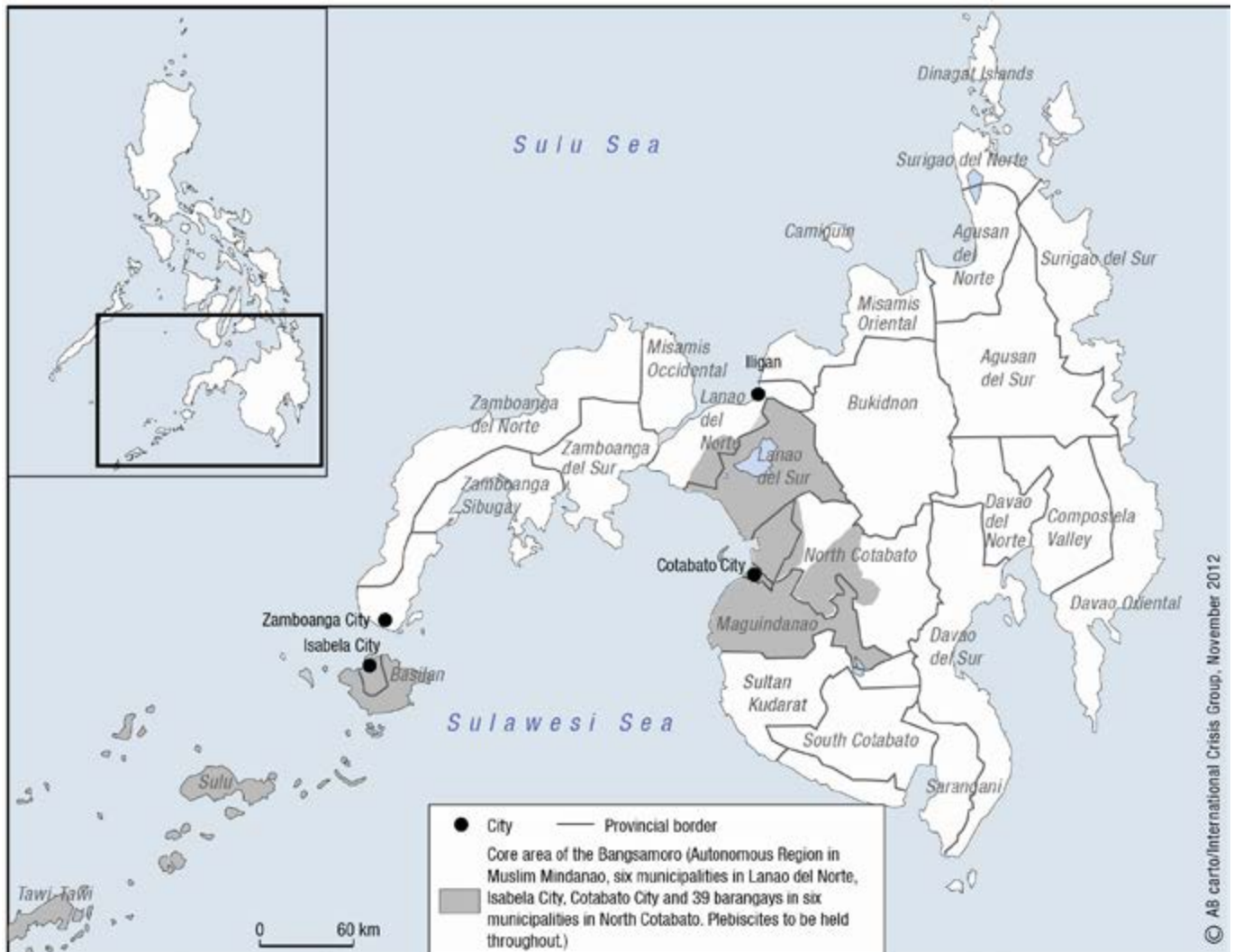
The MILF peace negotiators commented: “the Sabah issue is a security problem, not political...” and, “should be addressed at the proper international form (over the territorial dispute between the Philippines and Malaysia) for a peaceful and amicable resolution.” The United States’ position is that the territory dispute between two governments could be settled through talks.

Meg Kagawa

27 March 2013

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MAP OF THE BANGSAMORO (2012)



LINK: The Crisis Group, The Philippines: Breakthrough in Mindanao

BRIEF CHRONOLOGY OF THE CONFLICT IN SOUTHERN PHILIPPINES

—Masako Ishii

- 1970 (circ) Formation of the Moro National Liberation Front (MNLF); begins movement for separation and independence.
- 1976 Dec. Signing of the 1976 Tripoli Agreement between the Marcos administration and MNLF. In the process of reaching the agreement, MNLF changes the struggle's demand from independence to establishment of autonomous rule.
- 1977 May The Organization of the Islamic Conference (OIC) gives observer status to the MNLF.
- 1979 July The Marcos administration establishes the Autonomous Regions, but MNLF does not recognize.
- 1984 The Moro Islamic Liberation Front (MILF) formally breaks away from MNLF.
- 1986 May President Corazon Aquino meets with MNLF's Chairman Nur Misuari at Jolo Island (Sulu).
- 1987 Jan. The Aquino administration and the MNLF sign the Jeddah Accord, where the Philippine

- government and MNLF agreed to continue talks on the proposal to grant Mindanao, Basilan, Sulu, Tawi-Tawi and Palawan full autonomy subject to democratic processes.
- 1990 Feb. The Aquino administration establishes the Autonomous Region in Muslim Mindanao (ARMM). Both MNLF and MILF do not recognize.
- 1991(circ) The formation of the Abu Sayyaf Group.
- 1996 Sept. The Ramos administration and the MNLF sign the 1996 Final Peace Agreement. MNLF Chairman Nur Misuari appointed Governor of ARMM and Chairman of the Southern Philippine Council for Peace and Development (SPCPD).
- 1997– Armed conflict between the Armed Forces of the Philippines (AFP) and MILF reoccur; repetition of armed clashes and peace negotiations.
- 2000 March President Estrada declare “all out war” and the AFP attack the MILF’s largest base. One million became internally displaced.
- 2001 April MNLF core officials establish an anti-Misuari faction, the Executive Council of 15 (EC15). EC15 paid respect by calling Misuari “Chairman Emeritus” but Misuari refuses to accept the title.
- 2001 June The Arroyo administration and the MILF sign the GRP-MILF Tripoli Agreement on Peace.
- 2001 Aug. The MNLF’s request to postpone the ARMM plebiscite to 2003 is rejected. The plebiscite takes place and ARMM (5 provinces and 1 city) is established.
- 2001 Nov. Armed attack on government military facilities in Jolo and Zamboanga City by MNLF’s Misuari faction (around 600 men) leads to heavy casualties.
- 2001 Nov. Misuari arrested in Malaysia on the suspicion of instigating the above attacks, and transferred to the Philippines the following January, where he is detained.
- 2003 Feb. AFP attacks MILF’s largest base on the pretext that it is attacking the U.S.-designated terrorist group, “Pentagon.” 400 thousand people internally displaced.
- 2003 July Hashim Salamat, founder of MILF, dies. Ebrahim Murad is elected chairman the following month.
- 2008 April MNLF’s EC15 faction selects Muslimin Sema as chairman. Misuari faction does not recognize.
- 2008 April Misuari is released on bail; later charges are dropped.
- 2008 Aug. The Supreme Court issues a temporary restraining order on the Memorandum of Agreement of Ancestral Domain (MOA-AD) that was to be signed between the Arroyo administration and MILF, and later deems it unconstitutional. Armed clashes spread and 600-750 thousand people internally displaced.
- 2009 Nov. The “Maguindanao massacre” breaks out over the May 2010 national and local elections. 57 are murdered.
- 2010 Aug. Talks between President Benigno Aquino III and MILF’s Chairman Murad take place in the outskirts of Tokyo, Japan.
- 2012 Oct. The Philippine government and the MILF sign the “Framework Agreement on the Bangsamoro” toward the Comprehensive Agreement.

1. In June 2011, the OIC changed its name from Organization of Islamic Conference to the Organization of Islamic Cooperation.

FROM THE EDITOR

During our editing process, two things happened. One was that the members of MILF peace negotiating panel, including its chairman, Mr Mohagher Iqbal, was invited to Tokyo as guests of the Japanese foreign ministry in late March (http://www.mofa.go.jp/announce/event/2013/3/0311_01.html). I had the honour to greet Mr Iqbal briefly to personally thank him for the elegant essay on the peace process. I also enjoyed communicating with Mr Soliman Santos, who was highly informed and resourceful. I even learned about the MILF group's visit to Japan in advance from him. Here in *P's Pod*, we will continue to contact divergent stakeholders directly and share their perspectives. As we offer our original analyses, we hope that these valuable views of the stakeholders are constructively reflected in ways that contribute to the search for common ground for peace.

One other thing that occurred was a tense situation in Sabah broke out in earlier in March. We could not ignore this news, but also had to be careful about its treatment since this issue was originally devoted to the peace process, particularly the recent Framework Agreement on Bangsamoro. Our contributing editor for this issue, Dr Masako Ishii, was extremely resourceful in offering her insights and thoughts, painstakingly explaining the backgrounds and areas of high political sensitivity, so as to avoid the end product, i.e., this issue (including the treatment of the Sabah situation) sending any wrong signals to anyone.

Editing this issue was about coming into contact with some of the most passionate people with strong senses of commitment to make the peace process work, including the Japanese. It is my sincere hope that the current issue will contribute to better understand the context in which the FAB was reached and how it may be implemented successfully.

Haruko Satoh



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