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Philippines

An update on the government-MILF peace process

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Exactly a year ago today (July 13, 2013), the GPH and the MILF peace panels had concluded the 30th exploratory talks in Kuala Lumpur, Malaysia, the result and content of which had become one of the main points of the 4th State of the Nation Address (SONA) of President Benigno S. Aquino when he announced to the nation the positive developments of the peace process between the two panels.

In October 27, 2013, the Framework Agreement on the Bangsamoro (FAB) was signed by the GPH and the MILF panels inclusive of the 4 annexes which they have yet to finish but already considered as approved by the above-mentioned parties. These are the annexes on power sharing, wealth sharing, transition modalities, and normalization.

The Aquino administration had stubbornly ignored criticisms that one cannot sign those annexes without seeing the finished product. Some critics even pointed out the necessity to be watchful because the “devil is in the details.” One cannot simply approve something which is still not there

The four annexes will be the primary bases for the drafting of the Bangsamoro Basic Law (BBL). For this act to be done, the President created the Bangsamoro Transition Commission (BTC) through Executive Order 120 which is composed of 15 Commissioners – seven (7) from the GPH and seven (7) from the MILF and chaired by the MILF – all appointed by the President. Aside from the drafting of the BBL, the BTC is tasked to study and submit proposed amendments to the 1987 Philippine Constitution, specifically Article X and to work on the development framework for the Bangsamoro Entity.

On March 28, 2014, a Comprehensive Agreement on the Bangsamoro (CAB) was signed by the President of the Republic of the Philippines, President Benigno S. Aquino and the Chair of the Moro Islamic Liberation Front, Hadji Murad Ebrahim as witnessed by the International Community headed by the Prime Minister of Malaysia in Malacañang Palace, Manila Philippines.

Just like in September 1996 when the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF) signed the Final Peace Agreement (FPA), everybody was jubilant and hilariously happy seemingly forgetting the difficulties that really lie ahead, specifically in the implementation stage.

The BBL draft was finished and submitted by the BTC to the Office of the President (OP) on April 22, 2014 and it took the OP until June 22, 2014 or exactly 2 months to finish its comments on the submitted draft.

Both panels agreed on the timetable for the road map of the peace process. As set in the timetable, the President will sign and endorse the finished product of the BBL as an urgent bill to be submitted immediately for Congressional legislation. Following such is the plebiscite in the first quarter of 2015 for the people in designated areas so that starting on the second quarter of the same year (2015), a Bangsamoro Transition Authority (BTA) will take over the Autonomous Region in Muslim Mindanao (ARMM) to adequately prepare the MILF political structure in May 2016 elections.

Congress can only Support a Bourgeois Peace

Political analysts could hardly believe that both panels have not seen the political warning signs hovering ahead. Principal among these would be the terms of reference. It has been cleared from the very start that GPH will always use the Philippine Constitution as its framework for negotiation and the MILF has shown that they have accepted this framework from the time they have signed FAB and CAB. The act of signifying BBL as an urgent bill is not just administrative, but is making sure that the contents of BBL is simply and basically constitutional. After all, the bill will pass through both houses of Congress and everybody knows that 80-90% of its members belong to the ruling bourgeoisie class whose prime concern is to protect and promote their interest. The Bangsamoro entity is expected to accommodate this capitalist interest. Peace for both houses means new a business opportunity which should be grabbed. One should not go further to see and realize such economic motives. RA 9054 (Organic Act for the ARMM) still exists to prove this fact. And the President as belonging or representing the bourgeois class can only be consistent of such interest.

As the developments have shown, the MILF leadership has manifested that the terms of reference of the peace talks should be beyond the Philippine Constitution which they positively equated to the openness and sincerity which President Benigno Aquino has shown to them. If this is so, then we have a problem and a very basic one; that is, the two peace panels should have agreed on the written framework for the talks.

BBL for all or only for MILF?

The MILF has complained that the comments for revisions of the BBL by the Office of the President diluted the draft submitted by the BTC rendering it less autonomous than the present ARMM. Such development would bring us to the following questions: How did the BTC perform its task and based on what framework? If it says from the FAB, one should remember that the FAB was signed without the annexes. And if it will be the annexes as drafted by the BTC, one should remember that the BTC is primarily an MILF controlled and dominated commission. This brings us to another development that the BBL was not signed by all the GPH Commissioners (two did not sign and the other two signed with reservations) which show that only three of seven GPH Commissioners fully agreed with the draft submitted to the OP. This can be the basis for the OP to seriously review the submitted draft of the BBL in the guise of fine tuning it so that both panels can defend it in Congress.

One of the most contested content in the BBL is the non-inclusion of the Indigenous Peoples (IPs) within the claimed Bangsamoro territory. This is basically denying the historical fact that the IPs have distinct history and have their own Indigenous Political Structure from the Bangsamoro. One of the main principles of building the Bangsamoro entity is to correct the historical wrong and injustice done to the Bangsamoro. But what does the BBL say about the case of the IPs? The OP tries to incorporate RA 8371 or the Indigenous Peoples' Rights Act (IPRA) to the BBL which even the present ARMM would not have done for several years now. And everybody knows the reason behind, that is, to lay claim to the IPs ancestral domain where rich deposits of minerals as well as where the very rich natural resources are found. That is why the MNLF (RA 9054) and the MILF will never incorporate the IPRA or similar IP concerns into the Bangsamoro. By not considering the IP concerns, the BBL as drafted by the MILF is neglecting the IP rights on resource generation and sharing.

Another contested provision of the BBL is on power sharing. The exclusive power of the Bangsamoro in relation to the other stakeholders is the territorial claim has definitely and directly affected other peoples in the claimed territory. Again, the powers refer only to the MILF and not the other existing power structures in the claimed territories especially referring to the IPs and the Migrant Christians. One should always remember that in building an exclusive peace one can never expect an inclusive growth and development.

There are still basic points which the OP has tried to correct and make its inputs and in reaction the MILF said since these points are basically found in the FAB and the CAB, it is nonsensical to review them further. Indicating the

submitted BBL draft is as good as approved from the MILF point of view. This brings us to the point of what was in the mind of the GPH or the Peace Panel when they created the BTC. What was the level of preparation of the GPH Commissioners in engaging with the drafting of the BBL with MILF? Were the GPH-BTC members left on their own in dealing with the MILF in which the Chair of the BTC is also the Chair of the MILF Peace Panel? The importance given by the MILF in drafting the BBL was not simply matched by the GPH efforts because, anyway, it will still have time to revise it when it reached them. Time and money were spent uselessly only to be doing the same thing all over again or back to square one as the MILF would say.

Building Peace by Popularity

When the GPH and the MILF have tried to fast track the peace process, the target is to have the Peace Agreement signed and implemented during the term of President Benigno Aquino. The main consideration of which has been his popularity among the people and its strong influence in the other branches of the government. A lesson learned from the previous administration which was about to sign with the Memorandum of Agreement on Ancestral Domain (MOA-AD) when the Supreme Court, the Judiciary and co-equal with the government, declared the agreement as unconstitutional. In the early years of the Aquino Administration one could say that he was indeed popular compared to the very unpopular regime he replaced. At that period one could say that the Congress and the Judiciary will definitely support the Aquino Administration. Today, less than two years left with the present administration there is a consistent downtrend with regard to its performance and popularity ratings. Lately, the Supreme Court has strongly decided (unanimously) that the Priority Development Assistance Fund (PDAF) and the Disbursement Acceleration Program (DAP) are unconstitutional. The stubbornly manner in which the President Aquino stood by these unconstitutional acts will cost him more damage. In fact, Aquino already received his lowest popularity rating dropping 11-14 points in June compared to a recent survey in March 2014 [\[1\]](#). This is his lowest score since he assumed the presidency in 2010. The administration's supporters in Congress will have to double think before they will offer their support to the becoming unpopular President because giving him their support might cause them their defeat in the 2016 elections. As of today, nobody from the ruling party (Liberal Party) has the capacity and potentiality to replace the President. This simply means that a big possibility of a President coming from the opposition will most likely be the next President in 2016 and whose hands will the peace agreement be handed over and tasked to implement the most important part of the agreement.

The presentation of the BBL and its approval in Congress will have this kind of consideration in terms of the political and economic interests of the politicians. And the President who will deliver his second to the last State of the Nation Address (SONA) will definitely not be as popular as in the early stage of his presidency. Dirtying his hands in the PDAF and DAP issues are fast erasing the moral ascendancy of his 'daang matuwid' program.

Another possibility is that the MILF will not support the diluted BBL putting the blame on the GPH side. It will be back to square one as what MILF Peace Panel Chair said earlier. Or they will support the BBL after the Aquino Administration withdraw its revisions so that the peace agreement will be saved and President Aquino can once again have the GPH-MILF Peace Agreement as the main attraction for his second to the last SONA. Maybe he will have some boosting of his popularity when he will get nominated and with the Nobel Peace Prize as being worked out by the Office of the Presidential Adviser on the Peace Process (OPAPP). This kind of road in continuing with the peace process and maintaining its momentum will have another road block. This is making constitutional amendments in the 1987 Constitution but which means calling for a nationwide plebiscite for it to be approved. This process will definitely affect the timeline of the peace roadmap both panels have drawn.

But as regards to the status of the peace process today, the four day meeting between the GPH and MILF panels with the presence of eleven out of fifteen BTC members and the International Contact Group (ICG) in Kuala Lumpur last July 8-10, 2014 has not been substantially addressed the concerns raised by the MILF leadership to President

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Aquino in Tokyo last June 22, 2014. And that is the revised BBL draft which is less autonomous than the Autonomous Region in Muslim Mindanao (ARMM) which the GPH and MILF referred to as failed political project is still the existing draft discussed by both panels. But what is positive is that both panels have agreed to meet again in the coming days.

[1] Aquino's satisfaction ratings suffered an 11-point drop in the Social Weather Stations (SWS) survey, down to 55% satisfaction ratings from his 66% in March. It's a 14-point drop in the Pulse Asia survey, showing him down to 56% approval ratings from his 70% in March 2014.

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