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Peace Negotiations in the Philippines: The Government, the MILF and International NGOs

Summary

- In many peace negotiations International Contact Groups have been a helpful tool in preventing a peace process from stalling or failing. Members, commonly states and international organizations, exert leverage on the parties to the conflict, sustain the parties' commitment to a peaceful resolution of the conflict and restore mutual trust.
- While international nongovernmental organizations have been overlooked in this context, they may expedite problem-solving by contributing through their networks within civil society, their experience from similar peace processes in different countries, and their perceived independence from the parties to conflict. With the assistance of international nongovernmental organizations a peace process may lead to a higher degree of efficiency and legitimacy in delivering sustainable results.
- The recent negotiations between the government of the Philippines and the Moro Islamic Liberation Front use this potential and incorporate four nongovernmental organizations to an unprecedented degree as part of an International Contact Group. This Peace Brief illustrates their innovative methods and capacities during this ongoing negotiation process.
- The next round of negotiations is scheduled for April 27 and 28, 2011.

“ [T]he ability of many civil society organizations to maintain a balanced position in the conflict and to present perspectives often independent from the dominating religious and geographic fault lines has placed NGOs as a source of information un beholden to either the government's or the MILF's interests. In this way, NGOs have helped to minimize misunderstandings between the parties to conflict and to prevent escalations.”

Introduction

On February 9 and 10 of this year, the government of the Philippines and the Moro Islamic Liberation Front (MILF) entered a new round of peace negotiations in an attempt to end a conflict that has been disrupting the country for more than three decades. The resumption of formal talks in Kuala Lumpur, Malaysia, ended a deadlock that begun in August 2008, when the Supreme Court of the Philippines issued a temporary restraining order against the signing of the Memorandum of Agreement on Ancestral Domain (MOA-AD) between the government and the MILF, which would have increased the control of the Autonomous Region of Muslim Mindanao (ARMM).¹ The decision was followed by MILF attacks against Christian communities in Central Mindanao and counterattacks by the Armed Forces of the Philippines (AFP). As part of the latest negotiations, the two Negotiating Peace Panels – representatives of the government and the MILF, respectively—are joined for the first time by an International Contact Group (ICG), which is intended to serve as a guarantor of the negotiations. The ICG formalizes the engagement of four third-party governments

and four international nongovernmental organizations (INGOs) in the peace process. It thus opens a national peace process to external actors to an unprecedented extent, enabling them to “exert proper leverage” over the negotiating parties in order to sustain interest in the negotiations and build consensus among the parties.² With the help of the ICG, the current negotiations between the government and the MILF show promise for moving forward more efficiently and to deliver more sustainable results than the previous rounds.

The International Contact Group in the Philippines

The agreement on the participation of the ICG was signed by the Peace Panel Chairmen, Rafael E. Seguis for the government and Mohagher Iqbal for the MILF, as well as the Malaysian Government Facilitator, Datuk Othman Bin Abdul Razak, on September 15, 2009. After the breakdown of the peace talks in 2008, MILF Chairman Alhaj Murad Ebrahim had declared the need for an “international guarantee from states or association of nations” as one of the conditions for the resumption of the peace talks in order to overcome the trauma of the “botched” MOA-AD.³ The agreement establishes the ICG as an ad hoc and issue specific instrument with the mandate to attend and observe the negotiations, visit and advise the parties to conflict (potentially with the assistance of recognized experts), and meet with the parties upon request to resolve outstanding issues.⁴ The consultation of the ICG is coordinated through the Malaysian facilitator. The agreement further expresses a preference for the inclusion of countries from the Organization of Islamic Conference (OIC) and the European Union (EU), and accredited INGOs as agreed upon and invited by the parties in consultation with the facilitator. So far, the parties to the conflict have invited representatives of the United Kingdom, Turkey, Japan and Saudi Arabia to join the process, as well as representatives of The Asia Foundation (an INGO active primarily in the Asia-Pacific region), the Centre for Humanitarian Dialogue (an organization conducting mediations and mediation support), Conciliation Resources (an INGO focused on local peacebuilding), and Muhammadiyah (an international Islamic NGO), based on their previous activities in the country. The INGOs in particular along with their local NGO partners are expected to act as a bridge between the peace process and local civil society.

Why INGOs?

The creation of the ICG is a direct result of the engagement of a number of local and international NGOs with civil society in the Philippines. The Philippines provide a distinct environment for local as well as international nongovernmental organizations because of the extensive access they have carved for themselves in conflict management. For example, in the early 1990s, a systematic grassroots consultation undertaken by the then administration of Fidel Ramos was intended to arrive at representative positions on all ongoing peace negotiations in the country. It signaled to NGOs especially the need for increased dialogue not only between the government and the rebel groups but also with civil society.⁵ Since then, an ever increasing number of NGOs, and eventually INGOs, have become involved in different conflict management activities. This has enhanced a “culture of consultation” that now penetrates even the level of policy elites and officials in the government and the insurgent groups. In this context, the United States Institute of Peace (USIP) was involved in the Philippines through its Philippine Facilitation Project (PFP), which ran between 2003 and 2007.⁶

The number of local civil society organizations and particularly NGOs in the Philippines engaging in conflict-related activities is uncountable. Although their engagement is estimated to have had little effect on the official peace talks, their influence on the broader peace process, however, has been significant.⁷ Civil society organizations have repeatedly maintained pressure on the

parties, especially when the peace talks were stalled or temporarily discontinued. Particularly during these stages, civil society was deeply involved in ceasefire and human rights monitoring, in an attempt to minimize the repercussions of violent conflict on the civilian population and to sustain pressure on the parties to conflict to work towards a peaceful resolution. For instance, Local Monitoring Teams (LMTs) combine a representative of the local government unit, one from the MILF, two NGO representatives (one nominated by the government, one nominated by the MILF), and a religious leader mutually agreed upon by both parties.⁸ They monitor the ceasefire arrangements of the 2001 peace agreement at the provincial level. Bantay Ceasefire—a network of civilian volunteers who monitor and report ceasefire violations—joined this effort in 2003. However, unlike the LMTs, the purely civilian Bantay Ceasefire has no constraints in making their findings publicly available. In the most recent example, the government and the MILF agreed in May 2010 to an addition to the International Monitoring Team (IMT), initially composed of Malaysia, Brunei, Libya and Japan, by including a Civilian Protection Component (CPC).⁹ The CPC consists of civil society organizations which have been charged with monitoring the safety and security of civilian communities in conflict areas as well as the commitments of the parties to conflict under international humanitarian and human rights law.

International NGOs, meanwhile, have attempted to push the peace process and generate avenues out of deadlocks. For instance between 2005 and 2007, Conciliation Resources (CR) has held talks between the Office of the Presidential Adviser on Peace Process (OPAPP) and the negotiation panel of the MILF, particularly on the reframing of issues. In July and October 2009, CR organized visits of representatives of the MILF and OPAPP to Belfast and London to exchange experiences with individuals involved in the peace process in Northern Ireland. Similarly, the Centre for Humanitarian Dialogue, in 2008, introduced constitutional and international law experts to the peace process after the temporary restraining order halted the signing of the MOA-AD to assist in managing this legal crisis. It also organized a visit of two senior negotiators in the Northern Ireland talks and other experts with experiences in peace processes to the Philippines to help in finding a way out of deadlock.¹⁰ Geneva Call has engaged the MILF with regard to their use of anti-personnel landmines. As a result, the MILF signed a Deed of Commitment in March 2000 banning the use of landmines as a weapon of combat and committing itself to the provisions of the Geneva Conventions.¹¹ Finally, International Alert has supported the Philippine Business for Social Progress to work on the private sector's role in conflict management, and The Asia Foundation has supported academic institutions and NGOs throughout Mindanao to create options for a political resolution of the conflicts.¹²

The practical engagement of many local and international NGOs in the Philippines has enabled civil society organizations to gather a degree of respectability that allows them to make a direct contribution to the peace process. Particularly their work as watchdogs over ceasefire and peace agreements between the government of the Philippines and the MILF has contributed greatly to mitigating numerous situations.¹³ The involvement of organizations such as Bantay Ceasefire in examining accusations of ceasefire violations has increased the flow of information between the parties to the conflict. Moreover, the ability of many civil society organizations to maintain a balanced position in the conflict and to present perspectives often independent from the dominating religious and geographic fault lines has placed NGOs as a source of information un beholden to either the government's or the MILF's interests. In this way, NGOs have helped to minimize misunderstandings between the parties to conflict and to prevent escalations. Their constant pressure on both the government and the MILF in support of a peaceful solution to the conflict and arguing the futility of military solutions has pushed both sides repeatedly towards negotiations. Their formalized inclusion into the peace process in the form of the International Contact Group is the current culmination of their commitment.

Implications

The degree of NGO involvement in the Philippines reflects a culture of widespread civil society engagement in conflict management that is unique in many respects. The number of NGOs in the country as well as their incorporation into the peace process by the government and the MILF are unusual. This is true for local as well as international nongovernmental organizations. However, the impact of these organizations through their involvement in the International Contact Group is substantial. The formal participation of INGOs along with their named local NGO partners in the ICG allows for the inclusion of perspectives that reflect broader issues than those of the two parties to conflict alone. Thereby, a process affected by distrust and strategic maneuvering after the failure of the MOA-AD can be brought into focus by introducing new perspectives on ways forward. Through consultations with both parties, INGOs are able to express opinions, make recommendations, and offer feedback on concrete proposals. They contribute knowledge on the demands from civil society from their in-country work with their local partners, insights into the interests of other stakeholders (such as elected landowners affected by a prospective agreement on ancestral domain), legal advice from experts (for instance on the constitutionality of an agreement), as well as experience and networks from other countries that may benefit efficient problem-solving. The process thus becomes more rooted in society and more focused on the underlying causes of the conflict and obstacles to peace rather than on the short-term interests of the parties to conflict, which increases the process' legitimacy, its sustainability and its efficiency.

After the first round of negotiations in February 2011, which resulted in a renewed mandate from the parties for the International Monitoring Team, the parties agreed to "fast track the peace process".¹⁴ While it is near impossible to ascertain how often the ICG is being consulted by the parties to conflict due to the need for confidentiality during the negotiation process and to what extent its recommendations enter the process, its existence and the possibilities it offers to relieve a potential deadlock may make a decisive difference in the negotiations. Generally, the effects of the International Contact Group in the peace process appear to be conducive to an imminent end of the conflict, but these effects must be traced carefully.

Endnotes

1. The Autonomous Region of Muslim Mindanao covers the country's predominantly Muslim provinces on the Mindanao mainland and the Sulu Archipelago (Basilan, Lanao del Sur, Maguindanao, Sulu, Tawi-Tawi, and Marawi). The first elections on September 9, 1996 established Nur Misuari as Regional Governor. After the Supreme Court entered the temporary restraining order, the Memorandum of Agreement on Ancestral Domain (MOA-AD) was later declared unconstitutional on October 14, 2008 on the grounds that the proposed Bangsamoro Juridical Entity would have required amending the 1987 Constitution. GMA NEWS.TV (2008), "SC justice cites MoA provisions 'unconstitutional'", *GMA News*, at <http://www.gmanews.tv/story/114115/SC-justice-cites-MoA-provisions-unconstitutional> (accessed on June 1, 2010).
2. Framework Agreement on the Formation of the International Contact Group for the GRP-MILF Peace Process (September 15, 2009), Section 1.
3. Edwin Fernandez. "MILF sets terms for resumption of talks," *Inquirer.net*, December 30, 2008, at <http://newsinfo.inquirer.net/breakingnews/nation/view/20081230-180653/MILF-sets-terms-for-resumption-of-talks> (accessed on March 9, 2011).

ABOUT THIS BRIEF

The MILF stands for a radical Islamic revivalist viewpoint and seeks self-determination for the traditionally Muslim Bangsamoro people in the southern parts of the Philippines. The MILF was founded after its split from the Moro National Liberation Front (MNLF) in 1977. Negotiations between the government of the Philippines and the MILF began in January 1997 but have been interrupted repeatedly. This Peace Brief seeks to shed light on the recent approach the parties to conflict have chosen to overcome the difficulties that have foiled peace negotiations in the past.

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4. Framework Agreement on the Formation of the International Contact Group for the GRP-MILF Peace Process (September 15, 2009), op. Cit., Section 3.
5. Steven Rood. "Forging Sustainable Peace in Mindanao: The Role of Civil Society", Policy Studies 17, Washington: East-West Center, 2005, p.22.
6. See G. Eugene Martin and Astrid S. Tuminez. "Toward Peace in the Southern Philippines. A Summary and Assessment of the USIP Philippine Facilitation Project, 2003–2007", Special Report 202, 2008, at <http://www.usip.org/files/resources/sr202.pdf> (accessed on April 4, 2011). Most recently, USIP co-organized an International Islamic Peace Education Workshop in Davao City in July 2010.
7. Steven Rood, op. Cit., 2005, p. 27.
8. The Local Monitoring Teams were established by the 2001 Tripoli Agreement of Peace.
9. These four countries monitor the security and socioeconomic agreements between the government and the MILF.
10. Among them are Jonathan Powell (Chief of Staff to former Prime Minister Tony Blair), Gerry Kelly (member of Sinn Fein and currently Member of the Northern Ireland Assembly), Dr. Ali Ahmed Sabiel (former adviser to the government of Sudan during the peace negotiations on South Sudan), Nyasha Masiwa (former liberation fighter from Zimbabwe, adviser to the Sudan People's Liberation Army), Kelvin Ong (head of the United Nations Mediation Support Unit), and Ambassador Francesc Vendrell (former United Nations Secretary-General's Personal Representative and European Special Representative).
11. The MILF reaffirmed its obligations under the Deed in 2002. Geneva Call was able to conduct a verification mission in November 2009.
12. Steven Rood. op. Cit., 2005, p. 15-16.
13. One example among many is the most recent involvement of the international NGO Geneva Call in 2008. During an upsurge in the conflict, new allegations of landmine use were made by the government of the Philippines against the MILF. A verification mission by Geneva Call—supported by Eric David, an International Law Professor at Brussels University and member of the International Humanitarian Fact-Finding Commission, and Phil Halford, a mines specialist from the Mines Advisory Group—was carried out in November 2009 to shed light on the events. Although the time lapse between the accusations and the mission made verification more difficult, independent reports from David and Halford prevented further politicized speculation on the incidents.
14. Maria Patrikainen. "MILF Agree to Fast-Track Peace Process After Successful Meeting," *Global Insight*, February 11, 2011.