

POLITICKING AND THE PHILIPPINE PEACE PROCESS

Zachary Abuza

Three months after a deadly clash in Mamasapano, the Philippine peace process is in danger. The hard-won gains of negotiations over the proposed Bangsamoro Basic Law (BBL)—the implementing piece of legislation to the 2014 peace deal between the Moro Islamic Liberation Front and the Philippine Government—are threatening to unravel as candidates jockey for political advantage ahead of the 2016 presidential election. With the prospect of key provisions of the BBL for Muslim Mindanao being watered down and even scrapped, Manila is thereby strengthening the hand of spoilers such as the Bangsamoro Islamic Freedom Fighters, which quit the peace process in 2008. Confidence in a political solution is ebbing with the prospect of continued hostilities and humanitarian consequences, warns Zachary Abuza.

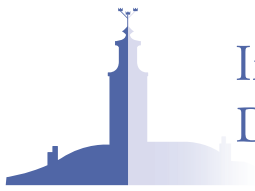
The fallout from the January 25 clash in Mamasapano on Mindanao that left 44 Special Action Forces (SAF) from the police, 18 Moro Islamic Liberation Front (MILF) members, and 3 civilians dead, continues to jeopardize the peace process between the Philippine government and the MILF. The peace process is likely able to survive the clash itself, but not its political fallout. In the aftermath of the clash, both the Senate and House of Representatives suspended hearings on the Bangsamoro Basic Law (BBL) for nearly three months as a result. The subsequent resumption of hearings has seen the draft BBL come under increased scrutiny and attack. The BBL, which is based on the Comprehensive Agreement on the Bangsamoro signed between the Philippine government and the MILF on March 27, 2014, is crucial to the conclusion of the peace process as it establishes a new government and new governmental structure for the Bangsamoro, albeit subject to signature by Congress. However, once progressive and statesman-like legislators have turned partisan and narrow minded. A bold and creative peace process for one of Asia's longest running conflicts is now in doubt as politicians have found it easy to win political capital ahead of the 2016 presidential election by appealing to the public's demand for retribution.

The Deadly Clash and its Fallout

There have been seven separate reports written on the Mamasapano clash. Their findings are contradictory and they

fail to agree on basic facts. In its own report, the army absolves itself of responsibility, saying the operation was planned and conducted by the SAF without any prior notification. The police report laid the blame squarely on the MILF, who they insist were harboring Bangsamoro Islamic Freedom Fighters (BIFF), a splinter faction which quit the peace process in 2008. The Senate report called the incident a "massacre," and blamed the SAF, but also the president for his failure to take command and for allowing the Philippine National Police chief to lead the operation despite being suspended during a corruption investigation. However, the "original sin" in the Senate report was laid on the MILF for "coddling terrorists." The MILF report labeled the clash a "tragic mis-encounter" and asserted that they were operating in self defense when the SAF failed to abide by existing ceasefire mechanisms. They only admitted to inadequate intelligence which did not alert them to the presence of wanted terrorists on their territory. This report was rejected outright by most Philippine politicians as being "self serving." The Department of Justice found that the SAF did not violate any procedures by failing to use existing ceasefire mechanisms and found the MILF liable for murder. Only the non-partisan report by the Human Rights Commission maintained objectivity and focused on the bigger picture: the necessity of maintaining the peace process. The report of the International Monitoring Team, likewise, found fault with both sides.

Regardless of who is to blame, the clash and its fallout has led to unprecedented scrutiny of the bill on the Bang-



samoro Basic Law. Some have threatened to block a vote on the bill until the MILF turn over combatants involved in the clash. Indeed, on April 16, the Department of Justice announced that 90 members of the MILF and the Bangsamoro Islamic Freedom Fighters were to be indicted for their role in the clash to “assuage a public outcry for justice.” The Senate President called on the MILF to “cooperate with the Department of Justice” and turn over their men: “Rather than express doubts on the investigation, the MILF has to move with the rest of the public on this matter. They should abide by the process in accordance with the Constitution and our laws.”

Notwithstanding, the Senate resumed hearings on the BBL on April 13; the House of Representatives recommenced hearings on April 20, with a vote expected by June. Many politicians who once supported the bill are now withdrawing support (3 of the 13 Senators who originally co-sponsored the BBL have already withdrawn their names from the bill), or demanding that it be significantly altered. They inaccurately interpret provisions such as the funds for disarmament and rehabilitation of MILF combatants and the annual block grants of funding as concessions to the MILF, demanding that they be withdrawn. While the two chambers are currently differing on the scope of the bill, both are determined to water it down. Senator Marcos announced that the Senate would scrap two key provisions of the BBL: on block grants and the establishment of an independent police commission. Meanwhile, the chair of the House of Representatives’ Ad Hoc Committee, Rufus Rodriguez, has said that eight provisions are being amended. These include block grants, the requirement of the army and police to coordinate with Bangsamoro police, an independent police commission, and the scrapping of the plebiscite in contiguous territory. Rodriguez told the MILF that they “can take it or leave it.”

Politicking

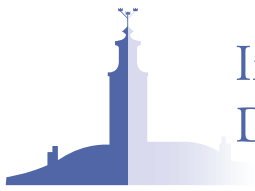
Not surprisingly, the hearings have been occasions for partisan grandstanding in anticipation of the 2016 presidential election. Candidates using hardline rhetoric about the clash and the BBL have seen their poll numbers increase. Although the current vice-president and leading presidential candidate Jajomar Binay has said little about the clash or the BBL, his daughter, Senator Nancy Binay, has been his proxy and a vociferous critic. Ferdinand Marcos Jr., who heads the Senate Committee on Local Government, which has been

holding the BBL hearings, went from being a supporter to one of the most outspoken critics. His criticism reversed his flagging 3 percent in the presidential polls and has helped divert criticism that he embellished his academic records. Elsewhere, Senator Miriam Defensor-Santiago called for the entire peace agreement to be scrapped and renegotiated. Senator Alan Ceytano has been the most vocal critic of the BBL, and has demanded that the MILF be completely disarmed. Support for Senator Grace Poe, who was a distant second in the December 2014 polls, jumped 10 percent to within 5 percentage points of Binay, in large part due to her leadership of the Senate investigation into the clash. Although she began the hearings in a dignified way and with an eye for the importance of the peace process, her final report was partisan, and she has supported the BBL only with key provisions stripped out. Another candidate, Davao Mayor Rudy Duterte, has also criticized the peace process and has based his campaign on federalism, increasing his polling percentage from 5 to 15 percent.

No candidate has supported the MILF view that the clash was caused by the SAF’s failure to use existing cease-fire mechanisms. None support the BBL in its original form anymore either, and all have called for key provisions to be stripped out. President Benigno Aquino, whose political legacy largely depends on the success of the peace process, has been the subject of partisan attacks and his poll numbers plummeted from 59 to 38 percent between November and March 2015. Poll results are always a reflection of many factors, but no other political event has had the same amount of media coverage as the clash in Mamasapano. The election is still a year away, and many other issues will factor into how the electorate will vote, but it is clear that at present, open endorsement of the BBL and unqualified support of the peace process is a political liability on the national stage.

The MILF’s Response

The reality is that after the Aquino administration’s submission of the bill to Congress, the BBL was always going to be decided by politics. There was broad bipartisan support for the bill before January 25. Amendments were expected, but they were not going to fundamentally alter the key provisions of the law. That is no longer the case. Congress is giving in to a very visceral and emotional response to the MILF. Indeed, the bill that the Aquino administration submitted to Congress in September 2014 was already radi-



cally amended from what the two sides had concluded in April 2014—and which engendered much ill-will within the MILF, thus threatening to derail the peace process. Congress could now even reject the BBL, but more likely it will pass a version that is so significantly watered down that it is barely acceptable to the MILF.

The question is how the MILF will respond to the latest setback. It has shown considerable goodwill since the clash. Their lead negotiator has testified repeatedly before both chambers of Congress. It has allowed the Armed Forces of the Philippines to pursue the BIFF unhindered. It has remained committed to the decommissioning of arms, though only if and as the BBL is passed and phased in. Additionally, more than 1,000 combatants have registered to vote and their party-building efforts have continued. In sum, the MILF have repeatedly stated that they remain committed to the peace process and will not resort to armed conflict. And yet there are limits to how many concessions the MILF leadership can make without losing support.

There is no “sunset” clause in the Comprehensive Agreement on the Bangsamoro, so the MILF could possibly wait for the next administration to come to office hoping that Aquino’s successor will be committed to the peace process and willing to expend the political capital to have a more acceptable BBL passed by Congress. That is a huge gamble, however. The protracted peace process has already weakened the MILF militarily to the point where the most likely scenario is that the MILF will balk but ultimately accept a watered down BBL. But such an outcome will leave many of its rank-and-file members on the outside, questioning why they should give peace a chance and surrender their arms. In fact there is little to induce them not to join the ranks of the Bangsamoro Islamic Freedom Fighters, despite the recent death of their leader. Such a development would be to the detriment of peace and stability in Mindanao. The two-month offensive against the BIFF following the Mamasapano clash alone has already resulted in more than 120,000 IDPs. Continued hostilities and humanitarian fallout can be expected.

Conclusion

Seventeen years and over 40 rounds of negotiations led to a very creative and forward thinking agreement that would have done much to bring about lasting peace in the poorest part of the country; a region that lags in every measure of human development. It was a creative and inclusive agree-

ment that sought to balance the goals and interests of not just the MILF, but also the Moro National Liberation Front and other indigenous peoples. Despite the herculean efforts of the respective peace panels to have the BBL passed, Congress has rejected bold statesmanship, focusing on short-term political gains rather than ensuring a lasting peace. A watered down BBL will likely be passed, but it will offer far less autonomy than originally promised and it will reinforce the perception of most Moros that no matter what is negotiated, the agreements can always be amended and diluted by national politicians. While many in the MILF will support the peace process, there is less confidence in a political solution than there was just three months ago.

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