

Some Lessons in the Peace Process in the Philippines

*Talk delivered at the Conference on **Bangsamoro History and the Future: Bridge to Unity**, March 23, 2011, University Hotel, UP Diliman, Q.C.*

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I. Context of the peace process

Reckoning from the 1974 initial talks in Saudi Arabia to the signing of the Tripoli Agreement in 1976 between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF), it has been 37 years going for the so-called peace process with the Bangsamoro revolutionary movement.

For the peace talks between the GRP and the National Democratic Front of the Philippines (NDFP) that began in 1986 it has been 25 years.

First, let us distinguish the term “peace process” from “peace talks” or “peace negotiations.”

Generally “peace process” pertains to the totality of the steps in seeking, arriving at, and implementing a signed negotiated settlement of an armed conflict by the two parties involved in the conflict, with or without third party facilitation or mediation.

Counterinsurgency context

At its current stage in the Philippines, the peace process, from the GRP viewpoint, entails all of the government’s steps in trying to solve what it calls the “insurgency problem” (vis-avis both the CPP-NPA and the MILF). All together, these steps constitute its counterinsurgency program, which include military (combat and non-combat operations), political, and socio-economic or “development” means.

Peace talks or negotiations, for the GRP, are just one aspect – designated as “Track 1,” by the Office of the Presidential Adviser on the Peace Process -- of its peace process. “Track 2” constitutes “complementary” programs “to pursue peace and development in conflict affected areas through Payapa at Masaganang Pamayanan (Pamana).”

For the revolutionary movements, however, the core objective of the peace talks is for the two sides to arrive at a mutual understanding of the root causes of the armed conflict, and on that basis sign agreements that define the comprehensive resolutions, along with an accord to end the armed conflict.

President Cory Aquino adopted the norm “address the root causes of the armed conflict” in 1986, though she did not assiduously pursue it. Her son, now President Benigno S. Aquino III, has reformulated it as “a comprehensive understanding of the root causes of the conflict, under clear policies that pave the way ahead.”

Notwithstanding the numerous acrimonious debates, deadlocks, breakdowns, and prolonged suspensions, the peace talks have managed to move forward thanks to the panels’ dogged adherence to this norm.

The IPSP “Bayanihan”

The intertwining of peace talks and counterinsurgency is more explicitly manifest under the present administration. Its counterinsurgency plan, dubbed as Internal Peace and Security Plan “Bayanihan,” purports to “subscribe to the primacy of the peace process.” But the IPSP ominously emphasizes:

“This, however, shall not prejudice the AFP’s primary role in the context of the peace process – to ensure that the group with whom the government is talking peace...will not use force or the threat of force as leverage at the negotiating table. While subscribing to the primacy of the peace process, the AFP stands ready to respond and address any attempt of any armed threat group to use force as means to attain political goals.”

Moreover, this is how the IPSP defines its approaches to the CPP-NPA (represented in the peace talks by the NDFP) and the MILF:

On the CPP-NPA: The AFP’s end-goal (it calls it “end-state”) is “to render their armed component... irrelevant and show the group the futility of their armed struggle... convince them to abandon (it) and instead engage in peace negotiations with the government.”

At the same time, the IPSP declares, *“the AFP shall continue using legitimate force and conducting combat operations with even greater vigor but only against armed insurgents... Intensified and relentless pursuit of the NPA is intended to exhaust their armed capabilities and diminish their will to fight... The expected decline of the NPA and their growing irrelevance shall then be sustained through efforts to address causes of conflict.”*

Question: Does the AFP mean to say that conducting combat operations takes primacy in seeking to render the NPA irrelevant (the end-state), and that “efforts to address the causes of conflict” shall be undertaken only to sustain the “expected decline” and “growing irrelevance” of the NPA? If so, then this AFP line contradicts the true context of “addressing the root causes” through the peace negotiations.

President Aquino III must resolve this apparent contradiction in policy.

On the MILF: The AFP’s “end-state is for the government to achieve a negotiated political settlement within the bounds of the Philippine Constitution to attain just and lasting peace in Mindanao.” It *“shall maintain a credible deterrent posture, by highlighting its military capabilities (to) dissuade the MILF from resorting to armed means to advance their secessionist goals... Credible deterrence can also be achieved even without the actual application of lethal military capabilities through the deployment of appropriate force packages.”*

Armed struggle and peace talks

Clearly, the AFP stance is off the peace track.

It must be understood that both the CPP-NPA and the MILF engage in armed struggle against – and in peace talks with – the government to attain their respective political goals. The goals don’t change by the use of different, in this case, complementary means.

That is as it should be, for these movements to remain true to their revolutionary principles and commitments to fight for palpable social, economic and political changes: the MILF for the Bangsamoro areas in Mindanao, the NDFP for the entire Philippines.

On its part, the government enters into peace talks with the NDFP and the MILF precisely because they are waging armed struggles. There is no reason to talk peace if the latter don't pose armed challenges to the government.

II. Lessons learned in the peace talks

From the above perspective, let us briefly go over what I deem are some of the lessons learned in the Philippine version of a peace process.

1. **The militarist approach.** It has been the overarching objective of the government, under successive administrations, to either crush its armed revolutionary adversaries or induce them to capitulate. The military basically oppose the peace talks and they greatly influence the decisions made by every President.

This fact accounts for the several breakdowns and lengthy suspensions of the peace negotiations.

The first peace talks with the NDFP under Cory Aquino in 1986-87 were openly opposed by then Defense Secretary Juan Ponce Enrile and AFP Chief Fidel V. Ramos. The talks broke down when military and police forces fired on protesting peasants in what became the Mendiola Massacre on Jan. 21, 1987. Belated efforts through an emissary by the government to resume the talks in 1990, with positive response from the NDFP, were quashed by the military's truculent opposition.

Ironically, when Ramos became president in 1992 he sent Cory's emissary and political ally, former Rep. Jose V. Yap of Tarlac, to the Netherlands to re-initiate talks with the NDFP. Ramos approved Yap's signing, for the GRP, of the Joint Declaration of The Hague (JDTH), the mother accord in the ensuing GRP-NDFP peace talks.

Periodic military interventions still caused many suspensions of the talks under Ramos' watch. But perseverance bore good results in the signing of 10 agreements, capped by the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) in 1998.

Although he signed and sealed the CARHRIHL, President Joseph Estrada subsequently brushed aside the peace talks. Instead, he gave bent to his government's "all-out war" policy, much to the rejoicing of the AFP, but with severe consequences to the MILF and the Bangsamoro.

Although Gloria Arroyo restored and pursued the peace talks with the MILF, these were interrupted twice (in 2002 and 2003) by the government's all-out war against the MILF, then with headquarters in the Buliok Complex in Maguindanao.

Arroyo's administration caused serious stumbling blocks to the GRP-NDFP peace talks. She suspended the talks for over six years. Instead her government tried, through Oplan Bantay-Laya I and II,

to crush the NPA before the end of her term in 2010. It failed. The government incurred wanton violations of human rights and international humanitarian law.

Also the opportunity was lost under the nine-year Arroyo regime to implement the CARHRIHL, which could have mitigated rather than aggravated the level and extent of brutality and the human rights violations in pursuance of counterinsurgency.

The militarist approach has thus been proven to be a failure.

2. The constitutional framework. In both peace talks, the GRP has consistently harped on circumscribing within the bounds of the Philippine Constitution the negotiations and every agreement consequently signed. This has had negative impacts on the series of peace agreements signed with the MNLF by the Marcos, Cory and Ramos governments.

It continues to hobble the completion of a comprehensive pact in the GPH(GRP)-MILF peace talks.

In 1976 the MNLF signed the Tripoli Agreement with the Marcos martial-law regime. Upon the advices of the Organization of Islamic Conference and the Libyan government, the MNLF acceded to the option of autonomy for 13 provinces and 10 cities in Mindanao and Sulu “*within the framework of the Constitution and territorial integrity of the Philippines.*”

Thus the three versions of the autonomous regions subsequently set up, including the current Autonomous Region for Muslim Mindanao (ARMM), have fallen short of the MNLF and MILF concept of autonomy that substantially reflects the right of the Bangsamoro for self-determination.

The discreetly negotiated Memorandum of Agreement on Ancestral Domain (MOA-AD) that was set to be signed on August 5, 2008, appears to have been gratuitously or deceitfully agreed on by the GRP. (It was reportedly leaked out by a top-ranking AFP officer to three local government officials, who questioned it before the Supreme Court). The Supreme Court struck it down for being unconstitutional in certain of its provisions.

On its part, the NDFP successfully evaded getting entrapped in the GRP constitutional framework, by including in the Joint Declaration of The Hague the universally-used terms “mutually acceptable principles, national sovereignty, democracy and social justice.” Under these premises either party is deterred from imposing its constitution as the framework of the peace talks.

The JDTH, along with 11 other agreements, has been reaffirmed by both parties in the resumed GPH-NDFP formal peace talks last February 14-21, 2011.

3. Foreign venue for peace talks. For the NDFP, holding the peace talks in the Philippines in 1986-87, proved highly disadvantageous, even perilous to the lives and security of its negotiators and staff. Even as negotiations were going on, and especially after the breakdown of the peace talks, many underground NDFP regional representatives and personnel who had surfaced were pursued by the military, either slain or arrested and detained.

Thus, holding the talks in a neutral foreign venue is stipulated in the JDTH. It has been adhered to till now, and has produced positive results, as earlier mentioned.

The MILF has similarly seen the wisdom of holding peace talks in a foreign venue.

4. Third party facilitator, foreign intervenors. Care should be taken to ensure that the third party facilitator in peace talks stays neutral, as regards the two sides' positions on issues. His responsibility is to ensure that the negotiations proceed smoothly under an amiable atmosphere.

Moreover, foreign governments or institutions invited to observe, intervene or help in the peace talks must not be allowed to impose their will, or unduly influence one side (specifically the revolutionary organization) to accept conditions that can prove prejudicial to its integrity and interest.

The opposite situation proved disastrous for the MNLF in the signing of the Tripoli Agreement, as earlier cited.

Also, the key role of foreign financing and aid institutions in the planning and implementation of the proposed Bangsamoro juridical entity, potentially prejudicial to the Bangsamoro interest, was inserted in the aborted MOA-AD.

5. The issue of prolonged ceasefire. From the NDFP experience since the 60-day nationwide ceasefire agreement in 1986-87, pointed out earlier, it is disadvantageous for the revolutionary movement to enter into a prolonged or indefinite ceasefire agreement with the government.

While the revolutionary forces have adhered to maintain the ceasefire in place (as in 1986-87), or desisted from carrying out offensive military operations, the government has deviously evaded such agreed constrictions by excluding from the rubric of offensive military operations such activities as "peacekeeping" or "police operations" and "civil-military operations" (CMO). These military operations involve fully-armed state units entering areas of conflict, spurring armed clashes when they are challenged by the opposite side.

I understand that in the public consultations conducted by the MILF before resuming talks with the government last month, there were strong views expressed by those consulted against both protracted peace talks and prolonged ceasefire agreements.

Given the limited time allotted for this presentation, I cannot elaborate on these points. I close with the hope that the lessons I have cited shall be given due consideration and subjected to thorough discussion by the concerned parties and the supporters of the peace talks. All in the interest of promoting productive peace negotiations towards attaining a just and lasting peace.

Maraming salamat po.