



## PHILIPPINES: Moro land deal leaves much unresolved

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**EVENT:** The government and the Moro Islamic Liberation Front (MILF) on July 16 announced that they had reached an agreement on ancestral domain.

**SIGNIFICANCE:** A new memorandum of understanding is due to be signed this week, raising hopes for the continuation of what has been a flagging peace process. Recent hostilities have posed the most serious challenge yet to a 2003 ceasefire between Manila and the MILF, and could yet escalate.

**ANALYSIS:** The Moro Islamic Liberation Front (MILF) and the government are due this week to sign an agreement on ancestral domain and the sharing of revenue from natural resources in an autonomous region. The deal ends months of stalemate that threatened to derail a peace process completely (see PHILIPPINES: Peace process stalls in Mindanao - July 27, 2006). Relations had soured after the two sides concluded a milestone memorandum in November that defined key points on the establishment and governance of an autonomous region, the Bangsamoro Juridical Entity (BJE):

- In December, the government unilaterally submitted five changes to the memorandum, which affected, for example, key provisions on control over natural resources.
- Manila also raised questions about the constitutionality of the agreement, suggesting that it would require a constitutional amendment because of its implications for territorial integrity and control of subterranean resources (which the charter says are controlled by the national state).
- This was highly problematic for the MILF, which does not accept the legitimacy of the constitution and does not believe that the constitution could be amended due to the political weakness of President Gloria Macapagal Arroyo and opposition to the peace process among lawmakers (see PHILIPPINES: Economy will shield Arroyo from critics - December 21, 2007).
- The MILF balked in response, asserting that the agreement had already been signed and witnessed by Malaysian facilitators.

**Territory question.** While the November memorandum identified broad consensus points on the BJE, it did not specifically identify its territorial scope. Reports indicate that the latest deal will expand the Autonomous Region of Muslim Mindanao (ARMM, itself established under a peace deal signed with the Moro National Liberation Front) to include another 712 villages. This is considerably fewer than the initial MILF demand of 1,000 villages (the government claimed the group was actually demanding 3,978). Manila had earlier offered the rebels 613 villages.

It is likely that the boundaries of the BJE will be established in a two-phase process:

- In the first phase, Moro-majority communities in areas contiguous to the existing ARMM will become part of the BJE immediately.
- In the second phase, contested areas will be incorporated into the BJE.

**Troublesome points.** However, these issues are highly contentious and the two sides have not determined when or how the process of establishing the BJE could actually take place. Indeed, the latest deal leaves unresolved several sensitive points, including:

- the constitutionality of the agreement;



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- whether there will be a plebiscite on inclusion in the BJE (something the MILF opposes knowing that Muslims do not constitute a majority of the population in some areas); and
- the chances of a referendum on independence in the future.

These issues in December prompted the talks to collapse, and so have been left out of the current round of discussions with a view to addressing them at a later date. Talks on governance are going to be complex and lengthy, and it is unlikely that they will be concluded before Arroyo's term ends in 2010.

**Complex climate.** There are several factors putting the peace process under pressure. Politically, Arroyo does not have the capital in Congress to push through an agreement. Moreover, the line-up of the government negotiating team has changed since the November memorandum was agreed, with hardliners now in control (former Armed Forces of the Philippines chief Hermogenes Esperon now leads the Office of the Presidential Advisor on the Peace Process) (see [PHILIPPINES: Army's role in election threatens Arroyo - April 13, 2007](#)).

Meanwhile, the future of the Malaysian role in mediating talks and monitoring a ceasefire has been increasingly in doubt. Malaysia withdrew over half of its contingent of a 60-person strong international ceasefire monitoring team in May, vowing to complete their withdrawal by August. Kuala Lumpur has been frustrated by the slow rate of progress on peace talks, though the latest deal may be enough to keep it involved.

While small, the presence of the Malaysian-led monitoring team has contributed to a sharp decrease in armed conflict and its presence has been an important confidence-building measure:

- In 2007, there were only eight registered ceasefire violations between the MILF and Armed Forces of the Philippines units, though MILF units were involved in over 100 conflicts involving civilian militias and private armies.
- Between June and early July, there were nine encounters between the MILF and Philippine troops. Most of the ceasefire violations have been hit-and-run ambushes on remote army units, but there have also been attacks on National Power Transmission Corp towers and other economic targets.

**Moro moves.** The MILF leadership asserts that recent fighting is a spontaneous manifestation of frustration among field commanders and has not been authorised by its Central Committee, which remains committed to the peace process. However, attacks have taken place almost simultaneously across Mindanao and have involved four base commands, suggesting otherwise.

The government certainly views the ceasefire violations as being authorised, or at least tolerated, by the Central Committee in order to pressure the government back to the negotiating table, and not as a sign of breakdown in MILF command and control. The majority of MILF field commanders remain loyal to Chairman Al-Haj Murad, though some oppose the peace process.

Dealing with the Moro National Liberation Front (MNLF) represents another challenge for the MILF chairman. In June, the MILF and a faction of the MNLF led by General Secretary Muslimin Semma held talks to establish a common negotiating framework in an effort to reconcile the MILF peace talks and the BJE with the 1996 MNLF accord that established the ARMM.

Semma is the MNLF leader most aware that the MILF and MNLF have to reconcile the two agreements, which both concern governance of the same people over roughly the same territory. However, he represents only one faction of the MNLF. The rest is loyal to Nur Misuari, whose supporters refuse to attend talks with the MILF, focusing instead on tripartite talks (involving the two Moro groups and the government):

- Many in the MNLF are supported by members of the Congress in believing that the MILF should not obtain more concessions than the MNLF got in 1996.
- The government is attending tripartite talks, but is non-committal, attending in the hope that more MNLF rebels do not start fighting the government alongside Abu Sayyaf (see [PHILIPPINES: Army moves to consolidate Jolo success - February 16, 2007](#)).

**Conflict outlook.** Despite the breakthrough on ancestral domain, the MILF remains unconvinced about the government's sincerity on the peace process. Low-level unrest by field commanders is likely to continue, with some risk of an upsurge in violence if the monitoring team withdraws completely. Nevertheless, while some hardline MILF commanders advocate quitting the peace talks, a return to all-out war is unlikely -- the MILF do not have the resources to engage in a sustained period of hostilities -- though more terrorist attacks are to be expected.

**CONCLUSION:** The threat of a return to all-out hostilities remains, despite recent signs of progress on peace talks. In the absence of genuine will on the part of the government, a durable political solution is unlikely to materialise before Arroyo ends her term in 2010.

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