

The Mindanao Enigma – BBL or Bust Capt. Martin A. Sebastian RMN (R)

Introduction

The release on 1st May 2016 of the 10 Indonesian sailors kidnapped by Abu Sayaff comes as a relief especially after the recent beheadings of hostages by kidnapers. The fates of four Malaysians, another four Indonesians, and several other hostages depend on the outcome of ransom negotiations. According to a statement from the Philippines Embassy intelligence information reveals that the four Malaysian kidnap victims¹ are currently in the city of Indanan, Sulu. Media reports in the Philippines say the Malaysians are in the custody of Majan Sahidjuan @ 'Apo Mike', a sub-leader in the Abu Sayyaf militant group. The notorious MuktaDir brothers are another Kidnap for Ransom Group (KFRG) operating in the Sulu Sea.

Abu Sayaff Group (ASG)

In as far as Mindanao is concerned, the government and the Muslim Mindanao rebel groups have failed to build the conditions for peace in what was once a fertile promised land. The Mindanao enigma stems from corruption, incompetence, tribal rivalries, clan feuds, lack of governance and an entire web of hatred born of historical misunderstandings leading to *rido* and *pintakasi*.² The region in which ASG operates is impoverished, making it easy to recruit jobless, unschooled youths with the promise of money and gang prestige. "It's the lifeblood that keeps the lawlessness in the area. Money from KFRG activities are used to buy weapons, faster boats, and communications equipment," sources say from Mindanao. More unschooled children are joining them and taking up arms. The military cannot solve this problem alone. A Philippine intelligence source has said that a political solution is vital because ASG ransom earnings were entrenching its network and complicating the military's job. Security experts say brokers, messengers, and go-betweens are involved at multiple levels, some taking substantial cuts. Payments are euphemistically called *board and lodgings*.

¹The four were crewmen on a Malaysian vessel that was transiting from Malaysia to the Philippines

²*Rido* stands for clan feuding whilst *Pintakasi* simply means mutual aid. Clans that feud can come to mutual aid against a common foe.

The Government of the Philippines (GPH)

The Bangsamoro Basic Law (BBL) is based on the 2014 negotiated peace settlement between the GPH and the MILF known as the Comprehensive Agreement on the Bangsamoro (CAB). When passed, the BBL will abolish the current Autonomous Region in Muslim Mindanao (ARMM) and establish a parliamentary government with more political and fiscal autonomy. However, the 16th Congress adjourned in February 2016 in light of the upcoming elections without acting on the bill. Presidential hopeful, Miriam Defensor Santiago advocated incorporating the Bangsamoro's customary and traditional laws into the country's prevailing concept of justice adding that, "To stop the conflict in Mindanao, we have to adapt their customary or traditional law into our Western style model of justice system". Chief Negotiator for the GPH-MILF Peace Process,³ Miriam Coronel-Ferrer, commenting on the third and last leg of PiliPinas Debates 2016 on the issue of Mindanao, said that the response of all five presidential candidates⁴ showed that "there is no other way to go but to fully implement the CAB and to pass a BBL."

"The debate showed that there is no escaping the need to find a lasting solution to the Bangsamoro question. We believe all of them see the wisdom in our peace efforts although they highlighted different angles. All these angles are actually addressed in the CAB," said Ferrer. We know that without development, there will be no peace and without peace, there will also be no progress and development," said a former Department of Interior and Local Government Secretary. The killing of 44 members of a special Philippine National Police⁵ commando unit in January 2016 has been blamed on the failure by the Senate and the House of Representatives to pass the BBL. However, it is widely known that there has been no quorum in the Lower and Upper Houses of the Congress when BBL was calendared into the agenda.

The Moro Islamic Liberation Front (MILF)

MILF Chairman, Hj Murad Ibrahim has expressed his grave concern on the stalling of the BBL. Restless ground units, *Islamic State* elements and KFRG making fortunes are surely a cause of concern for the Chairman. The MILF and those supporting the peace process might not be happy but still the MILF

³The Peace Process was facilitated by Malaysia.

⁴The candidates are Manuel "Mar" Roxas II, Jejomar "Jojo" Binay, Grace Poe, Rodrigo Duterte (the only candidate from Mindanao) and Miriam Defensor Santiago.

⁵The infamous SAF 44 incident was attributed to *Pintakasi*

leadership has vowed to continue and protect the gains of the negotiations. He emphasized that the MILF struggle through peaceful means will continue since it has signed with GPH the CAB, a product of more than 17 years peace negotiations. MILF has decommissioned fighters and rehabilitated them with skills and entrepreneurship training programs. The *Sajahatera Bangsamoro* Programme is running smoothly with multiple agencies and organisations taking part in providing better lives for the people through socio-economic activities. MILF established a political party, the United Bangsamoro Justice Party (UBJP) in 2014 in preparation for the elections in 2016. In the quest for peace, Chairman Murad also attended the OIC-facilitated Bangsamoro Coordination Forum (BCF). The BCF, presided by the the Organisation of Islamic Conference (OIC), aims to consolidate both the struggles of MILF and Moro National Liberation Front (MNLF).⁶

The Organisation of Islamic Conference (OIC)

In a recent statement, Secretary General of the OIC, Mr. Iyad Ameen Madani, reiterated that the OIC held grave concerns on the substantial amendments to the BBL which constitute drastic modification to the original agreement. He noted that the amendments restore GPH control over many areas and actually reduce the future Bangsamoro Government to an entity similar to an ordinary local government unit. He urged GPH and the law makers to ensure that the BBL will not come out different from the original BBL. He also urged leaders of both the MNLF and the MILF to consolidate their coordination and cooperation through the BCF and to engage other stakeholders in order to close ranks and strengthen unity and maintain their peaceful struggle for the common cause. The 13th Islamic Summit Conference of the OIC in Istanbul in April 2016 saw the MILF Chairman and the Prime Minister of Malaysia appeal to the OIC in urging GPH for the resolution on the Mindanao peace process.

The Moro National Liberation Front (MNLF) – The MNLF-GPH-OIC Final Peace Agreement 1996

The MNLF demands the implementation of the 1996 Final Peace Agreement signed on 2 September, 1996 by the Philippine government and the MNLF. The key parts of the agreement call for a first phase in which transitional

⁶During the June 2014 meeting in Jeddah, Saudi Arabia, three factions of the MNLF – Habib Mudjahab Hashim's MNLF Islamic Command Council (ICC), the Executive Council of 15 led by Muslimin Sema and Nur Misuari's group represented by lawyer Randolph Parcasio, signed an agreement to have "a unified, solid position toward efforts to arrive at a political, just and lasting peaceful solution" to the Bangsamoro problem. Misuari holds permanent observer status in the OIC.

administrative organs, the Southern Philippine Council for Peace and Development (SPCPD), and Consultative Assembly will be established in fourteen provinces and nine cities that will also be designated a Special Zone for Peace and Development (SZOPAD) where concentrated reconstruction and development will take place, followed by a second phase in which a referendum will be held in the region two years later and a new autonomous government established following an election held three years later. After the Final Peace Agreement was concluded in September 1996, in that same month Nur Misuari won an uncontested election for governor of the Autonomous Region in Muslim Mindanao (ARMM) and assumed the chairmanship of the SPCPD. However, when the referendum's scheduled date in October 1998 approached, the promises in the first phase were not implemented and both the government and the MNLF came to an understanding that they would not make preparations for the referendum.

Thus the assembly decided to postpone the referendum. Eventually it was postponed twice, although the government held the referendum without the consent of the MNLF in August 2001. The result was that Basilan Province and Marawi City joined the ARMM as new members. The MNLF-Misuari wing did not accept this result. Meanwhile, in November of that year Misuari himself was detained under suspicion of fomenting an MNLF rebellion.

The Philippine government's position is that the 1996 Final Peace Agreement has been implemented by the establishment of the ARMM through the 2001 referendum. On the other hand, the MNLF argues that there is a problem with the implementation of the second phase. The two sides still have conflicting views and have not worked out their differences. Therefore, they and the OIC have been holding the Tripartite Meeting since 2007 to review the state of the 1996 Final Peace Agreement's implementation.

Nur Misuari

Nur Misuari, the founder of MNLF was installed as the Autonomous Region of Muslim Mindanao (ARMM)⁷ governor in 1996. Misuari is a "charismatic leader" who held considerable sway over the indigenous people in Mindanao but lost this backing because of his mismanagement and corruption during his tenure as governor for the ARMM. His rule ended in violence when he was accused of a failed rebellion against GPH in November 2001. He was arrested by Malaysia in

⁷Since then, ARMM has rejected the leadership of Misuari a number of times through elections.

an island off Sabah and deported to Philippines. MNLF, already split in two factions, eventually broke away and formed the *Executive Council of 15⁸* under Muslimin Sema. Misuari's group has been named the Misuari Breakaway Group (MBG) by counter terrorist networks. MBG formed alliance with other breakaway factions like the Bangsamoro Islamic Freedom Fighters (BIFF)⁹ and the notorious ASG.

His revenge against Malaysia stems from his arrest and the facilitation of MILF-GPH Peace Process. From 11 February to 24 March 2013, Malaysia suffered the Lahad Datu incursion by the Royal Sulu Force (RSF) ending in the deaths of many RSF rebels. Misuari has been largely blamed for the incident. He went into hiding after he was identified as the leader of the 19-day Zamboanga siege from 9-28, September 2013. He instigated Ustadz Habier Malik, Khaid Ajibon, and four other pro-Misuari leaders to raise the flag of the Bangsamoro Republik at Zamboanga City Hall claiming the UN has endorsed the Bangsamoro Republik. Misuari continues to "charm" the Moro people with words like UN and OIC. He claims that the OIC has tossed back to the UN the peace treaty after MNLF reverted its position from autonomy to independence as the new accord with MILF deals with same territory and people. MNLF website continues to fan hatred on Malaysia claiming MNLF as the sole arbitrator to the Moro destiny.

However, a check with the UN Decolonisation Committee website has NO mention on Mindanao at all. OIC website does not mention MNLF but MILF.

He has continuously promised the Moro people that he is just awaiting notice from the UN recognizing their right to self-determination. "The MNLF is leaving to the UN committee on decolonization its petition for self-rule," he said in a meeting with leaders on January in Sulu, as a preparation for the 5th GPH-MNLF-OIC *Tripartite Review of the Peace Process* in Jeddah. The review is a requirement as MNLF-OIC-GPH had forged the 1996 Final Peace Agreement for the establishment of genuine political autonomous government. Misuari feels that since it was final, then he should be leading the way. The agreement was stalled as Misuari himself did not have the patience to see it through.

⁸They however recognize Misuari as the spokesman for MNLF

⁹BIFF was formed after Ameril Kato tendered his resignation as the Commander of the 105th Base Command of the Bangsamoro Islamic Armed Forces (BIAF), the military wing of MILF. After Kato's death, BIFF's former vice-chairman for political affairs, Ismael Abubakar alias "Bongos" has taken over leadership of the group. The former leader Tambako was arrested after the SAF 44 incident. MILF and BIFF elements were suspected to form the Pintakasi against remnants of the PNP SAF Special Forces after they killed bomb-maker Marwan.

However, on examining the statements by the Presidential Adviser of the GPH at the eventual meeting in Jeddah, Ms Teresita Quintos Deles clarified as follows:

“It must be recalled that Republic Act 9054 is the current law which, pursuant to the 1996 Final Peace Agreement, incorporated substantive provisions of the agreement and effectively amended the earlier organic law, Republic Act 6734. With the 42 consensus points, it is now safe to conclude that the provisions of the 1996 Final Peace Agreement are now made operative as these consensus points will now be part and parcel of the Bangsamoro Basic Law, the new autonomy law now undergoing deliberation in the Philippine Congress, with a view of bestowing the highest level of regional autonomy in Muslim Mindanao, as mandated in the Philippine Constitution”.¹⁰

Conclusion

In as far as Misuari is concerned, he will avenge all those who opposed his leadership of the Moros, be it the ARMM, GPH, Malaysia, MNLF Council of 15 or MILF. In a region where hope is the only choice, he manipulates the minds of the unwary as seen in the Lahad Datu and Zamboanga. His claims that he brokered the 1996 Final Peace Agreement holds strong among the valiant Tausugs. Though he is part of the Tripartite Peace Review Process and the BCF, his sincerity is in question based on the recent announcements. Support for him overseas has waned whilst ARMM has rejected his leadership. Funds are few and far between and there is a need for them if he is to build an army strong enough to oust the MILF. He thrives in misinformation and charm. In as far as the 1996 Peace Agreement is concerned it has been factored in the BBL. He has to now support it.

A point to ponder is that in April 1995, a new Muslim group calling itself the Islamic Command Council of the MNLF¹¹ claimed "full responsibility" for the violent attack on Ipil. Officials believe that the ASG, which was part of MNLF at that time under the control of Misuari, was responsible for the incident. Therefore, there is no doubt that the ASG is funding MNLF efforts.

MILF on the other hand is going at the peace process patiently. Engaging the community and fighters under it's command, it has to show restraint and ensure the process goes smoothly. Political parties and socio-economic programmes

¹⁰<http://www.opapp.gov.ph/mnlf/news/opening-remarks-sec-teresita-quintos-deles-5th-oic-gph-mnlf-meeting-tripartite-review>

¹¹<http://www.refworld.org/docid/469f38cd17.html>

supplement their effort with Malaysia, OIC, the International Monitoring Team , and the International Contact Group.¹²

GPH and Malaysia have to believe in the peace process and allow Mindanao to carve it's destiny. MILF and MNLF must be engaged to mitigate peace. It is only through the BBL that lasting peace can be brought to the southern frontiers and the Sulu Sea region. KFRG will be a thing of the past if development can takes place and the entities see economic security as the instrument of lasting peace. Small groups can be handled by the forces of Moro. Costs for security on both sides of the Sulu Sea can turn to value for socio-economic activities. Whilst hard security is required, soft security can provide enduring peace and be holistically driven.

¹²<http://www.c-r.org/where-we-work/southeast-asia/international-contact-group-mindanao>