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The 2012 Bangsamoro Framework Agreement: Lessons Learned?

By Joseph Franco

Synopsis

The conclusion of the “Framework Agreement on the Bangsamoro” between the Philippine Government and the Moro Islamic Liberation Front (MILF) brings the 16-year long negotiations to the threshold of a final peace pact. While details still need to be thrashed out, the Framework defused the belligerent discourse of actors opposed to the peace process.

Commentary

ON 7 OCTOBER 2012, President Benigno Aquino III announced the “forging” of a draft Framework Agreement on the Bangsamoro. It marks a major breakthrough in the 16-year long negotiations between the Government of the Republic of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF). The Agreement recognises the “unacceptable” nature of the status quo and calls for the creation of a Bangsamoro Government, which would allow Filipino Muslims the “authority to regulate” on their own.

The text of the Agreement is slated for a formal signing on 15 October 2012 in Manila; with the draft deemed, in the words of MILF Vice Chairman Ghazali Jaafar, acceptable by a “very happy” MILF. Bangsamoro translates literally to “Moro Nation”, a concept used by various secessionist groups such as the MILF in the Southern Philippines to refer to the body politic comprising 13 Filipino Muslim ethno-linguistic groups.

Different framework for final peace

The 2012 Framework prescribes the grant of “exclusive powers” to the Bangsamoro Government, with the Central Government retaining authority over issues such as national security and foreign policy. To empower the prospective Bangsamoro Government, the Agreement has a section on “Revenue Generation” that emphasises the “just and equitable” sharing of revenue from the utilisation of natural resources.

A cursory reading of the 2012 Framework would seem to indicate either the continuity of a “failed experiment” - the current Autonomous Region in Muslim Mindanao (ARMM) - or a rehash of the junked 2008 Memorandum of Agreement on Ancestral Domain (MOA-AD). But there are substantive differences between the MOA-AD and the Framework Agreement that augurs well for peace in Mindanao.

By viewing the Framework Agreement not just as a literal text, but also as an act of political communication it is apparent that the Aquino administration has learned the lessons of the past. There is a much generalised

treatment of the prospective Bangsamoro Government. Unlike the 2008 MOA-AD, which explicitly spelt-out power arrangements in detail, the Framework defers it to the legislation of a Bangsamoro Basic Law. The intentional ambiguity of the Framework Agreement takes advantage of the relatively more established consultation and political mobilisation mechanisms that were created after the MOA-AD debacle.

It is in recognition of the potential of public dissent that could scuttle the negotiations as seen in the MOA-AD case, had the GPH and the MILF presented a detailed agreement this time around. A debate on “opaque” negotiations was used to great success by hawkish personalities such as former North Cotabato Vice Governor Manny Piñol in derailing the 2008 MOA-AD and calling for Christian communities to actively oppose government peace initiatives.

This implicit reliance on grassroots consultation was largely made possible by the high degree of internationalisation of the negotiations - as seen in the creation of the International Contact Group (ICG) in 2009 and the continued operation of the International Monitoring Team (IMT), which has contributed to zero occurrences of violent incidents between the Armed Forces of the Philippines (AFP) and the MILF for 2012. This unprecedented peace between the two sides set the backdrop for drawing up the Framework Agreement.

Underscoring critical points

The deferment of details notwithstanding, certain critical points were highlighted. In 2008, a key narrative of MOA-AD detractors was the seeming lack of guarantees for non-Muslim Filipinos’ rights. In contrast, the 2012 Framework swaps the single, ambiguous line in the 2008 MOA-AD on the “protection of civil rights and individual liberties” with a separate, specific section on “Basic Rights” (Section VI) that reiterates guarantees found in the 1987 Philippine Constitution.

Another critical difference in the 2012 Framework is an explicit mention of how the “supremacy of Shari’ah and its application shall only be to Muslims” (Section III). In effect, by recognising constitutional imperatives, the Agreement has seemingly dissuaded vocal critics of peace negotiations from voicing their dissent.

There is also emphasis on post-conflict “normalisation” (Section VIII) - on how the MILF’s armed wing, the Bangsamoro Islamic Armed Forces (BIAF), would fit into the scenario. It was clearly spelled out that a final peace agreement would see the MILF “undertake a graduated programme for decommissioning of its forces so that they are put beyond use [Emphasis added].” By presenting demobilisation, disarmament, and reintegration (DDR) of MILF combatants as a key objective, the Agreement seemingly does away with the image of MILF-affiliated armed bands holding sway in Mindanao held up by politicians like Piñol.

Cautious optimism

Both sides to the conflict have a role to play to minimise the risks of derailment. In 2011, the emergence of the Bangsamoro Islamic Freedom Movement (BIFM) under hardliner former MILF commander Umbra Kato, raised fears of another breakaway secessionist group rendering moot any future GPH-MILF peace pact. But the MILF has been able to assert command and control over its forces as Kato’s BIFM failed to muster support.

The short-lived August 2012 offensive of the BIFM, then thought to be a harbinger of wider conflict, fizzled out in a couple of days. The feared unholy alliance between the BIFM and rogue MILF units did not materialise. In fact, the MILF had publicly condemned the offensive as inimical to peace in Mindanao and vowed instead to help Philippine security forces deal with the problem.

On the other side, there remains the spectre of spoiling by Christian politicians such as Piñol who hold sway over their constituents - themselves possessing small arms and light weapons. Gains have been made however, by the Aquino administration on its 2011 pledge to “dismantle ‘private armies’” with the reported demobilisation of 28 such armed groups. It is likely that a clampdown on para-security forces would be sustained, considering the continuing efforts by both the AFP and the Philippine National Police to bring under more stringent control the various pro-government militia forces in Mindanao.

Nonetheless, cautious optimism remains. The prospective signing of the 2012 Framework Agreement on 15 October is but a checkpoint - albeit a very important one - on the long road to peace.

Joseph Franco is an Associate Research Fellow at the Centre of Excellence for National Security (CENS), a constituent unit of the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University.