

The EU and Mindanao: innovative avenues for seeking peace

Alistair MacDonald and Gabriel Munuera Viñals

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Alistair MacDonald and Gabriel Munuera Viñals



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The authors of this paper were directly involved in preparing and implementing the EU's efforts to support the Mindanao Peace Process as officials in the EU Delegation in Manila. Their views thus focus on the EU's peace-related efforts rather than on those of other international actors also involved in the process. The paper does not aim to describe in detail the latest developments in the peace process, which go beyond the scope of the personal involvement of the authors.

The views reflected in this paper are the authors' own, and do not represent any official policy of the EU.

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Summary

The confrontation between Muslim and Christian inhabitants of Western Mindanao, between the 'Moros' and the Philippine State, belongs to that category of 'forgotten conflicts' of which most international relations practitioners are often only vaguely aware. The conflict has historical roots that reach back centuries and has evolved with many twists and turns, culminating in an equally long and no less convoluted peace process. However, this conflict has important international ramifications and is one in which the international community is today actively involved, with facilitating and monitoring mechanisms involving states as well as non-state actors. In particular the European Union has been playing an increasingly important role, including in relation to diplomatic efforts aimed at finding a lasting solution to the conflict, based on its holistic approach to crises and interaction with European NGOs.

Given the complexities of the Mindanao Peace Process and its comparative remoteness, this *Occasional Paper* starts by providing a succinct overview of the conflict, focused on its main 'turning points': its historical origins; the latest cycle of violence starting in the late 1960s and early 1970s; the various peace agreements (1975, 1996); the divisions in the Moro camp (the Moro National Liberation Front versus the Moro Islamic Liberation Front); the creation of the Autonomous Region of Muslim Mindanao in 1989; the all-out wars of 2000 and 2003; the failed Memorandum of Agreement on Ancestral Domain and the latest serious crisis in August 2008; the return to the negotiating table in 2009 with a reinforced framework substantially and innovatively involving the international community; and the more hopeful prospects ushered in by the Aquino Presidency in 2010.

The paper then focuses on the EU's involvement in the conflict, moving gradually from the humanitarian and development arena towards a more explicitly political role in the peace process, in close cooperation with its Member States and with European NGOs. The EU's holistic approach (focusing on development and humanitarian aid), which paved the way towards a more direct role for the EU in peace-seeking efforts, and the close interaction with specialised NGOs helping articulate the transition from a humanitarian to a political involvement, are elements that, in the view of the authors, present an interesting test-case for the EU's conflict management capacities.



Introduction

The conflict between the Muslim population in Mindanao (the ‘Moros’ or ‘Bangsamoro’) and the Manila-based central authorities in the Philippines goes back to Spanish colonial times (from the sixteenth through to the nineteenth centuries). Tensions however worsened in modern times, particularly during the twentieth century with the intensification of Christian settlement from the Visayas and Luzon (spurred by the availability of land and the lure of Mindanao’s timber and agriculture potential). This has led to a situation where the Moro community in recent years has become a minority in Mindanao, representing only some 20 percent of the island’s population, and concentrated in the Central and Western portions of the island and in the Sulu Archipelago.

The most recent incarnation of the conflict flared up in the late 1960s (in parallel with national liberation movements across the globe) and is still ongoing. The alternation of conflict and peace negotiations between successive Governments of the Republic of the Philippines – and different Moro groups (notably the Moro National Liberation Front and the Moro Islamic Liberation Front), together with weak local governance (at times supported by national government in return for electoral support), have contributed significantly to a situation where the provinces of Central and Western Mindanao and the Sulu Archipelago are among the poorest in the Philippines, with social indicators in some cases more typical of sub-Saharan Africa than of southeast Asia.

The complexities of the conflict and the different interests at play have made achieving lasting peace a tortuous quest. While a peace agreement was signed between the government and the Moro National Liberation Front (MNLF) in 1996 (the implementation of which remains a source of dispute), peace negotiations are still ongoing with the Moro Islamic Liberation Front (MILF). Hopes for a peace agreement with that group in 2008 were dashed when the ill-fated Memorandum of Agreement on Ancestral Domain (MoA-AD) was blocked by the Supreme Court, leading to renewed conflict and creating more than 700,000 internally-displaced persons (IDPs). The most recent developments (including the historic meeting between President Aquino and MILF Chairman Murad

on 4 August 2011) may offer an opportunity to finally escape from this vicious cycle, but the risks remain high.

In this context, the role of the EU in contributing to poverty alleviation, humanitarian assistance and peacebuilding in Mindanao over the past twenty years presents an interesting case study of how an international partner may contribute to conflict-resolution efforts. The EU has long been involved in Mindanao, initially through development cooperation (in the areas of rural development and health) and through humanitarian aid (assistance to IDPs and returnees). More recently the EU has also become more directly involved in peacebuilding and peace-monitoring, while one EU Member State (the UK) also plays a role in supporting the negotiations between the parties to the conflict.

After summarising the context of the conflict, focusing on the current peace talks between the Philippine government and the MILF,¹ the present paper aims to examine the scope of the EU's involvement in Mindanao, and in particular to suggest the lessons which this experience may offer for EU peacebuilding efforts elsewhere. In particular, the paper will emphasise the opportunities opened up by the EU's holistic approach in Mindanao (combining the various instruments from the cooperation/humanitarian/peacebuilding toolkit), the value-added offered by joint action between the EU and its Member States, and the multiplier effect generated by a creative partnership with civil society organisations, both international and local.

1. The ongoing review of the implementation of the 1996 Peace Agreement between the government and the MNLF is an important topic in its own right, but will not be addressed in this paper.

1. The 'Moro problem' and the Mindanao conflict²

The so-called 'Moro³ problem' in the Southern Philippines has its roots in the gradual marginalisation and dispossession of the once-predominant Muslim population in the fertile coastal areas of Mindanao and in the adjacent Sulu archipelago by settlers from the Visayas and Luzon.

Islam came to Mindanao around the fourteenth century, brought by traders and preachers from present-day Malaysia and Indonesia, and the first mosque in the archipelago (in Simunul, Tawi-Tawi) was built in 1380. By 1521, when Magellan arrived in what later became known as the Philippines, Islam had already taken root across most coastal areas of Mindanao (as well as certain trading settlements elsewhere in the Visayas and Luzon). Spanish attempts to extend their Manila-based authority to impose control over Mindanao came up against well-established and powerful Muslim polities there, most notably the Sulu and Maguindanao sultanates. Spain fought several wars against the sultanates, but was never able to fully control Mindanao, and had to content itself with the occasional punitive expedition seeking to deter piracy. A few Spanish military outposts were established on the coast (notably at Cagayan de Oro, Zamboanga, and Isabela) but the rest of Mindanao and Sulu remained firmly Moro (in the coastal areas) or 'Lumad' (upland tribes, animist rather than Muslim).

The cession of the Philippines (together with Cuba and Puerto Rico) to the US by the Treaty of Paris in 1898 proved to be a game changer, however, as the US was able to establish control over Mindanao (after several years of at times significant hostilities). A special Moro Province was established (under military rule) from 1903-1913, together with the Agusan Province (covering the 'wild tribes', the Lumads, during the same period). The 'settlement' of the lands of Mindanao, frontier-style, also started systematically during the US colonial period.

2. NB: this chapter covers events up to August 2008 only.

3. The term 'Moro' was used by the Spanish colonial regime to refer to the Muslim communities they encountered in Mindanao and elsewhere in the Philippines, echoing their experiences in expelling the *Moros* (Moors) from Spain in the fifteenth century. It is striking that the term has been taken up by the *Moros* themselves, referring for example to the Bangsa Moro (the Moro people, or Moro nation).

There had already been some small Visayan communities settled on the northern coast of Mindanao for several centuries, but it was from the 1930s, with increasing settlement from Luzon and the Visayas, that the ethnic, social and religious character of Mindanao began to change (the immigrants from Visayas and Luzon being Christian). This movement accelerated considerably from the 1950s onwards, with the prospect of land settlement in Mindanao being seen as one means of addressing rural poverty (and helping to bring to an end to the Huk rebellion⁴) in central Luzon.

Both the Moros and the Lumads were increasingly affected by these migrations, though the tensions among the different groups were generally not religious in character, but were rather based on conflict over resources, with additional tensions coming from different senses of ethnic identity and allegiance. In the early 1900s, the 'wild' peoples (including Moros and Lumads, as opposed to the 'civilised' Christians) accounted for over 63 percent of the population of Mindanao;⁵ by mid-century the share of the Moros had fallen to 26.31 percent while that of the Lumads had declined to 4.5 percent, and by 2000 (the latest census) the Moros were down to 18.5 percent (while the Lumads had risen to 8.5 percent), roughly their current estimated share of Mindanao's population of around 20 percent. The Moros own only 17 percent of the land (80 percent of them being landless), and the areas where they are in the majority are some of the poorest in the country, with social indicators such as maternal or child mortality being much higher than the national average.

While Moro interests have clashed with those of the settlers, the Moros themselves have not always managed to present a common front. There is indeed a strong sense of Moro identity, forged in a collective history of resistance to foreign domination, of perceived loss (of land, wealth and of self-rule). Yet this coexists with significant internal divisions along ethno-linguistic and clan lines (Tausugs, Maranaos and Maguindanaoans being the main strands), as well as on religious vs. secular lines.

4. The Hukbalahap was the military arm of the Communist Party of the Philippines, formed in 1942 to fight the Japanese Empire's occupation of the Philippines during World War II. It fought a second war from 1946 to 1954 against the pro-Western leaders of their newly-independent country. The term is a contraction of the Filipino term *Hukbong Bayan Laban sa mga Hapon*, which means 'People's Army Against the Japanese.' The group was commonly known as 'Huks'. The insurgency was finally quelled through a series of reforms (as well as military victories) by Filipino President Ramon Magsaysay, although the Communist insurgency resumed through the New People's Army in the 1960s.

5. Presentation by Professor Rudy Rodil, former member of the Government Peace Panel in negotiations with the MILF, Malaybalay, Bukidnon, 31 January 2009.

The situation has been made more complex by the presence of the much smaller and more radical Abu Sayyaf Group (ASG), created in the late 1980s and with an openly jihadist agenda and reported links to south-east Asia's main Islamic terrorist organisation, Jemaah Islamiya (JI). The Lumad dimension adds an element of further complexity (which neither the settler nor Moro communities have found easy to address). There is also a significant presence of the Communist New Peoples' Army (particularly but not only in northern Mindanao).

It was in 1969, in an international context of anti-colonial left-wing liberation movements, that a re-awakening of the Moro identity found political expression in the founding of the Moro National Liberation Front (MNLF), by the then pre-eminent Moro leader Nur Misuari, setting the scene for an armed insurgency which has continued, off and on, ever since. In the late 1970s, tensions within the MNLF led to the establishment of the breakaway Moro Islamic Liberation Front (MILF) led by Salamat Hashim (and succeeded on his death in 2003 by Murad Ibrahim). The MILF was more religiously-orientated and Maguindanao-dominated than the more nationalist/secular and Tausug-dominated MNLF.

Over the four decades of conflict leading up to 2008, some key milestones are recapitulated in the table overleaf.

Mindanao conflict timeline 1968-2008

- 1968** Jabidah massacre of Moro recruits by the Philippine Army (the spark which contributed to the establishment of the MNLF in 1969)
- 1975** Islamic Conference Foreign Ministers' Declaration advocating a solution for the Moro problem within the sovereignty and territorial integrity of the Philippines
- 1976** Tripoli Agreement between the MNLF and the government of the Republic of the Philippines
- 1978** the splitting of the MNLF, with a 'new MNLF' becoming the MILF in 1984
- 1989** creation (as foreseen in the 1987 Constitution) of the Autonomous Region of Muslim Mindanao (ARMM), initially covering four provinces (Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi)
- 1996** Final Peace Agreement between the MNLF and the government, leading to Misuari becoming ARMM Governor (1996-2002)
- 1997** formal launching of peace talks between the government and the MILF
- 2001** ousting (from the MNLF leadership), revolt and eventual arrest of Nur Misuari
- 2001** expansion of the ARMM territory to include Marawi City and the province of Basilan (excluding Isabela), following a referendum carried out under Republic Act 9054
- 2001** Tripoli Agreement on Peace, establishing a ceasefire between the MILF and the Government of the Republic of the Philippines (GRP), and formalising Malaysia's role as Facilitator for the peace talks
- 2000 & 2003** two bouts of 'all-out war'
- 2004** establishment of the International Monitoring Team (IMT) to monitor the implementation of the ceasefire (led by Malaysia, with participation also from Brunei and Libya, and later from Japan)
- 2008** ill-fated Memorandum of Agreement (MoA) on Ancestral Domain, due to be signed between the government and the MILF in August 2008, but blocked by the Supreme Court, prompting renewed conflict and creating a situation in which more than 700,000 internally displaced persons (IDPs) fled their homes.

2. Developments since August 2008

During the negotiations that have taken place since 2001, the MILF has been particularly concerned to avoid falling into the perceived ‘traps’ of the 1996 agreement with the MNLF, citing also the weaknesses (waste, inefficiency, corruption, overall bad governance) of the Autonomous Region of Muslim Mindanao (ARMM). It therefore found it necessary to reject constitutionally-constrained and referendum-based autonomy as a way to solve the Moro problem and restore the Bangsamoro ‘Ancestral Domain’ (its initial sole agenda point, to which issues of security and rehabilitation were later added).

This question of Bangsamoro Ancestral Domain (land, resources, traditions) still remains the key unresolved bone of contention in the ongoing negotiations (see Box 1 overleaf). The possibility of articulating this through a so-called Bangsamoro Juridical Entity (BJE), and of determining the BJE’s territorial limits, governance and resource base have been the focus of discussions since 2005. And the failure to sign the painstakingly-negotiated MoA-AD (foreseen to take place on 5 August 2008 in Kuala Lumpur) triggered a major crisis in the peace process between the government and the MILF.

The text of the MoA-AD was leaked in the days just prior to its intended signature, triggering public outrage among a number of local (Christian) politicians whose constituencies would be affected by its provisions, as well as among some national politicians and the generally anti-Moro national media. In response to several petitions challenging the constitutionality of the MoA-AD, the Supreme Court issued a Temporary Restraining Order (TRO) on 4 August, the eve of the scheduled signing in Kuala Lumpur. The government attempted to withdraw the MoA-AD and described it as ‘null and void’ (which could have made it possible to terepackage it in a slightly amended form) but on 13 October 2008 the Supreme Court ruled that certain aspects of the MOA-AD were unconstitutional. This further complicated the situation, and led the MILF to claim that this was proof that the Philippine State would never grant genuine self-rule to the Bangsamoro.

Box 1 – Squaring the circle of ancestral domain

The BJE as proposed in the MoA-AD would have been based on the existing Autonomous Region of Muslim Mindanao, to which would be added six municipalities in Lanao del Norte (which had already voted yes in the 2001 plebiscite, though the province as a whole had voted no) and a further 735 *barangays* (villages), subject to a plebiscite to be held in these *barangays*. It would have exerted control over territorial waters and enjoyed a 75 percent share in the exploitation of natural resources; it would have had its own administration, judiciary, taxation and internal security forces; and it would have been allowed to conclude international economic agreements and establish trade missions abroad.

The government would have retained power over national defence, foreign affairs, and monetary policy, with a supervisory role for the President of the Republic and a role as court of final appeal for the Supreme Court of the Philippines.

Final details would have been worked out through further negotiation. According to the original plan, a transitional BJE council would be appointed by the President once the terms of the current elected ARMM officials had expired. This would give time for the Bangsamoro people to elect their representatives, who would then craft a Charter/Organic Act that would govern the Bangsamoro Juridical Entity.

Following the August TRO, three ‘renegade’ MILF commanders had carried out attacks on Christian communities in parts of Central and Western Mindanao, triggering violent clashes with local militia and a punitive operation by the Armed Forces of the Philippines. These clashes, which gradually abated in the first half of 2009, resulted in over 700,000 IDPs and some 300 civilian fatalities. Government forces mounted a final burst of activity from April to June in an attempt to force a solution, though with little success. It also seemed that both parties may have been using the IDPs as bargaining chips at this time.

Finally, in late July of 2009, after discreet back-channel contacts, it was possible for the government to announce a Suspension of Military Operations (SOMO), followed two days later by a reciprocal Suspension of Military Activities (SOMA) announced by the MILF. And two days after

that, on 27 July 2009, President Arroyo was able to mention in her final State of the Nation Address that informal talks with the MILF would be resumed in the following weeks.

Since then, the violence has largely subsided and the number of IDPs has been reduced to much lower figures (some 5,000 families were estimated to be still in camps as of July 2011). However, many IDPs have not yet been able to return to their original villages (a recurrent phenomenon with every round of clashes/displacement), and a small number of new displacements has arisen in relation to *rido* conflicts.⁶

The resumption of informal talks between the parties on 29 July 2009 in Kuala Lumpur allowed agreement to be reached over the following months on a number of significant new developments:

- a commitment to ‘reframe the consensus points’ developed since 2001 and on which the MoA-AD had been based, with a view to moving towards a negotiated political settlement;
- the establishment of an International Contact Group (ICG) to diplomatically accompany the peace process, with participation from four states (Japan, Saudi Arabia, Turkey and the UK) and four international NGOs (Centre for Humanitarian Dialogue, Conciliation Resources, Muhammadiyah and The Asia Foundation);
- the re-establishment of the International Monitoring Team (whose mandate had expired in August of 2008), with two additional components (in addition to the security component and economic and social development component already in place) – a Civil Protection Component, with the participation of both international and local NGOs (Non-Violent Peace Force, Mindanao People’s Caucus, Mindanao Human Rights Action Centre, and Muslim Organisation of Government Officials and Professionals), and a Humanitarian, Rehabilitation and Development Component (this latter had in fact been agreed already in 2002, but had never been implemented).

6. The tradition of ‘*rido*’ or clan conflicts, often over land or family quarrels, has long been a source of violence and displacement within Muslim communities of Mindanao. Where the two parties to such a conflict are affiliated to different armed groups (eg MILF and MNLF, or MILF/MNLF and local government units), the conflict can quickly take on a more serious dimension.

Further informal talks between the parties during the following months allowed agreement to be reached on the details of these new elements, with agreement on terms of reference for the International Contact Group (ICG) in September 2009, for the Civilian Protection Component (CPC) in October 2009, and for the Humanitarian, Rehabilitation and Development Component (HRDC) in March 2010. A revised mandate for the IMT itself was agreed in December 2009, at the same time as the mandate of the Ad Hoc Joint Action Group⁷ (AHJAG) was renewed. Also in December 2009, the EU was invited by the parties to take responsibility for leading the IMT's HRD component, and Norway was invited to join the security component.

As these informal talks continued during the final months of the term of President Arroyo, the MILF submitted a draft 'Comprehensive Compact' in January 2011 (reintroducing many of the elements of the MOA-AD), but it was not possible for the outgoing Administration to agree on more than a declaration on 'Continuity of Peace Negotiations' (in June 2010), seeking to confirm the progress achieved to date and preparing for the transition to the new government.

In his inaugural address on 30 June 2010, President Aquino announced his commitment to 'a peaceful and just settlement of the conflict, in the interests of all – Lumad, Bangsamoro or Christian', while in his first State of the Nation Address on 27 July he emphasised the need for all stakeholders to be involved if lasting peace was to be achieved, adding that he would learn from the mistakes of the past and make sure there would be consultation with all concerned prior to any agreement. His appointment of Teresita 'Ging' Deles as Presidential Peace Advisor (a role she had already played in 2003-2005) and of Professor Marvic Leonen as Government Peace Panel Chair were widely welcomed. The MILF also reconstituted its Peace Panel, under the continuing chair of Mohagher Iqbal. Both parties established advisory panels to allow for regular consultations with all stakeholders. An interesting development on the side of the MILF was that for the first time a Tausug and a Lumad were included as full members or alternates in their Peace Panel (and women were included within their advisory panel).

7. The AHJAG covers cooperation between government and MILF forces in pursuing criminal and terrorist elements, and had been established in 2002, but its mandate, like that of the IMT, had expired in August 2009.

Box 2 – Support for the peace process

Mindanao's complexity is also apparent as regards outside support for the peace process.

The Organisation of Islamic Conference is the external 'guarantor' of the peace agreement between the MNLF and the government, with Indonesia as current chair of the Organisation of the Islamic Conference (OIC) Peace Committee for the Southern Philippines. In addition, one international NGO (the Centre for Humanitarian Dialogue – CHD) is facilitating contacts between the OIC, the MNLF and the government in the review of the implementation of the 1996 peace agreement, in particular as regards especially volatile Sulu.

Since 2001, Malaysia has officially been the Facilitator for the peace negotiations between the MILF and the government. The International Monitoring Team (IMT), led by Malaysia, monitors the implementation of commitments entered into between the government and the MILF, and includes personnel from Brunei, Japan, Libya, Malaysia, Norway and the EU (Indonesia has also confirmed its willingness to participate), as well as civil society staff from one international NGO and three local NGOs. The International Contact Group serves to facilitate and mobilise support for the peace process, and includes four countries (Japan, Saudi Arabia, Turkey and the UK) and four international NGOs.

In addition to those bodies directly linked to the GRP-MNLF and GRP-MILF peace processes, there is a large number of local and international NGOs working to support confidence-building and a peaceful resolution of the conflicts, as well as international organisations and bilateral donors supporting grassroots development efforts in the conflict-affected areas.

Negotiations did not resume in Kuala Lumpur until 9 February 2011, however, given in part some hesitations on the government side over the role of the Malaysian facilitator, Datu Abdurazak Othman, whom some perceived as being biased in favour of the MILF (notably since the MoA-AD crisis in August 2009, when he had publicly criticised the government for the impasse). The MILF had initially rejected the idea of replacing Othman, although it eventually accepted his replacement (in April 2011) by Tengku Dato' Ab Ghafar Bin Tengku Mohamed, a former emissary of

the Malaysian PM to the MILF in 2001, who had also served as Minister Counsellor in the Malaysian Embassy to Manila.

At that February meeting, the MILF submitted a draft Comprehensive Compact proposal, reportedly a similar document to that originally presented in January 2010. The government promised to present a counter-proposal by June, although at the June meeting (27-28 June) this was postponed until August, for reasons which were not at the time made clear.⁸ The government also expressed concern about the activities of one particular MILF commander, Ustadz Umbra Kato (one of those behind the attacks on Christian communities in August 2008), who around the end of 2010 was said to have created a new and potentially breakaway group, the Bangsamoro Islamic Freedom Fighters (BIFF), supposedly because of his unwillingness to accept anything less than an independent Moro state. Kato and his followers were subsequently expelled from the MILF.

The surprise meeting in Tokyo on 4 August between President Aquino and MILF Chair Murad Ibrahim was welcomed by the MILF and by many other stakeholders, both in civil society and among local politicians in Mindanao. However, a meeting between the Peace Panels held on 22-23 August reportedly ended abruptly with a rejection by the MILF negotiators of the 'enhanced autonomy' counter-proposal presented by the government. The ensuing 'lull' (while the Facilitator shuttled between the Parties) was followed by a serious episode of violence in Basilan, where 19 soldiers were killed in an ambush by 'uncontrolled' MILF elements on 18 October. Fortunately, the many calls for an 'all-out war' were resisted by President Aquino, supported by a number of public statements from international partners (including EU Heads of Mission) stressing the need to stay the peace course. The MILF Central Committee issued a statement calling for an independent investigation of the incident (possibly by the IMT) and praising the President for sticking to peace; Aquino launched a campaign for 'all-out justice' focusing on the perpetrators (and not the MILF at large); and the negotiators met again in Kuala Lumpur in early November. While the process appears back on track and indications following the latest rounds in Kuala Lumpur (especially the 'ten decision

8. But which may have been related to the government's offer of a meeting between President Aquino and Chairman Murad. That meeting, held in Tokyo on 4 August, was the first occasion on which a Philippine President and the MILF Chairman had met (though it may be noted that President Cory Aquino had met with MNLF Chair Nur Misuari, in the Philippines, in 1987).

points on principle' agreed on 24 April) offer encouraging prospects, the episode shows the dangers that lie in not making headway towards a mutually satisfactory solution.

In the meantime, the review of the implementation of the 1996 peace agreement with the MNLF has continued. This is a tripartite process involving the OIC (through the eight-member strong Peace Committee for the Southern Philippines, led by Indonesia) as mediator and guarantor of the agreement. The ongoing review has identified a number of shortcomings in the implementation of the agreement, including as regards the unfinished integration of former MNLF combatants in the Philippine security forces and the establishment of mechanisms aimed at promoting development in the Moro areas. Two legal panels from the parties were created in 2010 to draft amendments to the 2001 law expanding/reinforcing the ARMM as per the 1996 Final Peace Agreement (FPA).

For the moment, however, the links between the MILF peace process and the implementation of the peace agreement with the MNLF remain unclear. The continuing rifts within the MNLF, mainly between the followers of its founder, Nur Misuari, and the supporters of Muslimin Sema (the MNLF's current Secretary-General) further complicate the picture. But also in that respect, the decision following the round of peace talks with the MILF held in Kuala Lumpur (19-21 March 2012) of granting the Organisation of the Islamic Conference 'observer' status at the negotiations could help bridge the two processes.



3. The EU's involvement in Mindanao

The EU as a donor in Mindanao

Against this longstanding background of conflict and poverty in the Southern Philippines, the EU's first engagement in Mindanao came in 1988,⁹ with the launching of a feasibility study for an upland rural development programme in Region XI (South Cotabato, Davao del Sur, Davao City). This programme, the Southern Mindanao Agricultural Programme, commenced in 1989, with an European Community (EC) grant of €16.5 million. Since then, Mindanao has increasingly become a primary focus of the EU's aid programmes in the Philippines, whether for the EU itself, or for several of its Member States (including for example Spain, Germany and Italy). This reflects the greater poverty and developmental challenges in many parts of Mindanao, compared to the rest of the Philippines.

The EU alone (not including Member States' bilateral programmes) has committed some €106 million for rural development and poverty alleviation in Mindanao over the last two decades. The initial focus was mainly on upland development and agrarian reform, and more recently emphasis has been given to strengthening public health services, and to supporting grassroots development in conflict-affected areas.

EU assistance in the health sector includes in particular the Mindanao Health Sector Support Programme (€12 million, 2007-11, with some €7 million of additional funding targeting Lumads approved this year), working in the ARMM and other conflict-affected areas in support of the health sector reform process while at the same time contributing to confidence and peace-building in the region.

EU contributions to the Mindanao Trust Fund (a World Bank-managed Trust Fund working closely with the Bangsamoro Development Agency, the development arm of the MILF) have totalled €4 million to date, which together with support from Sweden accounts for more than half of the to-

9. The first EC aid programmes for Asia (and Latin America) commenced only in 1976, and the first EC-funded project in the Philippines was approved in 1979. After a freeze during the final years of the Marcos regime, it was only in 1986 that EC assistance was resumed, and the SMAP project was the third major rural development programme to be launched under the new Administration of President Cory Aquino (following on programmes in Aurora in 1986 and in the Central Cordillera in 1988).

tal funding for that programme. The programme aims to strengthen local peacebuilding initiatives and assist in the economic and social recovery of conflict-afflicted areas in Mindanao.

The EU has also provided significant humanitarian assistance to the civilian victims of the conflict in Mindanao, the IDPs, amounting to some €22.1 million since 1997 (and including €14.5 million after the resurgence of conflict in August 2008), including food, water and sanitation and livelihood projects via international organisations such as the United Nations World Food Programme (UN-WFP) and international NGOs like Save the Children or Accion Contra el Hambre.

Furthermore, aside from this immediate humanitarian relief, the EU has also provided €21.0 million in longer-term rehabilitation and reintegration funding for civilian victims of conflict over the period 1997-2008, including in support of the UNDP's Act for Peace programme aimed at strengthening the capacity of host communities to integrate IDPs.

In 2008, in addition to these more classical development cooperation or humanitarian assistance efforts, the EU took advantage of the new possibilities offered by the 'Instrument for Stability' (IfS),¹⁰ by providing some modest support for the work of local and international NGOs directly involved in peacebuilding efforts, whether at the official or grassroots levels.

A first IfS grant of €1 million was provided in late 2008, to support the work of three civil society organisations: the Centre for Humanitarian Dialogue (CHD), facilitating the Government-MNLF (especially in Sulu) and Government-MILF processes, the latter most notably and innovatively via the provision of peace-making expertise (bringing seasoned international facilitators/mediators and negotiators from other conflicts) to the Parties and the Facilitator; the Non-Violent Peace Force (NVPF), working in civilian peacekeeping (inserting an element of international presence as a deterrent factor *vis-à-vis* local actors of violence) and strengthening the alert/early detection, human rights monitoring and conflict resolution capacity of local communities and civil society; and the Mindanao Peo-

10. The 'Instrument for Stability' (IfS) is a separate funding channel under the EU cooperation budget, introduced in 2007 and allowing a more rapid response to situations of crisis around the world. These funds are additional to those foreseen under the Development Cooperation or Humanitarian Assistance instruments.

ple's Caucus (MPC), working on civilian confidence-building measures along similar lines and in close coordination with NVPF with the complementary value of a well-established 'tri-people' (Muslim, Christian/settler, Lumad) organisation with a vast local grassroots network.

Then in 2010 a second IfS grant was approved, to the amount of €3.9 million, to support the work of CHD as a member of the International Contact Group (to which it provides informal secretariat services); to also support the work of NVPF and two local NGOs (MPC and MOGOP¹¹) as members of the Civilian Protection Component of the IMT, which is monitoring and reporting on instances of non-compliance by the Parties with respect to their basic undertaking to refrain from intentionally attacking non-combatants and their properties and key facilities and to facilitate the provision of relief supplies to affected communities; and to cover the costs of the EU's own participation in the IMT, leading its Humanitarian, Rehabilitation and Development Component which focuses on monitoring (and reporting breaches by the Parties with respect to their engagements regarding) the provision of humanitarian assistance, rehabilitation efforts and human rights in the conflict areas.

The EU as a peace partner in Mindanao

By the time that the MoA-AD crisis erupted in August 2008, the EU had already some two decades of experience as a development and humanitarian actor in Mindanao, including in some of the poorest conflict-affected provinces. This experience was matched by a positive perception of the EU, particularly as regards its development and humanitarian aid activities, among many stakeholders in Mindanao – whether among national or local government, civil society, or indeed the MILF and its development arm, the Bangsamoro Development Agency (BDA). This visibility was further heightened in the months following the renewal of conflict, when the EU became the largest international donor providing humanitarian assistance to the civilian victims of the conflict, the 700,000 or so IDPs.

Crucially, the EU had also established its credentials as a possible peace partner by means of our support for three of the NGOs most closely involved in seeking to build confidence among conflict-affected communi-

11. Moslem Organisation of Government Officials and Professionals, a local NGO based in Marawi City.

ties and support the peace process. Both CHD and NVPF had established privileged relations with the parties to the conflict, while MPC had very close relations with the local communities and local civil society groups. The financial support which the EU was providing under the IfS was of great help to all three NGOs as they sought to intensify their peacebuilding work, and the local knowledge which the NGOs were able to share with the Delegation was of great help to the EU in better understanding the local situation.

During these critical months of late 2008 and early 2009, the EU's humanitarian inputs were positively perceived by both local and national government (in particular by those in the Office of the Presidential Adviser on the Peace Process [OPAPP] and the DFA) who wished to see a rapid amelioration of the humanitarian situation in Central and Western Mindanao), and by the MILF itself.

At the same time, the MILF also saw the EU as a possible neutral voice in supporting the peace process. Already in September 2008, the MILF Chair had written to the EU Delegation expressing the view that a broader international presence in the peace process would assist in ending the conflict. This was followed, in October 2008, by an MILF non-paper explicitly proposing a role for the EU. It appeared that the MILF Central Committee had made a strategic decision that broadening the international involvement in the process was seen as the only possible way forward for the peace process to resume. Malaysia's role as Facilitator was clearly seen as absolutely essential by the MILF, but they were aware that public and political opinion did not necessarily see Malaysia as fully neutral (bearing in mind the unresolved Philippine claim to Sabah). In that context, the EU was seen as a useful potential addition to the process, even if the nature of the proposed involvement remained vague at this point.

Further support for such an idea came from local civil society, with a proposal from the MPC in late 2008 that a civilian protection mechanism be set up that would be complementary to the ceasefire monitoring tasks of the IMT, and drawing on local civil society inputs and with the support of the EU. The idea was to broaden the scope of the IMT by explicitly monitoring potential abuses inflicted on non-combatants by the parties, not only regarding breaches of the ceasefire; and to indirectly pressurise the Parties into explicitly undertaking commitments not to attack or target

civilians, their properties and key communal facilities (hospitals, schools etc).

The government, while appreciative of EU assistance for the IDPs, was initially more reluctant to consider any more direct involvement of the EU as such in the peace process, given a longstanding desire not to further 'internationalise' the peace process, and given also the concern that bringing in one large regional organisation might complicate relations with another regional organisation, the OIC.

At the same time, however, the United Kingdom had also offered to share with the Parties its experience of bringing an end to the conflict in Northern Ireland, and this led to a visit to the Philippines in November 2008 by Jonathan Powell and Gerry Kelly, who had been involved (on opposite sides of the table) in the work leading up to the St Andrews Agreement of October 2006. Further contacts followed, including (separate) visits to Northern Ireland by both government and MILF representatives in 2009.

The first semester of 2009, particularly the period from April to June, saw continued fighting. But following the (almost-)parallel declaration of the SOMO and SOMA in July 2009, and the resumption of informal contacts among the Parties at the end of that month, it became evident that both Parties had accepted that a certain broadening of the international support for the peace process would have advantages for both sides.

Thus the Joint Statement issued by the Parties after their meeting in Kuala Lumpur on 29 July 2009 included *inter alia* reference to an agreement to work for 'the establishment of a mechanism on the protection of non-combatants in armed conflict', and for 'the establishment of International Contact Group (ICG) of groups of states and non-state organisations to accompany and mobilise international support for the peace process'.

It took some time before the details of these new initiatives were established, but in September 2009 the Parties agreed on a 'Framework on the Formation of the ICG', including its mandate and functions, and on the participation of Japan, Saudi Arabia, Turkey and the UK, as well as four international NGOs, in the ICG. (This agreed Framework also noted that 'the ICG shall invite and engage the OIC, the EU and eminent persons to participate in its activities' – though this particular provision has not

as yet been put into practice.) The Terms of Reference for the ICG were agreed by the Parties (with input from the ICG members) in November 2009, and the Group attended the resumption of talks on 9 December.

In October 2009, the Parties agreed to expand the mandate of the IMT to include a Civilian Protection Component (CPC), and this was included in the revised mandate of the IMT agreed on 9 December 2009 – together with another new component, the Humanitarian, Rehabilitation and Development Component (HRDC).¹² That same day, the Parties wrote to the EU Delegation to invite the EU to join the IMT, specifically to lead the HRDC. After due consideration in the Council's Asia Working Group in Brussels, and the clarification of possible Terms of Reference for the HRDC with the Parties, the EU agreed in May 2010 to accept this invitation. Thereafter the IfS financing decision to cover the costs of EU participation in the IMT via the HRDC (as well as the EU's support for certain NGOs taking part in the CPC and in the ICG) was taken in September 2010, and the two persons tasked to lead the HRDC took up their duties in Cotabato City in January 2011.

12. The Humanitarian, Rehabilitation and Development Component of the IMT had in fact been foreseen when the IMT was created in 2001, but had never been implemented.

4. Observations

Drawing on the above experience, there would seem to be a number of observations that can usefully be drawn, even while acknowledging that there is still a long road to travel before the peace process can produce any lasting result.

On the prospects for peace

The quest for peace continues in Mindanao, under more solid institutional pillars (including a very significant international involvement) and since June 2010 with an Administration that has ample political capital. Most IDPs have returned and the ceasefire is largely holding. Presidential Peace Advisor Deles has underlined the Administration's intent to conclude a peace agreement before the mid-point of the Aquino Presidency, so as to have time to implement it before the next Administration. The MILF has for the first time publicly acknowledged that they are seeking autonomy *within* the Philippines ('sub-state status'), rather than independence. And the August meeting between President Aquino and Chairman Murad in Tokyo may in time be seen as a key to opening the door to peace.

There are however many complicating factors in attaining lasting peace, including first and foremost internal divisions within the Moro camp. In the MILF, it remains to be seen if the Central Committee can re-establish control over the more radical breakaway faction of Commander Kato. In the MNLF, the split between its founder Nur Misuari and the current leadership is still to be fully resolved. And if a solution to the BJE issue will require the reformulation of the ARMM, then the 30-year-long split between the MNLF and MILF will have to be addressed in one way or another.

Even if the internal Moro tensions can be resolved, the relationship between the Moro communities and their Christian (and Lumad) neighbours will be an essential element in determining the success or otherwise of any Bangsamoro 'sub-state'. Given in particular the very poor track-record of the ARMM, it will require a considerable act of faith for Christian or Lumad communities (and local political elites) to feel comfortable with being included in a Moro polity.

And at the broader national level, the Administration will have its work cut out in convincing public and political opinion that any peace agreement involving a 'sub-state' solution will be in the broader interests of the Republic, and acceptable within the Constitution or an approved amendment thereto.

Nevertheless, and while accepting that a lasting and comprehensive solution to the problems plaguing 'Muslim Mindanao' could never be easily achieved through any single agreement, the window of opportunity now available does seem to be larger than at any time in recent decades. With a popular government in Manila committed to peace, with an insurgency which has declared itself ready to settle for (a generous measure of) self-rule within the Philippine Republic, with the broad involvement of civil society, and with the engagement and support of the international community (both regionally and more widely), one might be justified in expressing a degree of optimism.

On the role played by civil society

Civil society organisations, both domestic as well as international, play a key role in the Mindanao Peace Process, whether in providing grassroots support for development and poverty alleviation, in working to build confidence across and among the different communities, in monitoring human rights issues and the implementation of the ceasefire, in acting as informal facilitators of talks, and more generally as advocates for peace.

There are many organisations involved (see Box 2 on page 17 for an inevitably incomplete picture), at all ends of the process and representing all possible stakeholders. Among the local CSOs, the Mindanao People's Caucus has been instrumental in working for the creation of a civil-society dimension in monitoring the implementation of the ceasefire, and in insisting on a 'tri-people' (Muslim, Christian, Lumad) perspective in the peace process more generally. The Mindanao Peace Weavers network has also been particularly active, while other more local bodies (for example, Peace Advocates Zamboanga) have also made significant contributions. MOGOP and the Mindanao Human Rights Action Centre (MinHRAC) bring the perspective of local Muslim civil society. And religious leaders have come together in the Bishops-Ulamas Conference, building bridges across the religious divide.

Among the international CSOs, CHD has been playing an important informal facilitation and accompanying role in both MNLF and MILF processes (and has been trying to build bridges between the two), while NVPF has been instrumental in establishing an international monitoring presence on the ground – and both of these have been able to share their wide international experience with both parties to the process and with the local and international community. The Asia Foundation (and the US Institute for Peace in an earlier phase) has long supported the process, while Indonesia’s Muhammadiyah (the world’s largest Islamic NGO) now brings a Muslim civil society voice to the ICG. In addition, many NGOs have long been involved in the provision of humanitarian or development assistance, including such actors as Save the Children, Oxfam or Accion Contra el Hambre. And of course the International Committee of the Red Cross (to the extent that it can be considered an NGO) has been active in its well-established humanitarian role.

The large number of civil society actors in the context of Mindanao has on occasion led to certain concerns being expressed – for example, the role of international CSOs has sometimes been questioned by those more directly involved with local CSOs (less well-resourced but with deeper grass-roots knowledge). But in general such inevitable tensions have been very well-managed by the CSO actors themselves, both local and international, and the combination of international experience with local knowledge is certainly something which has been of great value for all concerned.

Certainly civil society has played a very positive role in relation to the Mindanao Peace Process, helping keep the IDPs fed, the guns silent and the parties talking. While the involvement of international civil society in the process has been solidly structured, there may still be additional room for improvement in articulating the direct contribution of local NGOs to the peace negotiations; there is as yet no local equivalent to the ICG, though the advisory panels that both parties have established nominally include civil society participation.

On the role played by the EU

In the two decades that the EU has been engaged in Mindanao, its role has gradually evolved from the simple provision of development and humanitarian assistance (whether under the EU’s own aid programmes

or through the bilateral programmes of certain individual EU Member States), to a broader and deeper involvement, including also support for the confidence-building activities of local and international CSOs, for the monitoring of the implementation of the ceasefire agreement (in its humanitarian and civilian-protection aspects), and direct support for the peace negotiations themselves (through the presence of the UK in the ICG).

Three aspects of this gradual evolution are particularly noteworthy:

- firstly, it has over the years been possible for the EU to establish an increasingly **holistic approach** to its engagement in Mindanao. Starting from a base of local familiarity built up through our development cooperation programmes since the late 1980s, and adding to this our humanitarian assistance in response to the repeated outbreaks of violence and displacement (particularly since 2000, and again since 2008), the new possibilities offered by the Instrument for Stability made it possible to provide a more direct contribution to confidence-building measures. Initially modest in scope, providing support for civil society work at the grassroots level, this was extended in 2010 to allow for the direct participation of the EU in the IMT's Humanitarian component, and to provide support for civil society participation in the IMT's Civilian Protection component and in the ICG. The ability to link these different strands of support, and to draw on the awareness of local conditions arising from these different activities, made it very much easier to respond to the local situation as it evolved. In addition, the visibility and impact of our development and humanitarian assistance made the EU a trusted partner for many of the local actors, whether among local or national government, or local civil society groups, or indeed the MILF itself. On the downside, it would be important to acknowledge the general constraints under which the EU operates, agreement among its 27 Member States being a laborious process (although it should also be pointed out that it took Norway no less time than it did the EU to join the International Monitoring Team); as well as the specific difficulties of finding (man-made) disaster management specialists ready to commit to a lengthy assignment in Mindanao.
- secondly, **the EU and its Member States** have throughout been able to work very closely together in supporting development and peace-

building efforts in Mindanao. While many Member States have scaled down or terminated their development cooperation work with the Philippines (bearing in mind its status as a ‘Middle-Income Country’), several continued to be substantial donors in Mindanao – including for example Spain and Germany. Several others have provided support on a smaller scale (including Sweden in contributing to the Mindanao Trust Fund, and Belgium, the Netherlands, the UK and others in supporting the work of civil society groups active in Mindanao). More direct support for the peace process has been given by the UK, initially in sharing with both parties the experience of the Northern Ireland Peace Process, and later as a member of the ICG. And throughout these years, the very close cooperation among the EU missions in Manila helped ensure that EU capitals were kept fully informed of the prospects (and challenges) for peace, and that the Council of Ministers’ Asia Working Group in Brussels was able to take a position on these issues on the basis of solid reporting and clear options set out in EU Heads of Mission reports from Manila.

- thirdly, the EU has over the years been able to build a very effective **creative partnership with civil society organisations** active in Mindanao, both local and international. From the point of view of the civil society organisations, the EU (and several of its Member States) has of course been a significant source of funding, whether for their grassroots development work, or for their confidence-building and peacebuilding activities. In addition, the EU has on occasion been seen as an important channel through which the concerns of civil society groups can be voiced with national or local government or with the wider international community. From the point of view of the EU, the CSOs have of course been an essential implementing partner in helping fulfil our development and humanitarian objectives. No less importantly, the CSOs (both local and international) have been an essential source of ‘ground-truth’ information, keeping us informed of local issues and realities, and providing an invaluable conduit to local communities and key stakeholders. This was particularly the case at the height of the conflict in 2008-09.

Beyond these observations, a few more general considerations may appear in order with respect to a possible ASEAN angle. ASEAN as such has not played a role in the Mindanao Peace Process, although two of its members

(Indonesia and Malaysia) have had very prominent responsibilities in its two strands. Given the already very 'crowded' peace field in Mindanao it is difficult to foresee ASEAN becoming directly involved in this phase of the process, for instance along the lines of the recent good offices provided by its Secretary General *vis-à-vis* Thailand and Cambodia. Even in the Aceh precedent, what was presented internationally as EU-ASEAN monitoring was not managed centrally by the ASEAN Secretariat but consisted of individual contributions from certain ASEAN members (not unlike the IMT arrangements). It is, on the other hand, not implausible to envisage an ASEAN contribution to the post-peace agreement monitoring/support package; in that context, and as the ASEAN Security Community (and its Secretariat's capacities) develops, a regional component might not be impossible. At any rate, what Mindanao can certainly provide is a valuable conflict resolution case-study, and this experience should certainly be borne in mind in building further integration across the region.

Conclusion

The conflicts that have flared up in Mindanao in the past few decades are only the latest manifestation of tensions stretching back over several centuries, based on conflict over resources and differences in ethnic identity, rather than on religion. The most recent developments, with a new and still highly-popular national Administration which has proclaimed its commitment to peace, and a liberation movement which has confirmed that it seeks sub-state autonomy within the Philippines rather than independence, are very encouraging. A number of key challenges remain, however, reflecting the complexity of the issues and the multiplicity of stakeholders involved. It is not clear, for example, if the MILF will be able to deliver the full agreement of the Moro communities to any final peace deal, or if the other local stakeholders (Christian or Lumad) can be brought aboard, or indeed if the Aquino Administration will be able to ensure national political support and consent for any deal acceptable to the other party. Nevertheless, the window of opportunity for a lasting peace seems to be more open now than at any time in the last decade.

In this context, the EU's engagement in Mindanao, and its gradual evolution over the years from one based on development and humanitarian assistance to a more multi-faceted approach including support for confidence-building work and direct involvement in some of the institutions of the peace process, may also offer some relevant pointers for the EU's work in other similar circumstances.

This paper has emphasised three key aspects of the EU's support for development and peace in Mindanao:

- the importance of following a holistic approach (bringing together all relevant strands of our activity, including both development and humanitarian assistance, direct support for confidence-building measures, and political engagement with the peace process);
- the importance of drawing on the combined work of the EU and of its Member States (each in its own area of comparative advantage), and
- the value of establishing a creative partnership with civil society organisations in the field (in a two-way process).



Annex

Abbreviations

AHJAG	Ad Hoc Joint Action Group
ARMM	Autonomous Region of Muslim Mindanao
ASEAN	Association of Southeast Asian Nations
ASG	Abu Sayyaf Group
BJE	Bangsamoro Juridical Entity
CHD	Centre for Humanitarian Dialogue
CPC	Civilian Protection Component
CSO	Civil Society Organisation
DFA	Department of Foreign Affairs
EC	European Community
GRP	Government of the Republic of the Philippines
HRDC	Humanitarian, Rehabilitation and Development Component
ICG	International Contact Group
IDPs	Internally-Displaced Persons
IfS	Instrument for Stability
IMT	International Monitoring Team
MILF	Moro Islamic Liberation Front
MinHRAC	Mindanao Human Rights Action Centre
MNLF	Moro National Liberation Front
MoA-AD	Memorandum of Agreement on Ancestral Domain
MOGOP	Moslem Organisation of Government Officials and Professionals
MPC	Mindanao's People's Caucus
NGO	Non-Governmental Organisation
NVPF	Non-Violent Peace Force
OIC	Organisation of the Islamic Conference
OPAPP	Office of the Presidential Advisors on the Peace Process
SOMA	Suspension of Military Activities
SOMO	Suspension of Military Operations
TRO	Temporary Restraining Order
UN	United Nations
UNDP	United Nations Development Programme

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