

Issue Brief

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Cohort 2: Promoting Local Ownership and Building Capacities for Conflict Prevention

Track-Two Initiatives of Nationally-Led Peace Processes: The Case of the Philippines

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Introduction

This Issues Brief examines the role of track-two initiatives¹ in negotiations leading to the signing of the Comprehensive Agreement with the Bangsamoro (CAB) signed between the Moro Islamic Liberation Front (MILF) and the Republic of the Philippines in 2014. Particular attention is paid to issues of capacity and ownership on the part of actors carrying out these initiatives in the ensuing three-year period in which efforts have been made to implement the agreement.

The Philippines' Peace Process at a Glance

Until Spanish conquest in the seventeenth century, the southern part of Mindanao was run by a patch of independent sultanates in a loose federation. Islam had been brought to the region two centuries earlier via Malaysia and Indonesia. The five provinces of Muslim Mindanao (which were constituted into the Autonomous Region of Muslim Mindanao, or ARMM, following the 1996 peace agreement) rank in the bottom fifth on all critical economic and human development indicators in the Philippines.

The Moro, as the residents of Muslim Mindanao are known, fought continuous wars against first Spanish and then US colonial rule. Beginning in the 1960s (after the Philippines gained independence in 1946), the Moro leadership launched a struggle for an independent “Bangsamoro” homeland, with what was initially a political platform morphing into an armed movement under the banner of the Moro National Liberation Front (or MNLF).

The Philippines Government pursued a peace process with the MNLF in the 1980s and 1990s with the support of the Organization of the Islamic Conference (OIC), leading to a new peace agreement in 1996.

Under the agreement, the ARMM government was established. However, the new government fell short of the promise of significant autonomy, and a portion of the MNLF leadership broke away to form the MILF and continued the armed insurgency. The MNLF, which subsequently split into three wings, continues to seek the full implementation of the 1996 peace agreement.

Following several years of on-and-off violence, a 2009 ceasefire between the Government and the MILF led to negotiations facilitated by Malaysia, and the two parties signed the CAB in 2014. The joint Government-MILF Bangsamoro Transition Commission (BTC) established in 2014 under the CAB pursued the task of drafting the legislation – the Bangsamoro Basic Law (BBL) – which would establish the autonomous entity of Bangsamoro with significantly greater powers than those enjoyed by the current ARMM. These processes did not involve the MNLF. Many critical stakeholders in the Bangsamoro area also felt insufficiently consulted on the drafting of the legislation. By the time the BBL arrived before the Philippines Congress in late 2014, it was opposed by the leaders of several groups representing indigenous persons, for instance, as well as the MNLF. A clash between Government troops and insurgent fighters in February 2015, due to a ceasefire violation by the former as they conducted a security operation, led to the death of 46 government troops and 18 insurgents (the Mamasapano incident). The episode caused the BBL to stall in the Congress until the ascendancy of Rodrigo Duterte to the Presidency in June 2016. This period also saw the emergence of the so-called Maute Group as well as other radical groups claiming allegiance to global jihadi networks. The Maute family had once been an important constituent of the MILF leadership before being alienated from it. The new armed group rapidly attracted young Moros disillusioned with the slow pace of the implementation of the CAB.

¹ The paper details three “track two” initiatives: FASTRAC (track 1.5); Insider Mediators’ Group (track 2); and the Friends of Peace (track 3).

Many found solace in the narrative of Islam being under global attack, and therefore requiring a violent defence.

Even as Moro cohesion continued to fray, newly elected President Duterte launched a new ‘roadmap to peace’ in August 2016 with the objective of ‘converging’ the fragmented Moro leadership and obtaining special autonomy for Bangsamoro as envisaged in the 1996 and 2014 peace agreements. A new, more inclusive BTC was formed, including not just representatives of the parties but also of the MNLF, and of various minorities – especially indigenous persons – in the ARMM area. The Commission submitted a draft of the new autonomy legislation to the President in July 2017. While it was able to do so on the basis of consensus among its members, it was not able to obtain the larger convergence sought by the President, as well as segments of the Moro leadership. A wider process of intra-Moro dialogue that was a part of the BTC’s mandate was not organized, and many segments of the Moro leadership remained skeptical of the MILF’s ability to constitute a Bangsamoro Transitional Authority (to be formed once the Congress passed the new legislation) in an inclusive or consultative manner. In August 2017, the President transmitted the draft legislation to the Congress with his backing, and passage of an amended draft was expected by March, 2018.

2 Meanwhile the significant advance of violent extremism has left the situation of the peace process and of the MILF extremely precarious. A critical ‘push’ factor is the perception that the Philippines will not end discrimination against the Moros irrespective of peace agreements. Conversely, the lure of the opportunity to engage in heroic violence in defense of an Islamic ummah that is perceived as being globally threatened is an important ‘pull factor’ for those attracted to violent extremism. These trends threaten to erode the social and political cohesion that has been maintained by mainstream Moro groups in their communities. Following the siege of Marawi by the Maute Group and its allies from May–October 2017, the MILF faces the significant challenge of maintaining credibility among those constituents who see it as having failed to foresee and contain the Maute threat which rose largely from among its own ranks. For this reason, and beginning in August 2017, the MILF relaunched operations by its military wing against extremist elements in Maguindanao province in coordination with the Armed Forces of the Philippines.

Existing national and local capacities for peace

The Philippines has experienced significant, albeit unequal, economic growth since the early 1990s, which has made the country largely independent of direct foreign assistance. As a result, the Philippines has retained both ownership and initiative with regard to the establishment of its national peace architecture from the start. In 1994, President Fidel Ramos instituted the Office of the Presidential Advisor to the Peace Process (OPAPP). The Philippines drew heavily here from the model of the South African peace architecture at that time,

becoming the first developing country and also the first country in Asia to establish a mechanism of this nature.

From its very inception, OPAPP was funded from the regular national budget on an annual basis. OPAPP’s core salary and operational costs are not supported through external funds. Donor funding – often provided directly to recipients – is applied specifically where the Government is politically constrained, and largely for: (i) Development of negotiating skills and technical capabilities for the parties, including leaderships of rebel groups; (ii) Initiatives for socio-economic empowerment for demobilized combatants and their communities (direct Government support in this area is viewed by rebel groups as ‘counter-insurgency’); (iii) Travel and other logistics for rebel groups participating in peace processes; (iv) Costs for technical expertise where such expertise is being sought by both parties, so that experts are not perceived as lacking neutrality.

Although the Philippines’ peace architecture has been able to move several negotiations, including with the MILF, to successful conclusion, it needs to do the following to better ensure sustainable results:

- The architecture should help bring about political convergence among the wider constituencies of the various parties to the peace processes that it supports, including supporting wider national or regional multi-stakeholder dialogue.
- The architecture should deal more systematically with recurring cycles of local, or ‘horizontal’ violence. Vertical agreements between armed groups and the national government often get eroded due to such violence, especially where it involves members or constituencies of the parties to the peace processes, or when the parties themselves are impacted, thus eroding trust in the whole peacebuilding enterprise.
- Beyond convening multiple stakeholders for roundtable consultations and discussions, the architecture should link these processes to formal negotiations. Therefore, once peace agreements are signed, they are better placed to obtain buy-in from a much wider group.

Addressing the Lacunae: Track-Two Initiatives

I. FASTRAC: A ‘Technical’ Track-Two in the MILF Peace Process

In October 2012, two important gaps in the formal process of negotiations between the Government and the MILF were identified. First, the latter’s delegation was entering several rounds of negotiations with significantly lesser technical capabilities than their Government counterparts, thus leading to gaps in expectations and understanding. Second, the insistence of the MILF to meet only in formal spaces in Malaysia with the other side and with observers present (due to an early mistrust of the Government) meant that informal contacts could not be established prior to the negotiations

In light of these gaps, the World Bank and the UN proposed, to both sides, the establishment of the joint World Bank-UN Facility for Advisory Support for Transition Capacities (or FASTRAC). FASTRAC was the first of its kind to ever accompany a peace process, with the primary objective of addressing the MILF's capacity gaps, and with the secondary objective of making best practices and relevant technical knowledge available to both sides. Once the negotiations had been concluded, FASTRAC would then provide capacity development and technical support for the joint bodies established under the CAB. Both sides accepted the proposal as advancing their interests. MILF chaired FASTRAC in the initial phase of its work, with the Government joining as co-chair once the CAB was signed.

FASTRAC was established in April 2013 and continues with the support of both parties. During the first year of its work, FASTRAC provided significant technical assistance for the MILF, and then for BTC once it was established in early 2014. A critical function played by the facility during this time was providing an informal and indirect second track. When visiting experts engaged the MILF on issues such as power-sharing, territorial waters, and fiscal autonomy, they would also seek technical conversations with the Government side. On some of the most difficult issues such as on normalization and transitional justice, technical conversations were held in an iterative manner. This allowed experts to ensure – in the absence of direct engagement between the Government and the MILF in between formal sessions of the peace process – that both sides had access to the same options and best practices. For example, the idea of the so-called Joint Peace and Security Teams (JPSTs), which bring together the MILF military and the Government security forces as a transitional security mechanism, emerged from these iterative conversations. JPSTs helped to secure the humanitarian corridor leading out of the besieged city of Marawi.

In the aftermath of the 2014 peace agreement, and in the three-year period since then, FASTRAC has provided critical support to the joint mechanisms established by the two bodies, including the Independent Commission on Policing, the Truth, Justice and Reconciliation Commission, the BTC and the Joint Normalization Committee.

FASTRAC was constituted as, and remains, a nationally-led entity, but one existing outside the formal architecture of the peace process. This allows it to assume a number of roles as the peace process evolves. UNDP provides its operational base, while most funding is received from external development partners. Out of respect for the MILF's political sensitivities, Government funding has not been applied to the facility. However, the Government side has participated fully and substantively in the work of the facility since its inception. Most challenges that FASTRAC has faced have been due to the lack of inter-operability between the operational and decision-making procedures of the World Bank and UNDP, although many of these issues have now been addressed.

II. Friends of Peace: Track-Two advocacy for Bangsamoro

In early 2014, and in anticipation of the need for advocacy and informal dialogue in Congress as well as more widely in the public domain once the BBL arrived, UNDP experts had approached Cardinal Orlando Quevedo, the Archbishop of Cotabato and a highly respected public figure. They proposed that he lead a group of eminent persons to serve as high-level intermediaries and advocates and facilitate the relevant conversations with regard to legislation, as well as the wider cause of a lasting peace in Muslim Mindanao. The idea was welcomed by the Cardinal, who agreed to lead such a group. UNDP did not formally associate with it in order to ensure its credibility.

The Cardinal took the lead in identifying members of the group based on consultations with relevant stakeholders. The membership included, among others, a leading historian, a prominent female journalist, a key organizer of civic action within ARMM, a drafter of the 1987 Philippines constitution, an influential member of the private sector, and the vice-chancellor of Ateneo de Davao University.

The group chose its own name – 'Friends of Peace' – and also its logo. Secretarial support for the group was initially provided by the UNDP office in Cotabato and the Cardinal's own staff, and then on a more institutional basis by Ateneo de Davao University. Members of the group contributed their time on a voluntary basis. Funding for activities was largely provided by UNDP to ensure that the group's neutrality was not questioned, rather than because of the paucity of government or private funding, although members on occasion paid from their own pockets for critical activities.

Starting in the fall of 2014, and through the aftermath of the Mamasapano incident, Friends of Peace engaged congresspersons (and the public more broadly) through informal conversations as well as the media to make a case for special autonomy for Bangsamoro. A Christian leader making the case for autonomy for a Muslim majority region (where sharia law would apply to Muslim residents), in addition to the activities of the group, helped 'regularize' the notion of an autonomous Moro homeland. The group used the following three methods:

- a. Applying its own expertise and analysis in establishing that the BBL did not violate the Philippines constitution, and publishing legal arguments towards this end;
- b. Conducting public advocacy through the media and through their own constituencies (universities, churches, and professional associations) for a lasting peace in Mindanao; and,
- c. Engaging members of the Congress through informal meetings as well as through committee sessions to make the case for the BBL and for special autonomy for Bangsamoro.

In the aftermath of the Mamasapano incident, the group focused on keeping the issue of Bangsamoro and the BBL alive in the Congress and the public domain, even though it was accepted that Benigno Aquino's administration (2010–2016) would not be able to move the legislation forward.

Partly through its efforts, and once the furor over Mamasapano had died down, Congress relaunched the debate, which had been cancelled in the aftermath of the incident over the BBL, even though expectations of its passage were low. Under the Duterte administration, and with the advance of violent extremism, Cardinal Quevedo and the members of the group are now increasingly invested in conserving and promoting social harmony and inter-faith dialogue. Overall, the group has contributed significantly towards maintaining the momentum for special autonomy for Bangsamoro despite significant challenges. The group has had a positive impact on Congress and on public opinion, based on views expressed by Congresspersons in private conversations and on the group's own collective assessments, as well as the media coverage of the group and of the peacebuilding initiatives of Cardinal Quevedo. However, given their very different backgrounds, members of the group have at times struggled to align their messages as well as their respective advocacy activities, potentially reducing their effectiveness.

Moro Convergence: The Role of the Insider Mediators Group

In 2016, a senior advisor to the MILF leadership participated in an exercise on “insider mediation” in the Netherlands with the support of UNDP and the Clingendael Institute. Subsequently, a group of similar advisors to a cross section of the Moro leadership, and critical intermediaries representing indigenous groups, faith-based leaderships, and rights advocates, took part in a series of such exercises in Davao, Mindanao, from March 2016–November 2017. Each exercise was conducted by the Clingendael Institute with European Union (EU) and UNDP support, and aimed to build the mediation and negotiation capabilities of the participants. Each exercise was accompanied by concurrent informal sessions and intensive discussions aimed at converging the senior advisors around issues related to the enabling legislation for Bangsamoro, the best approaches to joint advocacy before the Congress, and a common Moro position on the President's drive to transform the Philippines into a federal system.

Over the course of the exercise, participants took on the collective name of the ‘Insider Mediators’ Group,” and also organized themselves into informal task forces working on distinct issues. One group focused on joint strategy for engaging the Congress; a second group developed a common engagement with the issue of violent extremism, and especially outreach to breakaway groups such as the Bangsamoro Islamic Freedom Fighters (a small hardline splinter faction of the MILF) to woo them back to the mainstream; and, a third group worked with the MNLF-Misuari faction (not represented in the BTC) in order to assure them that the draft law being prepared by the BTC took into account both the CAB as well as the 1996 peace agreement. (When MNLF leader Misuari met with the President on 18 July 2017 immediately following the submission of the draft law by the BTC, he did not propose an alternative legislation from his side, an eventuality that would have caused a deadlock in the peace process.) These task forces met several times in Manila, Davao,

continue to develop their drafts and strategies. When Marawi City was besieged in May 2017, members of the group applied their skills to bringing out civilians from the city, serving as intermediaries to obtain humanitarian ceasefires and to open and sustain a humanitarian corridor.

Given the sensitivities among many segments of the Moro leadership regarding a wider Moro convergence, the group met with the public objective of building mediation skills. Senior advisors kept their key principals informed of their activities. Although a limited number of senior UNDP staff witnessed the meetings and sessions of the Insider Mediators' Group and accompanied the conversations, they only provided inputs when requested to do so by the group's facilitators.

Comparing the Three initiatives

In retrospective, FASTRAC can be described as a ‘track 1.5’ initiative, and a necessary tool agreed to and managed by both parties to address some initial gaps in an ongoing formal peace process. As opposed to the Friends of Peace and the ‘insider mediators’ group, it has a formal steering mechanism and clear roles for the parties agreed to in writing. In addition, and in contrast to the other two, it offered a complementary space for wider dialogue and coordination among bilateral and multilateral supporters of the peace process. Looking more broadly towards other peace processes, it offers important pointers towards organizing complementary support, and for increasing opportunities for informal but substantive conversations among the primary parties themselves.

The ‘insider mediators group’ is a classic ‘track two’ or ‘back channel’ initiative, involving intermediaries and senior advisors but not the primary parties themselves. In other peace processes, such back channels have been used for engagements on issues where political constraints (e.g. the wider constituencies of the negotiating leaders may not be on board) have prohibited formal talks on certain issues. In the Philippines peace process, this back-channel has also been used during the implementation phase following the signing of the CAB. In this regard, it has provided an alternative to a more formal process of multi-stakeholder dialogue that would have widened the buy-in into the initial agreement, even as the parties have not been able to muster the right political moment or will for an actual dialogue.

Finally, ‘Friends of Peace’ is a classic ‘track three’ initiative, bringing together a group of civic actors to conduct advocacy and informal diplomacy for the peace process. However, its role is more akin to private ‘eminent persons’ groups in other situations than to a civil society grouping. Members of the group have reportedly influenced individual members of Congress, influential leaders of the private sector, and elements in the national media – through informal conversations and direct exchanges – to take more favorable positions towards the peace process and to Bangsamoro autonomy.

Of the three tracks, FASTRAC has been the most successful in committing the parties to specific operational actions, especially during the implementation of the CAB. The insider mediators have been the most successful in addressing what could potentially have been a number of political blockages in the peace process. Finally, the Friends of Peace has had the most visible public engagement in both the Congress as well as in the media. These different achievements are understandable given the stated objectives of the three groups. Taken together, these three complementary tracks have given the overall process a greater resilience and depth than it would otherwise have had. Similar initiatives in other contexts – if not already being undertaken – may be warranted.

All three forums have featured very high levels of capacity and national ownership. International support has been discreet and limited, and primarily substantive and technical rather than financial in nature. However, these forums have also been temporary, and designed to accompany specific processes rather than serve as longer-term capacities. This has still left the Philippines lacking a standing, ‘autonomous’ longer-term capacity at the national level for multi-stakeholder dialogue and for the facilitation of follow-on processes of negotiation with a wider groups of actors, once agreements enter the implementation phase. OPAPP, while able to convene multi-stakeholder conversations, does not have the authority to convene different political or institutional stakeholders to reach mutually binding agreements. At the local level, there is also no systematic, standing capacity for the early detection and prevention of repeated cycles of horizontal violence, the cumulative impact of which has derailed peace processes in the past, and currently hampers the peace process between the Government and the Communist insurgency. Efforts by entities such as the Friends of Peace and the Insider Mediators Group at the local level provide only very limited and time-bound results.

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Conclusion

Going forward, the Philippines may want to consider the establishment – via appropriate legislation or in the context of the current ongoing process of constitutional reform which may yield a federal polity – of a national commission for peace processes and peacebuilding. OPAPP could also potentially be transformed from being a small entity in the President’s Office to into an independent commission or another type of statutory body with the authority to convene actors at the national and local actors around a range of issues, and to facilitate dialogue and negotiate settlements. A model to consider might be that of Ghana, where the national peace architecture is formally established through a legislative mandate as an autonomous arm of the Government, and its budget guaranteed through the same legislation. However, and given its current record of innovation in the arena of peacebuilding, the Philippines may well identify a solution that is uniquely its own.

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