

# Philippines - Terminated Peace Talks, Intensified Armed Conflict: What is to be done?

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## **Terminated Peace Talks, Intensified Armed Conflict: What is to be done? [1]**

For all intents and purposes, the peace negotiations between the Government of the Philippines (GPH) and the National Democratic Front of the Philippines (NDFP), as we have known it over the years since 1992, have effectively come to an end, at least under the current Aquino administration which still has three years left in its term. Well, that is just as well. Late last year, I had already personally gone on record through a 10-page article saying that it was better to just drop the charade of peace talks that were going nowhere due to their extremely tactical dynamics. [2] In the ensuing blame game that is still part of those counter-productive dynamics, the GPH is being blamed by the NDFP for unceremoniously terminating the talks purportedly to seek a “new approach” thereto. But under the circumstances, the GPH can be given some credit for this bold, if belated, move of dropping the charade even at the propaganda/public image risk of being blamed as responsible for terminating the talks.

But really, this peace process should no longer, even if it still could, continue to be conducted “in the old way” (to use revolutionary situation phraseology) that has made it a process of “perpetual division between the Parties.” The test of the pudding is in the eating, and the taste of the pudding has for the most part been bitter, sour and stale. A break or real vacation from this status of belligerency (or strategic stalemate), as it were, in negotiations should prove salutary in the medium to long term, if it becomes an occasion for all concerned to take serious pause and rethink things.

## **New Realities**

The end of the peace negotiations as we have known it is the key new reality now in the GPH-NDFP front of more war than peace at least under the coming three-year second half of the Aquino administration. NDFP Chief Political Consultant and Communist Party of the Philippines (CPP) leader Prof. Jose Maria Sison has already said, “its three remaining years is not too long to let pass,” in the context of waiting for a new administration to resume peace talks with, as is usual for new administrations. The better in the meantime for the NDFP to ramp up the armed struggle with full focus and with a view to gain a position of strength for whatever future negotiations or eventuality. Here are a few more specific realities on this front that have bearing on what is to be done for the peace process factoring in these realities:

• **“Intensified tactical offensives by the New People’s Army (NPA)”**: this was already indicated by Sison and is being indicated by incidents on the ground. The presidential spokesperson has dismissed this as “It’s nothing new” but there are actually some foreboding new directives in the CPP Statement on the 44<sup>th</sup> Anniversary of the NPA (29 March 2013) like “building guerrilla theaters [that] bring together the power of three to four guerrilla fronts that can reach brigade strength,” “advanc[ing] wave upon wave from the existing guerrilla fronts to create new guerrilla fronts,” and “field[ing] strike forces to intensify the tactical offensives.” GPH Negotiating Panel chair Usec. Alexander A. Padilla, for his part, says that there is no GPH plan for an “all-out war” (recall then President Corazon Aquino’s “unleashing the sword of total war” against the NPA after the collapse of the peace talks in 1987). The NDFP however expects that the GPH is “now unencumbered in waging its Oplan Bayanihan war of suppression.” The CPP-NPA itself, even before this latest breakdown, has always felt unencumbered to “carry out the [five-year] plan to advance from the strategic defensive to the strategic stalemate.”

• Though this sounds like stating the obvious, there will definitely be **no general ceasefire, as the CPP-NPA-NDFP does not want it** (this is what is “nothing new”).

• On the other hand, the GPH wants a ceasefire or truce to be in place in any further peace talks due to an overriding concern to lower the level of, if not end, the violence on the ground.

• But there will be **no return to both the “regular track” and the “special track” of the peace talks, as the GPH will have none of that anymore**. Precisely, it seeks a still undefined “new approach” but there are serious doubts that one can be found that is mutually acceptable with the NDFP which is asserting the “old way” of the peace talks. The “new approach” of the GPH may thus develop, if at all, into something outside the peace talks, at least the formal peace negotiations between Negotiating Panels.

• The **only significant prior peace agreement left that is still mutually acceptable is the 1998 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL)**, but not its problematic propaganda-prone and stalemate-prone Joint Monitoring Committee (JMC) mechanism. That is far as the GPH is concerned. **The GPH will definitely no longer go by the 1992 Hague Joint Declaration**, which was the long-time framework agreement for the “regular track,” as well as by the 1995 Joint Agreement on Safety and Immunity Guarantees (JASIG), which has occasioned the main recent non-substantive stumbling block issue of the GPH non-release of remaining claimed NDFP consultants who are still detained.

• The NDFP “continues to assert the validity and binding nature of [all] the previously forged joint documents” and will resume formal peace negotiations only “on the basis of upholding, respecting and implementing previously signed agreements.” For the CPP, these agreements represent no less than its correct strategy and tactics as well as gains in the peace negotiations. Since the GPH will definitely no longer go by the framework Hague Joint Declaration, among others, then there will likely be **no resumption of formal peace negotiations under the Aquino administration**.

[It might be noted here parenthetically that **framework agreements** are not written in stone and can change, as they have, at particular junctures of the peace process. The best local example of this is the peace negotiations with the Moro Islamic Liberation Front (MILF) where there have been at least three framework agreements: the 1998 General Framework of Agreement of Intent, the 2001 Tripoli Agreement on Peace, and the 2012 Framework Agreement on the Bangsamoro (FAB). The problem is that this is not an acceptable model for the NDFP which predictably derides that peace process as “U.S.-backed” since 2008 and also lately its once tactical ally, the MILF, for entering into the FAB as “capitulation to the Manila government.”]

- **The GPH has broached the possibility of pursuing “localized peace talks.”** This could be still national-level peace talks with the local or in-country actual leadership of the CPP or, more feasibly in the GPH view, local-level peace talks from the regional level down though the scope of such talks are not yet clear. The CPP leadership has already shot this down, saying that “Not a single unit of the NPA, committee of the CPP or organs of the NDFP will fall for the Aquino trap of ‘localized peace talks’... Only the NDFP Negotiating Panel is authorized to engage the reactionary government in peace negotiations.”

## **Our Urgent Tasks [3]**

This article is addressed to the GPH, the NDFP, the Royal Norwegian Government (RNG) Third Party Facilitator and civil society peace advocates. While we agree that a “new approach” or a new way is needed in the GPH-NDFP peace process (which is not just formal peace negotiations), we are not here outlining certain tasks and imperatives as necessarily part of or inputs for the kind of “new approach” that the GPH seeks. Our standpoint is not that of the GPH or, for that matter, of the NDFP in adversarial relations with each other, rather ours is the standpoint of an independent civil society peace advocate who supports peace processes for the resolution of armed conflicts. So, to a large extent, this article is addressed to similarly oriented peace advocates on what is to be done. While focused now on **more scaled down and doable tasks** in the current situation that will likely extend throughout the second half of the Aquino administration, there are definitely implications for beyond that. Much of what follows has been said by us before but these are **now reframed under the current situation** that has emerged:

**1. FOCUS ON HUMAN RIGHTS AND HUMANITARIAN CONCERNS ARISING FROM INTENSIFIED ARMED HOSTILITIES.** This is *the obvious no-brainer most urgent task* that is **not only a most felt need** but is also, believe it or not, of **common or mutual desire and interest** of both the GPH and NDFP. This arises from the emerging intensification of the armed conflict, the continuing absence of a ceasefire, and the remaining mutual acceptability of the CARHRIHL as a term of reference. The CARHRIHL, as the first and likely only substantive agreement between the GPH and NDFP, or more broadly, respect for human rights (HR) and international humanitarian law (IHL), may be “the only game in town” on the GPH-NDFP front, but it certainly better than “playing our charade” of peace talks of “perpetual division.” It is also the next best thing to a ceasefire in terms of lowering the level of violence on the ground and thus saving some lives.

This most urgent task **may be done both inside and outside the GPH-NDFP peace negotiations, as it may also be done at the national and local levels.** Inside the GPH-NDFP peace process, while the substantive negotiations are in suspended animation (many will say “it’s nothing new” anyway), the Parties or Negotiating Panels may consider devoting some useful time to instead working on the implementation of the CARHRIHL. But one challenge to them here is whether they (esp. the NDFP) can work together beyond the problematic propaganda-prone and stalemate-prone JMC mechanism which the GPH will apparently no longer go by. Only by working together can they possibly (though this is no assurance that they can) sort out honest differences of interpretation even regarding the mutually acceptable CARHRIHL, notably when it comes to the use of landmines. But for God’s sake, let not this “only game in town” that is the CARHRIHL become another “document of perpetual division between the Parties.” Both Parties can of course, at the very least, each unilaterally implement the CARHRIHL as they respectively interpret it, including by bringing their respective justice systems to bear on HR and IHL violations. Let it be a contest, if it must be, on which is the more effective government in repressing HR and IHL violations.

Let them not forget that the **CARHRIHL itself goes beyond CARHRIHL** by its reference to “the principles and standards embodied in international instruments on human rights” (Part III, Article 1), to “generally accepted principles and standards of international humanitarian law” (Part IV, Article 1), to “the full scope of human rights, including civil political, economic, social and cultural rights” (Part II, Article 3), and to “universally applicable principles and standards of human rights and of international humanitarian law... embodied in the instruments signed by the Philippines and deemed to be mutually applicable and acceptable by both Parties” (Part II, Article 4). Indeed, respect for HR and IHL is not limited by what is specifically provided for by the CARHRIHL, esp. on the part of the GPH which has its own HR and IHL treaty obligations and as well as its own HR- and IHL-related national laws. We have already written on how the CARHRIHL can be maximized through its treaty connection that makes available to the Parties “the best that has been created by humanity” (to again use revolutionary phraseology) in terms of HR and IHL. [4]

In fact, come to think of it, the CARHRIHL provision that “The parties shall uphold, protect and promote the full scope of human rights...” **can become the basis for further agreements on socio-economic reforms and political-constitutional reforms even without reference to The Hague Joint Declaration** and the 1995 Joint Agreement on the Formation, Sequence and Operationalization of the Reciprocal Working Committees (RWCs). We have also already written on **a rights-based approach** (RBA) to the peace talks, particularly when it comes to socio-economic and political reforms which address the roots of the armed conflict and lay the basis for a just and lasting peace. [5] We there cited the 2004 masteral thesis of now Commission on Human Rights (CHR) commissioner Atty. Jose Manuel S. Mamauag on a RBA as tool in evaluating the socio-political dimension of the GRP-MILF peace process. [6] The RBA has started to be used for development and for governance; why not as a framework for the whole peace process and a peace settlement?

The previous work and drafts on a Comprehensive Agreement on Socio-Economic Reforms (CASER) and on a Comprehensive Agreement on Political and Constitutional Reforms (CAPCR) need not be laid to waste as these can probably still be made use of but possibly **reframed under a RBA** though not necessarily in comprehensive agreement form. But we may be getting too far ahead of ourselves at this present juncture. As we said, the minimum focus for now should just be better implementation of the CARHRIHL, whether the Parties work on this together (which still remains to be seen) or separately. Either way, any progress on this would/should help **build confidence for whatever future substantive negotiations**.

HR and IHL are ultimately too important to be left at the mercy of the JMC mechanism or even of the warring Parties themselves, esp. at the national level. We have to break out of the stalemated dynamics of the peace negotiations, and **all concerned, not just the two warring Parties, have to find new and better ways of civilian protection**. For one, the CPP-NPA-NDFP national leadership should no longer discourage or prohibit its local commands from *local-level talks* that would more expeditiously and effectively address humanitarian concerns arising from armed hostilities at that level, *as distinguished from “localized peace talks”* that would purport to address national issues that are beyond and therefore cannot really be fully addressed at that level. This kind of local-level talks should no longer be proscribed by that leadership as necessarily a counter-insurgency trap to pacify, divide and induce the capitulation of the revolutionary forces.

Relatedly, local-level talks initiated by conflict-affected local communities, inc. their local officials (like the late long-time and exemplary Naga City Mayor Jesse M. Robredo once did), that seek respect for their own genuine declarations of their communities as “**peace zones**” that are off-limits to armed hostilities, should not be treated as necessarily a counter-insurgency measure to cramp or limit the areas for NPA tactical offensives. The whole countryside is vast enough for that, as the annual CPP and NPA anniversary statements never fail to point out.

Civil society peace groups like notably Sulong CARHRIHL (Advance CARHRIHL) have tried to make CARHRIHL work even without the stalemated JMC mechanism, albeit Sulong CARHRIHL has focused mainly on work at the local community level, where after all the work is most needed. But of course the broad work of advancing HR and IHL is not limited to and by the CARHRIHL. The broad array of IHL (and also HR) advocates, inc. the Civil Society Initiatives for International Humanitarian Law (CSI-IHL), who had gathered around the **first National Summit on IHL in 2009** have significantly since then taken on and stepped up the work to address the relevant main challenges of: [1] humanitarian intervention especially during massive internal displacement due to armed hostilities; [2] education, information and communications on IHL (and HR); and [3] monitoring, investigation and prosecution of IHL (and HR) violations in the context of the armed conflict.

In terms of exploring alternative institutional mechanisms for that last most difficult challenge of monitoring/investigation of and accountability for IHL (and HR) violations, the 2009 IHL Summit for one **called on the CHR to develop its own complementary or fallback mechanism to the JMC**. It is good that an independent constitutional commission mandated for human rights concerns, with nationwide offices, and with international links, is giving attention also to the related but distinct field of IHL and to HR-IHL violations not only of the state armed forces but also of non-state armed groups. Seeking rebel accountability is a special challenge in itself due to various conceptual and practical reasons, including their having “no permanent address.”

The work of upholding respect for HR and IHL in the context of the GPH-NDFP armed conflict may be well below the ideal and the high policy level of a negotiated political settlement. But aside from its more immediate value of civilian protection, HR-IHL work has a long-term **strategic value and direction** of laying better ground (and lowering the costs and antagonism) for a negotiated political settlement when the requisite political will and also paradigm shifts on both sides come about, hopefully sooner rather than later.

**2. CONDUCT PURPOSEFUL KEY REFORM WORK OUTSIDE THE PEACE TALKS BUT WELL INFORMED BY IT.** Both the GPH and the NDFP actually agree that the “pursuit of social, economic and political reforms” are “aimed at addressing the root causes of internal armed conflicts.” For the GPH, this is the first of its “Six Paths to Peace” framework which also has “peaceful negotiated settlement with the different rebel groups” as its third path and “addressing concerns arising from continuing armed hostilities” as its fourth path – the latter being relevant to our first urgent task above. Indeed, the comprehensive peace process is broader than just peace negotiations. Socio-economic, political and constitutional reforms are thus the core of the substantive agenda of the GPH-NDFP peace negotiations – and we can say this with or without the framework Hague Joint Declaration. But such reforms can and should be pursued even outside the peace talks because the reforms are of value also outside that context. They are undertaken for their own sake because they “serve the people” (to again use revolutionary phraseology). **If the peace talks can benefit from inputs provided by reform work, inc. research, then so too can reform work outside the peace talks benefit from inputs that may be drawn from its own accumulated work and documents.**

Let it be clear that the motivation for this second urgent task should not be the often expressed intent, even among avowed peace advocates, of making the CPP-NPA-NDFP “irrelevant.” Such a disdainful or counter-insurgency attitude **does not do justice or give due credit to some of the just causes of the armed struggle, even as the viability of this form of struggle has become questionable**, to say the least, after 44 years since 1969 and at the cost of more than 120,000 lives. *The Philippine Human Development Report 2005: Peace, Human Security and Human Development in the Philippines* said it well:

*"The human development perspective instead chooses to take insurgencies and armed conflicts*

*seriously as mirrors to society. To be sure, mirrors may be distorted to a greater or to a lesser extent: ideologies and pet theories may exaggerate certain objectionable features and details and hide others. Dealing with them squarely, however, will always provide an opportunity for the current system to peer closely at itself and discover at least some of its defects.*

The valuable contributions to the national agenda of the causes espoused by the various insurgencies are undeniable. The critique of the overweening influence of foreign powers (particularly the U.S.) in the country's political life was provided primarily by the Left movement, a national debate that finally led to the removal of U.S. bases in the country. The decades-old socialist and communist advocacy for land redistribution culminated ultimately in the government's several agrarian reform programs....

In many ways, the insurgencies have helped Filipinos and their governments realize how they ought to build a more just, more democratic society..." [7]

Thus, among the recommendations in the *Philippine Human Development Report 2005* to "place the existing peace efforts on a sounder footing and lead to a solution to the conflict" are to "institute reforms in parallel" to the GPH-NDFP peace negotiations, to "undertake key reforms alongside and outside formal peace talks," and to "undertake human development investments (in education, health, safe water, electricity and economic provisions) for their own sake." The key reforms referred to here are [1] **electoral and governance reforms** and [2] **security sector reform (SSR). Instead of seeking to comprehensively cover socio-economic, political and constitutional reforms within a limited time frame of say three years, the idea is to focus first on a few choice issues of particular importance.** The said two key reform areas are particularly important for the resolution of the armed conflict because of their relevance to the resort to armed struggle. Also, SSR relates much to the above-discussed now first urgent task of focusing on HR-IHL concerns esp. vis-à-vis counter-insurgency strategy.

Electoral and military reforms in particular *clash with key NDFP orthodoxies* or doctrines which are at the very heart of the national-democratic revolution. Elections clash with the NDFP view of armed struggle as the main form of struggle for social and political change, and so might confuse or deceive the people. The military in the NDFP's view is the main coercive instrument of the state which is to be smashed, not reformed or improved as such. As for good governance, the NDFP can be expected to again play the game of "two governments" and ask which good governance is being referred to: that of the reactionary GPH or that of the revolutionary People's Democratic Government?

Yet, in the *NDF's 1990 agenda for the peace talks* (though this was before the 1992 split in the CPP, after which the "reaffirmed" line became harder), there were in fact talking points for electoral and military reforms. These included *electoral reforms* allowing a fair chance for parties of the lower and middle classes, and also mechanisms to ensure fair and free elections. For *military reforms*, there were removal of U.S. control over the Armed Forces of the Philippines (AFP), and the reorganization, reorientation and reduction of the AFP.

Off-hand, there appear to be more mismatches than matches between the NDFP and GRP sides of the reform agenda. In the *GRP 2003 Draft Final Peace Accord*, among the listed *electoral reforms* are: amended party-list, local sectoral representation, anti-dynasty, anti-turncoatism, strengthened multi-party system, political finance regulation, full automation, and Comelec reform. While the *security sector reforms* include: civilian supremacy measures like civil society participation in national security policy making; and a compact, efficient, responsive and modern AFP engaged in non-combat roles for nation-building.



**Electoral reforms are of particularly currency now** in view of the just concluded 2013 mid-term national and local elections, and then the scheduled barangay elections later this year. There is also the recent Supreme Court decision in the *Atong Paglaum* case on the party-list system with implications on the electoral chances of party-list groups representing marginalized and underrepresented sectors, including those that are the traditional mass base of the Left. Apart from in the party-list system, the candidates of the nat-dem Left have generally not fared well in electoral struggle, which can be an alternative form of political struggle.

On the other hand, the regular election campaign periods have rather become occasions for the CPP-NPA-NDFP to assert its underground governmental authority over election campaigning in its claimed territories, with implications adverse to fair and free elections, if not the freedom of suffrage itself. It may thus be fair to pose to the CPP-NPA-NDFP whether its “permit to campaign” policy and practice is also subject to electoral reform through the peace talks?

As for socio-economic reforms, we already mentioned above that the previous work and drafts on a Comprehensive Agreement on Socio-Economic Reforms (CASER) need not be laid to waste as these can probably still be made use of but possibly *reframed* under a RBA though **not necessarily in comprehensive agreement form**. Following the mode of focusing first on a few choice issues of particular importance, given a limited time frame like three years, the obvious choice socio-economic issue is **land reform**. This may as well be a third key reform area, along with electoral reform and SSR. In CPP-NPA-NDFP theory, the land problem of the peasantry is the main issue of the national-democratic revolution, and that has to be because the peasantry is the main force of this revolution. This armed revolution’s crucial spearhead, the NPA, is a mainly peasant army and one of its key tasks is revolutionary land reform. To what extent can the peasant gains of revolutionary land reform be recognized and preserved as legitimate or legitimized land reform?

But of course revolutionary land reform is not the only progressive land reform initiative. Going back to the RBA, there are agrarian reform workers outside the peace talks who are pushing for “rights-based asset (land) reform, founded on the idea of social justice,” given the even more limited time frame until June 2014 of the government’s extended Comprehensive Agrarian Reform Program (CARP) to distribute still over one million hectares of “CARP-able” private landholdings. There is thus **a sense of urgency** for this asset reform that somehow parallels the need for a *similar sense of urgency* on the GPH-NDFP front (while there is already such a sense of urgency on the GPH-MILF peace front) for the last three years of the Aquino administration). “In the final analysis, any effort to advance political reforms, no matter how eloquently stated, will become pure lip service in absence of an effective asset reform program.” [8] It may thus be fair to also pose to the CPP-NPA-NDFP whether these efforts and gains of other progressive land reform initiatives like those in the Bondoc Peninsula can be respected and not be impeded by it for being necessarily political rivals in land reform or in serving the peasantry? Can this, or some aspects of this, be the subject of local-level talks in Bondoc Peninsula?

The breaking news from the **Colombian peace process** of a breakthrough interim agreement on land reform and rural development validates this as a key reform area that can become a crucial stepping stone or building block for the whole process. This is made relevant by the essential similarities between the Colombian and Philippine societies and revolutions, both led by foundationally Marxist-Leninist vanguard parties. Hopefully, there will be no derision this time of the Colombian peace process as “U.S.-backed” and of the Revolutionary Armed Forces of Colombia (FARC) for its “capitulation to the Bogota government.” It is also just as well timely that there has in the past few years been a quiet Philippines-Colombia civil society peace advocacy exchange program under the auspices of Conciliation Resources, which is an international NGO member of the International Contact Group (ICG) supporting the GPH-MILF peace process. Could a NDFP-FARC peace process exchange program perhaps also be developed?

One important angle with all these three key reform areas – electoral reform, SSR, and land reform – is that **there are several relevant ongoing civil society reform initiatives as well as academe-based policy study and research groups in each of these key reform areas**, just like on HR-IHL concerns, that can also be engaged in moving the peace process forward.

### **3. GET BACK WITH MORE AND PROPER ATTENTION TO THE SMALL PEACE PROCESSES.**

The GPH-NDFP peace process, the relatively successful (so far) GPH-MILF peace process and the implementation-problematic GPH-Moro National Liberation Front (MNLF) peace process are the acknowledged **big peace processes**, because of the bigger rebel groups, the bigger geographical areas and the bigger issues involved. It is natural for the GPH to give more attention to these than to the **small peace processes** involving smaller rebel groups: the *Cordillera People's Liberation Army* (CPLA), the *Rebolusyonaryong Partido ng Manggagawa ng Pilipinas* (RPM-P) and the *Rebolusyonaryong Partido ng Manggagawa ng Mindanao* (RPM-M).

The likely extended break in the GPH-NDFP peace talks for the three remaining years of the Aquino administration should be taken as an opportunity to get back with more and proper attention to the small peace processes. In general terms, there are two reasons for this: (1) If things are not moving in the big and more difficult peace processes, why not go for what can move and get done in the small and presumably easier peace processes?; and (2) If you cannot do well in the small peace processes, how much more in the big peace processes? The CPLA, RPM-P and RPM-M are **all relevant to the NDFP since they originated from this as breakaway factions** that had split due to differing views on society, political programs, strategy and tactics – which are also all relevant to the peace process.

Of these other, smaller peace processes, **the most promising appears to be that with the RPM-M because of its innovative community-based approach**. What is significant about the small peace process with the RPM-M is its effective combination of peace negotiations and public consultations:

*“It has a radically different approach from that of the big top-level peace negotiations in that it does not involve complex peace negotiations. Rather, a local peace and development agenda that will have an immediate impact on the ground will be formulated by the concerned communities and tribes in Mindanao through participatory local consultations to identify problems and needs as well as responses there which could take the form of projects. Such empowered and sustainable communities are the real foundation of peace. The process itself will allow these communities to win small victories and build peace by themselves. The final political settlement is important but the communities need not wait for this. Building peace for them is here and now. This community-level process continues to be pursued independent of the panel-level talks and despite the latter's delay. Still, the RPM-M peace process is also getting back on the latter track which is still needed for a final resolution to the conflict.” [9]*

If there is a need for models of authentic dialogue with the communities, here is one in Mindanao which also has the merit of upholding the equal importance of peace negotiations with rebel groups. **If the idea is to bring the peace talks back to the public, there is a potential here for developing an effective combination of public consultations and peace negotiations, pursuant to the relatively new strategy of public participation in peacemaking.** The RPM-M articulates this in this way: “A community-based and people-centered peace negotiation among revolutionary groups with the government should be an insurance for achieving a sustained and genuine political settlement... The people should be seen as active participants and the principal stakeholders in any political settlement between the revolutionary groups and the government.... And hence, the participation of the masses and the corresponding development of the political consciousness in all levels (and in all stages) of the peace process would ensure the substantive



democratic content..." [10]

Active and even direct participation of the people and communities in the peace process does not make the rebel/revolutionary groups superfluous because the latter, as the RPM-M says, are also "included as among the legitimate stakeholders" and should not be isolated from their respective mass bases or constituencies. [11] In addition, there is the pertinent analysis and approaches that these groups may contribute to the mutual problem-solving that is of the essence of peace negotiations. In the case of the RPM-M, it has adopted a multi-form struggle but gives paramount importance to peace-building and development work at this time because of the adverse effect of the war situation on the tri-peoples of Mindanao. **At some point too, a convergence must be found among the several peace processes relevant to Mindanao, starting of course with those involving the MILF and the MNLF, but eventually co-relating on common aspects with the peace processes on the Communist front** – whether on the minimum matter of "addressing concerns arising from the continuing armed hostilities" or on more substantive issues like the Lumad Question.

Also, because of the RPM-M's Mindanao tri-people orientation, there is a good prospect that the panel-level talks becoming a vehicle for *lumad* concerns that can check-and-balance, as it were, the implications of the GPH-MILF peace negotiations on the interests of the non-Moro indigenous peoples in the territory of a new Bangsamoro autonomous political entity. This peace process which has been referred to as "**the other peace process**" (presumably in relation to either that with the NDFP or that with the MILF) thus **deserves some special attention, with good prospects for some deliverables, inc. in substantive agreements**, before the close of the Aquino administration. Unfortunately, on the contrary, the Office of the Presidential Adviser on the Peace Process (OPAPP) under this administration has early on after its assumption to office in 2010, for some unclear reason, downgraded this process out even of its list of peace processes with rebel groups. *The OPAPP should rectify this error and reinstate the peace process with the RPM-M back into its horizon.* On the other hand, the RPM-M would do good to send "formal notice" of its readiness to resume, so that there are no excuses or misreading of signals.

As regards the other small peace processes with the CPLA and the RPM-P, and even with the big peace process with the MNLF, the OPAPP has tended to go for closure programs of socio-economic projects in exchange for disarmament and demobilization (in effect, DDR or Disarmament, Demobilization and Reintegration) *even without any really substantive agreements on the causes these several rebel groups respectively articulate or represent*, except in the case of the MNLF wherein there was a substantive Final Peace Agreement on Moro autonomy in 1996. There do not appear to be substantive agreements on Cordillera autonomy along lines advocated by the CPLA, or on aspects of the socialist or workers' agenda represented by the RPM-P. Why then the seeming hurry for closure of the peace processes with the CPLA and RPM-P as if to just be able to close these chapters as completed and accomplished peace processes? Of course, it takes two to tango here. If the rebel group concerned considers it already a closure, then the GPH or OPAPP, and even peace advocates, cannot be "holier than thou." But they **risk repeating the mistakes of the history of DDR** when it is not situated in a more comprehensive peace process or settlement that purposively addresses the substantive causes of their struggle. [12]

Perhaps, it is just as well that the peace process with the RPM-M had been unceremoniously suspended (God forbid that it was discontinued) before it might have gone into similar closure mode. As we said at the outset, albeit in the context of the GPH-NDFP peace negotiations, sometimes a break or extended vacation from negotiations can be salutary, IF it becomes an occasion for all concerned to take serious pause and rethink things. This pause-taking and rethinking becomes all the more imperative when seeking a "new approach" as regards the GPH-NDFP peace front. This

search is **of concern not just to one or both of the Parties but ultimately to all those who have a stake** in the resolution of the armed conflict, under a favorable climate for peace negotiations, leading to the attainment of a just and lasting peace. Amen.

**Soliman M. Santos, Jr.**

Naga City, 27 May 2013

(55<sup>th</sup> birth anniversary of the late Jesse M. Robredo)

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## **P.S.**

\* SOLIMAN M. SANTOS, JR. has been a long-time Bicolano human rights and IHL lawyer; legislative consultant and legal scholar; peace advocate, researcher and writer, whose initial engagement with the peace process was in Bicol with the first GRP-NDFP nationwide ceasefire in 1986. He is presently Presiding Judge of the 9<sup>th</sup> Municipal Circuit Trial Court (MCTC) of Nabua-Bato, Camarines Sur and Acting Presiding Judge of the Municipal Trial Court (MTC) of Balatan, Camarines Sur.

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## **Footnotes**

[1] With apologies to V.I. Lenin, What is to be done? Burning Questions of Our Movement (1902).

[2] Soliman M. Santos, Jr., ESSF (article 26580) "[Philippines - Peace challenge II to the GPH and NDFP: Just drop the charade of peace talks, focus on the doable especially for human rights and IHL](#)" (8 October 2012).

[3] With apologies to Jose Maria Sison a.k.a. Amado Guerrero, Chairman, Central Committee, Communist Party of the Philippines, "Our Urgent Tasks," Rebolusyon (CPP theoretical publication), maiden issue, 1 July 1976.

[4] Soliman M. Santos, Jr., "Thought/Discussion Paper on Maximizing the GRP-NDFP CARHRIHL Through its Treaty Connection" (16 November 2004).

[5] Soliman M. Santos, Jr., "A Rights-Based Approach to the GRP-MILF & GRP-NDFP Peace Talks" (11 April 2005).

[6] Atty. Jose Manuel S. Mamauag, Rights-Based Approach (RBA) as a Tool in Evaluating the Socio-Political Dimensions of the Peace Process with the MILF (MNSA thesis, National Defense College of the Philippines, August 2004).

[7] Human Development Network (HDN), Philippine Human Development Report 2005: Peace, Human Security and Human Development in the Philippines (Quezon City: Human Development Network [HDN], 2005) 51.

[8] Joseph Jadway D. Marasigan, "Wanted: rights-based asset reform," Philippine Daily Inquirer, February 15, 2013, p. A14. He chairs the Quezon Association for Rural Development and Democratization Services, Inc. (QARDDS).

[9] Kaloy Manlupig, "GRP-RPM-M: The Other Peace Process," accessible at [www.balaymindanaw.org/bmfi/essays/2004/grp-rpmm.html](http://www.balaymindanaw.org/bmfi/essays/2004/grp-rpmm.html). He heads the NGO called Balay Mindanaw which serves as the independent secretariat for the talks, another unconventional feature of this process.

[10] Ike de los Reyes, "[The Bangsamoro Question \[and the Bangsamoro Juridical Entity\] in the Current Situation](#)" (manuscript, November 2008). Available on ESSF (article 12375).

[11] RPMM Peace Committee, "Position Paper of the RPMM-RPA on the Demobilization, Disarmament, Reintegration/Rehabilitation Framework of the Government of the Republic of the Philippines vis-à-vis Peace Talks" (6 September 2008). See on ESSF (article RPMM Peace Committee, "Position Paper of the RPMM-RPA on the Demobilization, Disarmament, Reintegration/Rehabilitation Framework of the Government of the Republic of the Philippines vis-à-vis Peace Talks" (6 September 2008).), [artRPMM Peace Committee, "Positio....](#)

[12] For an overview and case study on these Philippine experiences and lessons in DDR, see Soliman M. Santos, Jr., "Chapter 6: DDR and 'Disposition of Forces' of Philippine Rebel Groups (Overview)" and "Chapter 7: MNLF Integration into the AFP and the PNP: Successful Cooptation or Failed Transformation? (Case Study)" in Soliman M. Santos, Jr. and Paz Verdades M. Santos, *Primed and Purposeful: Armed Groups and Human Security Efforts in the Philippines* (Geneva: South-South Network for Non-State Armed Group Engagement and the Small Arms Survey, 2010) 139-84.