

# The May 13, 2013 Elections and Its Impact on Framework Agreement on the Bangsamoro

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## An Overview

When the election in the Autonomous Region for Muslim Mindanao (ARMM) was postponed from August 10, 2011 to May 13, 2013, the main reason given by the ruling coalition led by President Noynoy Aquino (PNoy) was to cleanse the electoral system of the region. Such move was to lay down the foundation for genuine reforms in the ARMM. PNoy appointed his favorite person (Mujiv Hataman) to be the Officer-in-Charge (OIC) of the region on the promise that he would not run in May 2013 elections - the main purpose of the promise of course was to neutralize those who were not agreeable in the ARMM election postponement and would want to participate in August 2011 elections.

Another important reason given by PNoy and his minions was laying the ground for the replacement of ARMM with the New Autonomous Political Entity because the former was considered a political failure. Hence, the ARMM's original date for election (August 2011) was postponed to May 2013 to synchronize with the local and national elections only to be replaced by a new political entity which would be the result of political negotiation by the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF). And as if following a political clue, the Framework Agreement on the Bangsamoro (FAB) was signed on October 15, 2012 by the GPH and the MILF - only seven months to the May 13, 2013 elections.

There was a widespread optimism among the whole population of the country, especially, in Mindanao. The same sentiments could be felt even with the international stakeholders. This very positive hope for a peaceful settlement between the GPH and the MILF was capped by the historic meeting of PNoy and Al Haj Murad (Chair of MILF) in Japan in the first part of 2013, as if one could already see peace in the horizon.

But what happened in the election period (pre, actual and post elections) was very confusing. PNoy and his minions had not only allowed the OIC Hataman to run as Governor in the ARMM - having almost two (2) years of lead advantage over all his opponents including Chair Nur Misuari - using his OIC period as campaign advantage and promoting himself - but PNoy had fully endorsed Hataman's candidacy to the five provinces of ARMM. The promise for Hataman not to run for May 2013 because he could use his OIC advantage over all candidates was all together forgotten. Giving bad signal for the peace promises PNoy made with the MILF.

The political moves and maneuvers of PNoy and his administration have shown signs that ARMM, after all, is not a political failure. Such manifestations have once again shown everyone that nobody could win in the ARMM election without the support and blessing of Malacañang. Talking of autonomy or self rule, of course, this is its very opposite. But now Malacanang's favorite has a regular mandate as Governor of the ARMM.

### **What About the FAB?**

The fast speed that the momentum of Framework Agreement on the Bangsamoro (FAB) after the October 15, 2012, is now gone to its snail speed. The FAB remains at its best as a framework. It takes the MILF to remind the GPH that when they (both panels) initialed the FAB, they have as well signed what would be the content of the four annexes: namely, wealth, power sharing, modalities of the transfer of power (devolution) and normalization. The MILF through its leadership has warned of growing impatience on the ground of the delayed moves by the GPH.

At present, only the annex of modalities has seen agreed by both panels. The other three have been stalled substantially and technically. The wealth sharing for instance, aside from it being exclusive (IP concerns have never been factored in), the MILF proposed of 75 and 25 sharing in wealth is not acceptable to the GPH but the MILF is quick to remind its counterpart that they have already initialed on this annex and to change this is non-negotiable. With regards to the power sharing, the ARMM election results are not showing positively in the direction of smooth turn-over of power to the MILF led political entity.

The abovementioned reasons have made the post October 15, 2012 seem to reach a standstill.

The Transition Commission (TransCom) cannot proceed with its tasks to draft the Bangsamoro Basic Law (BBL), propose a constitutional amendment to replace the RA 9054 - which created the expanded ARMM which was made into law in 2001 by the Government of the Philippines (GRP) and the Moro National Liberation Front (MNLF) and to propose a development framework for the Bangsamoro without the mutually agreed four annexes.

After the creation of the 15-person commission coming from Bangsamoro (7 for the GPH and 8 for the MILF including the chair), it took the GPH several months before releasing a part of its budget (100 million pesos) but then without the annexes the TransCom has nothing to work on but spend hard earned people's money.

Based on the proposed timeframe, it should be next year (2014) when the Bangsamoro Transition Authority (BTA) will be put in place so that ample time will be allocated for the 2016 election of the Bangsamoro Government - just in time of PNoy exit from power. And in order to press things forward, the MILF has already announced their plan to create a political party - to prepare for eventual takeover of BTA over the phased- out ARMM. The BTA should be already governed and managed by the MILF in a ministerial form of government.

### **Does ARMM Disappearing or Metamorphosing into Another Form?**

In the ARMM elections, those who were elected are combination of families of dynasty (new and old) as well as the well known warlords in the provinces. Just like in the national election, one could easily notice that there was no opposition in terms of presenting different political platform. Nur Misuari and Pax Mangudadatu - the two candidates who ran against the anointed one of Malacanang- run on about the same platform with the ruling coalition. They had both professed to

support the FAB and PNoy's 'Matuwid-na-Daan'. They were no opposition in those who ran and won in the Regional Legislative Assembly (RLA). One could just imagine what will happen in the sessions of RLA who would be presided by the Vice-Governor of ARMM and will have no majority or a minority. The same scenario PNoy wanted to create in the House of Representative, when not content with getting the majority, they want to support a candidate for a minority leadership one cannot help but think of moving closer to a dictatorship scenario.

If this is the way a transition or a phasing out, then once again the people have lost a lot of money and a rare opportunity to really see genuine reforms and experience real self-governance in the region. And worst is, one can hardly see the dynamic connection between the phasing out of ARMM and the appearing of the new Bangsamoro Government through the BTA. It is also possible that people elected in the ARMM includes PNoy's favorite will be part of the BTA and the Bangsamoro Government as all indicators are manifesting.

Looking at the candidates who won in the provincial levels, one can easily notice that those who won, as endorsed by PNoy himself, are more loyal to the Ruling Coalition and PNoy than the MILF and the FAB. A glaring example of this reality is the Maguindanao election results. This province is very important because this is where the political base of the MILF is found. The political line-up opposed to PNoy's endorsed candidates lost badly in the said political exercise.

There are serious political reactions on the ground to the effect that the politicians concerned plan to oppose having their territories included the new autonomous political entity.

Another sign that show an indicator of confusion with the signed FAB is that the development framework which would be worked out with the Bangsamoro Development Authority (BDA) and the Bangsamoro Management and Leadership Institute (BMLI). In the first quarter of this year, the PNoy government announced the launching of the Sajahatra - a development framework which has been implemented since then. Nobody knows if this development framework is a result of mutually agreed efforts or a unilateral one from the government.

With PNoy's men and women in place after the May 2013 elections in all levels from ARMM (executive and legislative) and the provincial and municipal levels and with the development framework and massive financial support from the Central Government, what else more to do? This is a clear picture of creating a classical method of divide and rule. It can divide the leadership and weaken the communities including the combatants on the ground.

In short, while there is an alarming delay for the annexes and how to proceed with the peace talks, PNoy's administration is consolidating and strengthening ARMM's machineries and has implemented massive development projects in the communities. This kind of multilevel approach by the PNoy government while the peace talks have gone to a slow pace is indeed confusing, if not alarming. The approaches from above (ARMM) and from below (development project in the communities) are not good sign for building trust and confidence in building positive peace in Mindanao in particular and in the country in general.

Meanwhile, the GPH (GRP) has continued to talk with the leadership of MNLF (Misuari group) to consummate the 1996 Final Peace Agreement. They (GRP and MNLF) will have a talk in Indonesia almost the same time when the MILF and GPH will have their talk in Malaysia. This means implementing still the unfinished agreed points with the MNLF but being monitored by the representatives of Organization of Islamic Countries (OICs) which gives international pressures on the government as well as the current GPH-MILF talks. But this act is done in the context where before the May 2013 election the OIC of ARMM and Political Adviser of PNoy had met with the MNLF's representatives to give financial support for the identified MNLF's communities. What had

happened to this talk and the financial support?

### **A Need for Peace and Development Framework?**

With the development stated above, all concerned stakeholders have expressed much serious concern. The high hope created by the October 15, 2013 and the PNoy-Murad talks has gone down to a very alarming level of the direction of the GPH-MILF talks. Again, the stakeholders have expressed the need that the talks should be transparent so that people can participate in all levels.

But most importantly, the peace we need to build should be inclusive to all stakeholders, especially, if we engage in the peace process in their name. Currently, an on-going armed conflicts have erupted in several areas because other groups like MNLF, Bangsamoro Islamic Freedom Fighters (BIFF) have opposed even the education activities by the MILF on the FAB in their areas. Again, thousands of people have been dislocated and were not even able to vote during the last election. These are just indicators that positive and just peace can only be attained with proper consultations not just information of all stakeholders in and outside the territories involved. It should always be responsive and fair to all such as in the context of Mindanao. The three people, especially the marginalized ones should be given comprehensive consideration. The attitude that since only a group is negotiating for their interest, it is not incumbent for the latter to negotiate for the interests of the others. This statement is true if the interests and demands such as ancestral domain, territorial and duties and rights of the other groups are not subsumed by the former.

And lastly, but definitely not the least, is that the peace that we should be building should always be accountable. Accountability should be integral part of the peace process so that the negotiators should always be aware that they are not only negotiating for their interest but for all concerned stakeholders. Institutionalizing the role of the peoples and the communities should be the only assurance that peace negotiation and attaining positive peace, is a collective effort for reclaiming and achieving the common good.

**R. Solis**, June 2013 - RDP, ERDAC Inc.

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