

Back to the Future? Martial Law and the Peace Processes in the Philippines

Written by Rikard Jalkebro

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RIKARD JALKEBRO, SEP 4 2017

On 23 May 2017, President Rodrigo Duterte declared martial law in the island of Mindanao. His implementation of martial law follows the situation in Marawi City where self-proclaimed ISIS sympathisers the Maute Group or Daulah Islamiyah, headed by the Maute Brothers Abdullah and Omar, clashed with the Armed Forces of the Philippines (AFP). Since 29 May 2017, the Government of the Philippines (GRP) has been referring to the Maute Group as Maute ISIS. The AFP had Marawi City under surveillance to validate intelligence claims that a siege of Marawi City was being planned. Unexpectedly, Isnilon Hapilon, a leading figure in a faction of the Abu Sayyaf Group (ASG) who has pledged allegiance to ISIS, was sighted in Marawi City. The AFP acted instinctively, and their attempt to apprehend Hapilon failed as he was protected by scores of armed men and these and more quickly took strategic positions throughout the city. The military raid seems to have fast-forwarded the alleged plan of seizing the city. This is, however, what led to the current declaration of martial law which under the Philippine Constitution allows for a sixty-day period under military rule. An extension of martial law needs to be approved by Congress, something President Duterte has refuted and said he would ignore the oversight of the Supreme Court and Congress ascribed by the constitution.^[i] The situation has still not been resolved and on 22 July, Congress approved an extension of martial law until 31 December.^[ii]

Martial law is not novel to the Philippines. President Ferdinand Marcos felt the need to suspend the writ of habeas corpus on 21 September 1972 by grossly exaggerating the domestic threat of a 'rightist-leftist' plot to overthrow the government. Marcos staged attacks blaming it on the New People's Army (NPA) while also clashing with the Moro National Liberation Front (MNLF) in Mindanao. The direct consequence of martial law that time was a de facto dictatorship that lasted until 1986 (although martial law ended in 1981). The immediate result of suspending the writ of habeas corpus was mass arrests of hundreds of oppositionists including academics, journalists, businessmen and politicians. Most notable in this series arrests were that of Benigno S. 'Ninoy' Aquino Jr. who was Marcos's biggest critic and fiercest rival, and whose death would later be the start of his downfall.

The present situation is, arguably, similar with renewed tension with the NPA where the peace talks have been stalled and renewed clashes with Muslim militants in Mindanao. The immediate effect of the Marawi Crisis and martial law on the ongoing peace process with the National Democratic Front of the Philippines (NDF) (See Notes). meant that the GRP was not represented at the fifth rounds of talks held on 29 May 2017. This has caused the NDF to protest vocally, and the CPP issued orders to intensify tactical offensives against the GRP and the AFP. Also, the final implementation of the peace agreement signed in 2014, the Comprehensive Agreement on the Bangsamoro's final stage the Bangsamoro Basic Law (BBL) – the final document of the peace agreement with the largest insurgency the Moro Islamic Liberation Front (MILF) – has still not been initiated or ratified. The BBL not being ratified is, of course, inherited from his predecessor Benigno Aquino III.

Duterte who won a decisive election victory in May 2016 on a platform of change where he vowed to end conflict and talk to several insurgents and actors involved in violence, including the NPA, dissident factions of the MNLF, the Bangsamoro Islamic Freedom Fighters, and also the ASG. This, he said, would be initiated in three to six months alongside a pledge to stop corruption, illegal drugs, and criminality. Furthermore, Duterte has sworn to 'fix Mindanao,' to solve the 'Moro problem' as he expressed support for the BBL. Although he has seemed keener on a federal

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solution, which he sees as the 'only way of bringing lasting peace'. Federalism offers a political system with self-rule for regions and shared rule for regional governments and a central government functioning with different responsibilities within which they are autonomous. Leaders of both the MILF and the MNLF had expressed optimism that the President's political will would lead to the creation of a new political body in Muslim-dominated areas in Mindanao, although with the reservation to pass the BBL first. The failure to ratify the BBL in Congress rests on the previous administration, and it is probable to set the progress of the peace process back. In addition to the ongoing peace process with the MILF, Duterte vowed to build peace within three to six months with other groups. Almost a year after being elected Duterte has accomplished very few of his promises. Many of the attempted negotiations have broken down, and Duterte's rhetoric of inclusive peace has changed to promoting all-out war.

This latest situation with the Marawi Crisis and the declaration of martial law in Mindanao is potentially devastating for peace in the Philippines. The situation resembles the spoiler attempt to derail the GRP-MILF peace agreement by a faction of the Moro National Liberation Front (MNLF) – who negotiated a peace accord in 1996 – where a group of 200 men held the fifth largest city in the Philippines in a 20-day siege in September 2013, which left a death toll of 191 and thousands of displaced people. The Philippines has a tumultuous past where rebellion and dissent have been met by hard security measures. What many has called "localised police issues" is met by extreme force and is likely to cause major upsets on the road to peace. Far too many times have all-out war approaches been unsuccessful in the past. Add this to the 'war on drugs' – where more than 7,000 have died – and the current administration have a difficult task ahead despite demonstrating indifference for critique and human rights violations. Distasteful statements by President Duterte also raise alarm bells. On 27 May, he 'jokingly' told the AFP that "if any of them were to rape three women, he would personally claim responsibility for it."

Another similarity to the current situation can be found post-9/11 when the Philippines was dubbed the 'second front' in the 'war on terror'. Increased US funding and joint military training and operations led to an increased legitimisation of hard security measures. Another attempt in eradicating the 'Mindanao issue' was initiated. The GRP did not succeed, despite the US-backing, but it did, however, lead to a mutual exasperation with both the MILF and the GRP. Martial law offers Duterte an opportunity to step up the use of force, and he has claimed links between the Marawi Crisis and the 'war on drugs'. Another indication that Duterte will very likely see out the martial law and possibly extend it further is that he 'admitted' that he had lost control of the 'war on drugs' in a speech on 11 August. Whether martial law will extend to other parts of the Philippines remains to be seen, but it is likely. The Marawi Crisis might be the opportunity Duterte has been waiting for although it does not seem that the President feels the need for any justification for his actions. This, of course, goes against the election promises of ending conflict at the negotiation table. Nevertheless, it is also another example of the strongman style of governance Duterte demonstrated during his time as mayor of Davao City. Duterte, himself a Mindanaoan, was believed to have a better understanding and personal connections to include more actors in the peace processes. This now seems an unlikely progression. There have been reports of increased military presence and operations throughout Mindanao in attempts to pacify the NPA and consolidate the military rule and possibly lay the groundwork for a nationwide imposition of martial law. This could also prove to spill over to become a regional problem as the AFP reports having found dead fighters from Indonesia, Malaysia and Singapore in the streets of Marawi City.

The situation in the Philippines is rapidly moving down a slippery slope of increased violence from parties on all sides involved in the various peace processes as well as the actors outside of the peace talks. Military rule and restrictive measures and actions towards the local population is likely to spark more discontent and violence in Mindanao, which could spill over to other parts of the Philippines but also to the neighbouring states of Indonesia, Malaysia and Singapore. Increased human rights violations in the name of the 'war on drugs' will seemingly continue as Duterte has ignored all exogenous critique and calls for ending the violence. Duterte has also received support for his approach from President Trump and also lately from Russia where he was on a state visit when he declared martial law. Lessons can be drawn on from the past. For many Filipinos, martial law is reminiscent of the horrors of the authoritarian rule under Ferdinand Marcos, nevertheless, others, President Duterte included, seem to romanticise that dark period of Filipino history. Last November, Duterte approved a controversial claim to move Marcos's remains to the heroes' cemetery and also give him a hero's burial. The turmoil in Mindanao and the effect of martial law will likely mean that peace is unlikely to happen anytime soon. The already settled peace agreements are also in jeopardy, and the road to peace has suddenly become even longer and more winding than after his promising

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rhetoric of an inclusive peace.

Notes

The NDF is a communist coalition representing the Communist Party of the Philippines (CPP) and its armed wing the NPA at the peace talks.

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About the author:

Rikard Jalkebro (@RiKVii7) has a PhD in International Relations from the University of St Andrews, which focused on peace and conflict studies and terrorism studies in the Philippines. His principal research interests expose the juncture between the dynamics of peace processes and terrorism, with a particular focus on organised crime and corruption. He is a Teaching Fellow in the School of International Relations at the University of St Andrews.