

Is there a New Government Paradigm in Addressing Internal Armed Conflicts?

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I. INTRODUCTION

Thank you Ateneo de Manila University Law School, the *Ateneo Law Journal* and the University for Peace for inviting me to this Symposium.

Let me begin by saying a few words about “paradigms” and “peace processes.” In this presentation, by the word “paradigm,” I shall mean a “framework, a pattern, a mindset.” I shall attempt to explore briefly the “mindsets” — that set of assumptions, methods or means — of people or groups within Government that create a powerful incentive to continue to adopt, accept, or reject behaviors, ideas, and choices in response to perceived reality. On the other hand, since the concept of “peace processes” can be so broad, I mean by the term “peace processes” those processes addressing internal armed conflicts, specifically the major internal armed conflicts in the Philippines.

The whole presentation will ultimately strive to answer one single question: Is there a new government paradigm in addressing the internal armed conflicts?

The presentation shall be divided into two parts: the first part will be a discussion on the “paradigms” of government, and the second part will tackle the so-called “new paradigm.”

II. THE “PARADIGMS” OF GOVERNMENT

The approach of the Philippine Government to internal armed conflict has been a constant struggle, a perpetual push and pull, a never-ending

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competition between three competing approaches or policy objectives in dealing with armed groups.

In solving internal armed conflict, the Philippine Government's approaches have alternated between these approaches:

- (1) "Military victory" or crushing the armed groups in a decisive military manner;
- (2) "Pacification" or making sure that hostilities do not escalate but without seriously addressing the root causes of the problem; and
- (3) "Institutional change" or responding to the root causes of the conflict by seeking a transformation of Philippine society.

This constant struggle is found not just found within the present Macapagal-Arroyo administration, but also between and among a series of administrations — from the time of Marcos to Estrada. These positions are found also among and within groups. Thus, there are adherents, for example, for all three positions within the security forces, within the Cabinet and even within civil society groups. No one position is clearly dominant and this is one of the reasons for the protracted nature of Philippine internal conflicts.

These three policy objectives are expressed and found in two main paradigms or frameworks that define the agenda of the Philippine Government in addressing internal armed conflicts. The first paradigm is the Comprehensive Peace Process Paradigm, while the other is the Counter-Insurgency Paradigm. I will give a few words on each paradigm.

III. THE COMPREHENSIVE PEACE PROCESS PARADIGM

Executive Order No. 3 dated 28 February 2001 defines the Comprehensive Peace Process by providing that "the primary objective of the Government is stated to be the attainment of a just, comprehensive and enduring peace under the rule of law and in accordance with constitutional processes, which is the basic foundation for sustainable economic and human development and national prosperity."¹ This "requires not merely the end of internal armed conflicts, but just as importantly the resolution of root causes of the armed conflicts and social unrest, transformation of Philippine society to one characterized by justice, equity, tolerance, harmonious pluralism, and full respect for human rights."

In Section 3, three principles of this Paradigm are outlined:

1. Office of the President, Defining Policy and Administrative Structure: For Government's Comprehensive Peace Efforts, Executive Order No. 3 (Feb. 28, 2001) [hereinafter E.O. No. 3].

Firstly, “a comprehensive peace process should be community-based, reflecting the sentiments, values and principles important to all Filipinos. Thus, it shall be defined not by the government alone, nor by the different contending groups only, but by all Filipinos as one community.”²

Secondly,

a comprehensive peace process aims to forge a new social compact for a just, equitable, humane and pluralistic society. It seeks to establish a genuinely pluralistic society, where all individuals and groups are free to engage in peaceful competition for predominance of their political programs without fear, through the exercise of rights and liberties guaranteed by the Constitution, and where they may compete for political power through an electoral system that is free, fair and honest.³

Thirdly, “a comprehensive peace process seeks a principled and peaceful resolution to the internal armed conflicts, with neither blame nor surrender, but with dignity for all concerned.”⁴

To implement this Paradigm, the “Six Paths to Peace” are offered:

- (1) Pursuit of social, economic and political reforms;
- (2) Consensus-building and empowerment for peace;
- (3) Peaceful, negotiated settlement with the different rebel groups;
- (4) Programs for reconciliation, reintegration into mainstream society and rehabilitation;
- (5) Addressing concerns arising from continuing armed hostilities; and
- (6) Building and nurturing a climate conducive to peace.⁵

These paths are seen as “interrelated and not mutually exclusive” and “must be pursued simultaneously in a coordinated and integrated fashion.”

IV. THE COUNTER-INSURGENCY PARADIGM

The Counter-Insurgency Paradigm, on the other hand, proceeds from the following premise:

Situations of political strife, social instability and armed conflict as a result of subversive and secessionist insurgencies waged by the Local Communist Movement, the Southern Philippines Secessionist Groups and other threat

2. E.O. No. 3, § 3 (a).

3. *Id.* § 3 (b).

4. *Id.* § 3 (c).

5. *Id.* § 4.

groups hamper growth and development. Although police and military internal security operations are necessary responses, by themselves, security responses will not resolve the insurgency problem which is deeply rooted and multidimensional. Thus, political, socio-economic, psychosocial and informational responses are also required to address conditions that breed discontent arising out of poverty, ignorance, disease and injustice.⁶

This Paradigm employs the Strategy of Holistic Approach (SHA) as the grand strategy in “defeating both the communist and the secessionist insurgencies” and envisions a “psychologically and physically secure environment conducive to equitable and sustainable development.”⁷

The Counter-Insurgency Paradigm is illustrated as the combined efforts of the Two Hands: the “Right Hand of Force” and the “Left Hand of Friendship.” The “Right Hand of Force” aims to counter the insurgents primary and secondary power factors not only through traditional military campaigns but also through political, legal, diplomatic and propaganda offensives. The “Left Hand of Friendship” involves programs and activities meant to address the causes and issues of the conflict, prevent the rise of insurgency, and win the hearts and minds of the people.

The SHA has seven broad objectives:

- (1) Decisively defeat the armed groups;
- (2) Dismantle the politico-military infrastructure of threat groups;
- (3) Defend communities, protect the people, and secure vital installations;
- (4) Re-establish government control and authority in contested areas;
- (5) Significantly reduce the root causes of insurgency;
- (6) Isolate the insurgents and deny them personnel, intelligence, material, and psychological support; and
- (7) Win the trust, confidence, and respect of the people.

6. From the National Internal Security Plan. The National Internal Security Plan, the guiding policy document on “threats to internal security,” was written sometime in 2004 and has since been “enhanced;” it is a “classified” document, not available to the public [hereinafter NISP]. Maria Socorro Dikono, *Extrajudicial, Summary or Arbitrary Executions In the Philippines, 2001-2006*, available at <http://www.hurights.or.jp/asia-pacific/048/05.html#n14> (last accessed May 29, 2009).

7. E.O. No. 3, § 2.

It is clear that the two paradigms are different, clearly in conflict. While the goal of the Comprehensive Peace Process is a “just, comprehensive and enduring peace under the rule of law”⁸ and “requires not merely the end of internal armed conflicts, but just as importantly the resolution of root causes of the armed conflicts and social unrest, transformation of Philippine society,”⁹ the Counter-Insurgency Paradigm aims to “defeat” both the communist and the secessionist insurgencies, and envisions a “psychologically and physically secure environment conducive to equitable and sustainable development.”¹⁰

While on the one hand, the Comprehensive Peace Process Paradigm seeks to go beyond the resolution of the issues that underlie and trigger armed violence and seeks a long-term and sustainable solution to the problem of internal conflict; on the other hand, the Counter-Insurgency Paradigm seeks only the destruction of the insurgency by addressing the symptoms and consequences of the conflict.

There exists a sustained dynamic competition and tension between the two in Government. This is exhibited by cycles of predominance by one or the other, depending on the changing situations of conflict, threat assessments, and factors within and outside of government, i.e., the President, the Cabinet, the security sector, civil society and within the conflict situation itself. This dynamic tension is shown in the Government’s apparently contradictory yet simultaneous pursuit of negotiations and military operations.

V. THE “NEW PARADIGM:” MEMORANDUM DATED 19 AUGUST 2008

After the unprovoked attacks by rogue MILF commanders on civilian communities, the President issued a Memorandum to the Presidential Adviser on the Peace Process dated 19 August 2008. This Memorandum seems to be the source of the popular perception that there is a “new paradigm:”

The conflict in Lanao del Norte has highlighted the need for a new premise on our peace efforts. Henceforth, the focus of our peace processes will not only be on negotiating with armed groups but more importantly, on authentic dialogues with the people in the communities.

These dialogues with the communities will be centered on ending all forms of armed rebellion in the country. By talking directly with the people, we aim to achieve a national consensus against armed struggle as a means of achieving political and social change.

8. *Id.* Whereas clause.

9. *Id.*

10. NISP, *supra* note 6.

The parameters governing our negotiations, particularly in defining societal change, will be a balance between constitutionality and public sentiment. In this regard, disarmament, demobilization and rehabilitation (DDR) will be the overall framework governing our engagements with armed groups in peace talks.

Our people, through these engagements, will necessarily make all armed groups accountable to the people and the government for all their actions. In effect, our people — together with government — will be the primary force in defining the shape and direction of societal change, not the force of arms.”

But is there really a “new paradigm?” A quick look at the Memorandum will show the following:

First, the Memorandum is clearly a document of compromise, a terrible balancing act by the President, a prime example of that long-standing, protracted policy debate: military victory, pacification, or structural reform?

Reading the Memorandum, it would seem to appear that Government is taking a populist yet naive stance. “Talking directly with the people to achieve a national consensus against armed struggle as a means of achieving political and social change” might appear too simplistic but if seen in the light of the political context that emerged after the so-called Memorandum of Agreement on the Ancestral Domain (MOA-AD)¹¹ fiasco, it is clearly a political move to save the peace negotiations by responding to the criticism of public opinion that the negotiations were done in “secret” and its purpose was to reassure the public that henceforth their voices and sentiments will be heard.

Secondly, there is no new paradigm, only a “new premise” and a new focus — “not only negotiating with armed groups but also, or more importantly, authentic dialogues with the people in the communities.” The paradigm remains to be the same. In fact, this falls squarely under the First Principle of the Comprehensive Peace Process: “[A] comprehensive peace process should be community-based, reflecting the sentiments, values and principles important to all Filipinos. Thus, it shall be defined not by the government alone, nor by the different contending groups only, but by all Filipinos as one community.”

Thirdly, despite what happened, it is clear that the President continues to value the negotiations with the MILF and is serious in pursuing the Comprehensive Peace Process track, rather than Counter-Insurgency. The President could have easily (and with popular support to boot) dropped the negotiations altogether and called for “all-out war.” But she did not (despite the strong pressure and lobby of certain persons in the Cabinet to do so) and

11. Memorandum of Agreement on the Ancestral Domain Aspect of the GRP-MILF Tripoli Agreement on Peace of 2001, Aug. 5, 2008.

this is because the President believes that the way to solve the Mindanao problem would be through a negotiated political settlement.

Finally, while the Memorandum dated 19 August 2008 reaffirms the Government's commitment to the Comprehensive Peace Process Paradigm, the battle continues within Government as to how we can truly solve or transform the armed internal conflicts. No paradigm has the clear hegemony. Government policy remains to be a contested arena.

Thank you very much and good morning.