
Duterte, the Bangsamoro Autonomous Region conundrum and its implications

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Abstract:

After the stalling of the negotiations for the approval of the Bangsamoro Basic Law (BBL), during President Aquino tenure, the election of Rodrigo R. Duterte as the President of the Philippines has been hailed as a fresh opportunity for the negotiations aimed at the creation of an autonomous region in the Southern Philippines. The challenges posed by the creation of the Bangsamoro Autonomous Region (BAR), are indeed complex and multifarious. On the one side, lies the pressing moral and political need to redress the historical wrongs of colonialism, re-establish the legitimate ancestral territorial rights of the Muslim Moro populations and put an end to decades of conflict. On the other side of the spectrum lie several social, strategic and geopolitical risks associated with the creation of the BAR in the Southern Philippines, an initiative that has been met with the opposition of a huge part of the political establishment and the public opinion. This is due to the lingering doubts that the creation of such an entity could eventually lead to the establishment of a Muslim-ruled substate in the South of the Philippines, whose negative implications could overreach the Filipino borders and spread across the region. The instances of the Bangsamoro people have been met with conciliatory tones by Duterte, who promised to deliver on the issue by building on a federalist platform that should be extended to the whole of the Philippines. However, implementing such a platform could spark a series of chain effects, with domestic and regional implications. This paper provides an analysis of the steps leading to the creation of the Bangsamoro entity and its potential implications.

Introduction

The passing of the BBL under Duterte could mark the epilogue of a peace process initiated by the Ramos presidency with the signing of the General Cessation of Hostilities *¹ on 18 July 1997 in Cagayan de Oro City and followed in 2014 by the signing of the crucial Comprehensive Agreement on Bangsamoro (CAB *²) between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF *³). The signing of CAB has been acclaimed by many regional and international actors *⁴ as a turning point towards the creation of the BAR, as well as a game changer towards the end of the clashes that, since the 1970s, have characterized the relationship between the Moro guerrilla in Mindanao and the Government of the Philippines (GPH).

This paper offers an analysis of the negotiation process aimed at the establishment of the so called Bangsamoro Autonomous Region in the Southern Philippines, and provides an in-depth insight of the evolutionary process of its legislative backbone, the Bangsamoro Basic Law (BBL). This is done through a historical analysis of the documents that have marked the key steps of the BBL, with a focus on the most controversial aspects that have stirred up strong opposition from many sides of the Filipino political establishment, with polarizing opinions among the society and even the Catholic Church *⁵, which eventually led to the failure to pass the BBL during the Aquino presidency. The paper also provides a preliminary analysis of the solutions suggested by President Duterte and the associated implications at a domestic and regional level, as well as a thorough analysis of the potential implications arising from the creation of a MILF-led autonomous region in the Southern Philippines.

The paper includes four sections. The first section provides a dutifully documented description of the hurdles that have caused the BBL to stall in both houses of the Congress during the Aquino presidency. The second section describes the suggested changes and initiatives to revive the negotiation process brought on the table by President Duterte. The third section provides a holistic analysis of the potential implications of the creation of an autonomous region in the Southern Philippines. The fourth section includes the conclusive remarks and some recommendations.

SECTION I: The BAR challenges during the Aquino administration

The Aquino administration was very receptive towards the instances of the Moro people and their territorial claims. Nonetheless, despite the personal efforts lavished by the President Aquino in favor of the passing of the BBL, the bill failed the approval of the Congress before the end of Aquino's tenure. This sparked a new wave of discontent among the Moro people and the organizations that support the establishment of the Bangsamoro Autonomous Region.

To date, the various iterations of the BBL have managed to spark discontent among all parties involved, raising a chorus of complaints from several influential voices, who highlighted several constitutional issues contained in the BBL, as well as the risks posed by a MILF-

led BAR, and the potentially unwanted outcomes spurring from the creation of what could essentially become de-facto a Muslim-led substate in the Southern Philippines. Unsurprisingly, some of the most vocal critics of the BBL come from influential decision-makers within the Philippines' political establishment, who have expressed perplexities on a variety of issues.

Such issues, reportedly, pertain to the constitutional legitimacy of the Bangsamoro Basic Law (BBL), from which a series of geopolitical and security implications could originate.

Recently renamed as Basic Law of Bangsamoro Autonomous Region (BLBAR ^{* 6}), this document constitutes the legal mainstay regulating the relations between the future BAR and the GPH. The BLBAR is a heavily amended version of the earlier BBL, which had been deemed unconstitutional, with a modified version proposed by the Government of the Philippines deemed unacceptable ^{* 7} by the leadership of the MILF and other groups ^{* 8}. On the other hand, many within the political establishment highlight the security and geopolitical risks that the BAR could become a quasi-independent Islamic substate. This possibility carries several potential implications, like the risk for the region to turn into a safe-haven for regional and international terrorist groups, or a host for more extreme streams of Islam, affecting the geopolitical stability of the region.

Other widely debated aspects pertain to specific internal mechanisms of the peace process, such as the challenges posed by the monitoring of the weapon decommissioning of MILF and other rebel groups, the lack of representativeness for many non-Muslim Bangsamoro groups and other rebel groups in the region, as well as the doubts relating to the role of Malaysia in the negotiations, an aspect that may also have geopolitical and security fallouts, given Malaysia's historical role in supporting and sheltering Muslim rebels in the region, and its specific geopolitical interests in the territorial dispute pertaining to the region of Sabah ^{* 9}. The section below further illustrates these issues in greater detail.

Unconstitutionality

During a speech in 2014 Senator Miriam Defensor Santiago pointed out that the Comprehensive Agreement on Bangsamoro (CAB) and the Bangsamoro Basic Law (BBL), then called House Bill HB 4994 ^{* 10}, were unconstitutional ^{* 11}. Senator Santiago identified a series of problems, essentially amenable to the three points below:

- 1) The risk that the passing of the BBL could eventually lead to an attempt to change the constitution, affecting the country's sovereignty ^{* 12}.
- 2) Several provisions hinting at the possibility that the new BAR could become a substate ^{* 13}.
- 3) Reportedly, the negotiations were being conducted exclusively between the MILF and the executive branch of the government, without any participation of the Judiciary and the Legislative branches, making the whole process devoid of official legitimacy ^{* 14}.

Later in 2015 another 12 Senators echoed Senator Santiago's opinion ^{* 15}, declaring the

BBL, in its then current form, unconstitutional *¹⁶. In reply to these objections, the BBL underwent marginal amendments and was renamed as Basic Law of Bangsamoro Autonomous Region (BLBAR), evolving into two different versions. One called Senate Bill SB 2894 *¹⁷ presented in August 2015 to the Senate by Sen. Ferdinand Marcos Jr and including several amendments *¹⁸, pushing for a more inclusive role for the MLNF *¹⁹; the second, named House Bill HB-5811 *²⁰, filed for approval in May 2015 by Rep. Rufus Rodriguez. At the end of the Aquino mandate the negotiations on the BLBAR came to an abrupt stop due to both the need to implement further amendments, and increasingly tensed relations between the GPH and the MILF following the Mamasapano Incident *²¹.

Lack of representativeness

During her speech, in March 2014 Senator Miriam Defensor Santiago *²² also stated that, since the MILF appears to be the sole interlocutor of the GPH in the negotiation process, one of the main issues, should the BBL pass in its current form, would be that it might not be adequately representative of other minorities and militant groups involved in the process, potentially paving the way for a new wave of grievances.

Grey areas also affected the latest draft of the BBL/BLBAR (HB 5811); for example, the Preamble mentions “non-Moro indigenous people, Christian settlers and other inhabitants” as part of the Bangsamoro. Yet Article II of such document, aptly named “BANGSAMORO IDENTITY”, specifies the following:

“Those who at the time of conquest and colonization were considered natives or original inhabitants of Mindanao and the Sulu archipelago and their adjacent islands including Palawan, and their descendants, whether of mixed or of full blood, shall have the right to identify themselves as Bangsamoro by ascription or self-ascription. Spouses and their 38 descendants are classified as Bangsamoro”.

Again, also in this case, if the inhabitants of the region include non-Muslims, non-Moro and indigenous groups, what is the need to specify what a “Bangsamoro identity” is, further narrowing down the concept of “Bangsamoro Identity” only to those whom, at the time of the colonization were natives or original inhabitants of the region? The issue seems to have become one further thorn in the side of the BBL, especially with regards to the rights of indigenous people *²³.

The role of Malaysia

The GPH-MILF negotiations are not happening in a vacuum; the process involves several entities *²⁴. While the joint role and supervision of all these organizations is essential, an even more important role is attributed to the Islamic entities supporting the process, like the Organization of the Islamic Cooperation (OIC), Brunei and, finally, Malaysia, all of which contribute to the process under the umbrella of what has been termed as “Islamic Diplomacy”, to indicate the specific mediation role of the Islamic organizations and other Islamic actors in

the process. Malaysia, under explicit request of the MILF^{* 25}, has been playing an important role as facilitator in the negotiation process between the GPH and the MILF.

However, several voices have raised doubts on the nature of Malaysia contribution^{* 26} caused by the mistrust running between the two countries due to the destabilizing policies^{* 27} and the support Malaysia has provided to the rebels in Mindanao, especially to the MILF and then MNLF^{* 28}, since the late 1960s and till recent times. Another, more cogent issue is the one related to the Philippines' territorial claims on Sabah^{* 29}.

Decommissioning and delivery of all MILF weapons

On June 16 2015, the MILF handed out the first batch of its weapons, also decommissioning 145 of its older veterans^{* 30}. The key documents on decommissioning include the Annex on Normalization^{* 31} and the Framework Agreement on the Bangsamoro (FAB)^{* 32}. Article 5 of Section VII of the FAB, states the following:

"The MILF shall undertake a graduated program for decommissioning of its forces so that they are put beyond use"

The decommissioning process is to be monitored by an Independent Decommissioning Body (IDB)^{* 33} composed by a team of international experts. However, three main doubts exist on the efficacy of the decommissioning and on the actual willingness of MILF and other rebel groups to fully decommission troops and weapons.

First, the mutual distrust between the GPH the MILF and the other groups. This aspect is epitomized by the repeated cycles of conflict and peace between government forces and the various groups of rebels. Second, the lack of an accurate inventory of MILF weapons to adopt as a baseline to compare the number of weapons delivered against such inventory makes it hard to monitor the decommissioning process. In this regard, MILF's former spokesman Eid Kabalu^{* 34} stated that, given the internal fragmentation between MILF's political leaders and frontline troops, there is a high chance that the latter may refuse to lay down their weapons. Third, should one group disarm, it would become an easy prey^{* 35} for the other groups that have not given their consent to disarm, which would then gain the upper hand on those that gave their consent to disarming and disbanding.

SECTION II - President Duterte's contribution to the table of negotiations

The election of Rodrigo "Rody" Duterte as President of the Philippines in June has infused new hopes among the Moro communities. There is no doubt that President Duterte is the right person for the job. Born and bred in the region, and with decades of experience in local politics as a Mayor of Davao, Duterte is not only politically and ideologically attuned with the local communities, but also has a deep understanding of the Mindanao region, and enjoys personal links with rebel groups' leaders and other important regional actors. These represent important qualities in a region like Mindanao, where blood links, family lineages and people-to-people

relations determine alliances, bonds and the success of dealings of all sorts and often count more than written laws.

In broad terms, Duterte's relations with the MILF have been articulated around 3 main priorities: First, building confidence among the parties involved, to maintain stable relations with the MILF and other groups, while deterring possible terror acts and discouraging other rebel groups from joining the Islamic State. Second, making the process more inclusive, to increase consensus. Third, defining measures that allow for a swift development of the region, to create sustainability and opportunities for the local populations.

However, while sympathetic towards the cause of the Bangsamoro, also Duterte's posture vis-à-vis the BBL and the BAR has slightly changed since his arrival in Malacañang^{* 36}, with his line of action now seemingly linked to the fulfillment of three broad conditions. First, the resolution of the investigation of the Mamasapano Incident, where 44 soldiers of the Special Action Force (SAF) were killed and their bodies desecrated^{* 37}. The Mamasapano Incident has generated a high level of anti-Moro polarization in the Philippines, making the BAR and the BBL very unpopular among citizens and politicians alike. The second is the need to purge the BBL from the anticonstitutional elements that have drawn so much flak from all sides of society^{* 38}, and on which Duterte himself has expressed his perplexities^{* 39}. The third element is perhaps the most controversial and complicated. One of the main limitations of the BBL in all its iterations resides in the degree of independence and the sense of "exceptionalism" such a legal framework reserves to the new regional entity. In some of its versions the BBL went as far as suggesting that the creation of the BAR could require constitutional amendments, an idea strongly opposed by Duterte, whose idea is focused on a solution based on federalism, either nation-wide or for the Bangsamoro only.

While the idea of federalism has been welcomed by the Moro Islamic Liberation Front chair, Al Haj Murad Ebrahim, such formula may not, *ipso facto*, be satisfactory for the ambitions of the Moro people and the level of autonomy such solution would allow for. Furthermore, other divisions exist on the model of federalism to adopt. While Duterte would like to implement federalism nationwide first and then implement the BBL in the Bangsamoro region only if necessary, to further address the specificities of the Bangsamoro, the MILF would rather prefer to see the BBL passed first and then the federalism implemented and regulated by said BBL^{* 40}, as the MILF leadership deems that federalism alone would not address the real issues the Bangsamoro are striving for^{* 41}.

A further element that adds up to the complexity of the scenario is the clear anti-American turn that has marked Duterte's presidency since its onset^{* 42}. The GPH-US relations and the Bangsamoro issue are deeply related to each other in many ways. This political course seems to be dictated by a mix of historical and realpolitik reasons^{* 43}. Many in Mindanao never forgot the age of American colonialism in the region, where deep open wounds still exist and cyclically recrudescence, feeding growing anti-American feelings. At the same time the various

military cooperation agreements the Philippines and the United States have signed, to date have granted the Philippine access to US' support in the counterinsurgency effort. Normally underplayed by previous presidents for the sake of political stability, the toxic combination created by the topic of American colonialism and the US meddling in the Philippines' domestic affairs has reacquired momentum under Duterte's office, becoming a defining element of his domestic and foreign policy. At the moment, it is not clear whether Duterte's "rebalancing" multilateral policy^{* 44} is aimed at a clear break of the long-term relations between the Philippines and the US, and a shift towards China and Russia, or whether such policy is simply aimed at assuming an equidistant posture between the US and other major powers. While an in-depth analysis of the relations between the Duterte administration and the US is not within the scope of this paper, two elements of such policy that may affect the security environment of the Southern Philippines should be highlighted here. First, in distancing the Philippines from the influence of the United States, Duterte has, among other things, asked for the departure of all US troops currently operating within the territory of the Philippines within two years^{* 45}. Second, he has also hinted at the potential need to revise all existing treaties and agreements pertaining to GPH-US military cooperation. While these measures may be justified by the high level of intolerance towards US troops in Mindanao, as well as by the perception that the US meddling in Philippines' domestic affairs may be negatively affecting the country, the consequence of a departure of the US troops from the Philippines and Mindanao opens a strategic, critical vacuum in Philippines' counterinsurgency infrastructure.

SECTION III - Implications

When considered from a holistic perspective, the summa of issues highlighted in the sections above gives way to an extremely complex set of implications bearing potential domestic and regional consequences. It is important to note that many challenges will continue to linger regardless of whether the BBL is passed or not, making it a potentially unviable solution in satisfying the instances of the Bangsamoro people, while granting adequate levels of safety for both the GPH and the region as a whole.

Even assuming that the Congress finally passes an amended version of the BBL purged from all its unconstitutional elements to pave the way for the creation of the BAR, the establishment of such an entity, if not properly managed, poses a series of security issues on a domestic level, with a series of potential regional spillovers that can roughly be grouped into two macro-categories. First, security issues determined by internal dynamics, like the legal hurdles and the clashes among different ethnic groups or among different rebel groups. Second, issues related to the nature of the leadership involved in the whole BBL and BAR process, and their domestic and transnational implications. The section below offers a better detailed insight of such risks, which include:

Disagreements between rebel groups

The galaxy of Muslim militant groups in Mindanao is characterized by a complex mix of ethnic-religious issues and diverging political goals. In particular, four major groups, Bangsamoro Islamic Freedom Fighters (BIFF), a spinoff of MILF, Abu Sayyaf Group (ASG), Bangsamoro Justice Movement (BJM) and the Filipino branch or Jemaah Islamiyah (JI) have pledged allegiance to the Islamic State (IS) and now support the creation of a totally independent caliphate in Southeast Asia ^{* 46}. This represents a major goal shift, in both political and ideological terms, compared to the idea of an autonomous or even an independent Bangsamoro region in Mindanao. Additionally, rogue fringes of the MILF cooperate with the BIFF to carry out attacks like the one in Mamasapano. As to the other heavy weight, the Moro National Liberation Front (MNLF) ^{* 47}, since the appointment of the new MNLF's leader, Datu HJ. Abul Khayr Alonto, the group has adopted a softer approach, supporting ^{* 48} the MILF's autonomy project and under Duterte seems to have become integral part and a supporter of the peace process. Furthermore, Duterte's recent act of indulgence towards MNLF's former leader, Nur Misuari, while criticized by huge shares of public opinion, is due to add further solidity to the negotiations ^{* 49}.

However, even if Duterte's attempts to widen the sphere of consensus to all these groups may succeed to an extent, it is not clear whether such consensus would hold in the long term. While a negotiated peace could, potentially, hold till the BAR has become reality, new clashes could occur over ethnic, political or other issues once the MILF takes control of the ganglions of power in the region. Also, while negotiations based on people-to-people relations may contribute to build personal connections that might be conducive to a certain degree of stability in the short and middle term, this approach hardly seems an optimal solution to provide long term stability. In this respect, it is not clear whether a BAR built on a complex network of personal relations and Islamic diplomacy, could hold and grant stability in the long term, without an adequate institutional framework shared and accepted by all parties involved.

The potential for the BAR to become a hotbed of Wahhabism and Islamist extremism

Once established, the BAR is set to develop tight relationships with several Islamic countries in the middle east, including Saudi Arabia, which could use its economic clout to promote a Wahhabi agenda in the region. The MILF and Saudi Arabia enjoy solid relations, dating back to the 1980s, when the MILF sent its fighters to fight in the Soviet-Afghan war. Furthermore, many MILF and MNLF leaders have pursued Islamic studies in Saudi Arabia and Egypt. The influence of Saudi Arabia in the region clearly emerged in the 1990s, when Al-Qaeda set up shop in the region, raising funds through a network of charities and other entities, including the Saudi-sponsored International Islamic Relief Organization (IIRO) ^{* 50}, whose governing board included members of Al-Qaeda ^{* 51} and, at some point, even a Saudi Ambassador ^{* 52} in the Philippines. The entity was operated as an umbrella organization

to finance Al-Qaeda's network in the Southeast Asian region, till the whole network was disbanded following the deadly attacks carried out in Indonesia between 2002 and 2005^{*53}.

Saudi Arabia today is not only an important observer^{*54} in the negotiations for the BBL and the BAR. Through its political and economic emanations, the Organization of Islamic Cooperation (OIC) and the Islamic Development Bank (IDB), it is expected to become one of the major stakeholders in the region, with substantial investments and Islamic "value-based"^{*55} initiatives in all countries with Muslim-majority populations, like Indonesia, Malaysia and, under the blessing of Duterte, Mindanao^{*56}. Saudi Arabia is also one of the major sponsors of Salafi terrorism and the Wahhabi^{*57} brand of Islam. The economic power of Saudi Arabia could provide a strong contribution to the spread of the Wahhabi ideology in the region, traditionally associated to the more moderate Shafi'i school of Islam with Buddhist, Sufi, Animist and Hinduist influences, slowly turning the region into a hotbed of Wahhabi Islamist nationalism, playing on existing grievances and growing anti-American and anti-Western feelings.

Despite the MILF not being a strictly Wahhabi-inspired organization, its historic links with Wahhabism, Salafism and Saudi Arabia cannot be underestimated, making it a risky political partner to negotiate with, when it comes to giving ruling powers on such an important region like the BAR. Another element to consider in this context, is the growing risk of extremism and the anti-American thrusts emerging in Malaysia, which is a key partner of MILF in the negotiation process.

The MILF and the potential risks for the BAR to become a potential safe-haven for terrorists

Although not being a transnational organization inspired by Salafi doctrine, the past of MILF is constellated by an history of consolidated transnational connections and cooperation with other rebel and Islamist organizations, and many of such links with regional and transnational groups are still active today^{*58}. This poses legitimate questions on whether the MILF is an appropriate and reliable interlocutor for negotiations and a trustworthy partner for the leadership of a future BAR in the long term.

Defining the role of MILF becomes even more important if considered from the perspective of a region affected by growing turmoil and governance instability and a higher risk of transnational terrorism where, as some point out, terrorist groups could attempt to take sanctuary in regions like Sabah in Malaysia and Mindanao in the Philippines. In fact, several rebel groups in Mindanao have already pledged allegiance to ISIS^{*59}, while analysts pointed out the growing presence of logistic bases and training camps in the Philippines^{*60}. This occurs in a regional landscape characterized by growing radicalization in both Malaysia and Indonesia^{*61}, as shown by the recent attacks in Jakarta^{*62}, the arrests^{*63} of several terrorists in Malaysia, as well as the expanding connections and active cooperation between these groups in Malaysia, Indonesia and the Philippines, as revealed in a recent report by the Institute for Policy Analysis of Conflict (IPAC)^{*64}.

The defeat of ISIS in the Middle East could motivate a shift of theater, pushing returnee-fighters and elements of the command chain of ISIS to look for a safe haven in the region, opening a new front in Southeast Asia, where the organization could build on the grievances generated by bad governance and long standing issues existing region-wide, with the emergence of a new generation of fighters, able to exploit the political weaknesses of these countries to generate dissent and then fill the ideological vacuum with values and goals more in tune with ISIS agenda, building on the myth of a “Southeast Asian Sultanate”.

An epitomic case in point of these dynamics at work is the relatively widespread support the Islamic communities have been showing towards the Islamic State and its goal to create a Caliphate in the Southeast Asian region. While in statistical terms the number of those who overtly support the Islamic State doctrine in a region traditionally known for its form of moderate, tolerant Islam, appears low, the idea of a Caliphate or a pan-Asian Sultanate has a strong appeal to a much wider audience, because it has roots in the historical claims of the Muslim communities across the whole region, and evokes the mythicized precolonial age of Sultanates, depicted as an age of peace, morality, prosperity and cultural and political primacy for Islam. This type of common sentiment cyclically re-emerges throughout the region, generating hopes and, in some cases, feeding into the narratives and agendas of extremist groups.

In the case of Mindanao, this type of feeling, in between the grievance and the nostalgic feeling of an Islamic renaissance, appears to be fueled also by more earthly motivations, like the frustrations engendered by the still open historical wounds of the colonialism and the decades of abuses the Muslim communities in Mindanao had to endure from the central government, which generated a sense of discrimination and estrangement from the rest of the Filipino society, engendering the perception within those communities that the sine-qua-non condition for them to thrive is to become independent from the supranational control of the central government and take their destiny in their own hands. Assuming this rationale is true, it appears clear that mere autonomy may not be enough for many in the region and that within a federalized autonomous BAR there could still be ample room for internal dissatisfaction.

What are the implications?

The combination of factors highlighted in the previous sections entails various implications, some of which are obvious, while others are less obvious. All of these implications contribute to add new layers of complexity to the BBL negotiations and the BAR issue.

First, the political posture taken by both the MILF and the MNLF on the one side and the Duterte administration on the other at the negotiation table suggests that, while there is a sincere dose of good will which is prodromal to creating the right environment for a positive outcome, the legal, political and social challenges this poses could result in sub-optimal outcomes for all parties involved, which could spark a recrudescence of existing grievances,

rather than mitigating them. Observing the various iterations of the BBL submitted for approval by the MILF and the amendments suggested by the GPH, it appears clear that the two parties are looking for something very different. The MILF and its supporters are looking forward to maximizing the amount of independence they can get from the GPH, to free themselves from the tyranny and the constraints of the central government, and implement their own vision of a state. The central government instead appears preoccupied with striking a balance between the right amount of autonomy, short of independence, while still maintaining a certain degree of supraregional control on the Bangsamoro region, in order to avoid potential perversions or abuses of the autonomous framework. These two goals are essentially antithetic, and are an indicator of the mistrust existing between the two parties. All this makes the dynamics of the interactions between the two parties more similar to a zero-sum model rather than to a Nash equilibrium.

Second, the primacy of MILF in the negotiations and, presumably, in the leadership of the BAR, is bound to produce disagreements between the MILF and other groups with no access to power and different goals, with the risk of a new wave of destabilizing actions in the region. The previously mentioned Mamasapano incident is epitomic of this trend, with MILF's armed branch, the Bangsamoro Islamic Armed Force (BIAF) having a direct operational role^{*65} in the events. Duterte's attempts to include all other parties beyond the MNLF may succeed or not. However, in lack of a common vision and shared participation in the process among the various groups, the Bangsamoro Autonomous Region could become a fragile entity affected by weak internal political and social cohesion.

Another important and often overlooked aspect of the story is that, despite the conciliatory tones adopted by all parties, despite taking into account the plurality of ethnic, religious realities that characterize the region, in its current form the BAR appears to be shaping as a Muslim-led entity spinning around the MILF, where Islamic communities and identity will have an important role in defining policies and leadership. This poses several questions, ranging from the type of ideological mindset adopted by the Bangsamoro leadership and the Muslim communities of that region, the role and the status enjoyed by non-Muslim groups and, in particular, the uncertainties relating to how the MILF and the other organizations leading the BAR in the future will re-modulate their relationships with the network of terrorist organizations they have been partnering with for such a long time, sharing goals, resources and logistics. For this reason, it is legitimate to wonder whether the MILF, once in charge of the BAR, will force all these organizations out of Mindanao denying them sanctuary, in compliance with the secular laws of the central government, or rather it will provide some sort of support to them, as a form of solidarity tempered by long-standing relations, the kinship of "Islamic brotherhood" and the shared goals. These are questions that whoever oversees the process should answer to, in order to devise a proper mechanism of checks and balances aimed at preventing unwanted outcomes.

Another source of doubts resides in the fact that institutions, regimes and laws in Southeast Asia don't operate within the same constraints and orderly ways they do in the West and that social and relational dynamics inside these communities shape a completely different pattern that may affect the policy outcomes. These dynamics normally fall within the broad, often unclear definition of "ASEAN way" to do things and, despite the huge corpus of literature existing on the topic, their practical implications in real life are deeper than it seems, as they tend to emphasize flexibility of normative interpretation and personal relations over institutions and strict regulations.

This means that even if the creation of a MILF-led autonomous region in Mindanao were to be bound to a strict set of legal constraints, there would be no warranty that these wouldn't be distorted in the end, generating power abuses, discriminations or dysfunctional outcomes. This type of behavior is a constant feature of the ASEAN landscape, on matters ranging from human rights to refugees and security issues. On the other hand, building a strict legislative national "cage" to compel the BAR leadership to observe a strict compliance to regulations, not only would be ill-suited for these communities but could also be interpreted by local communities as the nth attempt to indirectly exert political control on their destiny, generating a socially polarizing conundrum. In lack of such central oversight it will be important to see which regional model is adopted. In particular, it will be important to assess whether such model leans towards an ethnocentric pattern like the one adopted by Malaysia, or rather towards a more democratic, pluralistic model like the one adopted by Indonesia with the Pancasila, or yet whether the Bangsamoro will develop its own model.

The point above is directly linked to another important yet underestimated element; that is, the role of President Duterte in the whole process, taken into the context of how politics is ran in Southeast Asia. There is a nearly unanimous consensus on the fact that the election of Duterte has given new thrust and injected new hopes in the negotiation process for the passing of the Bangsamoro Basic Law and the establishment of a Bangsamoro Autonomous region; and with good reason. Duterte was born in the region, from one of the several ethnic groups that inhabit the Mindanao region and has a very deep knowledge of the people, the culture and the dynamics of the territory he calls home. Duterte also enjoys multi-decade long personal relationships with most leaders of the rebel groups in the region and this, in Southeast Asia, where people-to-people relations often count more than institutional links, acts as a powerful substitute for confidence building measures between the central government, the MILF and the other groups.

As a result of this special type of relationship, and despite the hurdles and the complex challenges lingering ahead, the BBL and the BAR may eventually become a reality. However, one of the main drawbacks of agreements negotiated through "people-to-people" channels is that their stability, and therefore their very existence, are often bound to the destiny of those who signed them into existence. Once the network of personal relations that constitutes the

political humus from which such political stability draws its vital lymph starts to crumble, so does the stability of the whole ecosystem spinning around it, because of the lack of powerful institutionalized constraints or because, even if these are in place, the real glue holding the agreement was based on a delicate balance of personal relationships for which the institutional and legislative framework was only a front. Once those elements of stability cease to exist, a power vacuum ensues and old grievances re-emerge, setting the tone for a recrudescence of the original problem.

Should this be the case, the passing of the BBL and the creation of the BAR, in whatever form, could become a source of stability driven by the charismatic allure of Duterte and by the wave of enthusiasm and temporary support from the civil society sparked more by a momentary spur of emotional, instinctive optimism, rather than by the rational thoughts of *raison d'état*. This means that such stability could be ephemeral and transitory.

Finally, the creation of the BAR occurs in a period of escalating regional and global geopolitical turmoil, characterized by the growing competition between the United States which is going through a stage of global decline, and the rising power and increasing assertiveness of China and Russia, both of which are trying to gain clout on the international scene, characterized by a climate of growing anti-Americanism and opposition towards the neoliberal model^{* 66}. All these elements are leading a number of countries to tilt towards different sides, influencing the regional landscape in unpredictable ways, and possibly affecting also the outcomes and the way a potential Bangsamoro region in the Southern Philippines would be created and managed.

SECTION IV – Conclusions and recommendations

While finding a solution to restore the ancestral rights of the Bangsamoro people is an unescapable duty to redress the wrongs and heal the open wounds left in the region by the Spanish and American colonialism first, and by several post-colonial Filipino governments from Marcos on, the establishment of a Bangsamoro Autonomous Region under the current premises poses huge risks in the long term. There is no doubt that, while going in the right direction in terms of intentions and goodwill, the current framework on which the BBL and the BAR are based are flawed and occur in a time where the project is in part a victim of geopolitical and political tyrannies that generate doubts and constraints. It is the author's opinion that, while the Duterte factor may contribute to a positive outcome and bring benefits in the short term, the lack of a sound, concerted vision, may pose new challenges in the long term. Internal divisions based on different political goals and ideological takes on the matter, uncertainties on the political-social model adopted to grant social equality between Muslims and non-Muslims, and between Bangsamoro and non-Bangsamoro citizens, the risks of Wahhabi infiltration, the relationships between the MILF, the MNLF and other transnational and regional rebel groups, the doubts posed by the role of Malaysia, the deteriorating relations with the United States

and all other elements, inject a significant amount of risks and uncertainties in the whole process, making the creation of the BAR a real conundrum, where it is hard to take a decision between what is the right thing to do and the amount of risks such decision entails under the current landscape.

Finding a suitable solution for such a complex issue is not an easy task. However, it's clear that the BAR, as is now, does not appear to be a viable solution, as it lacks the minimum conditions to realistically ensure a peaceful outcome in the long term. Such minimum conditions should at least include: the creation of a shared consensus on the political and ideological imprints that the BAR should have; the creation of an institutional and legislative framework granting a good balance between an adequate degree of autonomy and self-determination for the Bangsamoro, the protection of the diverse communities living in the region, and grant the central government a safe margin of control. The model should also include an observatory for human rights and social protection, tasked with monitoring the social conditions of the communities living in the Bangsamoro region and clearly defining a model allowing for a peaceful cohabitation of all different groups in the region, while minimizing the risks for extremist influences.

A final recommendation relates to the political-social model to adopt, which, in the opinion of the author of this paper, should be a system shaped around the current Indonesian Pancasila, tweaked for the needs of Bangsamoro, as needed. The main reason for this is that the ethnic and religious component of a future BAR would be more similar to that of Indonesia than to, say, Malaysia, with multiple coexisting ethnic and religious groups and a strong secular component yet with a Muslim majority in a region that is inspired by Islamic values that represented the original cultural and religious humus of the region. While such model will not contribute to prevent potential interfaith or ethnic issues, it might act as an equalizer, mitigating them thanks to a fair legal framework citizens can refer to when they feel abused.

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