

Duterte and the Deliberative Politics of Peace Building in the Philippines: Prospects and Challenges

Regletto Aldrich D. Imbong
University of the Philippines – Cebu
rdimbong@up.edu.ph

Abstract

This paper will discuss the peace building efforts of the National Democratic Front of the Philippines (NDFP) and the Government of the Philippines (GRP) and argue that these efforts follow the proceduralist conception of Habermas' deliberative democracy. Habermas, like Kant, contends that peace has a "chronological and ontological priority over violence."¹ The paper will problematize the gap between legality and legitimacy as highlighted by Habermas and relate how such a gap triggered conflicts the same as that of the GRP and the NDFP. I will then propose a communicative process of critique and intervention from civil liberty groups, especially the Church sector, as an avenue to possibly remedy the gaps and its effects. Finally, I will outline possible problems arising from this model of deliberative democracy.

Keywords: Duterte, GRP-NDFP Peace Negotiations, Deliberative Politics, Philippine Ecumenical Peace Platform, Civil Society

¹ Samantha Ashenden, "On Violence in Habermas's Philosophy of Language," in *European Journal of Political Theory*, 13(4): 428, 2014.

Introduction

The Philippines has experienced the longest Maoist insurrection in Asia. For more than forty years, the Communist Party of the Philippines (CPP), the New People's Army (NPA), and the National Democratic Front of the Philippines (NDFP) have waged a civil war against the Government of the Republic of the Philippines (GRP). Claiming to end centuries of neocolonial bondage and plunder, feudal and capitalist exploitation, bureaucratic corruption, and state repression, the CPP-NPA-NDFP has resorted and continues to resort to an armed form of struggle.

The current administration of President Rodrigo Duterte showed, at least initially, a degree of openness in resolving decades of armed conflict through peaceful and principled negotiations. It has, using the language of Habermas, formally recognized to include the *other* into the democratic space of deliberative politics, where the Left's unheard-of discourse and critique will finally register and possibly make a difference in the process of opinion- and will-formation. This condition is coupled with a hope that finally the peace negotiations will bear substantial social and economic reforms directly addressing the root-causes of the armed conflict. After all, peace is not so much the absence of war as the attainment of social justice.

This paper will present the history and the current peace building efforts undergone by the NDFP and the GRP. I will first trace the history of the talks between the GRP and the NDFP. I will then argue that these peace efforts follow the proceduralist conception of deliberative democracy proposed specifically by Habermas. Habermas is an important figure in this topic since for him, like Kant, peace has a "chronological and ontological priority over violence."² The paper will particularly problematize the gap between legality and legitimacy as highlighted by Habermas and relate such a gap to the circumstances that triggered the conflict between the GRP and the NDFP. I will further propose a communicative process of critique and intervention from civil liberty groups, especially the Church sector, as an avenue to

² *Ibid.*

possibly remedy the gap and its effects. Lastly, enlightened by the limits of deliberative democracy, I will outline possible problems arising from this model. These problems have to be resolved by the Duterte administration if it sincerely wants to build a just and lasting peace in the country.

The Elusive Peace: The Protracted Peace Negotiations between the GRP and the NDFP

The aims of the NDFP's civil war are well-encapsulated in their 12-point agenda.³ The agenda also shed light on the particular problems the war claims to be addressing. In this way, the belligerent forces under the umbrella of the NDFP, as far as their agenda are concerned, prove to be fighting a just and legitimate fight as they wage a war to "achieve or develop a progressive socio-economic system."⁴

Since the commencement of NDFP's armed struggle, the Philippine government has largely resorted to a militarist approach in solving the armed insurrection. Proof of this is the varied yet failed counterinsurgency programs from the time of the Marcos dictatorship up to the current Duterte administration. These counterinsurgency programs, patterned after US low-intensity conflicts,⁵ do not so much address the root-causes of the armed insurrection as these are merely aimed at reducing to an inconsequential number the insurgents waging a civil war.⁶ Pronouncements to reduce or pulverize the communist movement were made in every regional military command and in

³ See *The Twelve Points of the NDF Program*. Retrieved from <http://www.ndfp.org/about/the-twelve-points-of-the-ndf-program/>; 05 Jan 2017).

⁴ Karel Kára, "On the Marxist Theory of War and Peace," in *Journal of Peace Research* 5(1): 5, 1968.

⁵ Ernest Torres Jr., *A Success Story of Philippine Counterinsurgency*. Master's Thesis: US Army Command and General Staff College, 2011.

⁶ See for example a report from the *Inquirer* in which a military officer was quoted as saying, "[b]y the end of the year [2012], the NPA in Quezon will be reduced into inconsequential level." Delfin Mallari, "Military Executive Vows Wipe Out NPA in Quezon by Year-end," in *Inquirer*, 10 June 2012. Retrieved from <http://newsinfo.inquirer.net/210051/military-exec-vows-to-wipe-out-npa-in-quezon-by-year-end>; 09 July 2017.

every counterinsurgency plan,⁷ yet in reality what these counterinsurgency measures have resulted to are intensified human rights violations against civilians suspected as NPA sympathizers⁸ and massive evacuations from conflict-afflicted areas.⁹ But despite of the heightened militarist approach on the part of the GRP, the armed struggle waged by the NDFP ironically continues to escalate.¹⁰

⁷ The *Oplan Bantay Laya* – a counterinsurgency program – of the former president Gloria Arroyo for example has as its medium-term objectives the following: to reduce communist affected areas, manpower, and firearms and dismantle its politico-military structures... See Ernest Torres, *A Success Story of Philippine Counterinsurgency*.

⁸ See for example the following news articles: Johanna Camille Sisante, "601 Activists Killed Under Arroyo's Version of Oplan Bantay Laya," in *GMA News Online*, 24 Nov. 2008. Retrieved from <http://www.gmanetwork.com/news/story/135283/news/nation/601-activists-killed-under-arroyo-s-version-of-oplan-bantay-laya-solon>; 08 July 2017.; Kimberly Jane Tan & Amita Legaspi, "Rights Advocates Criticize Oplan Bantay Laya Extension," in *GMA News Online*, 16 Aug. 2010. Retrieved from <http://www.gmanetwork.com/news/story/198696/news/nation/rights-advocates-criticize-oplan-bantay-laya-extension>; 15 July 2017.; Rhodina Villanueva, "Advocates see more Human Rights Violations under Noy," in *The Philippine Star*, 10 Dec. 2015. Retrieved from <http://www.philstar.com/headlines/2015/12/11/1531439/advocates-see-more-human-rights-violations-under-noy>; 13 July 2017.

⁹ Two international news outlets have documented these attacks against the *Lumad* and their eventual displacement. See Vicente Go, "Displaced Lumads of Mindanao," in *Al Jazeera*, 09 Oct. 2015. Retrieved from <http://www.aljazeera.com/indepth/inpictures/2015/09/displaced-lumads-mindanao-150929074732377.html>; 08 July 2017.; and Azadeh Shahshahani, "The Philippine People are Under Attack from Washington – and their own Government," in *The World Post*, 03 Dec. 2015. Retrieved from http://www.huffingtonpost.com/azadeh-shahshahani/the-philippine-people-are_b_8714174.html; 03 March 2017.

¹⁰ See for example a short assessment by the NDFP in NDFP, *NPA and Revolutionary Forces are Steadily Growing in Strength, Poised for big Leaps in Coming Years*, 24 Jan. 2012. Retrieved from <http://www.ndfp.org/npa-and-revolutionary-forces-are-steadily-growing-in-strength-poised-for-big-leap-in-coming-years-cpp/>; 08 July 2017.; and Edwin Espejo, "Reds Claim Growth Under Aquino Administration," in *Rappler*, 26 July 2015. Retrieved from <http://www.rappler.com/nation/special-coverage/sona/2015/100561-cpp-ndf-aquino-2015-sona>; 20 Oct. 2016.

The first Aquino administration was the first to entertain a peaceful settlement to the armed conflict. In 1986, the administration of Corazon Aquino embarked on peace negotiations in order to arrive at a negotiated political settlement that would put to an end the decades of armed strife. But the talks were short-lived as these immediately collapsed “soon after government troops opened fire on farmers marching for land reform near the Presidential Palace in a tragic event that is remembered today as ‘Mendiola Massacre’.”¹¹

In 1992, the Ramos administration reopened the talks with the NDFP, fruitfully resulting to the framework agreement, The Hague Joint Declaration. In that document, substantive agenda were laid down as the basis and sequence of the peace negotiations. The items of the agenda are arranged as follows: 1) human rights and humanitarian law, 2) socio-economic reforms, 3) political and constitutional reforms, and 4) end of hostilities and disposition of forces.¹² Since the accomplishment of the framework agreement, more bilateral agreements have been signed, notably the Joint Agreement for Safety and Immunity Guarantees (JASIG). This document provides safety and immunity from surveillance, harassments, and arrests to all involved in the peace negotiations. Hence, the JASIG lists all the names of persons supposed to be immune from any punitive activities. Also, in 1998, still under the Ramos administration, the first item of the substantive agenda – the Comprehensive Agreement for the Respect of Human Rights and International Humanitarian Law (CARHRIHL) – was accomplished. This was formally signed during President Estrada’s administration.

The succeeding Estrada and Arroyo administrations were not able to sustain the momentum of the peace negotiations. In the case of the former, his regime was short-lived as accusations of massive corruption eventually culminated to a popular uprising

¹¹ Belmonte, Maureen Marie. “Peace Talks and the Media in the Philippines,” in *Asian Politics and Policy*, 9(1): 165-169, 2017.

¹² See: *The Hague Joint Declaration*, 1992. Retrieved from http://peacemaker.un.org/sites/peacemaker.un.org/files/PH_920901_Hague%20Joint%20Declaration.pdf; 15 July 2017.

that toppled him from his post. The latter on the other hand, largely relied on militarist approaches. Her infamous *Oplan Bantay Laya I & II* caused thousands of extrajudicial killings, illegal arrests, abductions, and tortures. These persecutions never granted a social climate conducive for the peace talks to resume.

The next Aquino administration was more elusive and registered a number of absurd reservations. For one, Aquino's Chairman to the GRP negotiating panel, Alexander Padilla described The Hague Joint Declaration as a document of perpetual division¹³ thus foreclosing the possibility of the resumption of peace talks based on previously agreed upon documents. Moreover, resuming the talks became impossible as NDFP consultants, supposedly guaranteed immune from arrests under the JASIG, were arrested by the Aquino administration thus draining the NDFP with key persons responsible for the negotiations. Thus, just like the initial attempts of his mother, peace negotiations went to an impasse during the second Aquino administration.

Duterte and the Politics of Deliberation

Aside from his infamous anti-drug platform in the 2016 elections, Duterte also made open announcements to resume the stalled peace talks between the GRP and the NDFP. Even as City Mayor of Davao, Duterte already had solid ties with the communist movement especially in Mindanao. Oftentimes he acted as the facilitator, along with church leaders, in the release of prisoners of war freed by the NPA's. Even before being sworn as the Republic's President, informal meetings between Duterte and the NDFP leaders were made on several occasions. These publicized encounters optimistically ignited the persistent hope to end the civil war not anymore in the classic yet ineffective militarist approach, but on a discursive method anchored on communication.

¹³ See Alexander Padilla, *Statement of Government Panel Chair Alexander Padilla Re GPH-CPP/NPA/NDF Peace Talks*, 22 Feb. 2011. Retrieved from <http://www.opapp.gov.ph/resources/statement-govt-panel-chair-alexander-padilla-re-gph-cppnandf-peace-talks-feb-22-2011>; 09 July 2017.

In modern political theory, Jürgen Habermas stands out as among the leading proponents in the conception of language as an essential rational medium in reaching what he refers to as *Verstandigung*.¹⁴ This is consistent with his overall modernist attempt in rescuing practical reason from the skepticism of nihilists and postmodernists, and reclaiming reason as an important subjective capacity in the pursuit of a consensus-based intersubjective process of legitimizing norms.

Resurrecting the modernist faith on rationality, Habermas embarked on a reconstruction of “the idea of democracy in discourse-theoretic terms.”¹⁵ Habermas explained that “[t]his rationality is inscribed in the linguistic telos of mutual understanding and forms an ensemble of conditions that both enable and limit.”¹⁶ In other words, it is only within the domains of communication that the purpose of reaching mutual understanding be achieved. Specifically, communication, in this sense, has to reconstruct the notion of democracy that jibes with the concept of justice as fairness where the process of deliberation (the ideal discourse) allows equal access to a plurality of agents. What this restructuring therefore amounts to is not the rejection of democracy, but a modification of the notion (and consequently its practice) which suits the complexities of a so-called pluralistic society.

Habermas believed that deliberative democracy stands as the practical alternative to a complicating and pluralizing society. This model of democracy is proposed as well by thinkers like John Rawls, Seyla Benhabib, Amy Gutman, and Joshua Cohen. Simply explained, “[t]he aim of deliberative democracy is to clarify and promote the role of public reasoning and citizen deliberation in contemporary (i.e., large and representative) democracy.”¹⁷

¹⁴ Or mutual understanding. See Jürgen Habermas, *On the Pragmatics of Communication*. (Cambridge: The MIT Press, 1998), 21.

¹⁵ Raf Geenens, “The Deliberative Model of Democracy: Two Critical Remarks,” in *Ratio Juris* 20(3): 256, 2007.

¹⁶ Jürgen Habermas. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge: The MIT Press, 1996), 5.

¹⁷ Crystal Cordell Paris. “Ancient, Modern, and Post-National Democracy: Deliberation and Citizenship between the Political and the Universal,” in *On Civic*

Specifically, it wants to address the problems resulting from the unbridgeable gap between legal institutionalization and legitimacy. Laws, policies, orders, or institutions may have been created in democratic societies, but as to how all these were legitimized raise problems potentially translatable to political or even economic crises. Consequently, these problems could raise forms of resistance, from mere critiques to armed rebellions.

The concept of deliberative democracy could be helpful in the context of the current peacebuilding efforts of both the GRP and the NDFP. Over the past years, several laws and policies have been institutionalized which, however, fail to undergo genuine democratic processes of consultation and deliberation. These laws often spark resurging and even fatal conflicts between the government and private sectors on the one hand, and some sectors including workers, peasants, public utility drivers, environmentalists, students, professors, and small entrepreneurs, on the other. Among these for example are the Oil Deregulation Law, Mining Act, Contractualization (Herrera) Law, and the Electric Power Industry Reform Act (EPIRA) in the economic field; Comprehensive Agrarian Reform Program (CARP) in the agricultural sector; K12 law, Roadmap to Philippine Higher Education (RPHER) in the educational sector; and the Visiting Forces Agreement (VFA), and Enhanced Defense Cooperation Agreement (EDCA) in the military field. Habermas himself explicitly clarified that “[j]ust those action norms are valid to which all possibly affected persons could agree as participants of rational discourses.”¹⁸ From the perspective of the NDFP, this dictum has been blatantly transgressed or bypassed. From a Habermasian perspective, principled dialogue could somehow remedy these transgressions.

In these principled negotiations, communication, as emphasized by Habermas, plays a crucial role. Habermas explained that “[f]rom the very start, communicative acts are located within the horizon of shared, unproblematic beliefs...”¹⁹

Republicanism, edited by Geoffrey Kellow & Neven Leddy (Toronto: University of Toronto Press, 2016), 99.

¹⁸ Jürgen Habermas, *Between Facts and Norms*, 107.

¹⁹ *Ibid.*, 22.

Parties cannot enter into a process of deliberation – and even in discourse – if terms mutually shared and understood are absent in the communication process. These shared beliefs play as an important framework that both guide and limit the entire peace process. In relation to the GRP-NDFP peace talks, these shared unproblematic beliefs are reflected in The Hague Joint Declaration (and other pertinent documents). The Hague Joint Declaration is a linguistic expression of how warring parties, through communicative action, achieve initial *Verstandigung*. It is a historic achievement which is not only worthy of recognition but above all effective in achieving a greater degree of *Verstandigung*.

Proper recognition and respect for these shared beliefs are the crucial conditions for greater achievements in the deliberation process. In other words, in order for the deliberation to begin, and for it to flourish and bear new achievements, these shared notions must not be ignored. We can make a specific comparison between the past Aquino and the current Duterte administrations in this regard. While both claim to be interested in resuming the peace negotiations, the former was more hesitant and in fact skeptical as to the recognition of mutually acceptable terms deemed as supposedly unproblematic. When Aquino and his peace consultants rejected The Hague Joint Declaration as a “document of perpetual division,” the past Aquino administration did not only put to waste a historic achievement, but also spelled the impasse of the negotiations. By unilaterally declaring the said document as inoperative and making proposals transgressive of the document in general, and the chronology of the items of the agenda in particular – Aquino wanted to invert the process by starting with the fourth item (the laying down of arms) as a precondition for the resumption of the peace talks – Aquino thereby closed the doors for peace. Thus, no significant agreement was ever achieved during the second Aquino regime. Deliberation was subordinated to the play of power.

Duterte on the other hand, at least recognized at the outset the significance of The Hague Joint Declaration. He and his panel, at least initially, were resolved to honor the document and all the other previously signed agreements. But this did not come without conditions of course. Duterte, in wanting to end the

conflict as quickly as possible, wanted to expedite the peace process. Without transgressing the framework, Duterte proposed that parallel discussions on the third and fourth items would be done simultaneous with the discussions on the second item of the substantive agenda: the socio-economic reforms. The NDFP warmly welcomed this proposal as they similarly hoped for an expedited peace process. Both parties, in their four rounds of talks, were able to prove that only if communication is located within the framework of shared and unproblematic beliefs will greater understanding follow. Since the start of the negotiations last 2016, significant agreements in the form of statements have been bilaterally signed. Whether these agreements be fully actualized in practice is another issue which remains to be seen.

That peace negotiations can remedy previous transgressions will only be possible if such negotiations also play as a critique i.e. a critique of previous policies and social institutions – which trigger economic and political crises – through an overarching progressive socio-economic and political reform. This is like what Cordero discussed as translating crisis into a critique where “social critique may force changes in the parameters of public discourse and expose the limits and rifts of the institutions and norms that sustain social and individual modes of life.”²⁰ As was mentioned earlier, the process of deliberation also addresses the inherent gap between legality and legitimacy. The gap is evidenced in the “participatory deficits of political decision-making processes that undermine the legitimacy of the normative order that sustain life in common.”²¹ This gap, an “evidence of the imperfection of democracy,” though unbridgeable, also attests to democracy’s vitality and openness as an incomplete project whose principles may be always re-enacted.”²² The critiques inherent in the peace process can possibly guarantee to these principles’ re-enactment.

The critique will further be substantiated through an active incorporation of the marginalized perspectives and discourses.

²⁰ Rodrigo Cordero, “Crisis and Critique in Jurgen Habermas’s Social Theory,” in *European Journal of Social Theory* 17(4): 11, 2014.

²¹ *Ibid.*, 12

²² *Ibid.*

Through this process of incorporation – a latent act of the other’s inclusion – future agreements, like the Comprehensive Agreement for Socio-economic Reforms (CASER), become substantial. Cordero clarified that

by having recourse to its direct connection to the private experiences and life stories of individuals... the public sphere has the capacity to thematize crises and social conflicts in ways that give shape to ‘crisis consciousness’ and the construction of public opinion around the reality of these problems.²³

Noteworthy in this regard are the efforts of peace advocates, especially that of the Philippine Ecumenical Peace Platform (PEPP). Through the (PEPP), major religious groups coming from the Catholic Bishops Conference of the Philippines, Ecumenical Bishops Conference of the Philippines, Philippine Council of Evangelical Churches, National Council of Churches in the Philippines, and the Association of Major Religious Superiors of the Philippines have been gathered to seek and pursue a just and lasting peace. Through the years, it has accompanied both the NDFP and the GRP in their talks, and has effectively encouraged both to resume the talks whenever there seems to be a deadlock. The numerous peace fora and summits it consistently held reverberated throughout the archipelago thus prompting the Duterte administration, especially during a temporary impasse last February to April of 2017, to resume the talks. Indeed, PEPP’s role in the peace process could not be underrated. It has even facilitated in activities related to the peace process (e.g. release of prisoners of war). The different peace fora it organized across the archipelago which gathered representatives from both the GRP and the NDFP, church leaders, and civil society became helpful avenues for discourse and critique to flourish. Even the marginalized in these opportune circumstances actively present views as to how peace agreements may helpfully reflect their utmost collective desires and remedy societal ills.

²³ *Ibid.*

Limits of Deliberative Politics

The problem however, as I see it, lies after peace settlements have been reached. All the agreements, including political and constitutional reforms, need to be ratified but this time outside of the negotiating tables. Given the dynamics of the Philippine government in which governmental powers are distributed to three co-equal and independent branches, any constitutional amendment needs legislative intervention. Though this is another terrain of deliberative politics, I believe that it also spells deliberative politics' limits. As Cronin and De Greiff elaborated in their introduction to Habermas' *The Inclusion of the Other*,

the internal relation between the rule of law and popular sovereignty calls for a proceduralist model of deliberative democracy in which all political decision making, *from constitutional amendments* to the drafting and enactment of legislation, is bound to discursive processes of a political public sphere.²⁴

When these peace accords are scrutinized and deliberated later in the lower and upper houses of the Philippine legislature, lawmakers may not reach consensus-based decisions favorable to the proposed amendments. Different groups whose interests are opposed to fundamental structural changes would obviously foil any possible amendments and abandon reasoned discourse. Power play will be at its most obvious in this process.

We can, as an example, site two crucial scenarios. In the socio-economic aspect, agrarian reform is one of the debated issues in the drafting of the CASER. But at least, after the third round of talks, both parties agreed in principle that land be redistributed to the poor peasants for free.²⁵ Granting that a formal agreement on

²⁴ Cronin's and De Greiff's introduction in Jürgen Habermas, *The Inclusion of the Other*, edited by Ciaran Cronin and Pablo de Greiff (Massachusetts: The MIT Press, 1998), xvi.

²⁵ See *Joint Statement on the Successful Third Round of Formal Talks between the GRP and the NDFP in Rome, Italy*, 25 January 2017. Retrieved from <https://www.ndfp.org/joint-statement-successful-third-round-formal-talks-grp-ndfp-rome-italy>; 15 July 2017.

socio-economic reforms will finally be signed, questions as to its concrete institutionalization still has a long and hard way to go. Interest groups owning large monopolies of land will make it hard or impossible for this agrarian reform even to begin with. A recent case of farm workers in Mindanao, who supposedly are already deemed beneficiaries of the current land reform yet denied installation by the agribusiness firm, is worth noting. Not only did this local firm deny the installation, it also barricaded their plantation and even hired almost a thousand of armed security guards and set booby traps along the plantation's fence.²⁶ Incidentally, the legal counsel of this plantation happens to be the husband of the Presidential daughter. In the larger context, we must also note that even the Philippine Congress, the Senate, and the bureaucracy are ruled by individuals who also happen to be large owners of agricultural lands. Even the previous Aquino administration was coming from the infamous Cojuangco clan owning vast haciendas.

In the political aspect, the dismantling of political dynasties is one of the necessary aims of the Comprehensive Agreement for Political and Constitutional Reforms (CAPCR). With a political system "dominated by the hydra of political dynasties,"²⁷ this aim may after all be turned into a toothless rhetoric. Not only that, the persistence of these dynasties simply bring "adverse effects on the country including the perpetuation of poverty and underdevelopment, the propagation of political and socio-economic inequality and the prevalence of massive corruption,"²⁸ all of which will simply negate the aims of the socio-economic reforms in particular and the peace process in general. In both instances, power seems to outweigh or negate the very notion of deliberative politics. Bourdieu's interrogation on the relation of

²⁶ See Ruth Abby Gita, "Duterte Assures Davao Farmers to Address Lapanday 'Land Grabbing,'" in *Sun Star Manila*, 09 May 2017. Retrieved from <http://www.sunstar.com.ph/manila/localnews/2017/05/10/duterte-assures-davao-farmers-address-lapanday-land-grabbing-540943>; 08 July 2017.

²⁷ Teresa Encarnacion Tadem & Eduardo Tadem. "Political Dynasties in the Philippines: Persistent Patterns, Perennial Problems," in *South East Asia Research*, 24(3): 340, 2016.

²⁸ *Ibid.*, 332.

power to discourse enlightens the case I am raising. Bourdieu emphasized that the

meaning of a discourse is hence not only structured by its content; rather it is the authority of the speaker that counts; this, in turn, is contingent on the structure of the field, which is formed by the different capital configurations with respect to what is at stake in the field”²⁹

What this “authority” refers to may not really be that obvious in the level of theory, but in a discursive space where oligarchic interests inevitably dominate, power or authority is not far from being associated with class interests. In explaining Habermas’ notion of colonization of the life-world, Hedrick in a tone that closely pictures the scenarios aforementioned discussed that

when some action coordination or socialization process previously dependent upon conferral of recognition or the achievement of understanding through ordinary language is replaced by a system of ‘media’ (i.e. money and power), this can have pathological side effects, most notably in the forms of discontent and disconnection.³⁰

In this regard, the usual numbers game would follow. This simply means abandoning discourse in favor of the majority rule through voting. Waldron, as Geenens quoted, stressed that “[t]here is something embarrassing about voting in a deliberative context.”³¹ The option to resort to voting is revealing of the fact that there is a breakdown of the deliberative mode of decision-making. Geenens further explained that “decisions taken by means of this, rather unfortunate, makeshift solution lack the full democratic legitimacy of decisions that are unanimously agreed under deliberative conditions.”³² When rational decisions are

²⁹ Catherine Goetze. *The Distinction of Peace: A Social Analysis of Peacebuilding* (Michigan: The University of Michigan Press, 2017), 24.

³⁰ Hedrick, Todd. “Reifying and Reconciling Class Conflict: From Hegel’s Estates through Habermas’ Interchange Roles,” in *European Journal of Social Theory* 16(4): 519, 2013.

³¹ Raf Geenens, “The Deliberative Model of Democracy,” 357.

³² *Ibid.*, 358.

surrendered in favor of the majority's decision, the latter is nearer to a state of mediocrity, losing all elements of what previously is hailed rational by deliberative politics.

The case of Colombia is a classic example. After four years of peace negotiations between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) brokered by the Cuban government, a final peace accord was set to be formalized through a referendum. But the majority actually rejected in a single instant a peace deal brought into fruition through years of arduous deliberations. To quote a report by *The Guardian*, "[t]he yes vote was expected to win easily... But then the unthinkable happened: by the narrowest of margins, the no vote won, leaving the fate of the peace agreement... in the hands of a man who had fought against it from the start."³³

The Thorny Path to Peace: Challenges to the Duterte Administration

The current Duterte administration faces a lot of challenges in relation to the current peace negotiations of the GRP and the NDFP. First, although he has shown initial sincerity to the talks by honoring previously signed documents, more is yet to be done especially in preparing the other crucial element of the CASER: national industrialization. Supposedly simultaneous with an agrarian reform is the gradual creation of national industries. The current CASER drafts, even that of the NDFP, encourage the active participation of Filipino entrepreneurs. It allows a nationally regulated economy in which the process of production is democratically planned by Filipinos, especially the workers.³⁴ The GRP even made a critical analysis necessitating the "urgency to break monopolistic and oligopolistic domination of the

³³ Sybilla, Brodzinsky. "Colombia's Peace Deal Rejection Returns Alvaro Uribe to Political Limelight," in *The Guardian*, 07 Oct. 2016. Retrieved from <https://www.theguardian.com/world/2016/oct/07/peace-deal-rejection-returns-alvaro-uribe-to-political-limelight>; 07 July 2017.

³⁴ See NDFP, *Comprehensive Agreement on Social and Economic Reforms between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines: NDFP Draft as of January 12, 2017*, 12 January. Retrieved from <https://www.scribd.com/document/337376918/National-Democratic-Front-of-the-Philippines-CASER-Draft>. 04 July 2017.

economy.”³⁵ Hence, Duterte must make sure that his macro-economic policies jibe with these forecasted reforms. Old policies which triggered and continue to fuel armed resistance must be abandoned in favor of progressive and inclusive models. Habermas’ reflections can be elucidating. He hoped that “the neoliberal agenda will no longer be accepted at face value but will be opened to challenge.”³⁶

Second, the sharpening contradictions between Duterte and the opposition will most likely pressure Duterte to accommodate more groups and expand political alliances. While political alliances may seem value-neutral in relation to the peace talks, vested interests however may lobby against the fundamental reforms proposed by the peace negotiations. A glaring fact has been the political accommodation given by Duterte to the Marcoses, the heirs of the late dictator Ferdinand Marcos and infamous for dynastic rule especially in their local region. In scenarios like these, Duterte and his administration will be tested with fire and their subsequent decisions will spell their real attitude towards a just peace. Third, in relation to the sharpening contradictions previously mentioned, Duterte will highly court military men with the strategic view of avoiding a coup. Indeed, what has happened recently is the accommodation Duterte has granted to close to sixty military officials to his cabinet. This scenario may highly jeopardize the peace negotiations. Evident already is the conflicting attitudes between Duterte’s peace advisers, who consistently call for the resumption of the talks, and the military men surrounding him, who continue the hardline call of an all-out war. And the tendency to use, again, militaristic approaches to address the armed conflict – a proven failed approach – is not impossible. In fact, indigenous communities, as of the moment, already cry foul of the intense militarization in the hinterlands, not to mention the Martial Law declared in the region of Mindanao.

³⁵ See GRP CASER. *Comprehensive Agreement on Social and Economic Reforms between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines*. Retrieved from <https://www.scribd.com/document/336530451/GRP-Draft-Comprehensive-Agreement-on-Social-and-Economic-Reforms-Jan-10-2017>; 08 July 2017.

³⁶ Rodrigo Cordero, “Crisis and Critique in Jurgen Habermas’s Social Theory,” 2.

Conclusion

Deliberative democracy has both its merits and limits. In an ever-pluralizing society where various interests do not only differ but also conflict, the communicative process of consensus-making is crucial. This will allow agents to join in the process of opinion- and will-formation. Such a model of democracy is necessary in the current peace negotiations between the GRP and the NDFP. In this model also, not only the negotiators are involved in the process but also civil liberty groups that form a strong peace constituency. However, deliberative politics also faces its own limits especially when confronted with the actual play of power in concrete settings. When planned reforms are to be scrutinized in the Congress for example, class and other forms of power will highly influence if not negate its realization. Interest groups will surely foil agreed reforms which obviously run counter to their economic or political interests. In this case, deliberative politics will still have to consider the problem of power in the actual opinion- and will-formation. Deliberative politics will have to learn a lot from the consequences of actual deliberative processes taking place the world over.

References

- Ashenden, Samantha. "On Violence in Habermas's Philosophy of Language," in *European Journal of Political Theory*, 13(4): 427-452, 2014.
- Belmonte, Maureen Marie. "Peace Talks and the Media in the Philippines," in *Asian Politics and Policy*, 9(1): 165-169, 2017.
- Brodzinsky, Sybilla. "Colombia's Peace Deal Rejection Returns Alvaro Uribe to Political Limelight," in *The Guardian*, 07 Oct. 2016. Retrieved from <https://www.theguardian.com/world/2016/oct/07/peace-deal-rejection-returns-alvaro-uribe-to-political-limelight>; 07 July 2017.

- Cordero, Rodrigo. "Crisis and Critique in Jurgen Habermas's Social Theory," in *European Journal of Social Theory* 17(4): 1-19, 2014.
- Espejo, Edwin. "Reds Claim Growth Under Aquino Administration," in *Rappler*, 26 July 2015. Retrieved from <http://www.rappler.com/nation/special-coverage/sona/2015/100561-cpp-ndf-aquino-2015-sona>; 20 Oct. 2016.
- Geenens, Raf. "The Deliberative Model of Democracy: Two Critical Remarks," in *Ratio Juris* 20(3): 355-377, 2007.
- Gita, Ruth Abby. "Duterte Assures Davao Farmers to Address Lapanday 'Land Grabbing,'" in *Sun Star Manila*, 09 May 2017. Retrieved from <http://www.sunstar.com.ph/manila/localnews/2017/05/10/duterte-assures-davao-farmers-address-lapanday-land-grabbing-540943>; 08 July 2017.
- Go, Vicente. "Displaced Lumads of Mindanao," in *Al Jazeera*, 09 Oct. 2015. Retrieved from <http://www.aljazeera.com/indepth/inpictures/2015/09/displaced-lumads-mindanao-150929074732377.html>; 08 July 2017.
- Goetze, Catherine. *The Distinction of Peace: A Social Analysis of Peacebuilding*. Michigan: The University of Michigan Press, 2017.
- GRP CASER. *Comprehensive Agreement on Social and Economic Reforms between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines*. Retrieved from <https://www.scribd.com/document/336530451/GRP-Draft-Comprehensive-Agreement-on-Social-and-Economic-Reforms-Jan-10-2017>; 08 July 2017.
- Habermas, Jürgen. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Cambridge: The MIT Press, 1996.
- _____. *On the Pragmatics of Communication*. Cambridge: The MIT Press, 1998.
- _____. *The Inclusion of the Other*. Ed. Ciaran Cronin & Pablo De Greiff. Massachusetts: The MIT Press, 1998.

- Hedrick, Todd. "Reifying and Reconciling Class Conflict: From Hegel's Estates through Habermas' Interchange Roles," in *European Journal of Social Theory* 16(4): 511-529, 2013.
- Joint Statement on the Successful Third Round of Formal Talks between the GRP and the NDFP in Rome, Italy*, 25 January 2017. Retrieved from <https://www.ndfp.org/joint-statement-successful-third-round-formal-talks-grp-ndfp-rome-italy>; 15 July 2017.
- Kára, Karel. "On the Marxist Theory of War and Peace," in *Journal of Peace Research* 5(1): 1-27, 1968.
- Mallari, Delfin. "Military Executive Vows Wipe Out NPA in Quezon by Year-end," in *Inquirer*, 10 June 2012. Retrieved from <http://newsinfo.inquirer.net/210051/military-exec-vows-to-wipe-out-npa-in-quezon-by-year-end>; 09 July 2017.
- NDFP, *Comprehensive Agreement on Social and Economic Reforms between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines: NDFP Draft as of January 12, 2017*, 12 January. Retrieved from <https://www.scribd.com/document/337376918/National-Democratic-Front-of-the-Philippines-CASER-Draft>. 04 July 2017.
- _____. *NPA and Revolutionary Forces are Steadily Growing in Strength, Poised for big Leaps in Coming Years*, 24 Jan. 2012. Retrieved from <http://www.ndfp.org/npa-and-revolutionary-forces-are-steadily-growing-in-strength-poised-for-big-leap-in-coming-years-cpp/>; 08 July 2017.
- Padilla, Alexander. *Statement of Government Panel Chair Alexander Padilla Re GPH-CPP/NPA/NDF Peace Talks*, 22 Feb. 2011. Retrieved from <http://www.opapp.gov.ph/resources/statement-govt-panel-chair-alexander-padilla-re-gph-cppnandf-peace-talks-feb-22-2011>; 09 July 2017.
- Paris, Crystal Cordell. "Ancient, Modern, and Post-National Democracy: Deliberation and Citizenship between the Political and the Universal," in *On Civic Republicanism*. Edited by Geoffrey Kellow & Neven Leddy. Toronto: University of Toronto Press, 2016.
- Shahshahani, Azadeh. "The Philippine People are Under Attack from Washington – and their own Government," in *The*

- World Post*, 03 Dec. 2015. Retrieved from http://www.huffingtonpost.com/azadeh-shahshahani/the-philippine-people-are_b_8714174.html; 03 March 2017.
- Sisante, Johanna Camille. "601 Activists Killed Under Arroyo's Version of Oplan Bantay Laya," in *GMA News Online*, 24 Nov. 2008. Retrieved from <http://www.gmanetwork.com/news/story/135283/news/nation/601-activists-killed-under-arroyo-s-version-of-oplan-bantay-laya-solon>; 08 July 2017.
- Tadem, Teresa Encarnacion & Eduardo Tadem. "Political Dynasties in the Philippines: Persistent Patterns, Perennial Problems," in *South East Asia Research*, 24(3): 328-340, 2016.
- Tan, Kimberly Jane & Amita Legaspi. "Rights Advocates Criticize Oplan Bantay Laya Extension," in *GMA News Online*, 16 Aug. 2010. Retrieved from <http://www.gmanetwork.com/news/story/198696/news/nation/rights-advocates-criticize-oplan-bantay-laya-extension>; 15 July 2017.
- The Hague Joint Declaration*, 1992. Retrieved from http://peacemaker.un.org/sites/peacemaker.un.org/files/PH_920901_Hague%20Joint%20Declaration.pdf; 15 July 2017.
- The Twelve Points of the NDF Program*. Retrieved from <http://www.ndfp.org/about/the-twelve-points-of-the-ndf-program/>; 05 Jan 2017.
- Torres, Ernest Jr. *A Success Story of Philippine Counterinsurgency*. Master's Thesis: US Army Command and General Staff College, 2011.
- Villanueva, Rhodina. "Advocates see more Human Rights Violations under Noy," in *The Philippine Star*, 10 Dec. 2015. Retrieved from <http://www.philstar.com/headlines/2015/12/11/1531439/advocates-see-more-human-rights-violations-under-noy>; 13 July 2017.