

Institutional and Politico-Administrative Responses on Armed Conflicts¹

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I. Context

1. One of the greatest challenges facing the Philippine politico-administrative system over the past century was the so-called “Mindanao problem.” This “problem” was characterized mostly by the lack of, or absence of peace in the area as manifested by the continuous armed struggle of what has been collectively (though not always correctly) referred to as the “Muslim secessionist movement.” This so-called secessionist movement represented the disenchantment of the Muslim minorities with the national government based in Manila that was accused of neglecting the needs of the Filipino population – mostly the Muslims – in Mindanao. This was especially true in the area of the delivery of social services in particular and human development in general.

2. Indeed, human development statistics and figures bear them out. Human development outcomes in the Autonomous Region of Muslim Mindanao (ARMM)³ are the lowest in the country. In fact, human development indicators among the 16 Regions reveal that ARMM has the poorest human development conditions. The World Bank (2004) points out that,

By any measure, ARMM has the poorest human development outcomes among the 16 Regions in the Philippines. A child born in the Region today has very limited prospects for a long, productive, and healthy life compared with children in the rest of the country.

3. Poverty incidence in ARMM is highest among the 16 Regions at 57 percent, more than double of the overall percentage of 28.4 percent. These are also true in related areas such as in child mortality, life expectancy, literacy rate, education cohort survival, etc. Among the factors that lead to poor human development, outcomes include economic, social, political, and cultural factors.

4. Table 1 drawn from the National Statistical and Coordination Board shows the poverty incidence by region for the years 1997 and 2000. They show that indeed the ARMM region has the highest poverty incidence in the country at 50 percent in 1997 and worsening in 2000 at 57 percent.

5. ARMM has also the lowest literacy rate in Mindanao at 61 percent; and it also has the lowest net enrolment rate at 82 percent compared to the national average of 94.4 percent. Its secondary level indicates the lowest participation rate at 39.19 percent, poorly below the 75.25 percent national average.⁴

6. The state of unpeace in Muslim Mindanao has been seen as an exacerbating factor that resulted in poor living conditions in ARMM. The ongoing conflict between the government and armed citizens has disrupted the delivery of public services – health, education, and social protection. Conversely, the inability of the government to provide access to social services and the poor human development outcomes has led mostly the poorer sectors to resort to violence and arms thus exacerbating the state of unpeace. Additionally, the cycles of conflict have resulted in psychosocial and economic stresses and trauma for the citizens ARMM.

7. The ongoing conflict continues to divert the much needed resources of the national government for the delivery of social services such as health and education - infrastructure,

³ ARMM consists of five provinces (Lanao del Sur, Maguindanao, Sulu, Basilan and Tawi-Tawi) and one city (Marawi City).

⁴ Malbun, Amy U. State of Basic Education in ARMM.

facilities, supplies, school buildings, and human support – in ARMM. Simply stated, scarce human and financial resources allocated for social services are instead used to address the conflict.

8. It is within the context poor delivery of resources, the state of unpeace, and general neglect of the area by the national government over the past decades that the secessionist movements have arisen in Mindanao in general and in the ARMM areas in particular. The move for secession from reached a high point in the sixties and the seventies with the emergence of the Mindanao Independence Movement and the “Muslim rebellion” that was a major reason for the imposition of martial law in 1972.

9. Over the years, history has shown that the national government has tried to respond to the situation and bring about peace in two major fronts: the military front and institutional and politico-administrative front. This paper focuses on the latter. It includes a discussion of historical and contemporary institutional and politico-administrative responses to unpeace (Section II). Section III focuses on specific policy initiatives including the Tripoli Agreement, PD 1618 and the Organic Act. Section IV discusses an assessment of government’s institutional response in Muslim Mindanao. Where appropriate, the paper includes discussions of the institutional responses to the conflict between the government and the CPP/NPA. After all, in the general discussion of the state of unpeace in the country, references are always made not only to rebellion in “Muslim Mindanao” but also to the rebellion being waged by the CPP/NPA and the National Democratic Front. Section V discusses some indicative recommendations and areas of action at the policy and politico-administrative levels.

II. Institutional and Politico-Administrative Responses to Unpeace

10. In most general terms, Government’s general politico-administrative response to the state of as a consequence of the insurgency waged by the MNLF and MILF in Mindanao but also by the CPP/NPA in other parts of the country has always been twofold: (1) the conduct of a peace process that included negotiations with the representatives of the insurgents, including peace talks in third countries, and (2) the design and implementation of development programs and projects for the areas.⁵

11. It is within this context that the legislature, being the primary policy making body of the Philippine politico-administrative system, provides the enabling policy environment by crafting the appropriate laws. As we know, the executive branch is mandated to ensure the effective implementation of such laws and policies through appropriate and specific program, projects and activities.⁶

12. Through the years, the politico-administrative response to the state of unpeace in Mindanao took on various dimensions. For instance, the Marcos administration, while deploying military troops to address the Muslim rebellion also had its version of a “peace process” by designating his wife as his specially emissary to negotiate peace with the Muslim rebels through a

⁵ As mentioned earlier, the other major response apart from working within the context of the politico-administrative system is the military response. This is addressed by another paper.

⁶ During the dictatorship of Marcos, policy making and implementation were fused in the dictator under a martial law regime.

third party, Libya resulting in the Tripoli Agreement. The Aquino administration tried to negotiate peace with the rebels by directly arriving at a peace agreement with their leaders: she obtained an agreement with Jose Maria Sison of the National Democratic Front and the NPP-NPA, and with Nur Misuari of the MNLF. However, it was only during the administration of President Ramos that a comprehensive institutional approach to peace was integrated into the politico-administrative system.

13. President Ramos created the National Unification Commission (NUC) mandated to formulate and recommend to the President a viable peace process that will lead to a just, comprehensive and lasting peace. Through the conduct nationwide multi-sectoral consultations, NUC recommended that the Government's comprehensive peace efforts should pursue a "Six Path to Peace." The Government adopted its road map to peace by virtue Executive Order (EO) 125 series of 1993. These are further discussed in the next section.

A. Resolving Armed Conflict in ARMM

14. Conflict resolution in ARMM is not a new effort of the Government of Republic of the Philippines (GRP). Since 1972, considerable policies have been adopted and institutional bodies were created in response to end the armed battle between the national government and Muslim insurgents. Then, the Philippine Congress created the Commission on National Integration and the Mindanao Development Authority. GRP also created a Presidential Task Force for the Reconstruction and Development of Mindanao, which became Southern Philippines Development Administration. In 1989, the Autonomous Region of Muslim Mindanao was created.

15. Peace agreements can be traced back to 1976 when the GRP and Muslim insurgents signed the Tripoli agreement. The Moro National Liberation Front (MNLF) has served as the main organization representing the armed Muslim groups. The general clause of the various policies and agreements pertains to putting an end to the armed conflict and pursue talks between the parties to agree on a peaceful resolution of the hostilities in Muslim Mindanao. However, due to disagreements in the peace talks, the Moro Islamic Liberation Front (MILF) was formed in 1977, a break away group from the MNLF. The group further complicated the issue of making peace negotiations work. This time the government has to deal with both the MNLF and MILF.

16. The Philippine government under various administrations – Ferdinand Marcos, Corazon Aquino, Fidel Ramos, Joseph Estrada, and the current President, Gloria Macapagal-Arroyo – have adopted and/or endeavored different policies to address the conflict issues in Southern Philippines. Presidents Marcos and Aquino tried to address the autonomy issue by creating different political setups. President Ramos put forward a comprehensive policy – the 1996 Final Peace Agreement – implementing the Tripoli Agreement consummated in 1976. The Declaration of General Cessation of Hostilities was signed by the GRP and the MILF in 1997. President Joseph Estrada issued the Memorandum of Instructions in 1998; however, the exploratory talks between the GRP and MILF collapsed. In 2000, the government pursued an all out war policy against the MILF, which led to the take over of Camp Abubakar and 47 other MILF camps. In 2001, President Arroyo shifted the war policy back to the negotiating table. The GRP and MILF signed a Tripoli Agreement on Peace anchored on the previous agreements between GRP and MNLF. Conversely, in the same year, she pursued an all out war policy against the Abu Sayaff Group (ASG), a group of Muslim terrorists and bandits, which has engaged in violence, bombings, kidnappings, and other human rights violations.

17. The Ramos administration upon recommendation of the NUC crafted the "The Six Paths to Peace," namely, 1) reforms, 2) consensus-building and empowerment, 3) negotiations, 4)

reconciliation and reconstruction, 5) conflict reduction and transformation, and 6) building a climate for peace through education and advocacy. This policy perhaps indicates a genuine effort to resolve conflict in Mindanao. Interestingly, military operations were not among the options to achieve peace.

18. Executive Order 125 issued on 15 September 1993 defined the approach and administrative structure for government peace efforts. It embodied the major recommendations of the NUC, which provided the official policy framework of the Ramos government's peace efforts, including the principles, components and administrative structure.

19. It likewise organized the Office of the Presidential Adviser on Peace Process (OPPAP) to continue the work of the NUC. It provided for a cabinet-level position Presidential Adviser on the Peace Process (PAPP) to advise and assist the President in managing the peace effort. To date, several negotiating panels under the OPPAP structure work on exploratory and formal talks between the GRP and the armed groups such as the NDF, MNLF, and MILF.

20. The peace process efforts of the different administrations have remained unsuccessful. Agrasada (2003) identified several factors that contributed to the erosion of the peace process, among other things, include: (i) unresolved issues on land; (ii) ceasefire violations; (iii) conversion of MILF camps to military headquarters; (iv) political opposition to the negotiations; (v) heightened MILF attacks against military forces; (vi) the government's counterforce and punitive action against the MILF; and, (vii) probable MILF involvement in terrorist activities.

21. There have been observations that regional autonomy and peace agreements have not really resulted in better peace situation in the Muslim Mindanao. Ownership and preparedness of the peace process are key factors to its success. For instance, the World Bank noted that the MNLF did not participate in the efforts toward regional autonomy during the administration of Marcos and Aquino. Moreover, there has been little or not direct assistance for capacity building for regional autonomy. In both cases, *ownership and preparedness* to govern the regional government were wanting if regional autonomy is to work for ARMM.⁷

1. Historical Perspective of Key Policies

22. This section discusses the evolution of key policies and institutions and politico-administrative structures initiated by the national government within the context of diverse socio-political and economic conditions in Muslim Mindanao. Towards the end, these policies and institutional structures are indicative of possible resolutions to the continuing conflict between Muslim secessionists and the government. More importantly, it shows the institutional response of both the Executive and Legislature in providing political stability and managing conflict.

23. Generally, the institutional response focuses on two areas: 1) regional governance as a tool for local development; and 2) peace process to resolve conflict between the GRP and Muslim insurgents. Regional Autonomy was seen as the immediate response to the issues on local governance thereby improving the management of resources, delivery of services, and

⁷ In the conduct of this study, an *indicative* survey was also made among some young Muslim leaders who were then attending a one semester training course at the UP National College of Public Administration and Governance. As indicated in Section IV, there continues to be general cynicism among them about the various attempts at the institutional and politico-administrative levels to address the needs of the Muslims in Mindanao.

development outcomes. Peace agreements are the key strategic interventions to resolve conflict; these efforts are geared towards the collective action for human development.

24. Parenthetically, it might be mentioned that the use of the Military force may be considered as another institutional response in dealing with the Mindanao problem. Another paper tackles the GRP's institutional response to resolve armed conflicts using military force.

25. Table 2 presents the genesis of policy and institutional responses in Muslim Mindanao since the American occupation. It must be noted that southern Philippines – especially the Muslim dominated areas – was (rightly or wrongly) always considered different from the rest of the country because of its ethnic composition. It was within this context that unique politico-administrative and institutional approaches and strategies were employed since the American occupation up to today to address the situation.

26. It attempts to summarize chronological context of the government's institutional response pertaining to the armed conflict in Muslim Mindanao.

**Table 2. Executive and Legislative Response to the Conflict in Muslim Mindanao
A Historical Perspective**

Year	Policy/ Institutional Set up	Regime	Key Features
30 October 1899	Military District of Mindanao and Jolo	U.S. Army Department of the Pacific and the Eight Army Corps	<ul style="list-style-type: none"> ▪ Created from the provinces of Cotabato, Davao, Lanao, Misamis, Surigao, Sulu and Zamboanga.
October 1901	Bureau of Non-Christian Tribes	American occupation	<ul style="list-style-type: none"> ▪ Created by the Philippine Commission assigned to make a systematic investigation of the non-Christians in the Philippines: identify their tribes, territories, social organization, language, beliefs, manners and customs
15 July 1903	Establishment of Moro Province	American occupation	<ul style="list-style-type: none"> ▪ Moro and Pagan inhabitants in the province were subject to Moro laws and tribal customary laws. The province was ruled by a civilian governor.
23 July 1914	Organic Act for the Department of Mindanao and Sulu	Philippine Commission	<ul style="list-style-type: none"> ▪ Extended to the inhabitants of Mindanao and Sulu the general laws of the country and the general forms and procedures of government followed in other provinces.
5 February 1920	Abolition of the Department of Mindanao and Sulu		<ul style="list-style-type: none"> ▪ Ended the effective period of American administration over Moro land. The Secretary of the Interior, through the Bureau of Non-Christian tribes, exercised its powers to govern the seven provinces of the region.
12 February 1935	Act No. 4197 or Quirino-Recto Colonization Act	President Quirino	<ul style="list-style-type: none"> ▪ Launched a vigorous campaign to solve the Mindanao situation through land settlement, under sponsorship by the government.
1957	Commission on National Integration	President Magsaysay	<ul style="list-style-type: none"> ▪ Tasked to bring about moral, material, economic, social, and political advancement of the Non-Christian Filipinos, and making permanent their integration into the body politic, i.e., through scholarships in government schools and universities.
1960s	Homestead policy		<ul style="list-style-type: none"> ▪ Encouraged the migration of non-Muslims to the Mindanao region, and land investments for local and foreign big businesses.

Year	Policy/ Institutional Set up	Regime	Key Features
7 July 1975	PD 742 and LOI 290	President Marcos	<ul style="list-style-type: none"> Established the Office of the Regional Commissioner for Region IX and Region XII. Rear Admiral Romulo Espaldon and Atty. Simeon Datumanong Regional were appointed as commissioners for the two regions, respectively.
23 December 1976	Tripoli Agreement	President Marcos	<ul style="list-style-type: none"> Signed by the Philippine government and the MNLF under the auspices of the Organization of Islamic Countries (OIC) through its Quadripartite Commission in Tripoli, Libya. Granted autonomy to 13 of the 23 provinces and 9 cities in Mindanao, Sulu and Palawan islands, with their respective executive, legislative and judicial branches, and a regional security force independent of the Armed Forces of the Philippines.
14 February 1977	PD No. 1092	President Marcos	<ul style="list-style-type: none"> Called for a referendum-plebiscite on 17 April 1977 in the 13 provinces.
15 February 1977	Resolution No. 11	President Marcos	<ul style="list-style-type: none"> Batasang Bayan issued a resolution recommending the promulgation of a decree which provides the functions, powers and composition of the Sangguniang Pampook (Regional Assembly)
25 March 1977	Proclamation 1628	President Marcos	<ul style="list-style-type: none"> Established a provisional government in the 13 provinces stipulated in the Tripoli Agreement.
17 April 1977	The 1977 Plebiscite	President Marcos	<ul style="list-style-type: none"> The people – through the qualified voters in the Southern Philippines – approved the creation of Sangguniang Pampook and Lupong Tagapagtanggap with an overwhelming 2,499,375 affirmative votes; 65,612 negative votes; and 21,176 abstentions. The people rejected the merger of the 13 provinces into one autonomous region. They proposed two autonomous regional governments – Regions IX and XII.
7 May 1977	Proclamation 1628-A	President Marcos	<ul style="list-style-type: none"> This proclamation was issued ordering the adoption and implementation of the results of the referendum-plebiscite in 17 April 1977. Based on the results of the 1977 Plebiscite, President Marcos defined the composition (provinces) of the two Autonomous

Year	Policy/ Institutional Set up	Regime	Key Features
			Regions.
1978	Southern Philippine Development Authority	President Marcos	<ul style="list-style-type: none"> Undertook the government programs for the Muslims and later became the Ministry of Muslim Affairs and the Presidential Assistance on National Minorities (PANAMIN). PANAMIN was tasked to integrate into the mainstream of society certain ethnic groups which sought full integration into the larger community and at the same time protect the rights of those who wish to preserve their original way of life beside the larger community.
23 March 1979	Batas Pambansa Bilang 20	President Marcos	<ul style="list-style-type: none"> The Batasan Pambansa passed Batas Pambansa Blg. 20 providing for the organization of Sanguniang Pampook and Lupong Tagapagpaganap in each autonomous region.
7 May 1979		President Marcos	<ul style="list-style-type: none"> Under Batas Pambansa Blg. 20, the election of representative to the Sangguniang Pampook in each autonomous regions was held and the successful candidates have been proclaimed and duly qualified.
25 July 1979	Presidential Decree 1618	President Marcos	<ul style="list-style-type: none"> Provided for the implementation of the organization of Sanguniang Pampook (Regional Assembly) and Lupong Tagapagpaganap (Regional Executive Council) in the Autonomous Regions IX and XII; thus, establishing the final political set up and framework of autonomous governance in two regions.
2 February 1987	1987 Constitution	President Aquino	<ul style="list-style-type: none"> Provided for the creation of autonomous regions in Muslim Mindanao and the Cordilleras by and Act of Congress with the assistance of a regional consultative commission
24 July 1987	Mindanao Regional Consultative Commission	President Aquino	<ul style="list-style-type: none"> Drafted the Organic Act for Muslim Autonomy for submission to Congress
1 August 1989	Republic Act 6734 or the Organic Act for the Autonomous Region in Muslim Mindanao	President Aquino	<ul style="list-style-type: none"> It created the Autonomous Region of Muslim Mindanao to be composed of provinces and cities voting favorably in the plebiscite.
6 November 1989	The 1989 Plebiscite	President Aquino	<ul style="list-style-type: none"> As stipulated in the Tripoli Agreement, Republic Act 6734 was

Year	Policy/ Institutional Set up	Regime	Key Features
			submitted to the people of the 13 provinces and nine cities. Only four (4) out of 13 provinces and nine cities ratified the Organic Act. These are the Provinces of Lanao del Sur, Maguindanao, Sulu and Tawi Tawi
9 July 1990	The First ARMM Elections	President Aquino	<ul style="list-style-type: none"> Regional governor, Vice Governor and regional assembly were elected. The ARMM elections regularized and completed the 1987 Constitutional steps in creating the autonomous region in Muslim Mindanao
10 October 1991	Republic Act 7160 (Local Government Code of 1991)	President Aquino	<ul style="list-style-type: none"> Mandates the devolution of key functions and responsibilities of the national government to the local government units – provinces, cities/municipalities, and barangays -, which include, among others: Health, education, environmental protection, and social protection.
1 September 1992	Executive Order 19 constituted the National Unification Commission (NUC)	President Ramos	<ul style="list-style-type: none"> Tasked to formulate an amnesty program and negotiation process, based on public consultations, with the aim of creating a comprehensive and permanent solution to the war in Mindanao.
	Office of the Presidential Adviser on the Peace Process		<ul style="list-style-type: none"> Created to continue the work of the NUC.
15 September 1993	Executive Order 125	President Ramos	<ul style="list-style-type: none"> Defined the approach and administrative structure for government peace efforts. It embodied the major recommendation of the NUC, which provided the official policy framework of the Ramos government's peace efforts, including the principles, components and administrative structure.
1995	Muslim Mindanao Autonomy Act No. 25	President Ramos	<ul style="list-style-type: none"> A region-specific local government code for ARMM. It provides for the preservation of education, health and social protection services as basic services delivered by the Regional Government.
2 September 1996	Republic Act 9054 (1996 Final Peace Agreement)	President Ramos	<ul style="list-style-type: none"> Amended the 1989 Organic Law, which reconstituted the new ARMM composed of the 5 province and one city. The first phase entailed a 3-year transition period of confidence building under a new leadership and clear mandate. The second phase provided for substantial autonomy, following a plebiscite that would determine

Year	Policy/ Institutional Set up	Regime	Key Features
			which areas would join a new autonomous region with greater powers than the ARMM.
16 March 1997	Interim Ceasefire Monitoring Committee	President Ramos	<ul style="list-style-type: none"> Created to ensure the commitment of the government and MILF forces to a general cessation of hostilities, direct their respective sub-committee on the cessation of hostilities to draw and finalize the guidelines and ground rules for the implementation of the agreement, and resumption of their formal talks in a venue to be mutually agreed upon between their panels
21 July 1997	Agreement on the General Cessation of Hostilities	President Ramos	<ul style="list-style-type: none"> General agreement to stop the hostilities
27 August, 1998	General Framework of Agreement of Intent	President Estrada	<ul style="list-style-type: none"> Salient points include the pursuit of peace negotiations until the Parties reach a negotiated political settlement, and the non-use of threat or force to attain undue advantage while the peace negotiations on the substantive agenda are on-going
21 June 2001	Agreement on Peace between the GRP and the MILF	President Estrada	<ul style="list-style-type: none"> Covered four aspects, namely, security, rehabilitation, ancestral domain, and activation of committees. Sought to facilitate negotiation and peaceful resolution of the conflict through consultations with the Bangsamoro people, and granted the MILF the lead role to determine and manage rehabilitation and development projects in conflict-affected areas.
7 May 2002	Implementing Guidelines on the Humanitarian, Rehabilitation and Development aspects of the GRP-MILF Tripoli Agreement of Peace of 2001	President Arroyo	<ul style="list-style-type: none"> Identified conflict-affected areas, relief and rehabilitation of evacuees, rehabilitation and development projects, MILF designated agency and government agencies, mobilized the implementation of projects and monitoring mechanisms. Secured the full support of concerned communities, agencies and forces, of the relief and rehabilitation and development efforts in conflict-affected areas.
20 February 2004	Joint Statement during the 5 th Exploratory Talks	President Arroyo	<ul style="list-style-type: none"> Consolidated the Terms of Reference for the International Monitoring Team and formalized the agreement for the Join GRP-MILF Coordinating Committee on the Cessation of Hostilities (CCCH) to extend capacity-building programs through the

Year	Policy/ Institutional Set up	Regime	Key Features
			Bangsamoro Development Authority and work closely with the donor community in implementing the joint needs assessment phase of the Multi-Donor Trust Fund intended for the rehabilitation and development of the conflict-affected areas.

Source: Mindanao Peace Process by Fr. Eliseo R. Mercado, Jr., OMI President, Notre Dame University, Cotabato City; Don Agrasada, Peace Derivative and Probabilities in Muslim Mindanao: Part 1; and World Bank, Human Development for Peace and Prosperity in the Autonomous Region in Muslim Mindanao.

2. Summary of Institutional Responses

27. The following were among the major institutional responses aimed at addressing the unique situation in southern Philippines.

- **One major institutional response was to define the area geographically and target it as a separate territorial jurisdiction for assistance and intervention.** As early as 1899, during the American occupation with the creation of the Military District of Mindanao and Jolo. In 1903, the Moro Province was created. In the seventies, with the regionalization of the Philippines, the Muslim dominated provinces were designated as Region IX and XII. These essentially also constituted the same 13 provinces and nine cities in Mindanao that were designated as part of the autonomous region defined under the Tripoli Agreement of 1976. The 1987 Constitution likewise geographically defined the autonomous regions in the Cordilleras and in Muslim Mindanao. Then in 1989, the Republic Act Organic Act for the Autonomous Region in Muslim Mindanao geographically defined provinces that constituted the area of autonomy.
- **A second major institutional response and politico-administrative strategy was to set up mechanisms that would integrate – at least at the conceptual and politico-administrative levels - the area into the mainstream body politic.** This is illustrated with the setting up of the Commission on National Integration in 1957, the Presidential Assistance on National Authorities (PANAMIN) in the sixties and the Southern Philippine Development Authority in 1978. These bodies' main task was essentially to integrate into mainstream of society certain ethnic groups which sought full integration into the larger community at the same time preserve their original way of life.
- **Another institutional response was to marginalize the local minority population in their own land by encouraging migration of non-Muslims to the region and land investments for local and foreign businesses.** This essentially meant attempts by the dominant body politic to further marginalize the minorities by bringing in outsiders into the area and make them minorities in their own native land. This was what the homestead policy in the sixties essentially did.
- **A fourth institutional response was the adoption of traditional and formal democratic means – such as plebiscites, referenda and special elections in the area – to determine the sentiments of the affected citizens.** This modality was popularly used by the Marcos dictatorship to legitimize its hegemonic policies in the region. For instance, Marcos called for a referendum plebiscite through Presidential Decree 1092 in 1977. A plebiscite was again called in 1989 where the people were supposed to have voted favorably for RA 6734 also known as the Organic Act for the ARMM.
- **Related to the above as an institutional response was the setting up of special politico-administrative structures in the area.** Thus, the office of regional commissioners for Regions IX and XII were established in 1975; a regional executive and legislative assembly was established pursuant to the results of the 1977 referendum in the area; and of course the establishment of the politico-administrative structures that would operationalize the ARMM government including the election of

the Regional Governor, the appointment of regional cabinet secretaries – defined sectorally -- by the Governor.

- **The signing of peace agreements and covenants between and among the conflicting parties was another contemporary “standard” institutional response to address the conflict in Muslim Mindanao.** This was particularly true during the Marcos administration with the peace agreement reached within the context of the Tripoli Agreement. The Ramos administration had Presidential Adviser on the Peace Process with the objective of bringing the conflicting parties, i.e., the Muslim rebels and the government, to the negotiation table to hammer out a peace agreement. A peace agreement between the government and the MILF was likewise arrived at during the Estrada administration. Similarly, the Arroyo administration continues to negotiate with the Muslim rebels to arrive at a peace agreement.
- **Finally, another major institutional response was to elevate the situation to the international situation and bring in international actors to help settle the problem.** This was essentially what the Tripoli agreement did in 1976, and what subsequent government attempts did such as getting the Organization of Islamic Countries and specific countries such as Malaysia and Indonesia to participate in the dialogue and address the unique needs of the Muslim Filipinos in Mindanao.

28. Indeed, the institutional and politico-administrative response of the government particularly the executive and legislative branches ranged from attempts to implement the constitutional provision of regional autonomy as provided for in the Constitution, to the implementation of applicable provisions of general laws (such as the Local Government Code), to the crafting of specific laws for the area (such as the Organic Act), to the conduct of consultations, plebiscites and elections to determine and gauge the people’s sentiments and will, and peace agreements.

Government’s Responses to the CPP/NPA/NDF

29. The Office of the Presidential Adviser on the Peace Process (OPPAP) indicates that the government’s institutional response stems from its recognition that peace is not just the absence of armed conflict but enabling an environment for sustainable human development.

30. Soon after the EDSA People Power in 1986, then President Corazon Aquino opened the peace negotiations with the National Democratic Front (NDF), Cordillera People’ Liberation Army (CPLA) and other armed groups.

31. During Ramos’ presidency, exploratory talks between the government and the National Democratic Front (NDF) began. The government initiated informal talks to convince the latter to engage in peace talks with the end in view of attaining a just and lasting peace in the country. It should be noted that exploratory/informal talks between the representatives of the government and the NDF was the medium of achieving peace agreements.

32. Table 3 indicates the four results or agreements signed after rounds of exploratory talks. Table 4 provides the agreements as a result of formal talks between the GRP and NDF.

33. On 30 May 1999, during the term of President Estrada, the NDF terminated the peace agreements when the GRP ratified the Visiting Forces Agreement. This also led to the GRP’s termination of the JASIG agreement on 1 June 1999.

34. The Magapagal-Arroyo Administration, weeks after the EDSA II, reaffirmed the Six Paths to Peace as the guiding principle towards the attainment of peace in the country by issuing Executive Order No. 3. It also issued the Joint Statement on 9 March 2001 providing for the resumption of the formal peace talks after two years since its termination. Since then, there have been continued talks and formal negotiations between the GRP panel and NDF representatives.

Table 3. Agreements from Exploratory/Informal Talks between the Government and NDF/NPA/CPLA

Year	Policy	Regime	Features
1 September 1992	The Hague Joint Declaration	President Ramos	<ul style="list-style-type: none"> ▪ The declaration provides, among others, that: i) the GRP and NDF representatives agreed to recommend to their respective principals that formal peace negotiations shall be held to resolve armed conflict; (ii) the common goal of the negotiations shall be the attainment of just and lasting peace; and (iii) the holding peace negotiations must be in accordance with mutually acceptable principles of national sovereignty, democracy and social justice. ▪ Human rights and international humanitarian law (HR/IHL) ▪ Social and economic relations (SER) ▪ Political and Constitutional Reforms (PCR) ▪ End of hostilities and disposition of forces (EOH/DOF)
14 June 1994	Breukelen Joint Statement	President Ramos	<ul style="list-style-type: none"> ▪ Contains clarifications of issues and perspectives ▪ Indicates the areas of agreements and disagreements on various issues and concerns ▪ Affirms the mutual commitment of both parties to enter into formal negotiations to achieve peace
24 February 1995	Joint Agreement between the GRP and the NDF on Safety and Immunity Guarantee (JASIG)	President Ramos	<ul style="list-style-type: none"> ▪ Provides safety and immunity guarantees to protect the rights of negotiators, consultants, staff, security and other personnel who participant in the GRP-NDF negotiations
26 February 1995	Joint Agreement on the Ground Rules and Formal Meetings between the GRP and the NDF Panel	President Ramos	<ul style="list-style-type: none"> ▪ Provides for the guidelines governing the conduct of negotiations between the two panels, which include: venue, schedule and meeting agenda, quorum, participants and procedure of formal meetings, etc.

Source: OPPAP. Compilation of documents signed in the peace negotiations between the GRP and NDF, 2004.

Table 4. Agreements from Formal Talks between the Government and NDF/NPA/CPLA

Year	Policy	Regime	Features
26 June 1995	Joint Agreements on the Formation , Sequence and Operationalization of the Reciprocal Working Committees or RWC Agreement	President Ramos	<ul style="list-style-type: none"> ▪ Defines the negotiations process ▪ Provides that the (i) composition, authority and conduct of work of the RWCs; (ii) formation sequence and Operationalization of the RWCs; (iii) two panels hold formal meetings at mutually acceptable sites; and (iv) negotiating panels may from time to time mutually agree to amend, modify or supplement the Joint agreement
26 June 1996	Additional Implementing Rules Pertaining the Documents of the Identification	President Ramos	<ul style="list-style-type: none"> ▪ Supplements the JASIG ▪ Provides for the rules for the issuance of documents of identification (DI) ▪ Provides for the setting up verification mechanism that will validate NDF DI holders
18 March 1997	Supplemental RWC Agreement	President Ramos	<ul style="list-style-type: none"> ▪ Provides for an accelerated negotiations process and timetable for the completion of tasks. This was being pushed since the Presidential term of Ramos was about to end.
16 March 1998	Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law or CAR-HR/IHL	President Ramos	<ul style="list-style-type: none"> ▪ Guarantees the protection of human rights to all Filipinos; affirm and apply the principles of international humanitarian law; establish mechanism for monitoring and ensuring compliance with the provision of the agreement; and other comprehensive agreements to ensure the attainment of a just and lasting peace.
16 March 1998	Additional Implementing Rules and of the JASIG Pertaining to the Security of Personnel and Consultation in the Furtherance of the Peace Negotiations	President Ramos	<ul style="list-style-type: none"> ▪ For security purposes, it provides that: (i) duly accredited persons of NDF may carry one sidearm during peace negotiations; (ii) Security Committees and Security Forces be created, and (iv) agree on the guidelines on the Implementing Rules, which are not specifically covered by the Agreement.
16 March 1998	Joint Agreement in Support of the Socioeconomic Projects of Private Development Organizations and Institutes	President Ramos	<ul style="list-style-type: none"> ▪ It recognizes the desire of both parties to assist private development organizations (PDOs) and institutes engaged in programs, projects and activities towards socio-economic development.
7 August 1998	Memorandum Order No. 9 Approving the implementation of the CAR-HR-IHL	President Estrada	<ul style="list-style-type: none"> ▪ Approves the implementation of CAR-HR-IHL
24 February 1999	Suspension of JASIG	President Estrada	<ul style="list-style-type: none"> ▪ Suspended the JASIG due to violations by NDF
April 1999	Lifted the suspension of the JASIG	President Estrada	<ul style="list-style-type: none"> ▪ JASIG was put back in effect

Year	Policy	Regime	Features
1 June 1999	Terminated the JASIG	President Estrada	<ul style="list-style-type: none"> The termination of the JASIG followed after the NDFs terminated the peace talks. They accused the government of violating the principle of national sovereignty cited in the Hague agreement when it ratified the Visiting Forces Agreement in May 1999.
28 February 2001	Executive Order No. 3 Affirming the Six Paths to Peace as the Guiding Principle for the Peace Process	President Macapagal-Arroyo	<ul style="list-style-type: none"> It reaffirmed the GRPs policy on Peace Process based on the Six Paths to Peace crafter during the Ramos Administration.
9 March 2001	Joint Statement	President Macapagal-Arroyo	<ul style="list-style-type: none"> It provides for the resumption of the formal peace talks after two years since its termination.
30 April 2001	Oslo Joint Communique	President Macapagal-Arroyo	<ul style="list-style-type: none"> Both parties formally announced that peace negotiations between GRP and NDFP have resumed, and working sessions have been conducted in Oslo, Norway from 27 to 30 April 2001.
13 January 2004	Joint Statement to Resume Formal Talks in the GRP-NDF Peace Negotiations	President Macapagal-Arroyo	<ul style="list-style-type: none"> Both parties reaffirmed The Hague Joint Declaration , JASIG, RWC Agreement, and subsequent agreements as the framework of the GRP-NDFP peace negotiations. The resumption of peace talks was set in February 2004.
14 February 2004	Oslo Joint Statement	President Macapagal-Arroyo	<ul style="list-style-type: none"> The formal resumed from 10-14 February in Oslo, Norway. The two parties agreed on the: i) framework of the negotiations; ii) role of the third party facilitator; iii) effective measures regarding the “Terrorist” listing; iv) NDFP Proposal for accelerated work/GRP proposal of an enhanced process; v) formation of the joint monitoring committee (JMC);vi) indemnification of the victims of humans rights violations under the Marcos regime; vii) work of the RWC-SER reforms; viii) confidence building measure; and ix) exchange of information and complaints.
3 April 2004	Second Oslo Joint Statements	President Macapagal-Arroyo	<ul style="list-style-type: none"> The two panels agree on the: i) effective measures undertaken to resolve the issue of “Terrorist” listing; ii) joint monitoring committee (JMC); iii) work of the RWC-SER; iv) release of prisoners and detainees; v) indemnification of the victims of humans rights violations under the Marcos regime; and vi) other issues pertaining to violations of human rights.
15 April 2004	Joint Statement of the Joint Monitoring Committee Re: Convening of the Joint Secretariat	President Macapagal-Arroyo	<ul style="list-style-type: none"> Formally convened the Joint Secretariat of the Join Monitoring Committee (JMC). JMC was formed to monitor the implementation of the the Comprehensive Agreements on Respect for Human Rights and International Humanitarian Law (CARHRIHL)

Year	Policy	Regime	Features
4 June 2004	Statement of the Joint Monitoring Committee during the Launching of the Joint Secretariat	President Macapagal-Arroyo	<ul style="list-style-type: none"> ▪ Formally opened the offices of the Joint Secretariat (JC) of the JMC.
25 June 2004	GRP Panel Communique	President Macapagal-Arroyo	<ul style="list-style-type: none"> ▪ Negotiating parties gave an update on the issues/concerns discussed during the second Oslo Joint Statements on 3 April 2004. The parties also conducted separate consultations with the Third Party Facilitator, His Excellency Ambassador Paul Moe of the Royal Norwegian Government.

Source: OPPAP. Compilation of documents signed in the peace negotiations between the GRP and NDF, 2004.

3. Governments Plan on Peace Process: Contemporary Developments 2004 – 2010

35. This section focuses specifically on executive and legislative responses to the problem within the context of the *contemporary* peace process. The Medium Term Philippine Development Plan (MTPDP) 2004-2010 provides the overall framework for making the government response work towards the attainment of peace and development in the country.
36. The national government emphasizes the continuity of its policies in achieving peace and development, particularly in conflict-ridden areas such as ARMM. Obviously, there have been efforts undertaken and resources utilized to put in place peace in these areas. However, the results have been unable to effect better human development conditions.
37. Chapter 14 of the MTPDP presents the government's goals, strategies and action plans to promote national harmony through peace process. The goals of the peace process are as follows:
- a. Completion of comprehensive peace agreements with rebel groups resulting in the permanent cessation of armed hostilities by 2010;
 - b. Completion of implementation of all final peace agreements signed since 1986;
 - c. Mainstreaming the rebel groups through an enhance amnesty, reintegration, and reconciliation program;
 - d. Rehabilitation, development, and healing of conflict-affected areas; and
 - e. Strengthening the peace constituency and citizen's participation in the peace process on the ground.
38. To achieve the above goals, the administration adopts and implements a peace plan comprising two components, namely: (1) peacemaking and peacekeeping; and (2) peace building and conflict prevention.
39. Peacemaking and peacekeeping aims to reduce the level of violence and permanently end the internal armed conflict will all insurgent/secessionist groups. On the other hand, peace building and conflict prevention aims to rehabilitate and develop conflict-affected areas, remove major sources of grievance, and heal the wounds of internal armed conflict. Essentially, the two components relates key tasks to complete peace negotiations and bring about people led peace initiatives, as means to end violence in conflict areas.
40. There are seven (7) key elements to be pursued, they are: (1) Continuation of peace talks and conclusion of final peace agreements with major rebel groups; (2) Complementary measures to reduce the level of violence arising from internal armed conflict; (3) Completion of implementation of existing final peace agreements; (4) Enhanced amnesty/reconciliation program for rebel returnees, establishment of Amnesty and Reconciliation Commission (ARC) in lieu of Amnesty Commission; (5) Rehabilitation and development of conflict-affected areas; (6) Catch-up development program for ARMM and affirmative action agenda for Muslims; and (7) Community based inter-faith/tri-peoples dialogue, healing, and reconciliation.⁸

⁸ NEDA. Medium Term Philippine Development Plan, 2004 – 2010.

III. Focus on the Tripoli Agreement, the 1987 Constitution, PD 1618 and the Organic Act

41. To further provide a deeper perspective on specific policy initiatives to respond to situation of unpeace in Mindanao, this section discusses the major policies and institutional mechanisms adopted to resolve conflict in ARMM. Specifically, it discusses the following: (i) The Tripoli Agreement of 1976; (ii) the 1987 Constitution of the Philippines; (iii) Presidential Decree 1816; (iv) Republic Act (RA) 6734; and (v) R.A. 9054 or the 1996 Final Peace Agreement. It includes a discussion of the role of the United States, unofficially or officially, in conflict management and resolution.
42. The Tripoli Agreement of 1976 was signed by the GRP and the MNLF with the aid of the OIC. Among those which were agreed upon was the establishment of autonomy in the Southern Philippines within the realm of the sovereignty and territorial integrity of the Republic of the Philippines. The areas of autonomy included Basilan, Sulu, Tawi-tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao del Sur, South Cotabato and Palawan
43. Notably, it was also agreed that foreign policy shall be of the competence of the Central Government of the Philippines and that the authorities of the autonomous region shall have their own economic and financial systems. The formation of a Legislative Assembly and an Executive Council by direct election and through appointments, respectively, was also stipulated upon in the 1976 Tripoli Agreement.
44. Immediately upon the signing of the agreement, a provisional government was to be created in the areas of autonomy and a declaration of a ceasefire was to take effect.
45. The significance of the Tripoli Agreement cannot be discounted because this served as the basic skeletal framework of the Executive branch in the implementation of future agreements and other policies regarding the resolution of the armed conflict in Muslim Mindanao and the achievement of lasting peace in the region.
46. The Tripoli Agreement was followed by various presidential proclamations, decrees and the enactment of BP Blg. 20 all consistent with and operating within the framework of the Tripoli Agreement. A significant development in this phase of the evolution of the policies adopted by the government was the conduct of a plebiscite where the people affected voted down the proposal to merge the 13 provinces into one autonomous region. Instead, on the basis of the said plebiscite two autonomous regions were formed by then President Marcos (Regions IX and XII).
47. Article X, Sections 15 to 21 of the 1987 Constitution deals with regional autonomy. More specifically, Section 15 of the charter provides that “there shall be created autonomous regions in Muslim Mindanao xxx consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures and relevant characteristics within the framework of this Constitution and the national sovereignty as well as the territorial integrity of the Republic of the Philippines.”
48. The quoted provision of the fundamental law is of utmost significance as the government both the legislative and the executive have to contend with various constitutional and statutory limitations in its dealing with secessionist groups such as the MNLF or the MILF. The government has to work within the catch phrases “national sovereignty” and “territorial Integrity”

in entering into peace accords or even in the matter of legislation with respect to the implementation of these agreements. It will take no less than a constitutional amendment if the government has to work outside of these constitutional limitations for example establishing a separate federal state for the autonomous region of Muslim Mindanao.

49. PD 1681 provided for the implementation of the organization of Sangguniang Pampook (Regional Assembly) and Lupong Tagapagpaganap (Regional Executive Council) in the Autonomous Regions IX and XII; thus, establishing the final political set up and framework of autonomous governance in the two regions.

50. The *Sangguniang Pampook* exercises local legislative powers over regional affairs in each region – within the framework of national development plans, policies and goals – in the following areas: (i) organization of regional administrative system; (ii) economic, social and cultural development; (iii) agricultural, commercial and industrial program; (iv) infrastructure development; (v) urban and rural planning; (vi) taxation and revenue-raising measures; (vii) maintenance, operation and administration of schools; (viii) establishment, operation and maintenance of health, welfare and other social services, programs and facilities; and (ix) preservation and development of customs, traditions, languages and culture indigenous to the Autonomous Region; and (x) other matters necessary for the promotion of the general welfare of the people in the Autonomous Region. It is composed of 21 members including seventeen representatives elected from the different provinces and components cities in each region.

51. The Lupong Tagapagpaganap ng Pook, on the other hand, serves as the executive unit of the region. It implements or, where appropriate, cause and supervise the implementation of the policies, programs and legislations by the Sangguniang Pampook. It is composed of a Chairman and four members. The Lupon Chairman has the power to approve or veto every legislative enactment of the Sangguniang Pampook.

52. Table 5 indicates the provinces covered in each autonomous region as well as the composition of the Sangguniang Pampook.

Table 5. Territorial Coverage of Autonomous Region IX and Region XII

Autonomous Region	Provinces Covered	Sangguniang Pampook Composition
Region IX	▪ Basilan	1
	▪ Sulu	3
	▪ Tawi-Tawi	1
	▪ Zamboanga del Norte including cities of Dipolog and Dapitan	4
	▪ Zamboanga del Sur including cities of Pagadian and Zamboanga	8
Region XII	▪ Lanao del Norte include the city of Iligan,	3
	▪ Lanao del Sur including the city of Marawi	4
	▪ Maguindanao including the City of Cotabato	4
	▪ North Cotabato	4
	▪ Sultan Kudarat	2

53. The establishment of the Autonomous Regions aims to enhance the attainment of peace and order, the acceleration of socio-economic development, and the resettlement of displaced persons and families in Regions IX and XII. It intends to effect the turnover of responsibility for

undertaking development activities particularly at the community level to the Autonomous Regions.

54. The Autonomous Regions are granted powers and authority that would enable them to adopt and implement regional policies and legislations that are germane to their particular needs and social and cultural values.

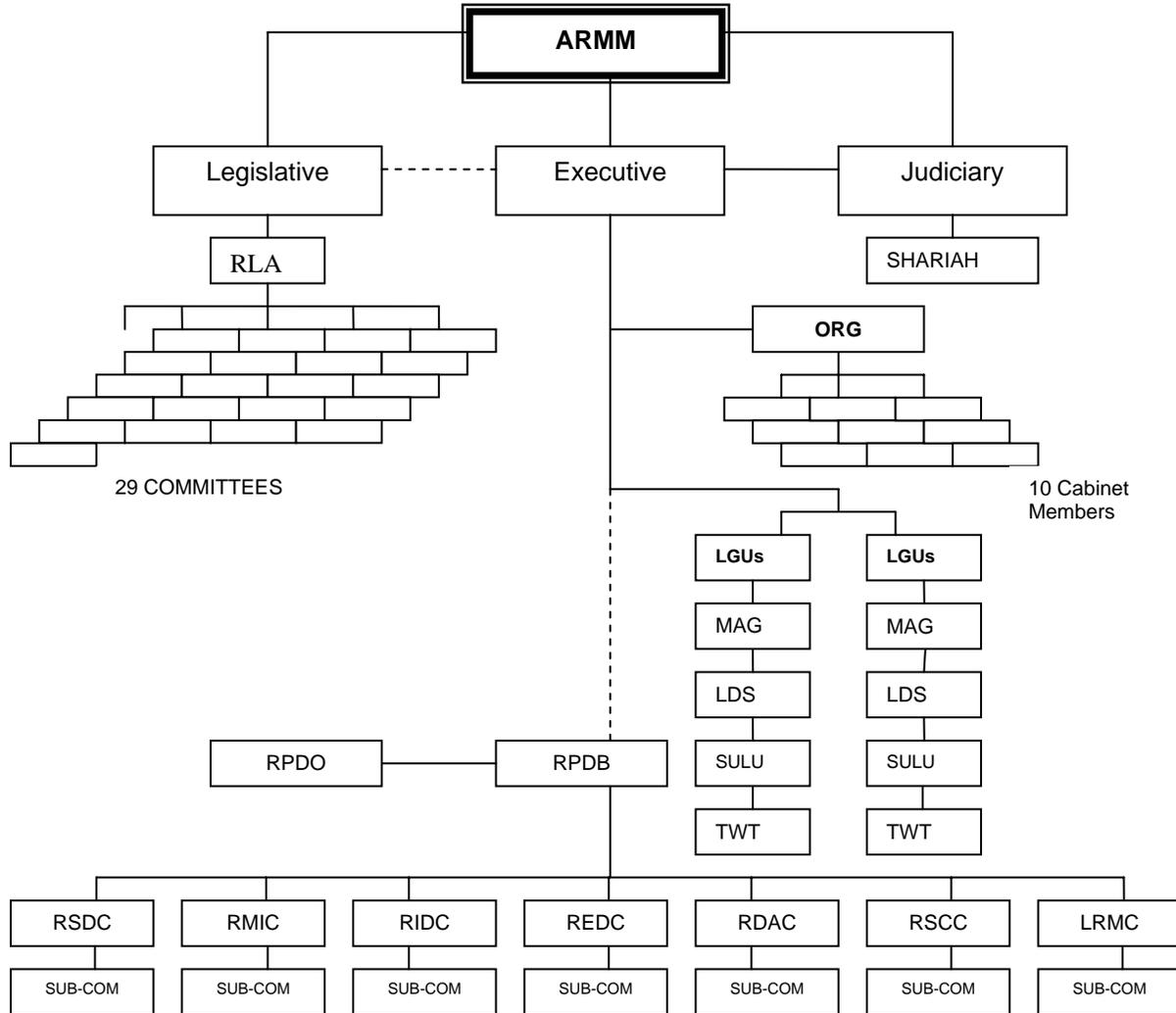
55. RA 6734 (1989), also known as the Organic Act, established the Autonomous Region in Muslim Mindanao to provide its basic structure of government within the framework of the Constitution and national sovereignty and the territorial integrity of the Republic of the Philippines, and to ensure the peace and equality before the law of all people in the Autonomous Region. It provides the basis for autonomy and governance in the region giving wide-ranging powers and functions to the ARMM regional government.

56. Under the watch of then President Aquino, RA No. 6734 was submitted to the people of the 13 provinces and nine cities for a plebiscite as stipulated in the Tripoli Agreement.⁹ Out of 13 provinces and nine cities, only four (4) agreed to be part of ARMM. These are the Provinces of Lanao del Sur, Maguindanao Sulu and Tawi-tawi.

57. Figure 1 shows the administrative structure of ARMM.

⁹ The plebiscite was conducted in the provinces of Basilan, Cotabato, Davao del Sur, Lanao del Norte, Lanao del Sur, Maguindanao, Palawan, South Cotabato, Sultan Kudarat, Sulu, Tawi-Tawi, Zamboanga del Norte, and Zamboanga del Sur, and the cities of Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Puerto Princess, and Zamboanga.

Figure 1. ARMM Organizational Structure



LEGEND:

- ARMM - Autonomous Region in Muslim Mindanao
- RLA - Regional Legislative Assembly
- LGUs - Local Government Units
- RLAs - Regional Line Agencies
- CABINET MEMBER - All Head of Regiona Agencies/Departments
- RPDB - Regional Planning Development Board
- RPDO - Regional Planning Development Office
- ORG - Office of the Regional Governor
- RSDC - Regional Social Development Sector
- RMIC - Regional Micro-Intersectoral Committee
- RIDC - Regional Infrastructure Development Committee
- REDC - Regional Economic Development Committee
- RDAC - Regional Development Administration Committee
- RSCC - Regional Statistical Coordination Committee
- LRMC - LGUSP Regional Management Committee

58. Among the key bodies created are: (i) Regional Legislative Assembly; (ii) Regional Economic and Development Planning Board; and (iii) Regional Economic Development Planning Office.

59. **Regional Legislative Assembly (RLA).** RLA has the legislative power for the application and enforcement of Autonomy – local and regional – except those pertaining to foreign affairs, national security and defense, among others. It is composed of 23 elected representatives from eight legislative districts.

60. **Regional Economic and Development Planning Board (REDPB).** The Board approves the development plans, programs, and projects for the ARMM regional government. The Regional Governor serves as the chairperson. Its memberships consists all provincial governors and city mayors in the region, the speakers of the Regional Assembly, two other assembly persons, and five private sector representatives.

61. **Regional Economic Development Planning Office (REDPO).** It serves as the technical staff of the REDP Board.

62. On September 2, 1996, the Final Agreement on the Implementation of the 1976 Tripoli Agreement between the GRP and MNLF, considered as the most comprehensive attempt to solve the Mindanao menace, was signed. the OIC Ministerial Committee of the Six and the Secretary General of the OIC participated in this undertaking, just like the 1976 Tripoli Agreement, upon the request of the parties (GRP and MNLF). The salient stipulations in the agreement were divided into two phases. Table 6 details the implementing structure and mechanism of the 1996 Final Agreement.

63. Phase I covers a three (3) year period starting after the signing of the peace agreement with the issuance of Executive Order (EO) establishing the Special Zone of Peace and Development (SZOPAD), the Southern Philippine Council for Peace and Development (SPCPD), and the Consultative Assembly (CA).

64. The Transitional Period (Phase I), the following shall be implemented:

- a. There shall be established a Special Zone of Peace and Development in the Southern Philippines (SZOPAD) covering the provinces of Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao del Sur, South Cotabato, Sarangani and Palawan and the cities of Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Zamboanga and Puerto Princesa. Within the next three (3) years, these areas shall be the focus of intensive peace and development efforts. Public and private investments shall be channeled to these areas to spur economic activities and uplift the conditions of the people therein.
- b. There shall be established a Southern Philippines Council for Peace and Development (SPCPD), composed of one (1) Chairman, one (1) Vice Chairman and three (3) Deputies, one each representing the Muslims, the Christians, and the Cultural Communities. They shall be appointed by the President.
- c. The SPCPD shall be assisted by the Darul Iftah (advisory Council) which shall be created by the Chairman of the SPCPD.

- d. The local government units in the area including the ARMM, shall continue to exist and exercise their functions in accordance with existing laws.
- e. Appropriate agencies of the government that are engaged in peace and development activities in the area, such as but not limited to the Southern Philippines Development Authority (SPDA), shall be placed under the control and/or supervision of the Council as its implementing agencies to ensure that peace and development projects and programs are effectively accomplished.

65. During this phase, the process of the joining in of MNLF elements with the Armed Forces of the Philippines will start. The joining in of MNLF elements with the PNP as part of the regular police recruitment programme will also take place in this phase.

66. Phase II involves an amendment to or repeal of the Organic Act (RA 6734) of the Autonomous Region in Muslim Mindanao (ARMM) through Congressional action, after which the amendatory law shall be submitted to the people of the concerned areas in a plebiscite to determine the establishment of a new autonomous government and the specific area of autonomy thereof.

- a. While peace and development programs are being implemented in the SZOPAD, a bill to amend or repeal the RA 6734 shall be initiated within Phase I (1996-1997). The bill shall include the pertinent provisions of the final Peace Agreement and the expansion of the present ARMM area of autonomy. After a law shall have been passed by Congress and approved by the President, it shall be submitted to the people for approval in a plebiscite in the affected areas, within two (2) years from the establishment of the SPCPD (1998).
- b. The new area of autonomy shall then be determined by the provinces and cities that will vote/choose to join the said autonomy (1998). It may be provided by the Congress in a law that clusters of contiguous Muslim-dominated municipalities voting in favor of autonomy be merged and constituted into a new province(s) which shall become part of the new Autonomous Region.

67. The funds for the operations of the Council and the Assembly were initially sourced from the funds of the Office of the President while those for development programs and projects came from the appropriations of Congress as may be provided in the General Appropriations Act.

68. In line with the Tripoli Agreement of 1976, the agreement in 1996 also contained a provision that legislative power for the application in the area of Autonomy shall be vested in a Regional Legislative Assembly (RLA) except those pertaining to foreign affairs, national security and defense, among others.

69. The Office of the Presidential Adviser on Peace Process (OPPAP) reports that the governments collectively pursued the implementation of the political aspect of Phase 1 and the regional autonomous government of Phase 2 of the 1996 Final Peace Agreement.

70. Table 4 presents the executive and legislative response to concretize the (i) establishment of SZOPAD, the SPCPD, and the CA; and (ii) new autonomy law and elections in the new ARMM, as provided in the 1996 Final Peace Agreement.

Table 6. Institutional Response on the Political Aspect of the 1996 Final Peace Agreement

Key Provision	Executive and Legislative Responses
<p>1. Establishment of SZOPAD, the SPCPD, and the CA</p>	<p>1.1. EO No. 371 was issued on 2 October 1996 providing for the establishment of the Special Zone of Peace and Development (SZOPAD) and the Southern Philippines Council for Peace and Development (SPCPD) and its Constituent Assembly (CA). Appointments were extended to 81 SPCPD and CA official and members. All cabinet position in ARMM, key posts in SPCPD and membership of the 44-person CA were filled from the MNLF ranks as appointed or recommended by Former Governor Nur Misuari.</p> <p>1.2. EO provides that the SPCPD shall directly supervise offices and projects located in SZOPAD particularly the Southern Philippines Development Authority (SPDA), Office on Muslim Affairs (OMA), Office of the Southern Cultural Communities (OSCC), the National Commission for Indigenous Peoples (NCIP). Task Forces were created through Administrative Orders (AO's) such as the Basilan Development Task Force (A.O. 287, September 3, 1996), the Central Mindanao Task Force (A.O. 286, September 3, 1996), Sulu Development Task Force (A.O. 288, September 3, 1996). Task forces were created to set-up Project Management Groups that would play a more active role in monitoring development projects under the guidance of SPCPD.</p> <p>1.3. Presidential Memorandum Order was issued on June 17, 1999, which reiterates that offices and projects located in the SZOPAD of the abovementioned agencies are place under direct supervision of SPCPD;</p> <p>1.4. E.O. No. 161 was issued on 30 September 1999, which extends the term of E.O. 371 for another year corresponding to the period covered by RA 8753.</p> <p>1.5. E.O. 288 was issued on 22 September 2000 by President Estrada, which extends the term of office of SPCPD and the CA, in view of the postponement of the regular ARMM elections to May 2001.</p> <p>1.6. E.O. No. 29 was issued on 3 August 2001 by President Arroyo, which reconstitutes the SPCPD and the CA and further extends the term of office of the said bodies until the approval of the amended law for enhance autonomy. MNLF Secretary General and Cotabato City Mayor Muslimin Sema was appointed Chairperson of the SPCPD. All official of the ARMM, SPCPD and CA were placed on holdover capacity until the officials of the new ARMM were elected and sworn to office.</p> <p>1.7. SZOPAD, SPCPD and the CA were deemed abolished pursuant to Article XVIII, Section 16 of RA 9054. E.O. No. 80 issued on 11 March 2002 declares the effectivity of the abolition of SPCPDP.</p>
<p>2. New autonomy law and elections in the new ARMM</p>	<p>2.1. Republic Act No. 9054 “ An Act to Strengthen and Expand the Organic Act of the Autonomous Region in Muslim Mindanao was passed on February 7, 2001 and became a law on March 31, 2001, which amends RA 6734 entitled “An Act Providing for the Autonomous Region in Muslim Mindanao or the Organic Act of 1989, in accordance with Article VI, Section 27 (1) of the Philippine Constitution.</p> <p>2.2. A plebiscite was conducted in 15 provinces and 14 cities in Mindanao on August 14, 2001. The COMELEC issued Resolution No. 4561 declaring the results of the plebiscite. Accordingly, ARMM is now composed of the provinces of Maguindanao, Lanao del Sur, Sulu, Tawi-Tawi,</p>

Key Provision	Executive and Legislative Responses
	<p data-bbox="581 226 1157 258">Basilan(except Marawi City), and the City of Marawi.</p> <p data-bbox="516 275 1385 453">2.3. On November 26, 2001, elections in the new ARMM pushed through. The Macapagal-Arroyo administration supported the candidacy of Parouk Hussin (Foreign Affairs Minister of the MNLD) for Regional Governor and Dr. Mahid M. Mutilan (President of the Ulama League of the Philippines) for Regional Vice-Governor along with a number of MNLF members for Regional Assemblymen.</p> <p data-bbox="516 470 1385 585">2.4. On December 4, 2001, the COMELEC proclaimed the new leaders of the ARMM, with Dr. Hussin as the Regional Governor and Dr. Mutilan as the Regional Vice Governor, along with 24 members of the Regional Legislative Assembly (RLA).</p>

Source: Adopted from OPAPP Report on the Implementation of the 1996 Final Peace Agreement between the GRP and the MNLF, March 24, 2004 and Comprehensive Basic Study of the ARMM in the Republic of the Philippines by JICA.

71. According to Mercado (1999) the transitional mechanism that the SPCPD offered was said to be a failure for the following reasons:

- a. Ambiguous and unclear powers of the SPCPD and its relations to existing governmental structures including the LGUs
- b. Lack of enthusiasm of LGUs to participate in the SPCPD and the CA
- c. Lack of logistical and administrative support to the operations of the SPCPD

72. Macapado Muslim (1999) points out other areas that still remain unaddressed and need to be tackled within the framework of the 1996 Final Peace Agreement. These include the following:

- a. representation and rights of Lumads and Christians in a Muslim-led autonomous region
- b. the balance between religion and secularism, reparations, economic redistribution, conflicting land claims, affirmative action policies
- c. the redefinition of relations with the central government based in Manila.

73. The United States (U.S.) government has been involved in combating the armed conflict in Muslim Mindanao based on the 1951 Mutual Defense Treaty. U.S. It has particular interest in Abu Sayyaf – classified as an official terrorist organization – which has been reported to have ties with Osama bin Laden's al-Qaeda network.

74. The Philippine government had received military aid from the U.S. military until 1992, when the two U.S. bases in the country were not renewed. In 1999, the signing of the Visiting Forces Agreement (VFA) resumed the military ties with the U.S. and Philippine governments. Among the gains that the Philippine government has received include: (i) joint military training exercises; economic support funds; and financing for weapons purchases (Gershman, 2001).

75. U.S. Agency for International Development (USAID) through its Office of Transition Initiatives provided \$3.5 million from September 1997-March 2001. Specifically, it provided support to the implementation of the 1996 peace agreement for MNLF combatant reintegration and community development in MNLF-controlled areas of Mindanao. It also supported community-based reconciliation efforts in 2000 after the resumption of hostilities between the MILF and the Philippine military. USAID also participated as a principal donor in the Mindanao Working Group, through the United Nations Development Programme (Gershman, 2001).

IV. Assessment of Government's Institutional Response in Muslim Mindanao

76. This section presents the results of an indicative survey conducted to young Muslim leaders aged 21 to 30 years old, both from the ARMM and outside ARMM. The survey provides qualitative information about the outcomes of the government's policies to achieve poverty alleviation and peace building initiatives in ARMM.

77. The survey aimed to obtain their views and insights about (i.) the effect of the ongoing armed conflict between the government and Muslim insurgents, (ii.) assess the state of peace or unpeace in ARMM; (iii) the problems/issues that confront ARMM; and (iv.) the possible solutions to these problems/issues as well as other recommendation/s that would improve institutional response to the conflict.

A. Overall Effect or Impact of Armed Conflict in Mindanao

76. The first question focuses on the effects/impacts of the armed conflict or hostilities in the ARMM to human development outcomes or the overall well-being or quality of life of the people living in the area.

77. The most common responses to this question are underdevelopment and poverty, lack of access to and poor quality of education, mistrust and fear between the civilians and the military, displacement, economic isolation, no access to basic social services, hostile attitude towards the military, and public misperception due to the media's portrayal of the peace and order situation in the ARMM.

78. One respondent noted that the people are confused as to which group is troubling who, i.e., rebels or the Muslim leaders. The others noted the widening gap of understanding between Muslims and Christians, the inclusion of violence as part of the culture, and the passive attitude of the people towards the problems being faced in the region.

79. Additional responses include the destruction of property by militant groups, the unwillingness of young students to attend school out of fear, and the loss of life.

B. General Assessment of the State of Peace or Unpeace in ARMM

80. The second question concerns the state of peace or unpeace in the ARMM following the signing of the Tripoli Act, P.D. 1618, the Organic Law of ARMM, the Local Government of 1991 and the 1996 Peace treaty. How has it affected the poverty reduction efforts and service delivery in the area?

81. All of the respondents agree that these agreements have done very little to improve the peace and order situation in the region; some even say that the region has become more unpeaceful following the signing of these agreements. Several respondents noted that these agreements had provisions which were not agreed upon by both parties and were unilaterally implemented, specifically the Tripoli Act and PD 1618. This indicates that the government's lack of sincerity towards the resolution of the peace problem.

82. One respondent said that more rebel groups rose into action following the 1996 Peace Treaty, while another stated that the Local Government Code was a failure because the ARMM is not yet ready for autonomy as there is a lack of support from the national government.

83. The misconception of the state of peace in Mindanao and ARMM are hindrances to the delivery of basic services. They also noted that the poor quality of leadership in the region hinders the development initiatives and poverty reduction efforts.

84. The respondents also pointed out that their politicians are corrupt, and even help proliferate illegal activities; as such, the region lacks the political maturity to be on its own. One asserted that separation is never the solution to the Mindanao problem, but there is an immediate need for intelligent and good leaders.

C. Major Problems Confronting ARMM

81. The third question focuses on the major challenges/problems/issues confronting the ARMM at the policy, institutional and individual levels.

82. At the **policy level**, among the challenges are the separatist movement, incompatibility of policies, fundamentalism and devolution.

83. At the **institutional level**, the most prevalent issues were corruption among politicians, political dynasties and nepotism, limited access to basic services particularly health and education, financial constraints and dependence on external sources of funds, including the Internal Revenue Allotment. The respondents also wrote that the ARMM suffers from weak leadership, bureaucratic practices and the lack of transparency, i.e., some civilians are accused of being terrorists when they actually are not. Significantly, a respondent stated that the interference of the national government in the institution of the ARMM and its elections is a major issue, and some provisions in P.D. 1083 are unconstitutional.

84. At the **individual level**, the respondents consider crab mentality, ignorance and poor education as the most pressing challenges. Other responses include hunger for power and vain glory, discrimination, lack of empowerment, cultural differences and complacent attitude.

D. Proposed Solutions to Problems

85. The fourth question solicits solutions given the issues and concerns identified earlier.

86. At the **policy level**, the respondents emphasized that military operations in the ARMM must be stopped, and there is a great need for integration of the “Muslim minority” into the system to help put a stop to discrimination. A respondent emphasized that autonomy is not the answer as the ARMM is still politically immature to govern itself. Another respondent, however, said that the Muslims should be granted self-rule. They also wrote that the government should increase its sensitivity to all its constituents in Mindanao, and should conduct transparent consultation and research to refine its policies concerning the ARMM. The establishment of cooperatives, recognition of Muslim tribalism, and integration of Islamic studies into the national educational curriculum were also considered solutions to the issues at the policy level.

87. At the **institutional level**, the most prevalent answer was capacity-building for Muslims. This includes training for leaders and schoolteachers, more exposure for the youth outside the ARMM, and opportunities for Muslims in the government service. Other solutions were

identified, including the reduction of armed forces intervention in the area and the related decrease of resource allocation for the defense budget, the creation of more Shariah courts and the stricter implementation of the Halal system. Lastly, they said that strengthening revenue generation efforts and the use of cost-sharing scheme on local projects would help augment the economic situation.

88. At the **individual level**, they cited education and advocacy, training, values education and good leadership as imperatives for greater service delivery. Also included were open-mindedness, and acceptance of the strengths and weaknesses of fellow Mindanao leaders in the ARMM. Interestingly, one participant noted that marriage celebration in accordance with Islamic laws merits some consideration as well.

89. Apart from the solutions suggested at the policy, institutional, and individual levels, the respondents shared their other recommendations such as the total dissolution of the ARMM and the demilitarization of the region. There are also suggestions that the Muslims be given to absolutely govern themselves, and that Muslims and Christians be freed from each other so that both can live in peace. There are also calls for sincerity on both sides in their peace efforts, transparent consultations, and encouragement to choose competent, spiritual and moral leaders.

V. Indicative Recommendations and Areas for Action

90. This section discusses some recommendations and proposes some indicative action points for reform to improve human security in the area.

91. It has been argued at the outset that the major cause for the poor, or lack of, or outright absence of basic social services in the ARMM is the armed conflict in the area between the Muslim secessionist movement and the government. The following are some areas that might be considered as institutional and politico-administrative responses to restore peace in the area and thereby lay the foundation for effective human development.

- i. **Comprehensive and integrated capacity building efforts.** Institutional responses should be accompanied by comprehensive and integrated capacity building efforts. For instance, it is not sufficient to set up the regional government. This should be accompanied by capacity building efforts that will include the following: conduct of basic skills training for the officials and staff of the ARMM ranging from basic office management to financial accounting to revenue generation and mobilization; intergovernmental relations especially in clarifying the relationships between regional executive and legislative branches, and also in defining and refining the relationships between the regional government and the component local governments and with the national government as well. Annex 1 presents a framework for capacity building and its critical components.
- ii. **Continue capability building of young Muslim leaders.** There are current efforts by international donor organizations to focus efforts on the so-called successor generation – or young and emerging leaders – at the ARMM. This should be continued if only to lay the groundwork for young leaders in the ARMM who are to take over the leadership of the ARMM. A survey quick survey was conducted involving young Muslim leaders, and the results revealed that indeed poor governance and inability of the Autonomous Region to delivery the basic services are seen as a government failure.

- iii. **Training for AFP Personnel.** In this connection, capacity building efforts should likewise be focused on elements of Armed Forces of the Philippines (AFP) if only to create and strengthen a mindset that the military option in addressing the Muslim and the communist rebellions is untenable and that peace can only come if efforts to win the “hearts and minds” of the people are carried out through institution building accompanied by reforms in the politico-administrative system.¹⁰
- iv. **Carefully examine the “continuity” and “discontinuity” of certain policies that have negative effects.** The negative effects of discontinuities in the implementation of general policy initiatives in response to the situation of unpeace in Mindanao should be examined and avoided. For instance, changes in leadership at the national and regional levels have also brought about changes in policies and approaches to the situation. This policy of discontinuity has been most dramatically illustrated after the change in administration from the Ramos to the Estrada administrations. Policy interventions should indeed be incremental and should, as much as possible, after serious reexamination, build on earlier hard earned gains. Policy discontinuities lead to a confused bureaucracy and waste of precious time and resources and social capital.
- v. **Federalism as an option.** Finally, federalism as an option to restore peace and strengthen institutions in the ARMM should indeed be seriously considered. However, it must be mentioned that the federalist option cannot, and should not, be fast tracked. Efforts to strengthen the local governments and the regional government through a comprehensive and integrated capacity building program should lay the foundation for the establishment of the federal state in ARMM also known as the Bangsa Moro state.

Perhaps, federalism “is a significant step in the efforts to make governance in the Philippines genuinely multiculturalist.” According to Chancellor Macapado Muslim of the Mindanao State University,

“a genuinely multiculturalist governance will make secession and armed struggle baseless and unnecessary, and transform the Philippines as a vibrant multicultural society that will provide authentic peace and holistic development for all of its constituent cultural communities, including the ethnic minorities.”¹¹

¹⁰ It is imperative that military operations be stopped and alternative mechanisms to restore peace be seriously considered. The experience in Muslim Mindanao has shown that it is impossible to successfully restore peace when military operations are conducted in tandem with politico-administrative solutions. The gains attained through institutional and politico-administrative interventions are more often than not negated by military interventions.

¹¹ Muslim, Macapado. Poverty Alleviation and Peace Building in Multiethnic Societies: The Need for Multiculturalist Governance in the Philippines, 2004.

VI. Tables and Annexes

Table 1. Poverty Incidence (%) by Region, 1997 and 2000

Region	1997	2000
Philippines	28.1	28.4
NCR - National Capital Region	4.8	5.7
Region I	31.4	29.6
Region II	27.1	24.8
Region III	13.9	17.0
Region IV	22.8	20.8
Region V	46.9	49.0
Region VI	37.2	37.8
Region VII	29.8	32.3
Region VIII	39.9	37.8
Region IX	31.9	38.3
Region X	37.8	32.9
Region XI	31.1	31.5
Region XII	45.3	48.4
CAR	35.9	31.1
ARMM	50.0	57.0
Caraga	44.7	42.9

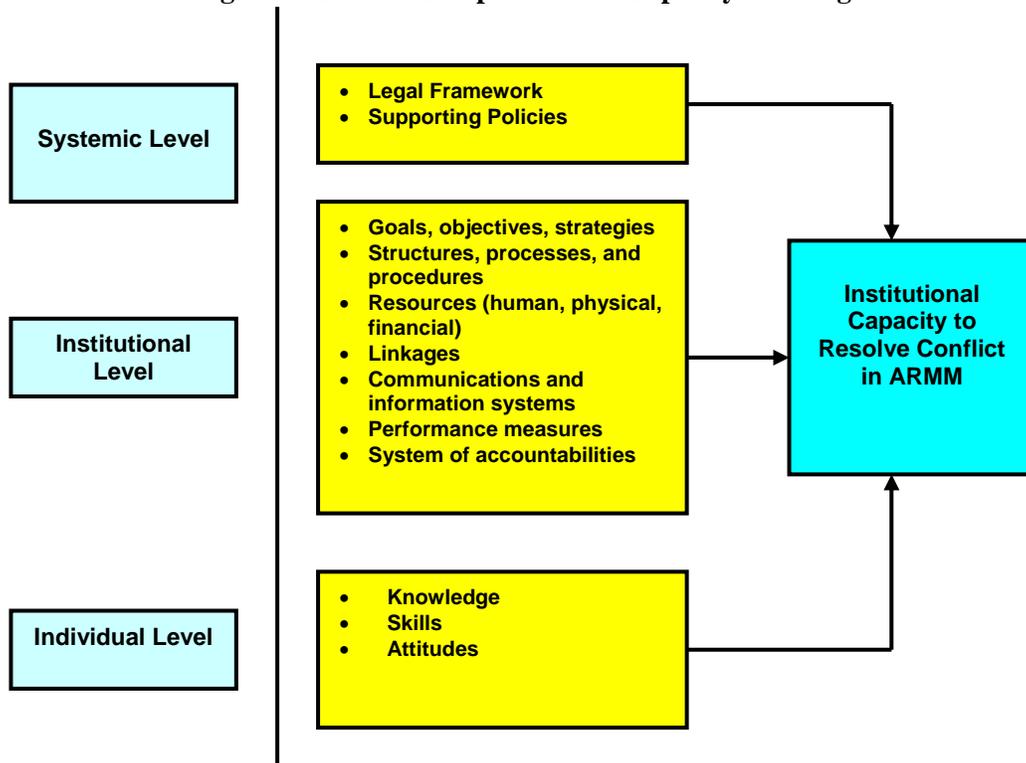
Source: NSCB

*Poverty incidence refers to the proportion of families (or population) with per capita income less than the per capita poverty threshold to the total number of families (population).

Annex 1. Critical Components for Capacity Building

Capacity building is much more than capability enhancement and training of personnel. It looks into three levels of institutional capacity: (i) Systemic level; (ii) Institutional level; and (iii) Individual level. Systemic level refers to the legal framework and supporting policies that enable the policy environment for political stability and managing conflict, and more important, pursuing peace, human security, and human development outcomes. Institutional level looks into the elaboration and establishment of appropriate management systems, structures, processes and procedures, resources, linkages, performance measures, and systems of accountabilities. It also highlights the management of relationships between the different organizations and sectors (e.g., government, business, and civil society). Individual level focuses on the process of equipping project implementers and other stakeholders with the understanding, skills and access to information, knowledge and training that enables them to effectively carry out their roles and responsibilities in the ongoing efforts to end armed hostilities in the country. Figure 1 shows the conceptual framework for capacity building and assessing capacity building needs.

Figure 2. Critical Components for Capacity Building



Source: Source: Adopted from Astillero and Mangahas, 2003.

The above schematic diagram shows the interrelatedness and interdependency of the critical components to carry out government policies effectively. Simplistically, policies require the appropriate institutional mechanisms and individual competencies to implement them. There has to be matching or balance between the three levels of institutional capacity. The institutional response of the government to resolve armed conflicts could be effectively laid by ensuring that the above components have been put in place.

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