

Mindanao Peace Process

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Fr. Eliseo R. Mercado, Jr, OMI
President, Notre Dame University
Cotabato City

SOME HISTORICAL NOTES

1. The Mindanao Peace Process is not a new invention of our era. In fact, the present realities in Mindanao are fruits of various peace processes with differing foci and emphases depending on the mood and temper of the Manila based central government.

2. Historically, the establishments of Fort Pilar in Zamboanga City, the naval station at Polloc in the present province of Maguindanao, the "intramuros" in the town of Jolo and the military stations along the Rio Grande de Mindanao from Taviran to Reina Regente were few examples of containment programs to build peace in the southern Philippines. The so called Moro problem haunted the Spanish government in Manila for more than three centuries and half. The northern Mindanao and some parts of western Mindanao were successfully brought to the main stream politics by way of settlements beginning the second half of the 19th century. But in Southern Mindanao, including the islands of Sulu, Tawi Tawi and Basilan , the Spanish presence was limited to military stations and garrisons, except for pockets of civilian settlements in the present city of Zamboanga and Cotabato City.

3. Largely, the Moro populace was left on their own. They lived under their Sultans and Datus and were governed according to their laws and traditions. The Spanish government interfered in the Moro affairs by way playing politics in several succession issues in the Sultanate of Sulu and in the two dominant Sultanates in the mainland Mindanao (Buayan and Maguindanao). However, Spanish annointment and recognition were always rejected by the Moro people.

4. The political and economic configurations in Southern Philippines were radically altered during the American occupation. It began with a peace pact known as Bates Treaty in 1899, with the Sultan of Sulu recognizing the sovereignty of the USA. This was the real beginning of a campaign to integrate/assimilate the Moro people into the main stream body politics in the whole archipelago. After the unilateral abrogation of the Bates Treaty,

the American US colonial government with its far superior army brought the surrender of practically all Moro resistance to the American rule.

5. To put the peace in Southern Mindanao on a more solid footing, several peace programs were unfolded. First was the economic development of Mindanao's fertile land. Plantations were opened and business was established in major trading posts, v.g. Zamboanga, Cotabato, Jolo and Iligan. Second, Mindanao was opened to settlement from Luzon and the Visayas. It began with the establishment of the agricultural colonies in the fertile plains of the then empire province of Cotabato. This was followed by a massive and a well planned settlement programs during the Commonwealth period and continued unabated in the post war era during the subsequent administrations of Presidents Roxas, Quirino, and Magsaysay.

6. One of the pillars of the integration program was the educational system established in the whole Southern Philippines. The two salient features of this peace program were the "universal" public school system and the pensionado program for the scion of Moro ruling families. From the latter would emerge the "new" Moro leaders (the Piang brothers, Pendatum, Sinsuats, Alonto, Lukman, Kirams, etc.) who advocated the full integration of the Moro people into Philippine body politics.

7. The Southern Philippines has also seen several administrative structures from 1899 to the present. First, there was the military rule from the time of Gen. Wood to Gen. Pershing. Then, this was followed by the establishment of the Moro Province under a civilian governor. Then came the creation of the Department of Mindanao and Sulu. After this, the Bureau for the non Christian tribes was established to be followed by the creation of regular provinces. The civilian governors were first appointed by the President and subsequently elected under the 1935 Constitution. This set up remained in place until the conflagration of the early 70's. The Philippine government came up with several structural arrangements to respond to the Moro people's demand for secession then autonomy under the framework of the Tripoli Agreement signed between the Philippine Government and the Moro National Liberation Front in Tripoli, Libya under the auspices of the Organization of Islamic Countries (OIC) on December 23, 1976.

THE POLITICAL STRUCTURES ADOPTED BY GRP VIS-À-VIS AUTONOMY

8. The Philippine government under President Marcos and President Aquino came up with different political set ups to address the autonomy issue in Southern Philippines. It will be a great help to review this set ups in order to contextualize the present debate or impasse between the GRP and the MNLF panels.

9. PD 742 and LOI 290: President Marcos on July 7, 1975 established the Office of the Regional Commissioner for Region IX and Region XII and appointing Rear Admiral Romulo Espaldon and Atty. Simeon Datumanong Regional Commissioners for Regions IX and XII respectively. The government believed that by creating special regional commissions in the areas involved in the conflict, the social as well as the economic causes of conflict could be better addressed through government's coordinated and fast responses by removing piecemeal measures and red tapes.

10. Tripoli Agreement: On December 23, 1976, the GRP and the MNLF under the auspices of the Organization of Islamic Countries through its Quadripartite Commission signed a peace agreement in Tripoli, Libya. They also signed an agreement for immediate cessation of hostilities. Everybody, then, welcomed the agreement with many fanfares and celebrations. For one, it was the first peaceful Christmas since 1972. That piece of document worked magic for all, civilians and combatants. It put an immediate stop to shootings, ambushes, killings, and war. The environment of war was transformed into a hope-filled expectation for an enduring peace settlement in the Southern Philippines.

11. Proclamation 1628: On March 26, 1977, President Marcos established a provisional government in the 13 provinces stipulated in the Tripoli Agreement. Lanao del Sur Governor Ali Dimaporo was appointed Chairman with all the governor in the said provinces and the two Regional Commissioners and Batasan Assemblyman Hussein Loong as members.

12. The 1977 Plebiscite: On April 17, 1977, a Plebiscite was conducted in the 13 provinces. The people in the 13 provinces overwhelmingly rejected the merger of the 13 provinces into one autonomous region. They opted for two separate regional autonomous governments, one for Region IX and one for Region XII with the provinces of Davao del Sur, South Cotabato and Palawan opting for exclusion from the autonomous regions.

13. Proclamation 1628-A: President Marcos defined the composition of the two Autonomous Regions based on the results of the 1977 Plebiscite.

14. Batas Blg. 20: The Batasan Pambansa passed Batas Blg. 20 provided for the organization of Sanguniang Pampook and Lupong Tagapagpaganap in each autonomous region.

15. Presidential Decree 1618: President Marcos issued PD 1618 on July 25, 1979 implementing the organization of Sanguniang Pampook and Lupong Tagapagpaganap in the Autonomous Regions IX and XII thus providing the final political set up and framework of autonomous governance in Regions IX and XII.

16. The 1987 Constitution: On February 2, 1987, the new Constitution was unanimously ratified. This constitution provides 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.

17. The Regional Consultative Commission: President Aquino convened the RCC in Cotabato City on March 11, 1988. The RCC was mandated to come up with a draft Organic Act to be submitted to Congress for enactment.

18. Republic Act 6734 or the Organic Act for the Autonomous Region in Muslim Mindanao: On August 1, 1989, President Aquino signed into law RA 6734.

19. The 1989 Plebiscite: Republic Act 6734 was submitted to the people of the 13 provinces and nine cities as stipulated in the Tripoli Agreement on November 19, 1990. 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.

20. The First ARMM Elections: The ARMM elections for all elected offices were held on July 9, 1990. Zacaria Candao and Benjamin Loong were elected Regional Governor and Vice Governor respectively. The ARMM elections regularized and completed the 1987 Constitutional steps in creating the autonomous region in Muslim Mindanao.

THE PEACE PROCESS UNDER THE RAMOS GOVERNMENT

21. The Cipanas (West Java, Indonesia) Agreement of April 14-19, 1993 and the Jakarta Memorandum of Agreement of October 25- November 7, 1993: There are four basic agreements as stipulated by these two documents signed by the GRP and MNLF representatives. First is the full implementation of the 1976 Tripoli Agreement both in letter and spirit within the realm of the sovereignty and territorial integrity of the Republic of the Philippines. Second is the interim cease-fire agreement stipulating a cessation of provocative acts and armed hostilities for the duration of the formal talks and the organization of a Joint Cease-fire Committee. Third is the convening of the Mixed Committee to work the details left out for further discussion as provided by the Tripoli Agreement and the creation of Support Committees to come out with detailed studies on the various provisions of the Tripoli Agreement. Fourth is the creation of the Working Group directly under the GRP and the MNLF panels. This group is tasked to come up with the transitional implementing structure and mechanism for the implementation of the agreements forged between the GRP and the MNLF.

22. The 1995 GRP-MNLF Interim Agreement. The third round of formal talks in Jakarta ended with the signing of the Interim Agreements containing all the agreements so far reached by the two panels on December 1, 1995. On the whole, consensus was established in all the details left for discussion by the Tripoli Agreement except for the so-called "contentious" issues. These are the following: (1) The transitional structure and mechanism and/or Provisional Government; (2) The issue of Constitutional processes as stipulated by the Tripoli Agreement and/or the issue of Plebiscite in areas to be covered by the Autonomous Region; (3) The non consensus points on the integration of the MNLF armed forces into the AFP, v.g., "proportionate" representation, and the ranks and qualifications of joining MNLF forces.

23. The above contentious issues remained unresolved and the subject of the Mixed Committee meeting in the last week of May 1996. Meanwhile both panels look for creative alternatives to resolve the impasse in the ongoing peace talks in Mindanao. This search for alternatives prompted the GRP to seek wide consultation and consensus among Mindanao leaders, particularly in the 13 provinces and 9 cities stipulated in the Tripoli Agreement.

24. In 1976, when the Tripoli Agreement was under negotiation, there were two contentious issues confronted by the negotiators. First was the recognition by all and sundry, MNLF and OIC included, that any political configuration in Southern Philippines must be "within the realm of the sovereignty and territorial integrity of the Republic of the Philippines. Second was the Philippine negotiating panel's insistence on the "constitutional processes" that the Philippine government shall undertake for the implementation of any agreement that would be reached with the MNLF. These two found their niches in the actual 1976 Tripoli Agreement. Thus, the entire first article was devoted to the former and Article Three, section 16 enshrines the latter.

25. All talks and debates on transitional implementing structures and mechanisms are within the context of full implementation, both in letter and spirit, of the entire agreement between the GRP and the MNLF. From the point of view of the MNLF, this transitional implementing structure is the "Provisional Government that shall be established in the areas of autonomy " immediately after the signing of the final agreement in Manila (TA, Article 3, Section 15).

26. In 1977, when the GRP and the MNLF discussed on this subject, the issue of plebiscite/referendum as constitutional processes was the most contentious issue. The MNLF insisted that President Marcos should establish the Provisional Government by Presidential Decree. On the other hand, the GRP insisted on a plebiscite. The assistance the Quadripartite Committee of the OIC under the chairmanship of Libya's delegate and the personal

intervention of Libyan Leader Muammar Ghaddafi and OIC Secretary General Amadou Gaye were sought to break the impasse on the issue of "constitutional processes" which includes plebiscite. The Libyan Leader Ghaddafi recognized that "in accordance with the Philippine Constitution which prescribes that the setting up of new administrative units or the changing of the actual ones already set up necessitates to ask people's advise, therefore the matter calls for the inhabitants to be asked on their administrative arrangement as per the Constitution." (Letter of Libyan Leader M. Ghaddafi to Pres. Marcos, 14 April 77)

27. The OIC also recognized the "constitutional processes" that includes a plebiscite. However, they believed and insisted that any consultation or "to ask people's advice regarding administrative arrangements in the autonomy must be conducted by the Provisional Government of the autonomy." (Letter of OIC Sec. Gen. Amadou Karim Gaye to President Marcos, Jedda: 15/4/77) MNLF Chairman Nur Misuari also recognized the need to ask the governed on the political arrangement of autonomy in the Southern Philippines. However, he insisted that "any consultation with our people in the area of autonomy shall be the sole responsibility of the autonomous Muslim regional government. In the event that consultations are held with our people the question that can be raised are only those contained in the Col. Khaddafy cable dated April 13, 1977." (Letter of N. Misuari to Pres. Marcos, April 15, 1977)

28. All parties concerned in 1977 agreed that the governed need to be asked in a consultation/plebiscite following the "constitutional processes" stipulated in the Tripoli Agreement. It was also agreed that the Provisional Government had the competence to conduct such "constitutional processes". This was the reason for the Proclamation 1628 on March 26, 1977 establishing a Provisional Government in the 13 provinces included in the coverage of autonomy as stipulated by the Tripoli Agreement. However, the MNLF did not participate in the Provisional Government as well as in the referendum conducted on April 17, 1977.

29. The issue on the plebiscite has reached its full circle. The is the same contentious issue that now confronts the GRP and the MNLF panels on the issue of transitional implementing structure and mechanism. This contentious issue is further compounded by intervening events. First, the 1987 Constitution provides for concrete steps on the creation of autonomous region in Muslim Mindanao. These steps were completed and gave birth to the existing ARMM. The Organic Act or RA 6734 provides steps to be followed for the amendments of the same. 30. It cannot be overemphasized that the Tripoli Agreement, the OIC and above all the GRP are clearly bound by the constitutional requirements. Adherence to the entirety of the Philippine Constitution and to the entirety of TA is the framework of the creation of an

autonomous region in the Southern Philippines. It is within this principle that any proposal for a transitional structure and mechanism has to conform. No party can simply take a provision here and there depending on interest and/or suitability.

31. Any attempt to resolve the impasse between the GRP and the MNLF positions must be guided by the entirety of the Philippine Constitution and the Tripoli Agreement. As it is, the 1987 Philippine Constitution embodies in Article X the creation of the autonomous region in Muslim Mindanao. In the same vein, the Tripoli Agreement by recognizing Philippine sovereignty adheres to the legal and the operative mechanism of sovereignty, that is, the constitutional processes as stipulated in Article X of the Philippine Constitution.

32. There are two basic issues in the Southern Philippines. First is the question of autonomy and self-governance in local and regional affairs as demanded by the MNLF and all LGU's and particularly of Mindanao for that matter. Second is the question of peace and development. The two are intimately linked or are intertwined. It is for this reason that I propose an approach that involves two parallel tracks to the Southern Philippines problem. The first addresses the governance and autonomy concerns and the second addresses the economic development concerns. The former necessitates the creation of a genuine autonomous region and government in 14 provinces and nine cities in phases following the constitutional processes of amending the present Organic Act or RA 6734 following the steps as outlined in Article XVIII. The same shall be submitted to the people of the area of autonomy in a plebiscite in two phases or stages.

The Way Out....?

THE SOUTHERN PHILIPPINES COUNCIL FOR PEACE AND DEVELOPMENT

33. During the Eight Mixed Committee Meeting held in Davao City last June 19-21, 1996, the impasse between the two panels was resolved when the MNLF accepted the SPCPD framework offered by the GRP as the first phase of the implementation of the Tripoli Agreement. The SPCPD takes the place of the Provisional Government as stipulated by the Tripoli Agreement and as demanded by the MNLF panel. It was decided at the Davao meeting that the final shape of the Peace Agreement will be finalized at the Ninth Mixed Committee Meeting and Fourth Round of Formal Talks in Jakarta, Indonesia. A special committee was tasked to thresh out the remaining contentious issues as well as to consolidate all the interim agreements so far reached by the two panels (1994, 1995 and the Davao Agreements). The Committee is also given the mandate to draft the final Peace Agreement between the GRP and the MNLF based on all the agreements and consensus points already

established. The remaining contentious issues were the following: (1) on the number of MNLF forces to be integrated into the AFP and the determination of military ranks of MNLF commanders; and (2) on the creation of the regional security force and the police powers that the SPCPD shall exercise over the RSF.

The Davao Agreement of June 1996: The SPCPD.

34. The SPCPD shall be established in the 14 provinces and all cities therein for the first phase of the implementation of the 1976 Tripoli Agreement. The 14 provinces and nine (ten ?) cities shall be established as a Special Zone of Peace and Development. Within the next three years, these areas shall be the focus of intensive peace and development efforts.

A) The SPCPD shall be composed by one (1) Chairman, one (1) Vice Chairman and three (3) Deputies, one each representing the Muslims, Christians and the Lumads. They shall be appointed by the President upon recommendations of the MNLF and after due consultation with the various leaders and sectors in the Southern Philippines. The Council shall be chaired by the MNLF. Accordingly, the Council shall supervise and coordinate the implementation of peace and development programs in the area.

B) The powers and functions of the Council shall be as follows:

To take a charge in promoting, monitoring and coordinating the improvement of peace and order in the area;

To focus on peace and development efforts more particularly in the depressed areas and cause the implementation of peace and development efforts;

To provide support to local government units as necessary;

To exercise such other powers and functions necessary for the effective implementation of its mandate as may be delegated by the President;

To assist in the holding of elections, referenda or plebiscite and people's initiative in the area deputized by the COMELEC upon recommendation by the President;

To cause the creation of such offices or instrumentality as shall be necessary for the effective and efficient administration of the affairs of the areas. There shall be approval from the Office of the President for budgetary purposes.

C) There shall be established a Consultative Assembly with eighty-one members composed of the following:

The Chairman of the Council shall be the Head and Presiding Officer;

The ARMM Governor and Vice Governor, the 14 Governors of the provinces and the ten City Mayor therein in the area;

members from the MNLF; and

members from various sectors recommended by NGOs and Pos after due consultation with the MNLF.

D) The Consultative Assembly shall exercise the following functions and powers:

To serve as forum for consultation and ventilation of issues and concerns;

To conduct public hearings as may be necessary and to provide appropriate advice to the SPCPD; and

To formulate and recommend policies to the President through the Chairman of the Council and make rules and regulations to the extent necessary for the efficient and effective administration of the affairs of the area.

E) The powers and functions of the SPCPD and the Consultative Assembly are derivative and extension of the powers of the President. The tenure of the Executive Council and the Consultative Assembly shall be for a period of three (3) years and extendible by the President upon the recommendation of the Council.

F) The SPCPD shall be assisted by the Darul Iftah (religious advisory group) which shall be created by the Chairman of the SPCPD.

G) The Local Government Units in the area including the ARMM shall continue to exist and exercise their functions in accordance with the existing laws.

H) The funds for the operations of the Council and the Assembly shall be initially sourced from the funds of the Office of the President. Funding for development programs and projects shall come from the appropriations of Congress as may be drawn from the General Appropriation Act. Supplementary budget for the year 1996 will be recommended to Congress for the purpose.

I) The provisions of the 1994 and 1995 Interim Agreements and subsequent agreements entered into by the GRP and the MNLF that would not require legislative action shall be implemented during phase 1.

Phase Two.

35. Phase two shall involve the amendment or repeal of the ARMM Law 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.

DIFFERING POSITIONS VIS-A-VIS THE CREATION OF SPCPD

36. Three congresswomen (Reps. Clara Lobregat of Zamboanga City, Daisy Fuentes and Lualhati Antonino of the first and second Districts of South Cotabato) are spearheading the opposition to the creation of the SPCPD. Zamboanga del Norte Governor Roldan Dalman, Cotabato City Mayor Ludovico Badoy are also in this camp.

37. The oppositions are based on the following:

* Historical prejudices, * Fear of MNLF domination, * The 1989 Plebiscite results, and * The dismal performance of ORC, RAG, ARMM.

38. The main stream Christian churches will support the SPCPD so long as it pursues peace and development with justice and equity. The President should call all leaders of the SPCPD area to impress upon them the urgency of this peace agreement. The urgency is not simply for development of the said area but more so to give an alternative to the ever growing number of Muslim militants (the Islamic revival movement in the Southern Philippines). The specter of turning the Southern Philippines into a land of fanatics should be highlighted. A new partnership should be forged between and among Christians, Muslims and Lumads in the peace and development initiatives through the SPCPD.

39. The Davao Accord divided the people of Southern Philippines in two opposing camps. The first group was the pro SPCPD and the second was the anti SPCPD. The government soon realized the need for widespread information and consultation as anti SPCPD camp became more vocal and militant. Government offices and instrumentality's from top to bottom were marshaled behind the pro SPCPD camp. 40. While the SPCPD framework was braving the storm from the oppositors, Nur Misuari announced his acceptance of the government's offer to be its official bet for the September 9th ARMM elections. In many ways, this decision clinched the MNLF's resolve to join the mainstream politics. The Final Agreement: Jakarta and Malacanang.

41. From August 28 to 30, 1996, the GRP and the MNLF panels met again for the last time. It was a marathon session both for the Ninth Mixed Committee Meeting and the Fourth Round of Formal Talks. The main agenda were the

"refinements" that surfaced during the various consultations and Senate hearings in the areas of SPCPD coverage. The Senate hearings resulted to a Senate Resolution that urged the GRP panel to consider for inclusion in the final document.

42. After three days of hard work, debates and compromises, both the GRP and the MNLF panels agreed on the final text of the Peace Agreement in the early morning of August 30th. On the same day at about 10:00 a.m., the said final text of the peace agreement was initialed at the Merdeka Palace before the presence of President Suharto. There were great joys and hopes on all sides as Ambassador Manuel Yan and Chairman Nur Misuari with Pres. Suharto, the OIC Secretary General Hamid Algabid and Indonesian Foreign Minister Ali Alatas greeted the throngs of delegates from the GRP and MNLF who were present in Jakarta.

43. On September 1st, the Indonesian government provided a Boeing 707 for the GRP and the MNLF delegations and the foreign dignitaries to bring home the initialed Peace Agreement for its formal signing in Malacanang the following day. The news of the final agreement in Manila and Mindanao created an instant festive mood. All sectors, here and abroad hailed the settlement as a workable formula towards an enduring peace in Southern Philippines.

On September 2nd, both inside and outside the Presidential Palace, throngs of people both low and high claimed the Peace Agreement as their own when Ambassador Yan and Prof. Misuari formally inked the document witnessed by the OIC Sec. Gen. Hamid Algabid and Indonesian Foreign Minister Ali Alatas in the presence of President Fidel V. Ramos. In the words of Pres. Ramos, the signing of the final peace agreement between the Republic of the Philippines "brings to a close almost 30 years of conflict, at the cost of more than 120,000 Filipino lives." He hailed the Peace Agreement as the beginning of "a new era of peace and development for the Southern Philippines, and for Philippines as a whole." Truly, a new era has begun, the era of rebuilding, of forging partnership between and among diverse peoples of the land, and establishing one community and one future for all.

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