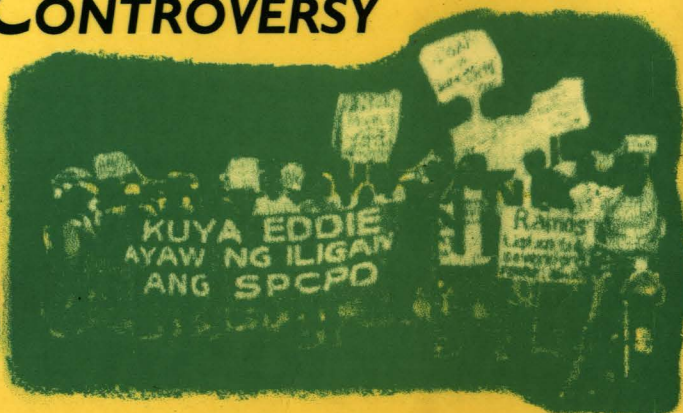


THE SPCPD

SOUTHERN PHILIPPINES COUNCIL FOR PEACE AND DEVELOPMENT

A RESPONSE TO THE CONTROVERSY



PROGRAM ON PEACE, CONFLICT
RESOLUTION AND HUMAN RIGHTS &
THE MINDANAO STUDIES PROGRAM

UP CENTER FOR INTEGRATIVE
AND DEVELOPMENT STUDIES



UP CIDS SPECIAL PROJECT ON THE SPCPD

***the Southern Philippines Council
for Peace and Development***
A RESPONSE TO THE CONTROVERSY

PROGRAM ON PEACE, CONFLICT RESOLUTION AND HUMAN RIGHTS
AND THE MINDANAO STUDIES PROGRAM

UP CENTER FOR INTEGRATIVE AND DEVELOPMENT STUDIES

MIRIAM CORONEL FERRER, EDITOR

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Studies Program

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CONTENTS

v	Foreword
vii	Introduction
ix	Project Members
1	Primer on the SPCPD (English & Filipino)
19	Mapping of Positions on the SPCPD of Various Sectors in Selected Mindanao Municipalities
31	Matrix of the 1993, 1994, 1995 and 1996 Agreements between the GRP and the MNLF (with Explanatory Note by Agnes Bailen)
87	Draft Executive Order (with Explanatory Note by Marlon Wui)
95	Appendix
	• <i>Field Reports: Mapping of Positions of Mindanaoans on the SPCPD</i> • <i>Position Paper on the SPCPD and the Mindanao Problem</i> <i>Philippine Council of Evangelical Churches, Inc.</i> • <i>Resolution No. 699, Series of 1996 Interposing Vehement Opposition/ Objections to the Points of Consensus of the 8th GRP-MNLF Mixed Committee Meeting with the Participation of the OIC Ministerial Committee of Six Held in Davao City on June 21-23, 1996 Lunsod ng Iligan)</i> • <i>SPCPD — A Space for Peace in Mindanao by the Coalition for Peace and the National Peace Conference</i> • <i>Positions on the SPCPD based on July 1996 Newspapers Reports</i> • <i>What is SPCPD? by the Interfaith Group & the National Program for Unification and Development</i> • <i>List of Acronyms</i>

FOREWORD

THE UNIVERSITY of the Philippines-Center for Integrative and Development Studies (UP CIDS) was created in June 1985 with the mandate of mobilizing the multidisciplinary expertise of the University in search of new paradigms, policies, strategies and programs which will help the nation address issues of national concern.

Recognizing the relative underdevelopment of Mindanao, its unfulfilled promise and the decades-long conflict in the area, the UP CIDS organized the Mindanao Studies Program (MSP) in the second half of 1994 to undertake both basic and policy-oriented research on various issues affecting Mindanao. Although socio-economic and political studies related to the development of the East ASEAN Growth Area (EAGA) are part of the Program's agenda, MSP focuses more specifically on Western Mindanao, particularly the Muslim communities in the area.

In line with this thrust, the Program has forged links with the Mindanao State University and the Notre Dame University. Apart from its linkages with other academic institutions in the area, the MSP has also engaged in informal discussions with various actors in Mindanao including the Office of the President in Mindanao, the networks and organizations of civil society and the Moro National Liberation Front (MNLF). Discussions with government and the MNLF prompted the UP CIDS to convene the fellows of other UP CIDS programs for activities they can jointly undertake with the MSP.

The Peace, Conflict Resolution and Human Rights Program (PCRHRP) and the MSP worked on a joint proposal for peace in Western Mindanao that aimed to address the apprehensions of the Christian community while providing the Muslims with an opportunity to concretely substantiate Muslim autonomy. This proposal was sent to both the government and the MNLF panels in August 1995 for their consideration.

As part of its long-term research agenda and in response to informal discussions with educators in the MNLF, the UP CIDS Education Research Program (ERP) has laid the groundwork for the conceptualization of an educational program that would integrate the *madrasah* system into the mainstream Philippine educational system. A research team has been coordinating with Ms. Ruayda Tan-Misuari regarding a pilot education project in a school she operates.

Recent developments in Mindanao made it imperative for the three UP CIDS Programs to undertake fast-track projects to help address the peace and development-related issues in the region. Recognizing the Southern Philippines Council for Peace and Development (SPCPD) as a feasible, albeit imperfect compromise and an alternative to fragmentation, marginalization and continuing conflict in Mindanao, PCRHRP, MSP and

ERP agreed to undertake projects that are deemed important by key actors in the region.

Upon consultation with several groups in the area, the UP CIDS organized a team of UP-based social scientists from the Department of History, the Department of Political Science, the Institute of Islamic Studies, the College of Public Administration and the College of Law to produce the following outputs:

- (1) a draft Executive Order and implementing guidelines for the SPCPD;
- (2) a matrix indicating the points of consensus and disagreement between the 1993, 1994 and 1995 Interim Agreements with the 1996 Peace Agreement;
- (3) a mapping of positions on the SPCPD by groups, sectors, geographic areas/province; and
- (4) a primer on the SPCPD for popular dissemination.

Copies of these were given to *Kusog Mindanao*, an advocacy network of representatives from academe, government, the private business sector, non-government and people's organizations, and to both the government panel and the MNLF.

On the basis of the discussions of the team and upon consultations with various sectors in key cities in Mindanao, the UP CIDS proposes to undertake medium-term projects in the SPCPD through four of its Programs: the Mindanao Studies Program, the Peace, Conflict Resolution and Human Rights Program, the Education Research Program, and the Emerging World Environment Program. These programs involve Research Fellows based at the College of Social Sciences and Philosophy, the College of Public Administration, the College of Law, the Institute of Islamic Studies, the Asian Center, the School of Economics and the College of Business Administration.

This publication puts together the reports of the Project Teams convened to undertake the fast-track project on the SPCPD. It is an informative document published to shed light on some of the issues that divided the people of Mindanao in 1996.

UP CENTER FOR INTEGRATIVE AND DEVELOPMENT STUDIES

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INTRODUCTION

ON 2 SEPTEMBER 1996, a peace agreement in the form of a two-phased autonomy formula was finally forged between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF). The settlement marked a turnaround in the terms of engagement between the two parties — from enemy and oppressor of the other to partners in building peace and development in Mindanao.

The GRP-MNLF Peace Agreement and Executive Order No. 371 issued one month later, established the Special Zone of Peace and Development in Southern Philippines (SZOPAD) and a transitional mechanism called the Southern Philippines Peace and Development Council (SPCPD). The SPCPD was to be chaired by MNLF chair Nur Misuari, and shall cover 14 provinces and 9 cities of Mindanao.

When the features of the draft Agreement were broached to the public in August, it spurred protests led by influential political leaders in the affected provinces, notably in the 10 out of 14 provinces where majority of the population are Christians. The rancor the proposal generated put the process in tethers. President Ramos and his men had to muster all the strength of their political clout to whip back the oppositors in line.

This pamphlet puts together the response of the UP fellows of the concerned programs of the UP CIDS to some of the felt needs of the moment. To begin with, there was the desire to see through a meaningful political settlement. The division and confusion over the SPCPD proposal that marked the weeks leading to the signing date of the Agreement clearly had to be understood and sorted out. It was also not enough to object, but alternatives had to be offered.

The choice of response was, in any case, limited by time, resources and location. In the final analysis, we chose to act in the manner that University-based people presumably do best — that is, to understand and explain.

The *PRIMER ON THE SPCPD* aimed to spell out clearly what the SPCPD and the negotiation process was all about and help correct the distortions that have come up given how emotional public response had been. Beyond this, it also hoped to provide, briefly, a historical context that would contextualize the process. Some parts of the primer printed here have been adjusted to incorporate the developments that subsequently took place.

The MAPPING OF POSITIONS ON THE SPCPD OF VARIOUS SECTORS IN SELECTED MINDANAO MUNICIPALITIES was a small-scale but refreshing attempt to understand the nature of the objections or agreement to the SPCPD proposal. It involved going to the areas of contention at its peak, talking to ordinary people, witnessing the confrontations between the partisans, and documenting these in order to understand and better address the sources of fear and discontent.

The MATRIX OF THE 1993, 1994, 1995 & 1996 GRP-MNLF AGREEMENTS plots the cumulative progress in drawing up the various provisions that went into the final agreement. Presented in a chart, it is easier to see what items had been on the agenda, which took longer to iron out, and what finally make up the Agreement. An explanatory note identifies the major provisions adopted and how these compare with the first agreements.

The DRAFT EXECUTIVE ORDER operationalizing the Peace Agreement encapsulates the Project Team's policy proposal with regard to the controversial SPCPD proposal. Taking account of the major objections raised by the public, it sought to reconcile these concerns with the overall intent of the Agreement to give the MNLF a workable and significant mechanism for political participation via the SPCPD. An explanatory note enumerates the provisions in the DRAFT E.O. that were not adopted in the final Executive Order No. 371.

The product of this one-month special project, along with some added notations, are collected here, hopefully, to assist the public in grappling with this major step that the GRP and the MNLF have taken. This process is also ours and we have to continue building on it in the years to come.

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17 MARCH 1997

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HISTORICAL NOTES ON THE SOUTHERN PHILIPPINES PROBLEM

[1] *What is the historical basis of the Muslim struggle for self-determination?*

The first Muslim Sultanate was established among the Tausug and Buansa (Jolo) peoples in 1451 under Sultan Syed Abu Bakr. From the Sulu Sultanate, Islam spread to Basilan, Zamboanga, Palawan and Borneo.

The Maguindanao Sultanate was established 50 years later under Sharif Muhammed Kabungsuwan. Islam then spread to Davao, Lanao and Bukidnon.

These Muslim Sultanates forged a strong political alliance and trade relations with neighboring Muslim states. Islam shaped the ethnic identity of the Muslims in Mindanao and became the binding force in their fight against colonizers.

Primer on the Southern Philippines Council for Peace and Development (SPCPD)

MGA TALANG HISTORIKAL SA PROBLEMA NG MINDANAO

[1] *Ano ang batayang historikal ng pakikibaka ng mga Muslim para sa karapatan sa sariling pagpasya?*

Naitatag ang unang sultanatong Muslim sa mga Tausug at Buansa (Jolo) noong 1450 sa ilalim ni Sultan Syed Abu Bakr. Mula sa Sultanatong Sulu, lumaganap ang Islam sa Basilan, Zamboanga, Palawan at Borneo.

Naitatag naman ang Sultanatong Maguindanao pagkalipas ng 50 taon sa ilalim ni Sharif Muhammed Kabungsuwan. Mula dito, lumaganap ang Islam sa Davao, Lanao at Bukidnon.

Nagkaroon ng malakas na alyansang politikal at ugnayang pangkalakalan ang mga Sultanatong Muslim sa mga kalapit na estadong Muslim. Ang Islam ang humubog sa etnikong identidad ng mga Muslim at naging mapagbigkis na pwersa para labanan ang mga mananakop.

[2] *What were the policies of the colonial governments for Mindanao?*

From the start, the colonial policy for Mindanao was one of integration.

During the Spanish colonial period:

- the Spaniards sent military expeditions;
- in the middle of the 19th century, they adopted a strategy of relocating Filipino Christians from Luzon and Visayas to the rich lands of Mindanao.

During the American colonial period:

- the American government used its military might to weaken the Moros and force the sultanates to recognize American sovereignty on the understanding that the government would not intervene in the administration of Mindanao (Bates Treaty, 1899);
- part of the U.S. economic policy was to open plantations and businesses in Mindanao and to attract people from Luzon and Visayas to resettle in Mindanao and participate in the agricultural colonies that the government would establish;
- the government adopted a policy of attraction for the Muslims by maintaining a public school system in Mindanao and launching the *pensionado* program for children of Muslim leaders;
- the government established several administrative structures in Mindanao such as:
 - Military Government (1899-1903)
 - Moro Province (1903-1913)
 - Department of Mindanao and Sulu (1914-1920)
 - Bureau of Non-Christian Tribes (1920-1937)
 - Other provinces (1935)

[2] *Ano ang naging patakaran ng mga kolonyal na gobyerno sa Mindanao?*

Sa simula pa, naging patakaran na ng mga mananakop ang integrasyon ng Mindanao sa Pilipinas.

Sa panahon ng Kastila:

- Nagpadala ng mga ekspedisyong militar ang mga Kastila;
- Sa kalagitnaan ng siglo 19, nagkaroon ng malawakang stratehiya ng relokasyon ng mga Pilipinong Kristiyano ng Luzon at Visayas sa mayamang lupain ng Mindanao.

Sa panahon ng Amerikano:

- Ginamit ng Estados Unidos ang kanyang lakas militar para gipitin ang mga Moro at mapilitan ang mga sultanato na kilalanin ang soberanya ng Amerikano sa kasunduang hindi manghihimasok ang gobyerno sa pamamahala sa Mindanao (Bates Treaty, 1899);
- Naging bahagi ng patakaran sa kaunlarang pang-ekonomiya ng Estados Unidos ang pagbukas ng mga plantasyon at negosyo sa Mindanao, ang pag-akit sa mga taga-Luzon at Visayas na lumipat sa Mindanao at lumahok sa mga kolonyang agrikultural na tinatag ng gobyerno;
- Nagkaroon ng patakaran ng pang-aakit ang gobyernong Amerikano sa mga Muslim sa pamagitan ng pagpairal ng sistema ng edukasyong pampubliko sa Mindanao at paglunsad ng programang pensionado para sa mga anak ng pinunong Muslim;
- Nagtatag ang gobyernong Amerikano ng ilang istrukturang administratibo sa Mindanao tulad ng:
 - Pamahalaang Militar (1899-1903)
 - Moro Province (1903-1913)
 - Department of Mindanao and Sulu (1914-1920)
 - Bureau of Non-Christian Tribes (1920-1937)
 - Iba pang mga probinsya (1935)

[3] *What were the results of these policies?*

- Because Filipino Christians were used in the military campaigns of the colonizers in Mindanao, they began to think of Muslims as their enemies. Their socio-cultural ties were cast aside, and instead differences were emphasized.
- Because of the policy of massive resettlement, Mindanao underwent a demographic change. The Muslims who comprised 76% of the population of Mindanao in 1903 now constitute only 23%.
- The Muslims lost the political and economic power they once had in their homeland.

Instead of successful integration, these colonial policies resulted in heightening the consciousness of Muslims of their separate identity as a people. Thus the Muslims continued to protest the policies of the government and founded their own liberation movements in order to wage an organized and unified struggle to achieve sovereignty.

In the early 1970s, Mindanao was torn in a war between the Moro National Liberation Front (MNLF) and government forces. The war claimed hundreds of lives, forced many to evacuate, damaged many properties and wrought havoc on the economy.

[4] *To solve the war in Mindanao, the Marcos Administration undertook peace negotiations with the MNLF which resulted in the Tripoli Agreement of December 23, 1976. What were the most important points agreed upon?*

The vital points agreed upon by the Government and the MNLF were:

- “The establishment of Autonomy in Southern Philippines within the realm of the sovereignty and territorial integrity of the Republic of the Philippines” (Art. 1)
- The areas of autonomy would include: Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao

[3] *Anu-ano ang mga ibinunga ng mga patakaranang ito?*

Hindi nagtagumpay ang mga patakaran ng mga mananakop, sa halip ibinunga nito ang mga sumusunod:

- Dahil sa paggamit sa mga Pilipinong Kristiyano sa mga kampanyang militar ng mga mananakop, naitanim sa kanilang isip na kalaban ang mga Muslim sa Mindanao. Naisaisantabi ang kanilang sosyo-kultural na pagkakatulad at, sa halip, naidiin ang kanilang pagkakaiba.
- Dahil sa patakaran ng malawakang resettlement, nabago ang demograpiya sa Mindanao. Kung noong 1903, ang mga Muslim ang bumubuo sa 76% ng populasyon sa Mindanao, nitong mga huling dekada, lumiit ang populasyon ng mga Muslim. Noong 1980, 23% na lamang ng populasyon sa Mindanao ang mga Muslim;
- Nawalan ng kapangyarihang politikal at ekonomiko ang mga Muslim sa sarili nilang lupain.

Ang mga naging bunga ng patakaran ng mga mananakop ay lalo pang nagpalakas sa pagkamalay ng mga Muslim sa kanilang sariling identidad. Dahil dito, nagpatuloy ang pagtutol ng mga Muslim sa mga patakaran ng gobyerno; naitatag ang mga kilusang mapagpalaya para itaguyod ang organisado at nagkakaisang pagkilos tungo sa pagtatag ng kanilang soberanya.

Noong mga unang taon ng dekada 70, sumiklab ang labanan sa Mindanao sa pagitan ng Moro National Liberation Front (MNLF) at ng Gobyerno. Dumanak ang dugo, marami ang napilitang lumikas, nasira ang maraming ari-arian, at lubhang napinsala ang ekonomiya.

[4] *Pangunahin sa mga hakbang ng Administrasyong Marcos para lutasin ang problemang pangkapayapaan sa Mindanao ang pakipag-usap sa MNLF na nagluwal naman ng Kasunduang Tripoli noong Disyembre 23, 1976. Ano ang pinakamahalagang na pagkasunduan dito?*

Pinagkasunduan ng MNLF at ng Gobyerno:

- “Ang pagtatag ng awtonomiya sa Katimugang Pilipinas sa loob ng soberanya at teritoryal na integridad ng Pilipinas” (Art. 1)

del Sur, South Cotabato, Palawan and all the cities and villages situated in the above-mentioned areas.

- “Special Regional Security Forces are to be set up in the area of the Autonomy...” (Art. 3, Par. 8)
- “Immediately after the signature of the Agreement in Manila, a Provisional Government shall be established in the area of the autonomy...” (Art. 3, Par. 15)
- “Ceasefire shall be declared immediately...” (Art. 3, Par. 12)
- “The Government of the Philippines shall take all necessary constitutional processes for the implementation of the entire Agreement.” (Art. 3, Par. 16)

The agreement affirmed and recognized the right of Muslim Filipinos to establish their own courts, their own educational, administrative, economic and financial systems, but the specifics of these were left for future discussions.

[5] *What were the steps taken by the Government to implement the Tripoli Agreement?*

During the Marcos Administration:

- In March 1977, Marcos issued Proclamation No. 1628 declaring autonomy in the 13 provinces covered in the Tripoli Agreement.
- After several postponements, a plebiscite was conducted in April 17, 1977 to determine whether the 13 provinces should be merged under one region. The MNLF boycotted the referendum, arguing that the exercise was not mandated in the Tripoli Agreement.
- The plebiscite resulted in majority of the voters opting for two separate regions, with the provinces of Davao del Sur, South Cotabato and Palawan voting for exclusion from the autonomous regions.

-
- Ang mga lugar ng awtonomiya na sasaklaw sa sumusunod: 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, Palawan at lahat ng mga lunsod at bayan sa mga nasabing erya.
 - “Pagtatag ng *Special Regional Security Forces* sa lugar ng Awtonomiya . . .” (Art. 3, Par. 8)
 - “Pagkatapos malagdaan ang Kasunduan sa Manila, pagtatag ng isang Probisyon na Gobyerno sa lugar ng Awtonomiya . . .” (Art. 3, Par. 15)
 - “Pagdeklara kaagad ng tigil-putukan . . .” (Art. 3, Par. 12)
 - Pagsasagawa ng lahat ng kakailanganing prosesong konstitusyonal para sa implementasyon ng buong Kasunduan. . . .” (Art. 3, Par. 16)

Bagamat sinang-ayunan at kinilala ng Kasunduan ang karapatan ng mga Pilipinong Muslim sa pagtatag ng sarili nilang mga korte, mga sariling sistemang pang-edukasyon, administratibo, ekonomik at pinansyal, dinagliban ang mga detalye nito para talakayin sa hinaharap.

[5] *Anu-ano ang mga hakbang na isinagawa ng Gobyerno para ipatupad ang Kasunduang Tripoli?*

Sa panahon ng Administrasyong Marcos:

- Noong Marso 26, 1977, idineklara ng Pangulong Marcos ang Proclamation No. 1628 na nagbibigay awtonomiya sa 13 probinsyang sakop sa Tripoli Agreement.
- Matapos ang ilang pagpapaliban, naidaos ang isang plebisito noong Abril 1977 upang alamin kung nais ng mga taong apektado na mapailalim ang 13 probinsya sa isang rehyon. Binoykot ng MNLF ang referendum dahil ayun sa kanila, ang pagsagawa ng plebisito ay taliwas sa napagkasunduan sa Tripoli Agreement.
- Ang plebisito ay nagresulta sa pagtangga ng mga tao sa panukalang pagsama-sama ng 13 probinsya sa isang rehyong awtonomus, at sa halip, sinang-ayunan nila ang paglikha ng dalawang hiwalay na

- Proclamation 1628-A issued in May 1977 adopted the plebiscite results. On July 25, 1979, Marcos signed Presidential Decree 1618 formally creating two separate autonomous regions (Region IX and Region XII) each with its own Legislative Assembly and Executive Council.

[6] *When the Aquino Administration took over in 1986, what did it do to resolve the autonomy question for Muslim Mindanao?*

During the Aquino Administration:

- The government conducted Formal Peace Talks with the MNLF but the talks collapsed.
- The 1987 Constitution, which provided for the creation of autonomous regions in Muslim Mindanao and the Cordilleras by act of Congress with the assistance of a regional consultative commission, was ratified on February 2, 1987.
- The President signed into law Republic Act 6734 or the Organic Act for the Autonomous Region in Muslim Mindanao.
- The Organic Act was submitted to a plebiscite on November 19, 1990 with only 4 out of 13 provinces and 9 cities opting to be included in the Autonomous Region in Muslim Mindanao.

The MNLF continued to demand the establishment of a provisional government that will cover the 13 provinces and objected to the holding of the plebiscite and the referendum results.

rehyon (Rehyon IX at XII). Ang mga probinsya ng Davao del Sur, South Cotabato, at Palawan ay bumotong hindi sumama sa rehyong awtonomus.

- Ginawang opisyal ng Proclamation 1628-A ang pagtatayo ng dalawang rehyong awtonomus. Noong Hulyo 25, 1977, pinirmahan ni Marcos ang Presidential Decree 1618 na nagtatag ng tig-isang Sangguniang Pampook at Lupong Tagapagpaganap ng Pook sa dalawang rehyong awtonomus o ang Rehyon IX at XII.

[6] *Nang pumalit ang Administrasyong Aquino noong 1986, ano naman ang ginawa nito upang masulusyunan ang suliranin kaugnay ng awtonomiya para sa Muslim Mindanao?*

Sa panahon ng Administrasyong Aquino:

- Nagsagawa ang Gobyerno ng Pormal na Usapang Pangkapayapaan sa MNLF, ngunit nabigo ang usapang ito.
- Naratipikahan noong Pebrero 2, 1987 ang 1987 Konstitusyon na nagtatakda ng paglikha ng mga rehyong awtonomus sa Muslim Mindanao at Cordillera sa pamagitan ng aksyon ng Kongreso sa tulong ng *Regional Consultative Commission*.
- Nilagdaan ng Presidente ang R.A. 6734, ang *Organic Act for the Autonomous Region in Muslim Mindanao*.
- Nagkaroon ng plebisito para sa Organic Act noong Nobyembre 19, 1990; apat lamang sa 13 probinsya at 9 lunsod na lumahok dito ang sumang-ayong mapasaklaw sa bagong rehyong awtonomus.

Gayunman, giniit pa rin ng MNLF ang paglikha ng probisyonal na gobyerno at tinuligsa ang plesibito at ang resulta nito.

GRP-MNLF PEACE TALKS

[7] *An autonomous region has already been created in Mindanao. Why is autonomy being discussed again?*

It is true that an Autonomous Region for Muslim Mindanao (ARMM) has already been established by law. But there are groups, like the MNLF, who contend that the ARMM does not embody their genuine aspiration for autonomy. For them, it failed to conform with the provisions stipulated in the Tripoli Agreement, notably the coverage of 13 provinces instead of only four.

[8] *What is the vision for Mindanao of the present GRP-MNLF peace negotiation?*

The peace negotiation between the GRP and the MNLF hopes to:

- achieve long lasting peace for Mindanao;
- work-out and implement a more comprehensive economic program for Mindanao that will improve the living conditions of people, especially groups that have long been marginalized and deprived of benefits;
- create a positive climate so that each cultural group can grow and contribute to national development.

[9] *Why was the presence of the OIC necessary in the peace talks?*

The Organization of Islamic Conference (OIC) mediated between the government and the MNLF to hold peace talks at the height of the war in Mindanao. Its participation since 1975 up to the present is part of its commitment to guarantee the security and respect for the rights of Muslim communities in the Philippines (Resolution 474 of the 4th Islamic Conference of Ministers of Foreign Affairs, 24-26

USAPANG PANGKAPAYAPAAAN NG GRP-MNLF

[7] *Nakapaglikha na ng awtonomus na rehyon sa Mindanao. Bakit pinaguusapan na naman ito?*

Totoo na mayroon nang *Autonomous Region for Muslim Mindanao* (ARMM). Ngunit may mahahalagang grupo, tulad ng MNLF, na may pagtingin na hindi natugunan ang kanilang aspirasyon para sa tunay na awtonomiya. Para sa kanila, paglapastangan sa Tripoli Agreement ang ARMM, lalu na sa usapin ng sakop na 13 probinsiya, at hindi lamang ang apat na napaloob sa ARMM.

[8] *Ano ang bisyon ng usapang pangkapayapaan para sa Mindanao ng kasalukuyang gobyerno at MNLF?*

Ang pag-uusap na ito ay tumatanaw sa:

- pag-iral ng matatag at pangmatagalang kapayapaan sa Mindanao;
- pagbuo at pagsakatuparan ng mas komprehensibong planong pang-ekonomiya para sa malaking bahagi ng Mindanao na tutugon sa pagpapabuti ng kalagayan ng mga mamamayan lalo na ng mga grupong matagal nang pinagkaitan ng mga benepisyo;
- paglikha ng kaaya-ayang klima para sa pag-unlad ng bawat kultura at makaambag sa pambansang kaunlaran.

[9] *Bakit kinailangan ang OIC sa usapang pangkapayapaang ito?*

Ang Organization of Islamic Conference (OIC) ang namagitan sa gobyerno at MNLF para magdaos ng usapang pangkapayapaan noong kaigtingan ng digmaan sa pagitan ng MNLF at gobyerno. Ang paglahok nito mula 1975 hanggang sa kasalukuyan ay kabahagi ng paninindigan nitong igarantiya ang seguridad at paggalang sa karapatan ng mga Muslim na komunidad sa Pilipinas (Resolution 474 of the 4th Islamic Conference of Ministers of Foreign Affairs, 24-26 March 1973). Gayunpaman, sa simula't

March 1973). However, since the start, the OIC has always treated the MNLF struggle against the government as a domestic problem that should be solved within the framework of the sovereignty of the Philippines. Its role in the peace talks has been that of a neutral party.

Indonesia chairs the Ministerial Committee of the Six tasked by the OIC with monitoring the situation of the Muslims in Mindanao.

[10] *What negotiations took place between the GRP and the MNLF before the signing of the final peace agreement?*

Two exploratory talks between the government and the MNLF took place before the Formal Peace Talks. The first was held in 1992 in Libya and the second took place on April 14, 1993 in Cipanas, West Java. In Cipanas, the two parties signed a Statement of Understanding in which they agreed to hold formal peace talks with the OIC as moderator in order "to discuss the modalities for the full implementation of the 1976 Tripoli Agreement in letter and spirit, to include those portions of the Agreement left for further or later discussion, and transitional implementing structure and mechanism" (GRP-MNLF 1995 Interim Agreement, par. 1). The following is a chronology of what subsequently took place:

Oct. 25-Nov. 7, 1993. First Round of Formal Talks in Jakarta, Indonesia.

Result:

- A Memorandum of Agreement to "reactivate the Mixed Committee with the mandate to study in detail the points left for further discussion in the 1976 Tripoli Agreement and to set up five Support Committees to examine in depth all relevant issues attendant to the 9 substantive items contained in Paragraph 2-10, Article III";
- Interim ceasefire.

simula pa, ang pagturing ng OIC sa labanan ng MNLF at gobyerno ay domestikong problema na dapat lutasin sa loob ng balangkas ng soberanya ng Pilipinas. Kung gayon, ang papel nito sa usapang pangkapayapaan ay bilang neutral na tagapamagitan.

Ang naging partisipasyon ng OIC at Indonesia sa pormal na usapan ay bilang neutral na tagapamagitan para tiyaking sumusulong ang usapan at manatili ang positibong klima sa pagitan ng dalawang panig.

Ang Indonesia ang namuno sa Ministerial Komite ng Anim na tinalaga ng OIC na subaybayan ang kalagayan ng mga Muslim sa Mindanao.

[10] *Ano ang mga usapang pangkapayapaang naganap sa pagitan ng MNLF at kasalukuyang gobyerno bago mabuo ang kasunduan?*

Dalawang usapan muna ang naganap sa pagitan ng Gobyerno (GRP) at MNLF bago sinimulan ang Pormal na Usapang Pangkapayapaan (*Formal Peace Talks*): noong 1992 sa Libya at noong Abril 14, 1993 sa Cipanas, West Java. Sa Cipanas nilagdaan ng dalawang panig ang isang *Statement of Understanding* na magkakaroon ng Pormal na Usapang Pangkapayapaan ang GRP at MNLF, kasama ang OIC bilang tagapamagitan, "para talakayin ang mga kaparaanan para sa ganap na implementasyon ng 1976 Kasunduang Tripoli ayon sa diwa nito, kasama ang mga bahagi ng kasunduan na itinakdang talakayin sa hinaharap at ang transisyonal na istruktura at mekanismo para dito." (GRP-MNLF, 1995 *Interim Agreement, Par. 1*) Ang mga sumusunod ang nangyari pagkatapos:

Okt. 25-Nov. 7, 1993. First Round of Formal Talks sa Jakarta, Indonesia.

Resulta:

- Isang Memorandum ng Kasunduan para buuin ang *Mixed Committee* na ang tungkulin ay ang masinop na pag-aaral ng mga bahagi ng Kasunduang Tripoli na iniwang hindi pa tapos at ang pagtatag ng limang (5) Support Committees na susuri sa lahat ng makabuluhang isyu kaugnay sa siyam na usaping nakapaloob sa Art. III, Par. 2-10 ng Kasunduang Tripoli;

Sept. 1-5, 1994. Second Round of Formal Peace Talks in Jakarta, Indonesia. **Result:** An agreement was reached on 42 consensus points covering education, financial and economic system, administrative system, representation in the national government, legislative assembly, executive council and the implementation of the 1993 interim ceasefire agreement.

Jan. 29-31, 1995. 4th Mixed Committee meeting in Zamboanga City.

Feb. 13-14, 1995. Joint Ceasefire Committee meeting in Makati City resulting in the formulation of clearer guidelines on the conduct of the ceasefire and in determining the specific role of each party.

June 19-23, 1995. 5th Mixed Committee meeting in Davao City.

July 26-28, 1995. 6th Mixed Committee meeting in General Santos City. Result of the Mixed Committee meetings: agreement reached on an additional 81 consensus points.

Nov. 27-Dec. 1, 1995. Third Round of Formal Peace Talks in Jakarta, Indonesia. **Result:** Signing of the 1995 Interim Agreement with both panels formally reaffirming the additional 81 consensus points for a total of 123 consensus points.

June 21-23, 1996. 8th Mixed Committee meeting in Davao City. **Result:** Agreement to establish:

- **the Special Zone of Peace and Development in Southern Philippines (SZOPAD)** in the 14 provinces and cities specified in the Tripoli Agreement;
- **the Southern Philippines Council for Peace and Development (SPCPD).**

The remaining issues that still needed to be threshed out were those related to national defense and the Special Regional Security Force.

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- Interim na Tigil-Putukan.

Set. 1-5, 1994. Second Round of Formal Peace Talks sa Jakarta, Indonesia. **Resulta:** Nagkasundo sa 42 usapin sa edukasyon, sistemang pinansyal at pang-ekonomiya, sistemang administratibo, representasyon sa pambansang gobyerno, lehislativeong asembleya, konsehong ehekutibo, implementasyon ng 1993 kasunduan sa tigil-putukan.

Enero 29-31, 1995. Ika-4 na pulong ng Mixed Committee sa Lunsod Zamboanga.

Peb. 13-14, 1995. Pulong ng Joint Ceasefire Committee sa Lunsod Makati na nagresulta sa pagbuo ng mas malinaw na mga tuntunin sa pagpairal ng tigil-putukan at pagtukoy sa tiyak na papel na gagampanan ng bawat panig.

Hunyo 19-23, 1995. Ika-5 na pulong ng Mixed Committee sa Lunsod Davao.

Hulyo 26-28, 1995. Ika-6 na pulong ng Mixed Committee sa Lunsod Gen. Santos. Resulta ng mga pulong ng Mixed Committee: nagkasundo sa karagdagang 81 usapin.

Nob. 27-Dic. 1, 1995. Third Round of Formal Peace Talks sa Jakarta, Indonesia. **Resulta:** Paglagda sa 1995 *Interim Agreement* kung saan pormal na sinang-ayunan ng dalawang panig ang karagdagang 81 napagkasunduang usapin (consensus points). Sa kabuuan, mayroon nang 123 napagkasunduang usapin.

Hunyo 21-23, 1996. Ika-8 pulong ng GRP-MNLF Mixed Committee sa Lunsod Davao. **Resulta:** Pagsang-ayon sa

- paglikha ng Special Zone of Peace ang Development in the Southern Philippines (SZOPAD);
- pagtatag ng Southern Philippines Council for Peace and Development (SPCPD) para sa Phase I ng implementasyon ng Kasunduang Tripoli.

[11] *How will the government establish a new and meaningful autonomy without violating the 1987 Constitution?*

One of the demands of the MNLF in their current peace talks with the government is the establishment of a provisional government as specified in Article 3, Paragraph 15 of the Tripoli Agreement. But the GRP did not agree to this because under the 1987 Constitution, the President has no power to establish provisional governments. It instead suggested the creation of the Southern Philippines Council for Peace and Development (SPCPD) as a transitory administrative structure while the creation of the new autonomous region is being prepared in accordance with constitutional processes. The SPCPD is the first step in the implementation of the Tripoli Agreement.

THE SOUTHERN PHILIPPINES COUNCIL FOR PEACE AND DEVELOPMENT

[12] *What are the main objectives of the SPCPD?*

The SPCPD aims to:

- hasten and intensify development in the region through a concerted and comprehensive program; and
- achieve the peace necessary for development to be successful.

Ang nalalabing mga usaping hindi pa napagkasunduan ay mga usaping may kaugnayan sa depensa nasyunal at Special Regional Security Force.

[11] *Paano itatatag ng gobyerno ang isang bago at makahulugang awtonomiya nang hindi lumalabag sa 1987 Konstitusyon?*

Isa sa mga ginigiit ng MNLF sa kanilang kasalukuyang pakipag-usap sa gobyerno ang pangangailangang magtayo ng isang probisyonal na gobyerno alinsunod sa Article 3, Paragraph 15 ng Kasunduang Tripoli. Ngunit hindi ito maaring sang-ayunan ng GRP dahil sa ilalim ng 1987 Konstitusyon, walang kapangyarihan ang Presidente na bumuo ng probisyonal na gobyerno. Kung kaya iminungkahi ang pagtatag ng SPCPD bilang transitoryong istrukturang administratibo samantalang naghahanda sa pagbuo ng bagong awtonomus na rehyon alinsunod sa mga prosesong konstitusyonal. Ang SPCPD ang unang bahagi ng implementasyon ng Kasunduang Tripoli.

ANG SOUTHERN PHILIPPINES COUNCIL FOR PEACE AND DEVELOPMENT (SPCPD)

[12] *Ano ang mga pangunahing layunin ng SPCPD?*

Pangunahing layunin ng SPCPD ang mga sumusunod:

- pabilisin ang mga gawaing pangkaunlaran sa nagkakaisa at komprehensibong paraan;
- pairalin ang kapayapaang kailangan upang magtagumpay ang kaunlarang ito.

[13] What are the phases in instituting autonomy?

The process leading to the implementation of autonomy has two phases.

In Phase I:

- the SZOPAD and SPCPD will be established, covering the 14 provinces and cities stipulated in the Tripoli Agreement;
- all the points agreed upon in the 1994 and 1995 Interim Agreement that do not require legislative action will be implemented.

In Phase II:

- within two years after the creation of the SPCPD, the Organic Act creating the Autonomous Region for Muslim Mindanao will be amended or repealed by Congress; in case Congress repeals the ARMM, a new law on autonomy will be enacted;
- a plebiscite on the amended or new law on autonomy will be held in the 14 provinces and cities for ratification by the citizens;
- a new Regional Autonomous Government will be established in the areas that agreed to be covered by autonomy;
- the Special Regional Security Force will be created under the authority of the PNP; part of the force will come from qualified MNLF members and citizens from the autonomous region;
- the integration of qualified MNLF members into the AFP will be implemented.

[13] Anu-ano ang mga yugto sa pagsasatupad ng awtonomiya?

May dalawang bahagi ang implementasyon ng awtonomiya:

Sa Unang Bahagi (Phase I):

- itatag ang SZOPAD at SPCPD na sasaklaw sa itinakda ng Kasunduang Tripoli na 14 na probinsya at lahat ng mga lunsod na nakapaloob dito;
- ipapatupad ang lahat ng mga probisyong napagkasunduan sa 1994 at 1995 *Interim Agreement* na hindi nangangailangan ng lehislayon.

Sa Ikalawang Bahagi (Phase II):

- Sa loob ng dalawang taon matapos itatag ang SPCPD, aamendahan o iawaksi ang *Organic Act* na nagtatag ng ARMM sa pamagitan ng aksyon ng Kongreso. Kapag naiwaksi ng Kongreso ang ARMM, ipapasa ang isang bagong Batas Awtonomiya.
- Ihaharap sa isang plebisito ang inamendahan o bagong Batas Awtonomiya para sa Katimugang Pilipinas upang tiyakin ang pagtatag ng bagong gobyernong awtonomus at ang mga lugar na sasakupin ng awtonomiya.
- Itatag ang bagong Regional Autonomous Government sa mga lugar na sumang-ayong magpaloob dito;
- Itatag ang *Special Regional Security Force* (SRSF) sa ilalim ng awtoridad ng Philippine National Police (PNP) na may bahagi nito ay magmumula sa mga kwalipikadong myembro ng MNLF at mga mamamayan mula sa rehyong awtonomus.
- Ipapatupad ang integrasyon ng mga kwalipikadong myembro ng pwersang MNLF sa Armed Forces of the Philippines (AFP).

[14] *What are the areas to be covered by SZOPAD and SPCPD for this intensive and comprehensive peace and development program?*

The SZOPAD and SPCPD will cover the 13 provinces and cities specified in the Tripoli Agreement, and the province of Sarangani which was carved out of South Cotabato, to make a total of 14 provinces.

[15] *Why are the Christian and Lumad areas included in the SZOPAD and SPCPD?*

The SZOPAD and SPCPD are **transitory structures** to coordinate peace and development efforts in the whole of Southern Philippines. The success of peace and development programs hinges on a more unified approach that will involve groups with diverse cultures but who are interlinked by a common geographic area. This unified approach will enable Christians, Lumads (non-Islamicized indigenous peoples in Mindanao), and Muslims alike to access, protect and fully utilize the resources found in their particular localities for the development of the whole region.

[16] *Though the present Agreement is only between the Muslims and the government, it will surely affect Christians and Lumads alike. Will the Christians and Lumads be represented in the SPCPD?*

Christians and Lumads will have a direct hand in the administration of the SPCPD. The agreement provides that aside from the Chairman and Vice Chairman, the President will appoint three Deputies to represent the Christians, the Lumads and the Muslims. Furthermore, the agreement stipulates that 11 members of the Consultative Assembly will come from various sectors recommended by NGOs and POs. The 15 governors and vice-governors of the provinces, and of the ARMM, and the

[14] *Ano ang mga lugar na saklaw ng SZOPAD at SPCPD para sa intensibong programang pangkapayapaan at pangkaunlaran?*

Saklaw ng SZOPAD at SPCPD ay 13 probinsya at mga lunsod na nakatukoy sa Kasunduang Tripoli, at ang probinsya ng Sarangani na dating bahagi ng South Cotabato, upang maging 14 na probinsya.

[15] *Bakit kasama pa ang mga lugar ng mga Kristyano at Lumad sa SZOPAD at SPCPD?*

Ang SZOPAD at SPCPD ay mga **transisyong struktura** upang ikoordina ang mga gawaing pangkapayapaan at pangkaunlaran sa buong Katimugang Pilipinas. Ang tagumpay ng mga programang pangkapayapaan at pangkaunlaran ay nakasalalay sa mas komprehensibong pananaw na nangangailangan ng pakikilahok ng mga grupong bagamat may iba't ibang kultura ay magkakawing naman dahil nabubuhay sila sa iisang teritoryo. Ang komprehensibong pananaw at pamamaraan na ito ay magpapahintulot sa mga Kristyano, Lumad at Muslim na magkaroon ng akses, maprotektahan at ganap na magamit ang yamang matatagpuan sa kanilang mga partikular na lokalidad tungo sa pag-unlad ng buong rehyon.

[16] *Bagamat ang kasunduan ay sa pagitan lamang ng GRP at mga Muslim, tiyak na maaapektuhan din ang mga Kristyano at Lumad. May representasyon ba ang mga Kristyano at Lumad sa SPCPD?*

Katulong ang Kristyano at Lumad sa pangangasiwa ng SPCPD. Nakatalaga sa kasunduan na bukod sa chairperson at vice-chairperson, hihirang ang Presidente ng tatlong deputy na ang bawat isa'y kakatawan sa Kristyano, Lumad at Muslim. Bukod dito, nakalaan ang posisyon ng 11 myembro ng itatatag na Consultative Assembly para sa mga representante na inirekomenda ng mga NGO at PO. Magiging myembro din ng asembliyang ito ang 15 gobernador at bise-gobernador ng mga probinsya

nine mayors of cities covered by the SZOPAD will also be members of the Assembly. Forty-four seats will be given to the MNLF.

Executive Order No. 371 proclaiming the SZOPAD and the SPCPD modified the composition of the Consultative Assembly by removing the specific number of seats allotted to the MNLF. The Consultative Assembly would thus be made up of the SPCPD chairperson, the 15 governors and vice-governors of the provinces and of the ARMM, the nine city mayors, and 55 members from various sectors, including recommendees of NGOs and POs. The Council, on the other hand, will be made up of the chair (to be designated by the Presidents from among the governors in the SZOPAD), a vice-chair and three deputies. The last two posts will likewise be designated by the President from among heads of departments and other government offices and representatives of NGOs within the SZOPAD.

[17] *If the peace program in Mindanao is really for everyone, why will there be more members in the Consultative Assembly coming from the ranks of the MNLF?*

According to the GRP, the 44 MNLF members in the Consultative Assembly was a concession “to allow full and responsible participation of the MNLF in the democratic process and within the fold of the law as a confidence-building measure.” But there are mechanisms for check and balance:

- the President will appoint the members,
- affected sectors will be consulted,
- elected officials in the concerned provinces and cities will be representing the interests of their constituencies in the Consultative Assembly.

The MNLF reciprocated this GRP action by agreeing to:

- drop their demand for a provisional government,

at ng ARMM, at 9 na mayor ng mga lunsod na tinukoy sa Kasunduang Tripoli. Ang 44 na upuan naman ay nilaan para sa MNLF.

Nabago ng Executive Order No. 371 na nagtatag ng SZOPAD at ng SPCPD ang ilang probisyon hinggil sa komposisyon ng Consultative Assembly. Sa halip na 44 na magmumula sa MNLF at 11 mula sa ibang sektor, sinabi na lamang na 55 kasapi ay magmumula sa iba’t ibang sektor na inirekomenda ng mga NGO at PO. Samanatala, ang chairperson ng SPCPD ay itatalaga ng Presidente mula sa mga gobernador ng mga probinsya/awtonomus rehyon na kasapi ng SZOPAD, habang ang vice-chair at tatlong deputy ay pipiliin mula sa mga namumuno ng mga ahensya o departamento ng pamahalaan.

[17] *Kung ang programang pangkapayapaan sa Mindanao ay para sa lahat, bakit mas maraming myembro ng Consultative Assembly ang manggagaling sa hanay ng Muslim?*

Ayon sa GRP, konsesyon ang 44 myembro ng MNLF sa Consultative Assembly para magkaroon ng ganap at responsableng partisipasyon ang MNLF sa demokratikong proseso. Bahagi rin ito ng *confidence-building measure* ng negosasyon. Ngunit may mekanismo para magkaroon ng *check and balance*:

- ang Presidente ang magtatalaga ng mga myembro;
- magkakaroon din ng konsultasyon sa mga apektadong sektor;
- at maaring katawanin ng mga halal na opisyaes ang interes ng kanikanilang pinamamahalaan.

Tinumbasan naman ng MNLF ang konsesyong ito ng GRP sa kanilang pagsang-ayon na:

- hindi na nila igigiit ang paglikha ng probisyonal na gobyerno;
- kikilalanin nila ang pangangailangan ng isang plebesito para sa pagtatag ng bagong gobyernong awtonomus;
- kikilalanin nila ang pangingibabaw ng Konstitusyon.

Gayunpaman, sa E.O. 371, hindi na nagtakda ng pirming bilang na magmumuia sa MNLF.

- ♦ recognize the need for people to ratify the amended or new autonomy law that will be enacted by Congress in a plebiscite held for that purpose,
- ♦ recognize the supremacy of the Philippine Constitution.

Note, however, that E.O. 371 no longer stipulates that 44 seats will go to the MNLF.

[18] *What are the powers and functions of the Council?*

The powers and functions of the Council are the following:

- ♦ to take charge in promoting, monitoring and coordinating the improvement of peace and order of the area;
- ♦ to focus on peace and development efforts more particularly in the depressed areas and cause the implementation of peace and development projects;
- ♦ 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 preparations for the holding of elections, referenda or plebiscite and people's initiative in the area as may be deputized by the Commission on Elections (COMELEC) upon recommendation by the President; and
- ♦ to cause the creation of such offices or instrumentalities as shall be necessary for the effective and efficient administration of the affairs of the area. There shall be approval from the Office of the President for budgetary purposes.

[18] *Anu-ano ang mga kapangyarihan at tungkulin ng Konseho?*

Ang mga kapangyarihan at tungkulin ng Konseho ay ang mga sumusunod:

- ♦ *“to take charge in promoting, monitoring and coordinating the improvement of peace and order of the area;*
- ♦ *“to focus on peace and development efforts more particularly in the depressed areas and cause the implementation of peace and development projects;*
- ♦ *“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 preparations for the holding of elections, referenda or plebiscite and people's initiative in the area as may be deputized by the Commission on Elections (COMELEC) upon recommendation by the President; and*
- ♦ *to cause the creation of such offices or instrumentalities as shall be necessary for the effective and efficient administration of the affairs of the area. There shall be approval from the Office of the President for budgetary purposes.”*

[19] *Sinasabi sa Kasunduan sa SPCPD na ang mga kapangyarihan at tungkulin ng SPCPD at ng Consultative Assembly ay nagmumula sa at ekstensyon ng kapangyarihan ng Presidente. Nangangahulugan ba ito na ang anuman at lahat ng kapangyarihan ng Presidente ay magagamit ng Konseho?*

Nilinaw sa 29 Hulyo 1996 Kasunduan ng GRP-MNLF na:

“This means that only the powers and functions of the President that he is authorized by existing laws to delegate to a subordinate office (the Council in this case) can be derived from him and extended to

[19] *The SPCPD Agreement stipulates that "the powers and functions of the SPCPD and the Consultative Assembly are derivative and extensions of the powers of the President." What does this mean?*

On July 29, 1996, the GRP-MNLF made the following clarification:

"This means that only the powers and functions of the President that he is authorized by existing laws to delegate to a subordinate office (the Council in this case) can be derived from him and extended to the SPCPD. Otherwise stated, he cannot delegate a power or function that he does not possess, nor those powers and functions which the Constitution and existing laws do not authorize him to delegate. Such other powers or functions beyond the authority of the President could then be granted an agency only through an act of Congress."

As an executive agency under the Office of the President, the SPCPD

- **is not** a provisional government;
- **has no** legislative power; and
- **has no** control over police and military forces.

[20] *What will be the relation of the SPCPD to Local Government Units (LGUs)? Will the rights and powers of LGUs be reduced?*

The LGUs will not be under the Council nor will the powers of elected local officials be reduced. There will be no threat to the local autonomy enjoyed by LGUs because the Local Government Code which is a national law will still prevail. However, the SPCPD may coordinate with and ask assistance from local officials so that it can more effectively carry out its mandated task of implementing programs on peace and development.

the SPCPD. Otherwise stated, he cannot delegate a power or function that he does not possess, nor those powers and functions which the Constitution and existing laws do not authorize him to delegate. Such other powers or functions beyond the authority of the President could then be granted an agency only through an act of Congress."

Bilang isang ehekutibong ahensya sa ilalim ng Opisina ng Presidente, ang SPCPD ay

- **hindi** isang probisyonal na gobyerno;
- **walang** lehilatibong kapangyarihan; at
- **walang** kontrol sa mga pwersa ng pulisya at militar.

[20] *Ano ang ugnayan ng SPCPD sa Local Government Units (LGU)? Mababawasan ba ang karapatan at kapangyarihan ng mga LGU?*

Hindi mapapailalim ang mga LGU sa Konseho. Hindi mababawasan ang kapangyarihan ng mga nahalal na lokal na opisyaes at hindi rin malalagay sa alanganin ang lokal na awtonomiya gaya ng itinatakdang Local Government Code. Gayunman, maaring makipag-ugnayan at humingi ng tulong ang Konseho sa mga lokal na opisyaes upang mas mabisa nitong magampanan ang mga tungkulin nito sa implementasyon ng mga programang pangkaunlaran at pangkapayapaan.

[21] *Ano ang layunin ng pagpailalim sa kontrol ng SPCPD ng mga ahensya ng gobyerno na may kinalaman sa mga gawaing pangkapayapaan at pangkaunlaran?*

Layunin nito na magkaroon ng maayos at nagkakaisang pagkilos ang mga ahensya ng gobyerno upang mapabilis at gawing epektibo ang mga gawaing pangkaunlaran at pangkapayapaan. Ang mga ahensyang mapapailalim ay iyon lamang legal na pinahihintulot sa Presidente na ipailalim sa Konseho.

Batay sa paliwanag na ito, mapapailalim sa SPCPD ang mga sumusunod na ahensya:

[21] *What is the objective in putting government agencies dealing with peace and development under the control of the SPCPD?*

The objective is to integrate the efforts of government agencies for efficiency and greater effectiveness in carrying out their peace and development tasks. The agencies that will be put under the control of SPCPD are only those legally within the authority of the President. These are:

- Southern Philippines Development Authority
- Regional and field offices of the Office of Muslim Affairs
- Regional and field offices of the Office of Southern Cultural Communities
- Basilan Development Task Force
- Central Mindanao Development Task Force
- Sulu Development Task Force
- Special Development Planning Group

The PNP, AFP and regional offices of various Departments will not be placed under the SPCPD. The SPCPD will only have a coordinative and supportive relations with these agencies.

[22] *There are those who fear that the MNLF will use the SPCPD to Islamicize the region. They point to the Darul Iftah that will serve as a Religious Advisory Council to the Chairman of the SPCPD and the teaching of Islam in schools.*

In response to criticisms coming from different sectors, the GRP-MNLF Agreement referred to the *Darul Iftah* or Religious Advisory Council as a plain advisory body. Executive Order No. 371 dropped all references to the *Darul Iftah* all together.

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- Southern Philippines Development Authority
 - Regional and Field Offices of the Office of Muslim Affairs
 - Regional and Field Offices of the Office of Southern Cultural Communities
 - Basilan Development Task Force (Basilan Task Force)
 - Central Mindanao Development Task Force (Task Force MALMAR)
 - Sulu Development Task Force
 - Special Development Planning Group.

Hindi ipapailalim sa SPCPD ang PNP, AFP, at mga rehyonal na opisina ng mga Departamento. Magkakaroon lamang ang SPCPD ng pakikipag-ugnayan at mapagsuportang samahan sa mga ahensyang ito.

[22] *May mga natatakot na gagamitin ng MNLF ang SPCPD para mamayani sa rehyon at pairalin ang Islam. Tinutukoy nila ang Darul Iftah na tinalagang tutulong sa Tagapangulo ng SPCPD (Article 1, Par. 3), gayundin ang mga probisyon sa edukasyon sa 1995 Interim Agreement. May matatag na batayan ba ang takot na ito?*

Bilang tugon sa mga puna ng iba't ibang sektor, pinagkasunduan ng GRP-MNLF noong Hulyo 29, 1996 na papalitan ang *Religious Advisory Council* at sa halip, gagawing itong simpleng *advisory body* na lamang. Samantala, di na binanggit ang *Darul Iftah* sa nilagdaan ni Pangulong Ramos na Executive Order No. 371.

Nais lamang ng mga probisyon sa edukasyon na magkaroon ng pang-unawa sa mga pagpapahalagang Islamiko bilang integral na bahagi ng pambansang kultura at kasaysayan ng Pilipinas. Ang mga pagpapahalagang Islamiko ay magiging bahagi ng mga teksbuk at klaseng *Good Manners and Right Conduct*.

Wala itong layunin ng kumbersyon ng mga Kristiyano at Lumad sa relihyong Islam. Malinaw ito sa ika-22 napagkasunduang usapin na nagsasaad na:

On the other hand, the aim of the consensus points on education is for students to have a deeper understanding of and appreciation for Islamic values as integral to our national culture and history. Islamic values will be incorporated in textbooks and in classes on Good Manners and Right Conduct.

There is no aim of converting Christians and Lumads Islam. This is clear in III C.112 of the Agreement which states that:

Religious instruction in public schools should be optional, with the written consent of the parent/guardian, taught by the authorities of the religion to which the student belongs, and should not involve additional costs to the government in accordance with national policies.

[23] *Where will the SPCPD get its funds?*

As an agency under the Office of the President, SPCPD will get its funds initially from the budget of the Office of the President. The budget for the development programs and projects will come from Congress appropriation.

[24] *Why is the government allowing the integration of MNLF forces into the AFP and the creation of a Special Regional Security Force (SRSF) in Phase II of the implementation of autonomy?*

The integration of the MNLF elements into the AFP and the creation of an SRSF are points agreed upon in the Tripoli Agreement. In both the Tripoli and GRP-MNLF points of consensus, it is clear that **national defense is the concern of the National Government**. Therefore, national laws and criteria will prevail in the selection of qualified MNLF members. And as with the training of AFP

“Religious instruction in public schools should be optional, with the written consent of the parent/guardian, taught by the authorities of the religion to which the student belongs, and should not involve additional costs to the government in accordance with national policies.”

[23] *Saan kukunin ang pondo para sa pagpatakbo ng SPCPD?*

Bilang ahensya sa ilalim ng Presidente, ang pondo ng SPCPD ay panimulang kukunin mula sa Opisina ng Presidente. Ang pondo sa mga programa at proyektong pangkaunlaran ay magmumula sa apropiyasyon ng Kongreso.

[24] *Bakit isasama ang MNLF sa AFP at lilikha ng Special Regional Security Force sa Phase II ng implementasyon ng awtonomiya?*

Ang integrasyon ng mga elemento ng MNLF sa AFP at ang paglikha ng SRSF ay mga napagkasunduan sa Tripoli. Sa Kasunduang Tripoli at GRP-MNLF *Points of Consensus*, maliwanag na **nakasalalay sa pambansang gobyerno ang kapangyarihang magtanggol sa bansa**. Kung gayon, paiiralin ang mga pambansang batas at mga batayan sa pagpili ng mga kwalipikadong MNLF; at tulad sa sinumang sundalong Pilipino ididiin sa kanila ang pagmamahal sa bayan, nasyonalismo, disiplinang militar, paggalang sa batas at kaayusan, at pagsunod sa *chain of command*.

Pinag-uusapan pa ang mga detalye ng dalawang prosesong ito.

[25] *Bakit hindi muna magkaroon ng plebisito bago magtatag ng SPCPD?*

Ang paglikha ng SPCPD ay hindi nangangailangan ng plebisito dahil ito ay hindi isang pamahalaang probisyunal o rehyong awtonomus.

soldiers, former MNLF members will be taught love of country, nationalism, military discipline, loyalty to law and order, and the chain of command.

The details of these processes are still being ironed out.

[25] *Shouldn't a plebiscite be held first before establishing the SPCPD?*

The establishment of the SPCPD does not require a **plebiscite because this is not a provisional government nor an autonomous region.**

[26] *What consultations with the people were held before the GRP-MNLF Agreement?*

At the time the GRP was still laying the groundwork for the peace talks with the MNLF and when contentious points were being negotiated, both panels became careful in winning the trust and confidence of each side. But when they had reached consensus on 123 points, the GRP started the process of consultation. The following consultations were held:

- **Jan. 31, 1996.** Special meeting with the Office of Speaker Jose de Venecia in which the GRP panel briefed the Mindanao Bloc in the House of Representatives on the latest developments in the peace talks.
- **Feb. 2, 1996.** GRP holds briefing and consultation with several governors and mayors in Davao City.
- **Feb. 29, 1996.** GRP, together with OIC representative, meets and consults governors and mayors in Zamboanga City.
- **Mar. 14, 1996.** GRP consultation with Senate.
- **Apr. 10, 1996.** Consultation with Committee on Public Service of the IBP.

[26] *Bakit hindi nagkaroon ng konsultasyon bago binuo ang kasunduan?*

Sa panahong nilalatag pa ng gobyerno ang pundasyon para sa negosasyon at sa mga talakayan ng GRP sa MNLF ng mga maselang usapin, naging maingat ang dalawang panig para makuha ang tiwala ng isa't isa. Ngunit nang nakakuha na ng pagsang-ayon sa 123 na usapin, sinimulan ng GRP ang proseso ng konsultasyon. Naganap ang mga sumusunod na konsultasyon:

- **Enero 31, 1996.** Espesyal na Pulong sa Opisina ng Ispiker Jose de Venecia kung saan ipinaliwanag sa Mindanao Bloc ng Kongreso ang pinakahuling usapang kaganapan pangkapayapaan;
- **Pebrero 16, 1996.** (Davao City) Nagbigay ng update ang GRP tungkol sa usapang pangkapayapaan at kinunsulta ang ilang gobernador at mayor ng 14 na probinsiya at lunsod na tinutukoy sa Kasunduang Tripoli;
- **Pebrero 29, 1996.** (Zamboanga City) Pulong-konsultasyon sa mga gobernador at mayor, kasama ang kinatawan ng OIC;
- **Marso 14, 1996.** Pagpapaliwanag at konsultasyon ng GRP sa Senado;
- **Abril 10, 1996.** Konsultasyon sa Komite sa Pamublikong Serbisyo ng IBP;
- **Abril 22 at Mayo 9.** Worksyap at konsultasyon sa mga pinuno ng Mindanao at ilang opisyaes ng gobyerno na isinagawa sa Malacañang.

[27] *Ano ang maaaring gawin ng mga grupong nagsasabing hindi naisaalangalang ang kanilang interes sa usapang pangkapayapaang ito sa pagitan ng Gobyerno at ng MNLF lamang?*

Isang proseso ang pagtaguyod ng matatag at mabungang kapayapaan. Panimulang hakbang lamang ang SPCPD sa mahabang proseso ng pagtatag ng mga istrukturang mag-aambag sa pangmatagalang kapayapaan sa Mindanao.

- **Apr. 22/May 9.** Workshop and consultation with Mindanao leaders and other concerned government officials held in Malacañang.

[27] *There are groups who feel their interests were not considered in the peace negotiations between the GRP and the MNLF. What can they do to have their voices heard?*

The SPCPD is only the first step in the long process of establishing structures that can contribute to a lasting peace.

It is important for various sectors to continue discussing the consensus points and other issues related to the GRP-MNLF agreement that will surely affect the lives of the Mindanaoans. But it is also important for people to open their minds and to view this agreement in terms of the benefits to be gained in the long run.

The SPCPD has a three year term. During this period, the people must be vigilant in monitoring the activities of the SPCPD. They should initiate dialogues with SPCPD officials and articulate their views, suggestions and criticisms.

Mindanaoans — Christians, Muslims or Lumads — can use this period to discover the commonalities that bind them and use these as **the foundation for a meaningful people's peace agenda.** Peace and development cannot move forward if people remain fractious and if the implementation of autonomy in Mindanao will also be fragmented.

Ultimately, it is the people of Southern Philippines themselves who have the power to decide their future in the plebiscite that will be held in Phase II of the implementation of autonomy.

Napakahalagang ipagpatuloy ng mga tao sa iba't-ibang lugar ang kanilang pagtalakay sa mga isyung nakapaloob sa pinapanday na Kasunduan ng GRP at MNLF na tiyak na magkakaroon ng malawakang epekto sa buhay ng lahat ng taga-Mindanao. Ngunit kailangan ding maging bukas ang isip at loob ng mga tao at tingnan ang kasunduang ito sa kabutihang maaaring ibunga nito na pangmatagalan.

May tatlong taong bisa ang SPCPD. Sa loob ng panahong ito, mahalaga ang aktibong pakikilahok ng mga tao sa SPCPD sa pamamagitan ng pagsubaybay sa mga gawain nito, pakipagdiyalogo sa mga myembro nito, pagpadala rito ng mga mungkahi at puna. Maari ring gamitin ang yugtong ito para tuklasin ng mga taga-Mindanao — Muslim man o Kristyano o Lumad — kung ano ang makapagbibigkis sa kanila sa kabila ng kanilang pagkakaiba at habang ginagalang ang pagkatangi ng bawat grupo. Hindi maisusulong ang kapayapaan at kaunlaran kung watak-watak ang mga tao at kung watak-watak din ang implementasyon ng awtonomiya sa Mindanao.

Sa kahuli-hulihan, ang mga mamamayan ng Katimugang Mindanao mismo ang may kapangyarihang magpasya tungkol sa kanilang kinabukasan sa isang plebisito na idaraos sa Bahagi II ng implementasyon ng awtonomiya.



Mapping of Positions on the SPCPD of Various Sectors in Selected Mindanao Municipalities

SUMMARY OF FIELD REPORTS
6-12 August 1996

UNIVERSITY OF THE PHILIPPINES-CENTER FOR
INTEGRATIVE AND DEVELOPMENT STUDIES

PROGRAMS ON MINDANAO STUDIES AND PEACE,
CONFLICT RESOLUTION & HUMAN RIGHTS

BACKGROUND

The task of the one-week field research conducted by the four-person team was to undertake a mapping of the positions of various sectors in Mindanao on the proposed Southern Philippines Council for Peace and Development.

The objective was not to arrive at quantitative data on those for or against the SPCPD. Rather, the aim was to identify and understand the concerns of the populace with regards to the formation of the SPCPD, and generate recommendations that will contribute to the peaceful resolution of the controversies surrounding the search for a peaceful solution to the Moro conflict in Mindanao.

The cities of Davao, Cagayan de Oro, Iligan, Marawi and Zamboanga, and the town of Jolo were visited separately during the second week of August 1996. Aside from conducting individual interviews of key informants and laypeople, the researchers were able to attend the Senate hearings on the SPCPD held in Davao and Iligan; a meeting of the Peace Advocates of Zamboanga in Zamboanga City; and a rally of anti-SPCPDs in Zamboanga.

GENERAL TRENDS

The official and personal positions on the SPCPD expressed were: in favor, against, unconditional support, conditional support, neutral, or don't know/no opinion.

In the places visited, person-on-the-street positions on the issue generally fell into either a *pro* or *anti* stand, with Christians/Bisaya largely against the SPCPD, and Muslims favoring it. This polarization based on collapsed religious-ethnic affiliations cut across sectors (professional, business/commercial, youth).

However, there were important exceptions to this generalization, both as groups or individuals. For instance, important Christian or Christian-dominated groups gave their support to the SPCPD proposal. These include:

- ♦ the Catholic and Protestant churches, which have adopted a conditional support stance and have been advocates of greater Christian-Muslim understanding;
- ♦ most LGU officials (with the exemption of Iligan and Zamboanga officials) and other government agencies (e.g., the police force in Davao), in their official capacity, because this is the government position, although others honestly believe it is the right policy

(for example, Governor Emano of Misamis Oriental, according to the provincial administrator interviewed); and

- many NGOs (with the exception of Iligan-based NGOs), who locate the SPCPD within a broader historical perspective and peace process.

Among Muslims, those against the SPCPD came from the ranks of the Sama and Maranao ethnic groups.

Basis for Respective Positions/Concerns Raised

As can be seen in the matrices provided, concerns raised from the ranks of both Muslims and Christians and across sectors dealt with the implementation process (lack of transparency, need for more consultations), and specific provisions in the Points of Consensus which were either viewed as giving too much or too little powers to the Moro National Liberation Front (MNLF).

Another set of concerns were based on a general distrust of the leadership of MNLF Chair Nur Misuari/the MNLF/the Tausugs (the dominant Islamic ethnic group in the MNLF) expressed by Christians and non-Tausug Muslims, and/or a dislike/distrust of Muslims in generals among the Christian populace. While these concerns guided much of the opinion of the "less-informed" sectors, they were also manifested among professionals and business groups, especially in Iligan.

Favorable positions among both Christians and Muslims, on the other hand, were largely founded on a larger appreciation of the peace process and the historical roots of the Moro rebellion.

A Maranao's opposition to the SPCPD was based on the thinking that the SPCPD gave very little to the Muslims. The Sama opposition expressed was based on a general distrust of the Tausug.

Particularity based on Province/City

The positioning on the SPCPD varied from place to place, based on the field reports of the researchers.

Iligan. Among the sites visited, Iligan and the rest of the 1st District of Lanao del Norte manifested the greatest opposition to the SPCPD. On 3 July 1996, the Sangguniang Panlungsod passed

Resolution No. 699 s. 1996, "Interposing Vehe-ment Opposition/Objections to the Points of Consensus of the 8th GRP-MNLF Mixed Committee Meeting with the Participation of the OIC Ministerial Committee of Six Held in Davao City on June 21-23, 1996." The Resolution exaggerated the contents and implications of the GRP-MNLF Agreement. (See Appendix for full text of the Resolution)

House Representative Mariano Lluch Badelles (1st District, Lanao del Norte, which includes Iligan) is also an active oppositionist. Many NGOs have subsequently adopted the City Council resolution.

GOs and NGOs jointly mobilized a huge protest rally during the scheduled Senate hearing on the Mindanao Peace Process on 10 August at the Mindanao State University-Iligan Institute of Technology. Rallyists wore red shirts and carried red streamers and posters carrying messages like "SPCPD is good for places like Sulu and Tawi-Tawi but not Iligan" and "Clinton, please take FVR to Hawaii."

The thousands who attended the hearing were clearly a partisan crowd, with only about 50-70 Muslim students huddled together in one section of the gymnasium. The latter would clap for pro-SPCPD speakers but would immediately be met by booing from the larger anti-SPCPD crowd. A cable TV commentary on the Iligan hearing remarked that the audience's unruly behavior before dignitaries was, to Maranao custom, a grave offense and had reportedly created ill feeling among the Muslim leaders – MNLF, *datus*, and politicians – who were there.

Cagayan de Oro. Since the city/province is not included in the coverage of the SPCPD, the issue was not seen as urgent among the populace. Local newspapers did not come up with either a strong pro- or anti- position.

The Christian majority, nonetheless, tended to view the SPCPD unfavorably. This tendency was true for Christians of the main sectors interviewed, namely, professionals and business/commercial groups. They unanimously claimed that most (Christian/Bisaya) people in Cagayan de Oro are against the SPCPD.

Davao City. Though the inclusion of Davao City in the SPCPD was not yet clear then (it was not included in the final Agreement), the organized

segments of Davao raised important concerns on the SPCPD. It can be said that the respondents generally favored the SPCPD provided that some modifications were introduced while retaining its overall aim of giving the MNLF a chance to exercise their leadership.

Majority of the respondents were objective in handling the issue and prudent in giving opinions. Those who were agreeable to the plan addressed the issues from the perspective of peace and history, i.e., the struggle of the Moros for recognition and the need to find a peaceful solution. Those against based their positions on constitutionality and the lack of democratic process. Most respondent who were not familiar with the issues did not give a harsh yes or no position, but expressed the need for more information.

Marawi City. Based on accounts of the Senate Hearing conducted in Marawi on 9 August 1996 and additional interviews of key informants, majority of groups in Marawi were in favor of the SPCPD. Except for a small segment of the organized and left-leaning youth population, informants perceived that in Marawi where Maranaos make up 98% of the population, Nur would be supported in his bid for the governorship and the SPCPD.

Zamboanga City. Media reports had portrayed a wide opposition to the SPCPD led by government officials. A rally staged by a group of anti-SPCPDs at the Orchids Hotel which the researcher witnessed was attended by up to 500 people. The next day, however, a newspaper report said that 10,000 people joined the rally.

The interviews with professionals and religious reflected a more open view toward giving the SPCPD a chance and a general simmering down of resistance. Ordinary Christian folk like tricycle drivers and street vendors, on the other hand, either didn't know anything about the SPCPD or didn't want it.

Significantly, in Zamboanga, other Muslim tribes, particularly the Sama, kept a strong bias against the Tausug. Other Muslims who are recipients of aid from Christian politicians were anti-Misuari.

Jolo. Being a Tausug/Muslim-dominated area, majority of those interviewed were expectedly in favor of the SPCPD, except for the Abu Sayyaf

and a number of unorganized individuals. Most of the MNLF soldiers talked to at the MNLF Headquarters in Timbangan, were positive on the prospects of the SPCPD.

The president of one of only two major NGOs in Jolo, the Amanat Foundation, was pessimistic, although she is supportive of the peace process. Like others in Zamboanga, an immediate concern was the program of governance and capability building needs of the MNLF.

ANALYSIS

Sources of Information

A common denominator in all the cities/town visited is the dearth of information on the SPCPD. That was why many of those talked to were not able to recommend specific modifications or alternatives.

The usual source of information cited was the mass media, mainly national newspapers and radio. The researchers found out, however, that a number of media reports were distorted, especially on the protests and certain provisions in the Agreement.

Only people active in organizations like the churches, NGOs, the academe, and LGUs had access to other sources like fora and other reading materials. As a result, people from these sectors were able to have a broader contextualization of the SPCPD issue, and had specific knowledge of the provisions and implications.

Given this situation, the need to conduct more information and discussions on the SPCPD and the peace process emerged as a paramount concern.

Two Operative Perspectives

From the field data gathered, as well as the literature produced on the SPCPD by various sectors, it appears that two perspectives operated in responding to the issue of the Council.

The *perspective of contemporary realities* is the perspective from which most of those who opposed the Council derived the basis of their arguments and from which they expected to get greater support from the modern society.

These perceived contemporary realities are:

- The Christians are the majority in Mindanao/Southern Philippines.
- The Muslims are not united. They are divided into tribes who are hostile to each

other; the rebel forces are divided into the different rebel groups like the MNLF, MILF and the Abu Sayyaf.

- Muslim leadership in government agencies like the Autonomous Region in Muslim Mindanao (ARMM) have shown that they have been unable to raise the level of progress and prosperity in the region.
- Muslims are violent and they have been the cause of conflict in Mindanao.

This perspective of contemporary realities is difficult to ignore. Whether factual or imaginary, it evolved from these people's own life experiences. They believe that others, especially those who have not lived in these areas, do not share this learned knowledge acquired in the daily business of living.

In effect, the establishment of the SPCPD is regarded by those opposed as a violation of democratic principles and processes. It is interpreted as an undue exposure of the Christian majority to expected Muslim retaliation for past Christian offenses, or simply to the perceived abusive natural tendencies of Muslim religious-cultural-social orientations.

The historical facts are contrary to this perception. Violence, graft and corruption are perpetuated by bad or misguided elements in all religions/ethnic groups. Koranic injunctions supported by the "hadithic traditions" prescribe real social justice for minorities under "People of the Book." Under the "dhimma concept," the Christian and Jewish minorities fall under the category of protected minorities entitled to human rights as such.

Christians' fear and distrust of Muslim leadership in the SPCPD are thus rooted in social prejudice instilled by colonialism in the Philippines. The Christian majority of Mindanao still follow the old colonial orientation that had sustained Muslim-Christian conflict for more than three centuries.

The other perspective is the *perspective of history*. The twin concepts of *kaadilan* and *gausbaugbug* constitute the components of this second perspective.

The foundation of the Muslim armed struggle and the logic of its demands upon the Philippine government are rooted in centuries of effective marginalization of the Muslim population in the Christian-dominated and Manila-centered Philip-

pine state. Social justice, which is subsumed in the concept of *kaadilan*, would rectify this historical oppression. The concept of *gausbaugbug* establishes the geo-political context of social justice in what is meant and implied by "ancestral land." Therefore, many of those who supported the SPCPD took this historical perspective as a legitimate point of reference in evaluating all options and proposals for the resolution of the armed conflict. It provided them with a just basis for supporting the SPCPD.

From within the MNLF and among other Muslims, the Council has been viewed as a very limited and modest concession to Muslim demands after centuries of struggle. The Muslim opposition to the council was precisely anchored on the argument that the proposed Council was giving less than expected. This position, which is shared by the MILF, Abu Sayyaf, the Islamic Command Council and most Maranaos interviewed opposed that of the Christian sector which viewed the proposal as having granted too much concessions to the Muslims.

CONCLUSION

The conflict surrounding the SPCPD is obviously not rooted in political differences alone but in historical socio-cultural cleavages based on religion and ethnicity. For this reason, the atmosphere for the SPCPD and the whole peace process in Mindanao will only improve if the factual and imaginary basis for these cleavages are addressed.

At the same time, there are clearly competing political and economic interests at stake, and these concerns have also determined the positioning of the different actors, especially the politicians and economic elites (both Christians and Muslims).

There is reason to believe that the threat of violence would be greater if the SPCPD were not pursued. It would mean the breakdown of the whole process and leave the MNLF and MILF with no other recourse but to revert to all-out war. The provinces with Christian anti-SPCPD majority, however, have the option of voting against inclusion in the autonomy area in Phase II — which is what will most likely happen, with a few possible exemptions.

Most of the offered alternatives to the SPCPD framework did not specifically address the Mus-

lim question. Social justice and a government more responsive to the interests of Mindanao as a whole are laudable aims but do not provide actual avenues where the Muslim rebels may have a chance to prove their capability and intentions. The proposal for the MNLF to lay down their arms and for government to give them livelihood is an old way to address the problem, one that had been fraught with corruption and ill intent under both the Marcos and Aquino administrations.

In any case, some modifications on the Points of Consensus, and more consultations and dialogues should be made to check exaggerated notions and allow for greater acceptance. (Refer to the Matrices on Concerns and Recommendations)

The churches, the NGOs, and the academe should contribute to this effort of fostering dialogue and greater understanding. In the academe, long term projects could include a review of history books and literature and social science courses, giving due visibility to Muslim Mindanao's history and cultures.

Also, the framework of discourse should be broadened to address the legitimate aim of giving genuine autonomy for the whole of Mindanao (and all local units, for that matter) where the tri-sectoral interests (Christian, Muslim and Lumad) are unified and are able to coexist harmoniously.

MATRIX OF CONCERNS & RECOMMENDATIONS

Based on interviews of different sectors conducted and various fora attended in the cities of Davao, Iligan, Cagayan de Oro, Marawi and Zamboanga, and the town of Jolo from 6-12 August 1996. University of the Philippines Center for Integrative & Development Studies.

Concerns Raised	Recommendations
1.0 On the Implementation of the SPCPD • Lack of transparency in the formulation/ process. • MNLF Chairman Nur Misuari and President Fidel V. Ramos (FVR) should not insist on SPCPD; we are a democracy. • Proposal is being fast-tracked. • Council is an imposition of the national political leadership on Mindanao and its people. • Council is not the result of a democratic process. It ignores previous democratically arrived at decisions (e.g., ARMM plebiscite).	1.0 On the Process of Implementation • Conduct more dialogues and consultations at the grassroots. • These may be facilitated or initiated by the government but must be conducted by independent bodies. • The need to understand history and erase biases must be emphasized. • People must realize that there will be no peace if the majority will not understand the predicament of Muslims. • The gains of the peace talks must be preserved. • Hold plebiscite first before implementation. • Hold survey first to get people's sentiment, rather than a plebiscite (which is very expensive). • Await the outcome of the petition to the Supreme Court questioning the SPCPD. • FVR must be neutral in the whole process. • FVR must listen to the voice of the people./Call to a meeting the representatives of all anti-SPCPD groups and record their suggestions to improve the SPCPD plan; also, present these proposed changes to the MNLF. • Academic not political process must be developed to deal with the issue. • Government must use competent professionals to explain issues, not just propagandists.
2.0 Objectionable Specific Provisions 2.1 Coverage • Why include Iligan? Zamboanga? Davao? SocSarGen? Christian-dominated areas?	2.0 Proposed Modifications/Revisions in the Specific Provisions To remove fears of the Christian sector./ Aim: Make SPCPD more acceptable. 2.1 Coverage • Exclude Iligan in the coverage of the SPCPD. (Basis: outcome of past plebiscites; recent Jaycee survey where 95% refused to be part of SPCPD.)

Concerns Raised	Recommendations
2.2 <i>Council Composition</i> • Unfair representation in Council.	• Exclude Zamboanga. • Discuss the inclusion of Davao in another negotiation because its inclusion now is tantamount to imposition. Leave the SocSarGen to continue their own endeavors which come from the initiatives of the people. • Don't include all the Mindanao provinces presently covered in the SPCPD.
2.3 <i>Vested Powers</i> • Unconstitutionality of Council's powers to make laws & regulations • Too many powers, e.g., ascribed role in the conduct of elections & plebiscite • SPCPD is a provisional government. • Government gave too much to Misuari./ SPCPD practically gave absolute control to Muslims. On the other hand, • Powers granted are too small. • SPCPD is not for the Moros because it has not really granted them the right to self-determination. • SPCPD gave only eyes and ears to Moros, but no mouth and no hands./“Flower” <i>lang ang ibinigay ng SPCPD</i>.	2.2 <i>Council Composition</i> • Misuari should not be the chair of the Council. An alternative is FVR or somebody from outside the region — for example, a Cordilleran. • Tripartite representation in the Council instead of MNLF majority. • The SPCPD should be led by a Christian since sovereignty resides in the people. Misuari can still retain a seat in the Council. • More equitable representation in the Council based on population distribution./ Equal representation. • Let the representation of NGOs, POs, etc., be duly elected per province and need not the approval of the MNLF, rather than be MNLF appointees. 2.3 <i>Vested Powers</i> • Remove power to assist the COMELEC in conducting elections, plebiscites, etc. COMELEC must be the sole entity to deal with the elections. • Remove appointive powers in the selection of representatives in non-MNLF Council seats.

Concerns Raised	Recommendations
2.4 Other Objectionable Provisions ♦ Role of <i>Darul Iflah</i> endangers principle of separation of state & church. ♦ Teaching of Islam in schools must be optional only. 3.0 Nur/MNLF/Tausug's Leadership ♦ Nur's leadership is questionable. ♦ Nur's job requires a vote of confidence. ♦ Fear because Misuari's system of governance is ambiguous. ♦ The Sama's fear and distrust of the Tausug are still present. ♦ Nur is not acceptable to the majority in Mindanao. ♦ Nur has been waging war for years, now he wants to reign over these areas. ♦ Nur means well but he is a megalomaniac. ♦ Will Nur be responsible for all Muslims if there's trouble? ♦ MNLF is armed; we are not. Will MNLF lay down their arms after the SPCPD? After the plebiscite? ♦ Personal experience with the Tausug is not pleasant./From years of experience and observations as a resident of Sulu, Tausugs are violent and readily resort to violence to resolve conflict./ Tausugs tend to dominate and exploit our members.	2.4 Other Provisions ♦ MNLF forces must be properly screened and meet all requirements before they are integrated into the army/PNP. ♦ Remove the role of the <i>Darul Iflah</i> following the principle of separation of church and state. ♦ Remove the <i>Darul Iflah</i> provision although the Chairman has the right to choose his own adviser, which could be in the form of an ecumenical advisory committee. 3.0 Proposed Additional Mechanisms/Measures ♦ Vigilance must be maintained on the negative impact of development that will follow with the improved peace situation. ♦ Pursue as well the Social Reform Agenda. ♦ The Council must embody the ff. Principles: Peace as a reign of justice and not just absence of war; sustainable development; transparency; participation; and consultation. ♦ Support the formation of a coordinating body with grassroot Muslims, grassroot Lumad, and grassroot Christians. ♦ Firearms should be surrendered. ♦ Plebiscite can be joined with the 1998 elections. ♦ MNLF must prepare a directory of the people being considered to be part of the Council./ Names to come from the Muslim, Lumad and Christian sectors. ♦ The MNLF has no clear program on which Christians could assess their capability, so there is a need for the MNLF to present one./MNLF must present its alternative system or plan of government. ♦ Take a look at the development plan made by various NGOs which can be applied in the Council. ♦ There must be education and training of MNLF professionals and potential staff for the SPCPD. ♦ The MNLF must demonstrate their capability and program in the ARMM. ♦ Honest and competent people (only) must be appointed in the Council.

Concerns Raised	Recommendations
4.0 SPCPD as the Wrong Solution/Unnecessary • SPCPD duplicates the functions of the Office of the Presidential Adviser for Mindanao. Its creation therefore would be immaterial, irrelevant, ambiguous, and would defeat its purpose. • SPCPD is not the right solution because troubles/problems do not come from Christian-Muslim conflict but from landgrabbers from Manila • Tripoli Agreement has already been implemented through the ARMM. • Why use the TA as the reference point when this was an agreement forged with Marcos and need not be recognized. • Misuari is a dead issue resurrected by the Aquino and Ramos governments. • Even without the SPCPD, if the government develops Mindanao, there would be no problem; even the NPA problem would be solved. • Opposition from the provinces would make implementation very difficult./If implemented, violence will escalate because Christians do not want to be under Muslims. • SPCPD has only rekindled Christian-Muslim animosities. • Why spend so much for the peace process? • SPCPD will only create animosity among Muslim tribes because one tribe does not want to be under another tribe. 5.0 Anti-Muslim Sentiments • Muslims are abusive. • Don't like Muslims; can't deal with them. • The track record of Muslims is that they lack respect for Christians' rights.	• Muslims must unite. • In the event SPCPD will be approved, the MNLF must remind its people not to abuse their authority or should not be biased for any group or religion. • Media must be fair and honest; not one-sided. 4.0 Proposed Alternatives to the SPCPD • Make Iligan a part of Region X instead. This is more rational for the progress of the Cagayan-Iligan Corridor. • Review and utilize existing structures like the Office of the Presidential Adviser for Mindanao. Misuari can instead head this Office. • Give Misuari a chance to lead in other areas of concern but not the SPCPD. • Reduce the CIA/CDF of legislators and channel the funds to Mindanao development instead of relying on OIC/foreign aid, which with the SPCPD, is touted to come. • MNLF must lay down their arms and be provided with livelihood by the government. • Formulate an alternative people's agenda for lasting peace and sustainable development. • Address the corruption in Muslim-led governments like in Marawi & Cotabato. • Social justice. • Continue with the present system until a better one comes. • Maintain the present system but remove graft and corruption. • De-politicize actions and decisions.

Concerns Raised	Recommendations
• The violent nature of Muslim society creates distrust. • Numerous experience give basis for doubting that peace can be achieved the Muslim way. • Government has pampered the Muslims compared to other citizens but they have not changed. • Contemporary incidents in the city involved Muslims, especially Tausug. 6.0 <i>Fear of Muslim Domination</i> • There are secession plans — based on conversations with Bangsa Moro./Once MNLF is integrated, they will accumulate power and ask next for secession. • If you give the Muslims one hand, they will want to get your whole arm. They're not yet in power, they are already taking over Zamboanga. • If Muslims abuse, how can government control them when government is in Manila. • The ultimate aim is to implement the TA. • Uncertainty under Muslim domination. 7.0 <i>Others</i> • The SPCPD should not be the only answer to the quest for peace. • Political movement will rise against the SPCPD and FVR will use it as a pretext to declare martial law. • FVR has been listening to his advisers who are mostly from the military and do not know the psychology of Muslims. • Basic issue is the lack of trust of the people of Misuari and FVR. • Why does the government insist that those who are against are the minority? • Why threaten Zamboanga Council of criminal prosecution and yet brush aside Limahong invasion? • My employer is against it. (From a young Sama househelp) • I will lose my job as a temporary government employee to a Tausug. (From a young Maranao woman)	

BASIS OF PRO STANCE ON THE SPCPD

For Peace and Reconciliation	On its Provisions	Others
• Give peace a chance • Sympathy with the historical reasons and sentiments that Mindanao is the ancestral domain of Muslims • Tired of shooting and trouble • A starting point for Muslim autonomy in Mindanao • A compromise that ended the deadlock in the peace talks • For political stability • A way of planting seeds of national unity and identity • Absence of alternatives to stop the war in Mindanao • A way to eliminate or lessen hostilities between Christians and Muslims	• No police power, only consultative • An opportunity for real participation after centuries of neglect • A modest concession to a minority long neglected by the Christian majority • Could provide a real alternative mechanism to the present leadership and system • An opportunity for cooperation among Muslims, Christians, and Lumads and other people • A way to demonstrate what the Muslims can do to achieve progress given the resources and support of the majority • Will enable MNLF to be mainstreamed which perhaps would stop illegal logging activities, among others	• Trust in FVR • Support whatever government program for peace and development • MNLF Chair has the capacity to put a stop to drug addiction and other vices • A move toward decentralization/federalism



Notes Comparing the GRP-MNLF Agreements

by Agnes Bailen

The Matrix is a comparison of the Memorandum of Agreement signed on the First Round of Formal Peace Talks held in Jakarta, Indonesia on 25 October-7 November 1993; the Interim Agreement signed on the Second Round of Formal Peace Talks held in Jakarta on 1-5 September 1994; the Interim Agreement signed on the Third Round of Formal Peace Talks held in Jakarta on 27 November-1 December 1995; and the Peace Agreement signed on the Fourth Round of Formal Peace Talks held in Jakarta on 29 August 1996.

As can be gleaned from the matrix, the 1993 Interim Agreement called for the setting up of the Five (5) Support Committees: Support Committee - 1 (National Defense and Regional Security Force); Support Committee - 2 (Education); Support Committee - 3 (Economic and Financial System, Mines and Mineral); Support Committee - 4 (Administrative System, Representation in National Government, Legislative Assembly and Executive Council); and Support Committee - 5 (Judiciary and Introduction of Shari'ah Law). The Report of the Five Support Committees and the recommendations of the Mixed Committee have been incorporated in the three (3) subsequent Agreements: the 1994 Interim Agreement; the 1995 Interim Agreement and the 1996 Peace Agreement (which is the Final Agreement on the implementation of the 1976 Tripoli Agreement).

The 1996 Peace Agreement finally included the implementing structure and mechanism. Phase 1 covers the three year period immediately after the signing of the Peace Agreement establishing the Special Zone of Peace and Development (SZOPAD), the Southern Philippines Council for Peace and Development (SPCPD), and the Consultative Assembly. Phase I is also the process of the joining in of MNLF elements with the Armed Forces of the Philippines and regular police recruitment program of the PNP.

Phase 2 is the start of the new Regional Autonomous Government. It shall involve an amendment to or repeal of the Organic Act (RA 6734) of the Autonomous Region in Muslim Mindanao (ARMM) through Congressional action, after which an amendatory law shall be submitted to the people of the concerned areas to determine the establishment of a new autonomous government and the specific areas of autonomy thereof.

As provided in the 1996 Peace Agreement and the 1995 Interim Agreement, executive power

is vested in the Head of the regular Autonomous Government duly elected at large by direct vote of the people of the Autonomous Region. A Vice-Head of the Regional Autonomous Government shall be elected in the same manner. The Head of the Regional Autonomous Government may appoint three (3) Deputies. The Head, Vice-Head and the three (3) Deputies comprise the Executive Council of the area of Autonomy. The President shall exercise general supervision of the Regional Autonomous Government and all local government units in the area of Autonomy through the Head of the Regional Autonomous Government.

Both the 1996 and the 1995 Agreements have vested legislative power in the Regional Legislative Assembly. But it was the 1996 Agreement which provided for the inclusion of three (3) members, coming from each of the Congressional Districts, elected by popular vote. Both the 1996 and the 1995 Agreements state that the Regional Legislative Assembly shall exercise legislative power for application in the area of autonomy except on the following matters: foreign affairs; national defense; postal service; coinage; and fiscal and monetary policies; administration of justice except on matters pertaining to Shari'ah; quarantine, customs and tariff; citizenship; naturalization, immigration and deportation; general auditing, civil service and elections; foreign trade; maritime, land and air transportation and communications that affect areas outside the autonomous region; and patents, trademarks, tradenames, and copyrights. Unlike the 1995 Interim Agreement, the 1996 Peace Agreement provides that the Legislative Assembly may create, divide, merge, abolish or substantially alter boundaries of local government units in the area of autonomy in accordance with the criteria laid down by law subject to the approval by a majority of votes cast in a plebiscite for that purpose in the political units affected.

With regard to the administrative system, both the 1996 and the 1995 Agreements provide that the Regional Autonomous Government shall have the power to enact its own Regional Administrative Code and Regional Local Government Code. However, the 1995 Agreement stipulates that this power to enact its own Regional Administrative Code and Regional Local Government Code should be consistent with accepted standards while the 1996

Agreement mandates that it should be consistent with national laws.

The 1996 and 1995 Agreements have almost the same provisions on the right of representation, legislative, judicial and civil service eligibilities. But the judicial provision of the 1996 Agreement has provided further that the GRP shall request the Supreme Court to create the Office of the Deputy Court to create the Office of the Deputy Court Administrator for the Area of Autonomy, and to appoint thereto a qualified applicant recommended by the Head of the Regional Autonomous Government.

As regards the establishment of the Special Regional Security Forces for the Autonomous Region, the 1996 Peace Agreement has enumerated the powers and functions of the PNP Regional Command for the Autonomous Region/SRSF as well as the powers of the Head of the Autonomous Government over the Regional Command for the Autonomous Region/SRSF (for a complete listing of these powers and functions refer to the matrix specifically letter B of Part III).

The provisions on education is almost the same for the 1996 and 1995 Agreements except that the former has included a provision that the teachings of Islamic values, as well as Filipino values, shall be incorporated in Good Manners and Right Conduct in appropriate grade levels including the tertiary level subject to agreed norms, academic freedom and legal limitations. With regard to the medium of instruction, both the 1996 Peace Agreement and the 1994 Interim Agreement have stated that Filipino and English shall be the medium of instruction in the areas of autonomy; provided that Arabic shall be the auxiliary medium of instruction. The 1995 Interim Agreement made no mention of this. Both the 1996 and the 1994 Agreements have expressly provided that universities and colleges in the areas of autonomy may seek and receive overseas donations for educational purposes. Such provision was not included in the 1995 Interim Agreement.

Although the 1993, 1994, and the 1995 Interim Agreements have substantive provisions on the economic and financial system, mines and minerals, it is the 1996 Peace Agreement which has provided extensive and comprehensive provisions on these areas.

The 1996 Peace Agreement has rationalized and consolidated the agreements and consensus

points reached between the parties since it is the final peace agreement on the implementation of the 1976 Tripoli Agreement between the GRP and the MNLF with the participation of the of the organization of Islamic Conference Ministerial Committee of the Six and the Secretary General of the Organization of Islamic Conference. Hence, it contains an implementing structure and mechanism of the agreement, a totality clause and an effectivity clause.

**Matrix of the 1996 Peace Agreement, 1995 Interim Agreement, 1994 Interim Agreement
and the 1993 Interim Agreement Between the GRP and the MNLF***

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
I. IMPLEMENTING STRUCTURE AND MECHANISM OF THIS AGREEMENT 1. Phase I shall cover a three (3) year period starting after the signing of the peace agreement with the issuance of Executive Order establishing the Special Zone of Peace and Development (SZOPAD), the Southern Philippines Council for Peace and Development (SPCPD), and the Consultative Assembly. During this phase the process of the joining in of MNLF elements with the Armed Forces of the Philippines will start. The joining of the MNLF elements with the PNP as part of the regular police recruitment program will also take place in this phase. 2. Phase 2 shall involve 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 area in plebiscite to determine the establishment of a new	VI. ON THE SETTING UP OF THE TRANSITIONAL IMPLEMENTING STRUCTURE AND MECHANISM <i>A. THE STRUCTURE OF THE PROVISIONAL GOVERNMENT</i> 74. The Regional Autonomous Government shall be headed by the "Head" of the Autonomous Government as proposed by the MNLF. Regarding its designation, both Panels agreed to search for a suitable title. 75. The Executive Council of the Provisional Government shall consist of: (1) Head of the Regional Autonomous Government; (2) Vice-Head of the Regional Autonomous Government; (3) Deputy Head of the Regional Autonomous Government for Christians; (4) Deputy Head of the Regional Autonomous Government for Muslims; and		

* The 1996 Peace Agreement (29 August 1996 and Nine (9) Meetings of the Mixed Committee); 1995 Interim Agreement (27 November-December 1995); 1994 Interim Agreement (1-5 September 1994); 1993 Interim Agreement (25 October - 7 November 1993) Jakarta, Indonesia.

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
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 RA 6734 shall be initiated within Phase I (1996-1997). This 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 said autonomy (1998). It may be provided by 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. II. THE TRANSITIONAL PERIOD (PHASE 1) Phase 1 shall be implemented as follows:	(5) Deputy Head of the Regional Autonomous Government for Highlanders. 76. The Executive Council shall be assisted by the Darul Iftah (Religious Advisory Council) and the regional cabinet. 77. The Head of the Autonomous Government shall have the power to create the Darul Iftah and such other departments, offices, bureaus or instrumentalities as shall be necessary for the effective administration of the affairs of the provisional government. 78. In the creation of such departments, offices, bureaus and instrumentalities, the Head of the provisional government shall take into consideration the nature of the provisional government and the available financial resources to insure the efficiency and effectiveness of governance. 79. Powers and Functions. The Regional Consultative Council shall have the following powers: (1) To make laws, rules and regulations to the extent necessary for the efficient and effective administration of the transitional affairs of the Provisional Government, provided, such laws, rules and regulations shall be subject to the approval of the Head of the		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
3. There shall be established a Special Zone of Peace and Development in 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 channelled to these areas to spur economic activities and uplift the conditions of the people therein. 4. 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. 5. The SPCPD shall be assisted by the <i>Darul Iflah</i> (advisory council) which shall be created by the Chairman of the SPCPD. 6. The local government units in the areas including the ARMM, shall continue to exist and ex-	Executive Council, and provided further that they shall take effect five (5) days after publication in a newspaper of regional circulation, unless other disapproved by the President for lack or grave abuse of jurisdiction or otherwise for being in excess thereof. (2) To serve as a consultative body on important issues pertaining to the affairs of the autonomy. As such, it may conduct public hearings or consultations with the people, and provide appropriate advice to the Executive Council. 80. Term of Office. The term of office of the members of the Regional Consultative Council shall be coterminous with the existence of the Provisional Government of the Autonomous Region.		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
ercise their functions in accordance with existing laws. 7. 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. Based on the foregoing, the following agencies or entities will be placed under the control and/or supervision of the SPCPD, to wit: a. The Southern Philippines Development Authority (SPDA) may be attached to the SPCPD and be placed under the latter's direct supervision insofar as SPDA offices and projects in the SZOPAD are concerned. The SPCPD can exercise a further degree of control over SPDA by allowing the Council to submit recommendees to the President for appointment as officials of SPDA; b. The Regional and Field Offices of the Office of Muslim Affairs (OMA) which are situated and operating within the Special Zone of Peace and Development (SZOPAD), shall be placed under the direct supervision of SPCPD,			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
provided that the coordination, linkages and complementation between the central OMA and SPCPD shall be defined by a Presidential issuance; c. The Regional and Field Offices of the Office of Southern Cultural Communities (OSCC) which are situated and operating within the Special Zone of Peace and Development (SZOPAD), shall be placed under the direct supervision of SPCPD, provided that the coordination, linkages and complementation between the central OSCC and SPCPD shall be defined by a Presidential issuance; d. Task Force Basilan, which shall be reorganized into the Basilan Development Task Force, to undertake development activities in Basilan shall be placed under the control and supervision of SPCPD; e. Task Force MALMAR, to be reorganized into the Central Mindanao Development Task Force, to undertake development activities in Central Mindanao shall be placed under the control and supervision of SPCPD; f. Sulu Development Task Force — an inter-agency task force that shall be organized to undertake development projects in Sulu — shall be placed under the control and supervision of SPCPD; and			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
g. Special Development Planning Group — this is an ad hoc body composed of staff officers and planning experts from the Department of Trade and Investment (DTI), the National Economic and Development Authority (NEDA), the Department of Public Works and Highway (DPWH) and other concerned agencies which could be organized to directly support the staff planning requirements, shall be placed under SPCPD. The foregoing enumeration of agencies or entities shall not preclude the President from exercising his power or discretion to delegate, subject to existing laws, certain powers or functions to the SPCPD, or to place other agencies or entities under the control and/or supervision of the latter. 8. The SPCPD, in consultation with the Consultative Assembly, utilizing the funds from the National Government, shall monitor, promote and coordinate the development efforts in the area, including the attraction of foreign investment, specially from OIC member countries and the Association of Southeast Asian Nations (ASEAN). 9. The powers and functions of the SPCPD and the Consultative Assembly are derivative and			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
extension of the powers of the President. The powers referred to here are only those powers of the President which that could be delegated under the Constitution and existing laws. 10. There shall be established a Consultative Assembly with 81 members composed of the following: a. The Chairman of the SPCPD shall be the head and presiding officer of the Assembly; b. The Governor and the Vice Governor of the ARMM, the 14 Governors of the provinces, and the 9 City Mayors in the SZOPAD; c. 44 members from the MNLF; and d. 11 members from various sectors recommended by non-governmental organizations (NGOs) and people's organizations (POs). 11. The Consultative Assembly shall exercise the following functions and powers: a. To serve as forum for consultation and ventilation of issues and concerns; b. To conduct public hearings as may be necessary and to provide appropriate advice to the SPCPD; and c. To formulate and recommend policies to the President through the Chairman of the SPCPD and make rules and regulations to the			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
extent necessary for the effective and efficient administration of the affairs of the area. 12. The OIC shall be requested to continue to extend its assistance and good offices in monitoring the full implementation of this agreement during the transitional period until the regular autonomous government is firmly established and for this purpose, help generate broad international support for the Zone of Peace and Development. 13. A Joint Monitoring Committee composed of members coming from the GRP and the MNLF, with the help of the OIC, shall continue to meet to review and identify agreements that can be immediately implemented, and monitor the implementation of this Agreement during Phase I. 14. 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 actions shall be implemented during Phase 1. 15. 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 may			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
be drawn from the General Appropriations Act. A supplementary budget for the year 1996 will be recommended to Congress for the purpose. 16. The term of the SPCPD and the Consultative Assembly shall be for a period of three years and may be extended by the President upon recommendation of the Council itself. 17. The term of office of the SPCPD and the Assembly shall coincide with the three-year term of office of the officials of the Autonomous Region in Muslim Mindanao (ARMM) elected in 1996. 18. The powers and functions of the Council shall be as follows: a. To take charge in promoting, monitoring and coordinating the improvement of peace and order in the area; b. To focus on peace and development efforts more particularly in the depressed areas and cause the implementation of peace and development projects; c. To provide support to local government units as necessary; d. To exercise such other powers and functions necessary for the effective implementation of its mandate as may be delegated by the President;			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
e. To assist in the preparation for the holding of elections, referenda or plebiscite and peoples initiative in the area as may be duly deputized by the Commission on Elections (COMELEC); f. To cause the creation of such offices or instrumentalities 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. 19. The joining of the MNLF elements with the Philippine National Police (PNP) and the provisions of Security Protection for Certain Officials of the Southern Philippines Council for Peace and Development: a. During the transitional phase (Phase I), there shall be a program or process to allow the joining of MNLF elements into the PNP and to be part of the PNP Command in accordance with guidelines and procedures under existing laws. The Philippine Government shall allocate one thousand five hundred (1,500) PNP vacancies for this purpose to be filled up by MNLF elements during the transition period, and another two hundred fifty (250) items for special or auxiliary services.			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
b. The processing of MNLF elements will start upon the establishment of the Southern Philippines Council for Peace and Development (SPCPD). The police training programs to be undergone by the joining MNLF elements shall be prescribed by existing laws and rules and regulations, and shall be conducted by the PNP. c. The concerned officials of the Council (e.g. the Chairman and his Deputies) shall be provided security and protective assistance by the national government as the security situation warrants and as part of confidence-building measures. An AFP/PNP security detail shall immediately and particularly be assigned to the Council. This special AFP/PNP security detail shall be composed of former MNLF regulars who shall have been granted AFP or PNP appointments and duly integrated into the AFP or PNP. This security detail shall be of appropriate size in accordance with the needs of the situation, without prejudice to augmentation by regular AFP or PNP units as the need arises and in coordination with the AFP and PNP commanders concerned. This security detail which shall not be utilized for law enforcement, but solely for the security and protection of SPCPD officials concerned, shall conduct themselves in accordance with existing policies and regu-			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
lations in order to prevent undue alarm to the population during movements of concerned officials. d. To have good coordination between the AFP and PNP on the one hand and the SPCPD on the other, a liaison system will be set up composed of the AFP, PNP and SPCPD senior officials. 20. The joining of the MNLF forces with the Armed Forces of the Philippines (AFP): a. Five thousand seven hundred fifty (5,750) MNLF members shall be integrated into the Armed Forces of the Philippines (AFP), 250 of whom shall be absorbed into the auxiliary services. The government shall exert utmost efforts to establish the necessary conditions that would ensure the eventual integration of the maximum number of remaining MNLF forces into the Special Regional Security Force (SRSF) an other agencies and instrumentalities of the government. There shall be a special socio-economic, cultural and educational program to cater to MNLF forces not absorbed into the AFP, PNP and the SRSF to prepare them and their families for productive endeavors, provide for educational, technical skills and livelihood			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
training and give them priority for hiring in developmental projects. b. In the beginning, the MNLF forces will join as units distinct from AFP units. They will be initially organized into separate units within a transition period, until such time that mutual confidence is developed as the members of these separate units will be gradually integrated into regular AFP units deployed in the area of the autonomy. Subject to existing laws, policies, rules and regulations, the appropriate authorities shall waive the requirements and qualifications for entry of MNLF forces into the AFP. c. One from among the MNLF will assume the functions and responsibilities of a Deputy Commander of the Southern Command, AFP, for separate units that will be organized out of the MNLF forces joining the AFP. The Deputy Commander will assist the Commander of the Southern Command, AFP in the command, administration and control of such separate units throughout the aforementioned transition period. The Deputy Commander will be given an appointment commensurate to his position and shall be addressed as such. d. The government recognizes the skills, capabilities and achievements of the MNLF and its capacity to develop its members for the high-			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
est echelons of military and civil leadership. The ranks and grades of MNLF forces joining the AFP shall be subject to the decision of the President in his capacity as Commander-in-Chief of the AFP along the principles of universality, non-discrimination, equity and preferential treatment for the poor and underprivileged. e. The government shall take affirmative measures to continually improve the capabilities of those <i>MNLF forces joining the AFP</i> to enhance their opportunities for professional advancement in the military service. It shall undertake initiative to provide professional training and military schooling in foreign countries to former MNLF member absorbed into the AFP in consonance with the education and training programs of the AFP. f. All other matters regarding the joining of MNLF forces into the AFP not expressly covered by this Agreement shall be prescribed by the President in his capacity as Commander-in-Chief of the AFP. III. THE NEW REGIONAL AUTONOMOUS GOVERNMENT (PHASE 2). The following provisions shall be implemented after a law amending or repealing the Organic Act of			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
ARMM shall have been enacted by Congress and approved by the people in the concerned areas in a plebiscite therefore. Accordingly, these provisions shall be recommended by the GRP to Congress for incorporation in the amendatory or repealing law. A. EXECUTIVE COUNCIL, LEGISLATIVE ASSEMBLY, ADMINISTRATIVE SYSTEM AND REPRESENTATION IN THE NATIONAL GOVERNMENT <i>EXECUTIVE COUNCIL</i> 21. Executive power shall be vested in the Head of the regular Autonomous Government duly elected at large by direct vote of the people of the Autonomous Region. There shall also be a Vice-Head of the Regional Autonomous Government also elected in the same manner. The Head of the Regional Autonomous Government may appoint three (3) Deputies. The Head, the Vice-Head and the three (3) Deputies shall comprise the Executive Council in the area of Autonomy. 22. The President shall exercise general supervision over the Regional Autonomous Government and all local government units in the area of Autonomy through the Head of the Regional	<i>1. EXECUTIVE</i> 44. Executive power shall be vested in the Head of the regular Regional Autonomous Government duly elected at large by direct vote of the people of the Autonomous Region. There shall also be a Vice-Head of the Regional Autonomous Government also elected in the same manner. The Head of the Regional Autonomous Government may appoint three (3) Deputy Chief Ministers. The Head, the Vice-Head and the three (3) Deputy Chief Ministers shall comprise the Executive Council of the area of Autonomy. 45. The President shall exercise general supervision over the Regional Autonomous Gov-		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
Autonomous Government to ensure that laws are faithfully executed. The Head of the Autonomous Government shall exercise general supervision over all local government units in the area of autonomy to ensure that national and regional laws are faithfully executed, and see to it that they act within their assigned powers and functions. LEGISLATIVE ASSEMBLY 23. Legislative power shall be vested in the Regional Legislative Assembly. 24. The Legislative Assembly shall be composed of members elected by popular vote, with three (3) members elected from each of the Congressional Districts. 25. There shall be sectoral representatives in the Legislative Assembly whose number shall not exceed fifteen (15 %) of the total number of elected Members of the Legislative Assembly coming from the labor, disabled, industrial, indigenous cultural communities, youth, women, non-government organizations, agricultural, and such other sectors as may be provided by Regional Law to be appointed by the Head of the Autonomous Government from among the nominees of the different sectoral groups; Provided, however, that the youth representative	ernment to ensure that laws are faithfully executed. The Head of the Regional Autonomous Government shall exercise general supervision over all local government units in the area of Autonomy to ensure that national and regional laws are faithfully executed. 2. LEGISLATIVE ASSEMBLY 46. Legislative power shall be vested in the Regional Legislative Assembly. 47. The people's initiative, by way of plebiscite or a referendum, is recognized. 48. Except as provided by its rules, the Legislative Assembly shall meet in open session. Regular session shall commence on the 4th Monday of April and shall continue to be in session for such number of days as may be determined by the Assembly until thirty (30) days before the opening of its next regular session. The Legislative Assembly shall meet in special sessions at the request of one-third (1/3) of all its members or by the call of the Chief Executive. Such special sessions must be convened with specific agenda.		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
shall not be less than 18 years of age nor more than 21 years of age at the time of his appointment. 26. The people's initiative, by way of a plebiscite or referendum, is recognized. 27. The Regional Legislative Assembly shall exercise legislative power for application in the area of autonomy except on the following matters, to wit: a. Foreign Affairs; b. National Defense c. Postal Service; d. Coinage, and Fiscal and Monetary Policies; e. Administration of Justice except on matters pertaining to Shari'ah; f. Quarantine; g. Customs and Tariff; h. Citizenship; i. Naturalization, Immigration and Deportation; j. General Auditing, Civil Service and Elections; k. Foreign Trade; l. Maritime, Land and Air Transportation and Communications that affect areas outside the autonomous region; and	49. No bill shall become a law unless it has passed three (3) readings on separate days and printed copies thereof in its final form have been distributed to its Members three (3) days before its passage, except when the Chief Executive certifies to the necessity of its immediate enactment to meet a public calamity or emergency. 50. Every bill passed by the Legislative Assembly shall, before it becomes a law, be presented to the Chief Executive. If he approves the same, he shall sign it; otherwise, he shall veto it and return it with his objections to the Legislative Assembly, which shall enter the objections at large in its journal and proceed to consider. If, after such reconsideration, two-thirds (2/3) of all the Members of the Legislative Assembly shall agree to pass the bill, it shall become a law. In all such cases, the veto shall be determined by yeas and nays, and the names of the Members voting for or against shall be entered in the journal. The Chief Executive shall communicate his veto of any bill to the Legislative Assembly within thirty (30) days after the receipt thereof; otherwise, it shall become a law as if he had signed it.		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
m. Patents, Trademarks, Tradenames, and Copyrights. 28. The Legislative Assembly may create, divide, merge, abolish or substantially alter boundaries of local government units in the area of autonomy in accordance with the criteria laid down by law subject to the approval by a majority of the votes cast in a plebiscite called for that purpose in the political units affected. It may also change the names of such local government units, public places and institutions. 29. Any member of the Legislative Assembly who accepts an appointment and qualified for any position in the Government, including government-owned-and/or-controlled corporations or institutions and their subsidiaries, shall automatically forfeit his seat in the Legislative Assembly. 30. No member of the Legislative Assembly may personally appear as counsel before courts of justice or quasi-judicial and other administrative bodies. Neither shall he, directly or indirectly, be interested financially in any contract with, or in any franchise or privilege granted by, the Government, or any subdivision, agency or instrumentality thereof, including any government-owned-and/or-controlled corporation	51. The Legislative Assembly may request the presence of the Chief Executive, Vice-Chief Executive, Cabinet Members or their deputies, as the rules shall provide, for questioning on matters falling within the scope of their assigned powers and functions. Subject to the rules of the Legislative Assembly, the legislative power to inquire on matters relating to the exercise of administrative functions by an agency of government within the Autonomous Region shall be in the form of written questions. 52. The Chief Executive shall submit to the Legislative Assembly not later than two (2) months before the beginning of every regular session, as the basis of the regional appropriations bill, a budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures. The fiscal year of the Autonomous Region shall cover the period January 1 to December 31 of the same year. 53. The Legislative Assembly may not increase the appropriations recommended by the Chief Executive for the operation of the Autonomous Government as specified in the budget. The form, content, and manner of	III.x. Any member of the Legislative Assembly who accepts an appointment and qualifies for any position in the Government, including government-owned-and/or-controlled corporations or institutions and their subsidiaries, shall automatically forfeit his seat in the Legislative Assembly; III.xi. No member of the Legislative Assembly may personally appear as counsel before courts of justice or quasi-judicial and other administrative bodies. Neither shall he, directly or indirectly, be interested financially in any contract with, or franchise or privilege granted by, the Government, or any subdivision, agency	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
or its subsidiary, during his term of office. He shall not intervene in any matter before any office of the government for his pecuniary benefit or where he may be called upon to act on account of his office. 31. In case of vacancy in the Legislative Assembly occurring at least one year before the expiration of the term of office, a special election shall be called to fill the vacancy in the manner prescribed by law; provided, that the member elected shall serve for the unexpired term. 32. The Legislative Assembly shall elect from among its Members a Speaker and such officers as the rules may provide. The speaker shall appoint the personnel of the administrative organization of the Legislative Assembly. 33. The powers, functions, responsibilities and structure of the different Departments, agencies, bureaus, offices and instrumentalities of the regional government including regional government-owned and controlled corporations in the areas of autonomy shall be prescribed and defined by the Regional Legislative Assembly. 34. No person shall be elected member of the Legislative Assembly unless he/she is: a. A natural-born citizen of the Philippines;	preparation of the budget shall be prescribed by regional law; Provided, however, that pending the enactment of such regional law, the budgeting process shall be governed by existing national laws and rules and regulations prescribed by the Department of Budget and Management. 54. The Chief Executive shall have the power to veto any particular item or items in an appropriation or revenue bill, but the veto shall not affect the item or items to which he does not object. The veto may be reconsidered by the Assembly by a vote of two-thirds (2/3) of all its Members. 55. The financial accounts of the expenditures and revenues of the Autonomous Region shall be audited by the Commission on Audit. 56. No money shall be paid out of the Regional Treasury except in pursuance of an appropriation made by regional law. 57. The Legislative Assembly may create, divide, merge, abolish, or substantially alter the boundaries of local government units in the area of autonomy in accordance with the criteria laid down by Law subject to approval by a majority of the votes cast in a plebiscite called for the purpose in the political units	or instrumentality thereof, including any government-owned and controlled corporation or its subsidiary, during his term of office. He shall not intervene in any matter before any office of the government for his pecuniary benefit or where he may be called upon to act on account of his office; III.iii. In case of vacancy in the Legislative Assembly occurring at least one year before the expiration of the term of office, a special election shall be called to fill the vacancy in the manner prescribed by law; provided, that the member elected shall serve for the unexpired term; III.xix. The powers, functions, responsibilities and structure of the different Ministries/ Departments, agencies, bureaus, offices and instrumentalities of the regional government including regional government-owned and controlled corporations in the areas of the autonomy shall be prescribed and defined by the regional Legislative Assembly. III.i. No person shall be elected member of the Legislative Assembly unless he/she is:	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
b. At least 21 years of age on the day of the election; c. Able to read and write; d. A registered voter of the district in which he/she shall be elected on the day he/she files his/her certificate of candidacy; and e. A resident thereof for a period of no less than five years immediately preceding the day of election. 35. Every member of the Legislative Assembly shall take an oath or affirmation of allegiance to the Republic of the Philippines before taking his/her seat. 36. The Legislative Assembly shall adopt its own rules of procedure by a majority vote of all its Members including the selection of its standing committees and the suspension or expulsion of its Members. 37. A majority of all its members of the Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day-to-day and may compel the attendance of absent members in such manner, and under such penalties, as the Assembly may provide.	affected. It may also change the names of such local government units, public places and institutions. 58. The Regional Legislative Assembly shall exercise legislative power for application in the area of autonomy except on the following areas, to wit: (1) Foreign Affairs; (2) National Defense and Security; (3) Postal Service; (4) Coinage, and Fiscal and Monetary Policies; (5) Administration of Justice except on matters pertaining to Shariah; (6) Quarantine; (7) Custom and Tariff; (8) Citizenship; (9) Naturalization, Immigration and Deportation; (10) General Auditing, Civil Service and Election; (11) Foreign Trade; (12) Maritime, Land and Air Transportation and Communications that affect areas outside the autonomous region; and (13) Patents, Trademarks, and Copyrights.	(a) A natural-born citizen of the Philippines; (b) At least 21 years of age on the day of the election; (c) Able to read and write; (d) A registered voter of the district in which he/she shall be elected on the day he/she files his/her certificate of candidacy; and (e) A resident thereof for a period of no less than five years immediately preceding the day of election; III.ii. Every member of the Legislative Assembly shall take an oath or affirmation of allegiance to the Republic of the Philippines before taking his/her seat; III.iv. The Legislative Assembly shall adopt its own rules of procedure by a majority vote of all its Members including the selection of its standing committees and the suspension or expulsion of its Members; III.v. A majority of all the Members of the Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day-to-day and may compel the attendance of absent members in	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
38. The Legislative Assembly or any of its committees may conduct inquiries or public consultations in aid of legislation in accordance with its rules. The rights of persons appearing in or affected by such inquiries shall be respected. 39. The Legislative Assembly shall keep a Journal of its proceedings and a record of its caucuses and meetings. The records and books of account of the Assembly shall be preserved and be open to public scrutiny. The Commission on Audit shall publish an annual report of the itemized list of expenditures incurred by the Members of the Assembly within sixty (60) days from the end of every regular session. 40. The Speaker of the Legislative Assembly shall, within ten (10) working days from approval thereof, submit to the President and to both Houses of Congress a certified true copy of all laws and resolutions approved by the Legislative Assembly. 41. No member shall be questioned or be held liable in any other place for any speech or debate in the Assembly or in any committee thereof. 42. The Chief Executive of the Autonomous Government shall approve the budget of the Autonomous Region. If, by the end of any fiscal year, the Legislative Assembly shall have failed	59. The Legislative Assembly shall be composed of Members elected by popular vote, with three (3) Members elected from each of the Legislative Districts. 60. There shall be sectoral representatives in the Legislative Assembly whose number shall not exceed fifteen percent (15%) of the total number of elected Members of the Legislative Assembly coming from the labor, disabled, industrial, indigenous cultural communities, youth, women, non-government organizations, agricultural, and such other sectors as may be provided by Regional law to be appointed by the Head of the Autonomous Government from among the nominees of the different sectoral groups; provided, however, that the youth representative shall not be less than 18 years of age nor more than 21 years of age at the time of his appointment. 61. The Legislative Assembly shall elect from among its members a Speaker and such other offices as the rules may provide. The Speaker shall appoint the personnel of the administrative organization of the Legislative Assembly. 62. No regional law shall be passed authorizing any transfer of appropriations; however, the	such manner, and under such penalties, as the Assembly may provide; III.vi. The Legislative Assembly or any of its committees may conduct inquiries or public consultations in aid of legislation in accordance with its rules. The rights of persons appearing in or affected by such inquiries shall be respected. III.vii. The Legislative Assembly shall keep a Journal of its proceedings and a record of its caucuses and meetings. The records and books of account of the Assembly shall be preserved and be open to public scrutiny. The Commission on Audit shall publish an annual report of itemized list of expenditures incurred by the Members of the Assembly within sixty (60) days from the end of every regular session; III.viii. The Speaker of the Legislative Assembly shall, within ten working days from approval thereof, submit to the President and to both Houses of Congress a certified true copy of all laws and resolutions approved by the Legislative Assembly. III.ix. No member shall be questioned or be held liable in any other place for any	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
to pass the Regional Appropriations for the preceding fiscal year, it shall be deemed automatically re-enacted and shall remain in force and effect until the regional appropriations bill is passed by the Legislative Assembly. 43. No provision or enactment shall be embraced in the regional appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates. 44. The procedure in approving appropriations for the Legislative Assembly shall strictly follow the procedure for approving appropriations for other departments and agencies of the Regional Government. 45. A special appropriations bill shall specify the purpose for which it is intended, and shall be supported by funds actually available as certified by the Regional Treasurer, or to be raised by a corresponding revenue proposal therein. 46. Discretionary funds appropriated for particular offices shall be disbursed only for public purposes to be supported by appropriate vouchers and subject to such guidelines as may be prescribed by regional law. 47. All money collected or any regional tax levied for a special purpose shall be treated as a spe-	Chief Executive, the Speaker of the Assembly, and the presiding justice of the highest Shariah Court may, by law, be authorized to augment any item in the Regional General Appropriations Law for their respective offices from savings in other items of their respective appropriations.	speech or debate in the Assembly or in any committee thereof; III.xiii. No provision or enactment shall be embraced in the regional appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited units of operation to the appropriation to which it relates; III.xiv. The procedure in approving appropriations for the Legislative Assembly shall strictly follow the procedure for approving appropriations for other departments and agencies of the Regional Government; III.xv. A special appropriations bill shall specify the purpose for which it is intended, and shall be supported by funds actually available as certified by the Regional Treasurer, or to be raised by a corresponding revenue proposal therein; III.xvi. Discretionary funds appropriated for particular officers shall be disbursed only for public purposes to be supported by appropriate voucher and subject to	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
cial fund and paid out for such special purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall accrue to the general funds of the regional government. 48. Trust funds shall only be paid out of the regional treasury upon fulfillment of the specific purpose for which said funds were created or received. 49. Except as provided by its rules, the Legislative Assembly shall meet in open session. Regular session shall commence on the 4th Monday of April and shall continue to be in session for such number of days as may be determined by the Assembly until thirty (30) days before the opening of its regular session. 50. The Legislative Assembly shall meet in special sessions at the request of one-third (1/3) of all its Members or by call of the Chief Executive. Such special sessions must be convened with specific agenda. 51. No bill shall become a law unless it has passed three (3) readings on separate days and printed copies thereof in its final form have been distributed to its Members three (3) days before its passage, except when the Chief Executive certified to the necessity of its immediate en-		such guidelines as may be prescribed by regional law; III.xvii. All money collected on any regional tax levied for a special purpose shall be treated as a special fund and paid out for such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall accrue to the general funds of the regional government; III.xviii. Trust funds shall only be paid out of the regional treasury upon fulfillment of the specific purpose for which said funds were created or received;	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
actment to meet a public calamity or emergency. 52. Every bill passed by the <i>Legislative Assembly</i> shall, before it becomes a law, be presented to the Chief Executive. If he approves the same, he shall sign it; otherwise, he shall veto it and return it with his objections to the <i>Legislative Assembly</i>, which shall enter the objections at large in its journal and proceed to consider it. If, after such reconsideration, two-thirds (2/3) of all the Members of the <i>Legislative Assembly</i> shall agree to pass the bill, it shall become a law. In all such cases, the veto shall be determined by yeas and nays, and the names of the members voting for or against shall be entered in the journal. The Chief Executive shall communicate his veto of any bill to the <i>Legislative Assembly</i> within thirty (30) days after receipt thereof; otherwise, it shall become a law as if he has signed it. 53. The <i>Legislative Assembly</i> may request the presence of the Chief Executive, Vice-Chief Executive, Cabinet members or their deputies, as the rules shall provide, for questioning on matters falling within the scope of their assigned powers and functions. 54. Subject to the rules of the <i>Legislative Assembly</i>, the legislative power to inquire on matters			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
relating to the exercise of administrative functions by an agency of government within the Autonomous Region shall be in the form of written questions. 55. The Chief Executive shall submit to the Legislative Assembly not later than two (2) months before the beginning of every regular session, as the basis of the regional appropriations bill, a budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures. 56. The fiscal year of the Autonomous Region shall cover the period January 1 to December 31 of the same year. 57. The Legislative Assembly may not increase the appropriations recommended by the Chief Executive for the operation of the Autonomous Government as specified in the budget. The form, content and manner of preparation of the budget shall be prescribed by regional law; provided, however, that pending the enactment of such regional law, the budgeting process shall be governed by existing national laws and rules and regulations prescribed by the Department of Budget and Management. 58. The Career Executive shall have the power to veto any particular item or items in an appropriation or revenue bill, but the veto shall not		III.xii. The Chief Executive of the Autonomous Region shall approve the budget of the Autonomous Region. If, by the end of any fiscal year, the Legislative Assembly shall have failed to pass the regional appropriations bill for the ensuing fiscal year, the regional Appropriations Act for the preceding fiscal year shall be deemed automatically re-enacted and shall remain in force and effect until the regional appropriations bill is passed by the Legislative Assembly.	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
affect the item or items to which he does not object. The veto may be reconsidered by the Assembly by a vote of two-thirds (2/3) of all its Members. 59. The financial accounts of the expenditures and revenues of the Autonomous Region shall be audited by the Commission on Audit. 60. No money shall be paid out of the Regional Treasury except in pursuance of an appropriation made by regional law. 61. No regional law shall be passed authorizing any transfer of appropriations; however, the Chief Executive, the Speaker of the Assembly, and the Presiding Justice of the highest Shariah Court may, by law, be authorized to augment any item in the Regional General Appropriations Law for their respective offices from savings in other items of their respective appropriations. ADMINISTRATIVE SYSTEM 62. The Regional Autonomous Government shall have the power to enact its own Regional Administrative Code and Regional Local Government Code consistent with national laws and the <i>Constitution</i> provided that these shall not in any way diminish the powers and functions already enjoyed by Local Government Units.	A. ADMINISTRATIVE SYSTEM 43. The Regional Autonomous Government shall have the power to enact its own Regional Administrative Code and Regional Local Government Code consistent with accepted standards, provided that these shall not in any way diminish the powers and functions already enjoyed by Local Government Units.		Establishment of Support Committee-4 (Administrative System, Representation in National Government, Legislative Assembly and Executive Council)

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
<i>RIGHT OF REPRESENTATION AND PARTICIPATION IN THE NATIONAL GOVERNMENT AND IN ALL ORGANS OF THE STATE</i> <i>General Principles</i> 63. Representation in the National Government by the inhabitants of the Autonomous Region may be effected through appointment or elections and must be subject to standards and guidelines prescribed for the position. When representation is done by appointment, the inhabitants of the Autonomous Region will be appointed by the President of the Philippines to herein specified positions which are policy-determining, highly technical, primarily confidential and supervisory upon recommendation by the Head of the Autonomous Government. 64. Right of representation shall not be construed in such a way that applicants from the Autonomous Region, especially Muslims and Cultural Communities, for lower positions in the above organs of the government cannot be appointed anymore thereto.	<i>B. RIGHT OF REPRESENTATION AND PARTICIPATION IN THE CENTRAL GOVERNMENT AND IN ALL ORGANS OF THE STATE</i> <i>I. General Principle</i> 63. Representation in the Central Government by the inhabitants of the Autonomous Region may be effected through appointment or election and must be subject to standards and guidelines prescribed for the position. When representation is done by appointment, the inhabitants of the Autonomous Region will be appointed by the President of the Philippines to herein specified positions which are policy determining, highly technical, primarily confidential and supervisory upon recommendation by the Head of the Autonomous Government. 64. Right of representation shall not be construed in such a way that applicants from the Autonomous Region, especially Muslims and Highlanders, for lower positions in the above organs of the government cannot be appointed anymore thereto.		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
<i>Manner of Representation and Participation</i> <i>Executive</i> 65. It shall be the policy of the National Government that there shall be at least one (1) member of the Cabinet (with the rank of Department Secretary) who is an inhabitant of the Autonomous Region to be recommended by the Head of the Autonomous Government. 66. It shall likewise be a policy that there shall be at least one (1) official in each of the departments and the constitutional bodies of the national government who shall be appointed in executive, primarily confidential, highly technical or policy-determining positions, from among the inhabitants of the Autonomous Region upon recommendation by the Head of the Regional Government. The Head of the Autonomous Government shall participate as an ex-officio member of the National Security Council on all matters as may be determined by the President. 67. Government-Owned and Controlled Corporations (GOCCs) or institutions and their subsidiaries in the area of autonomy: Where Government-Owned and Controlled Corporations (GOCCs) are operating mainly	<i>2. Manner of Representation and Participation</i> <i>a. Executive</i> 65. It shall be the policy of the national Government that there shall be at least one (1) member of the Cabinet (with the rank of Department Secretary) who is an inhabitant of the Autonomous Government. 66. It shall likewise be a policy that there shall be at least one (1) official in each of the departments and the constitutional bodies of the national government who shall be appointed in executive, primarily confidential, highly technical or policy-determining positions, from among the inhabitants of the Autonomous Region upon recommendation by the Head of the Regional Government. The Head of the Autonomous Government shall participate as ex-officio member of the National Security Council on all matters concerning the Autonomous Region and such other matters as may be determine by the President. 67. Government-Owned and Controlled Corporations (GOCCs) or Institutions and Their Subsidiaries in the Area of Autonomy.		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
or with a subsidiary in the area of autonomy, as a policy, the Regional Autonomous Government shall be given some representation in the Board of Directors or in the policy-making body of said GOCCs or their subsidiaries consistent with their respective charters. <i>Legislative</i> 68. It shall be the policy of the National Government that the Regional Autonomous Government shall have one (1) representative in Congress as a Sectoral Representative. This is aside from the representatives/congressmen elected from the congressional districts located in the autonomous region. <i>Judicial</i> 69. It shall be the policy of the national government that at least one (1) justice in the Supreme Court and at least two (2) in the Court of Appeals shall come from the Autonomous Region. For this purpose, the Head of the Autonomous Government may submit the names of his recommendees to the Judicial and Bar Council for consideration. This is without prejudice to the appointment of qualified inhabitants of	Where a Government-Owned and Controlled Corporations (GOCCs) are operating mainly or with a subsidiary in the area of autonomy, as a policy, the Regional Autonomous Government shall be given representation in the Board of Directors or in the policy-making body of said GOCCs or its subsidiary consistent with its charter. <i>b. Legislative</i> 68. It shall be the policy of the National Government that the Autonomous Government shall have one (1) representative in Congress as a Sectoral Representative. This is aside from the representative/congressmen elected from the congressional districts located in the autonomous region. <i>c. Judicial</i> 69. It shall be a policy of the national government that at least one (1) justice in the Supreme Court and at least two (2) in the Court of Appeals shall come from the Autonomous Region. For this purpose, the Head of the Autonomous Government may submit the names of his recommendees to the Judicial and Bar Council for consideration. This is without prejudice to the appointment of quali-		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
the Autonomous Region to other positions in the judiciary in accordance with their merits and qualifications. 70. The GRP shall endeavor to cause the appointment, as a member of the Judicial and Bar Council, a qualified person to be recommended by the Head of the Regional Autonomous Government. 71. The GRP shall request the Supreme Court to create the <i>Office of the Deputy Court Administrator</i> for the Area of Autonomy, and to appoint thereto a qualified person recommended by the Head of the Regional Autonomous Government. <i>Civil Service Eligibilities</i> 72. The civil service eligibility requirements for appointment to government position shall be applicable in the Autonomous Government. As necessary, the Civil Service Commission shall hold special civil service examinations in the region to further increase the number of eligibles therein. For a period not longer than five (5) years from the establishment of the Regional Autonomous Government, the GRP will endeavor to provide appropriate civil service eligibility to applicants in the Autonomous Region,	fied inhabitants of the Autonomous Region to other positions in the judiciary in accordance with their merits and qualifications. <i>d. Civil Service Eligibilities</i> 70. The Civil Service eligibility requirements for appointment to government position shall be applicable in the autonomous government. As necessary, the Civil Service Commission shall hold special civil service examinations in the region to further increase the number of eligibles therein. For a period not longer than five (5) years from the establishment of the Autonomous Government, the GRP will endeavor to provide for appropriate civil service eligibility to applicants in the Autonomous Region, provided, the mini-		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
provided, the minimum educational qualification for the position are met. B. THE ESTABLISHMENT OF THE SPECIAL REGIONAL SECURITY FORCES FOR THE AUTONOMOUS REGION (PHASE 2 OF THE IMPLEMENTATION OF THE TRIPOLI AGREEMENT) <i>GENERAL PRINCIPLES</i> 73. When the new regular Autonomous Regional Government shall have been established, there shall be created or constituted a PNP Regional Command for the Autonomous Region, which shall be the Special Regional Security Forces (SRSF) as referred to in Paragraph 8, Article III of the Tripoli Agreement. 74. The Regional Legislative Assembly may enact laws governing the PNP Regional Command for the Autonomous Region/SRSF consistent with the constitutional provision that there shall be one police force in the country which is national in scope and civilian in character. 75. The PNP Regional Command for the Autonomous Region/SRSF shall be composed of the existing PNP units in the area of autonomy, the MNLF elements and other residents of the area who may later on be recruited into the force.	mum educational qualifications for the position are met. I. ON NATIONAL DEFENSE AND REGIONAL SECURITY 1. Defense is the concern of the Central Government as stipulated in the Tripoli Agreement. 2. On the joining of the MNLF forces within the AFP: (1) The MNLF forces may join the AFP as units; (2) The strength of the joining forces will be based on proportionate representation; (3) Initially, the MNLF forces will join as units distinct from AFP units. Later on, as both MNLF forces and the AFP units get to know each other and develop mutual confidence, the MNLF forces will gradually merge with the AFP units. Hence, there will be no more distinctions. (4) As units, the MNLF forces will be organized as follows: (i) The MNLF forces will be part of the military command responsible for the defense of the areas of autonomy,		Establishment of Support Committee - 1 (National Defense and Regional Security Force)

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
76. The powers and functions of the PNP Regional Command for the Autonomous Region/SRSF, which shall be exercised within the territories covered by the Regional Autonomous Government (RAG), shall be the following: a. Enforce all laws and ordinances relative to the protection of lives and properties; b. Maintain peace and order and take all necessary steps to ensure public safety; c. Investigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution; d. Exercise the general powers to make arrest, search and seizure in accordance with the Constitution and pertinent laws; e. Detain and arrest a person for a period not beyond what is prescribed by law, informing the person so detained of all his rights under the Constitution and observing the inherent human rights of the citizens; and f. Perform such other duties and exercise all other functions as may be provided by law. 77. The PNP Regional Command for the Autonomous Region/SRSF shall be charged with the maintenance and preservation of peace, law and order, and protection of life, liberty and	(ii) The Commander of the MNLF forces is designated as Deputy Commander for MNLF forces. He deploys the MNLF forces under him, gives order for their operations, controls and supervises their operations. Under the authority of the AFP commander, he administers the MNLF forces, promotes, reassigns the MNLF members, provides for their pay and allowances, etc. The MNLF Commander will have his own staff to assist him which is separate from the staff of the AFP unit commander, (iii) The MNLF forces will be organized into separate units and assigned their respective areas of responsibility, preferably by provinces. They will also assist the police forces in the area of autonomy in the maintenance of peace and order, and (iv) The military commander in the area of the Autonomy could be for the area only or could be part of a larger command.		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
property in the region in consonance with the Constitution. <i>ORGANIZATION OF THE PNP REGIONAL COMMAND FOR THE AUTONOMOUS REGION/SRSF</i> 78. It shall be civilian in nature or character. 79. It shall be regional in scope of operations. 80. It shall be headed by a Regional Director who shall be assisted by two (2) Deputies, one (1) for Administrative and one (1) for Operations. 81. It shall have regional, provincial, and city or municipal offices. 82. At the provincial level, there shall be a provincial office, headed by a Provincial Director. 83. At the city or municipal level, there shall be an office/station which shall be headed by a Chief of Police. <i>POWERS OF THE HEAD OF THE REGIONAL AUTONOMOUS GOVERNMENT OVER THE PNP REGIONAL COMMAND FOR THE AUTONOMOUS REGION/SRSF</i> 84. Act as the Deputy of the National Police Commission (NAPOLCOM) in the region and shall be the ex-officio Chairman of the Regional Police Commission (REPOLCOM). 85. Exercise operational control and general supervision and disciplinary powers.	3. On the setting up of the Special Regional Security Force (SRSF): (1) The SRSF will be established in the Autonomous Region; and (2) The SRSF will be civilian in nature and regional in scope.		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
86. Employ/deploy the elements of the Regional Command through the Regional Director. 87. Assign/reassign officers and other personnel through the Regional Director. 88. Recommend to the President the appointment of the Regional Director and his two (2) Deputies. 89. Oversee the preparation and implementation of the integrated regional public safety plan. 90. Impose, after due notice and summary hearings of citizen's complaints, administrative penalties on personnel of the Regional Command except Presidential Appointees. <i>CREATION OF THE REGIONAL POLICE COMMISSION</i> 91. There shall be created a Regional Police Commission (REPOLCOM) by the Regional Legislative Assembly consistent with the Constitution. 92. The REPOLCOM shall be under the supervision of the NAPOLCOM. 93. The Chairman of REPOLCOM shall be an ex-officio Commissioner of the NAPOLCOM.			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
C. EDUCATION <i>THE INTEGRATED SYSTEM OF EDUCATION</i> 94. The Regional Autonomous Government shall have an educational component comprising of existing schools, colleges and universities in the present area of autonomy and such other schools and institutions in the future expanded area of autonomy, with the possible inclusion of state universities and colleges (SUCs) to be decided later on. The relationship of the Regional Autonomous Government educational body with the national educational system shall be that of a system and sub-system with emphasis on the autonomy of the sub-system. In the event that SUC should be included as part of the educational component of the Regional Autonomous Government, the autonomous government recognizes the fiscal autonomy and academic freedom of the SUCs as mandated by their respective charters. 95. The Regional Autonomous Government educational system shall, among others, perpetuate Filipino and Islamic ideals and aspirations, Islamic values and orientations of the Bangsamoro people. It shall develop the total spiritual, intellectual, social, cultural, scientific and physical aspects of the Bangsamoro people	II. EDUCATION <i>A. THE INTEGRATED SYSTEM OF EDUCATION</i> 4. The Bangsamoro Regional Autonomous Government shall have an educational component comprising of existing schools, colleges and universities in the present area of autonomy and such other schools and institutions in future expanded area of autonomy, with the possible inclusion of state universities and colleges (SUCs) to be decided later on. The relationship of the Bangsamoro Regional Autonomous Government Educational System with the national educational system shall be that of a system and sub-system with emphasis on the autonomy of the subsystem. In the event that the SUC should be included as part of the educational component of the Bangsamoro Regional Autonomous Government, the autonomous government recognizes the fiscal autonomy and academic freedom of the SUC as mandated by their respective charters. 5. The Autonomous Region educational system shall, among others, perpetuate Filipino and Islamic ideals and aspirations, Islamic values, and orientations of the Bangsamoro		Establishment of Support Committee - 2 (Education)

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
to make them God-fearing, productive, patriotic citizens, conscious of their Filipino and Islamic cultural heritage under the aegis of a just and equitable society. <i>THE STRUCTURE OF EDUCATION SYSTEM</i> 96. The elementary level shall follow the basic national structure and shall primarily be concerned with providing basic education; the secondary level will correspond to four (4) years of high school, and the tertiary level shall be one year to three (3) years for non-degree courses and four (4) to eight (8) years for degree courses, as the case may be in accordance with existing laws. <i>CURRICULUM</i> 97. The Regional Autonomous Government educational system will adopt the basic core courses for all Filipino children as well as the minimum required learnings and orientations	People. It shall develop the total spiritual, intellectual, social, cultural, scientific and physical aspects of the Bangsamoro people to make them God-fearing people, productive, patriotic citizens, conscious of their Filipino and Islamic values and Islamic cultural heritage under the aegis of a just and equitable society. <i>B. THE STRUCTURE OF EDUCATION SYSTEM</i> 6. The elementary level shall follow the basic national structure and shall primarily be concerned with providing basic education, the secondary level will correspond to four (4) years of high school, and the tertiary level shall be four (4) to eight (8) years as the case may be in accordance with existing laws. 7. The teachings of Islamic values shall be incorporated in Good Manners and Right Conduct in appropriate grade levels including the tertiary level subject to agreed norms and legal limitations. <i>C. CURRICULUM</i> 8. The Bangsamoro (Regional Autonomous) education system will adopt the basic core courses for all Filipino children as well as the minimum required learnings and orientations		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
provided by the national government, including the subject areas and their daily time allotment. Teaching materials and curriculum contents shall promote solidarity, unity in diversity, Filipino and Islamic values. 98. The addition of more required learnings and instructional materials shall be the prerogative and responsibility of the Autonomous Government. 99. The minimum requirements and standards prescribed by the Department of Education Culture and Sports (DECS), Commission on Higher Education (CHED) and Technical Education and Skills Development Authority (TESDA) will be followed by the Autonomous Region. 100. The same textbooks of the National Government will be used by schools in the Autonomous Region. The formulation, shaping and revision of textbooks are the responsibilities of the Regional Autonomous Government and within the agreed norms, academic freedom and relevant legal limits, the formulation and revisions shall emphasize Islamic values or orientation, in addition to Filipino values which include Christian values and values of indigenous people, modern sciences and technology as well as the latest educational thrusts.	tations provided by the national government, including the subject areas and their daily time allotment. Teaching materials and curriculum contents shall promote solidarity, unity in diversity and Islamic values. 9. The addition of more required learnings and instructional materials shall be the prerogative and responsibility of the Autonomous Government. 10. The minimum requirements and standards prescribed by DECS will be followed by the Autonomous Region. 11. The same textbooks of the Philippine Government will be used by schools in the Autonomous region. The formulation, shaping and revision of textbooks are the responsibilities of the Regional Autonomous Government and the National Government within agreed norms and relevant legal limits, the formulation and revisions shall emphasize Islamic values and orientation, modern sciences and technology as well as the latest educational thrusts. Having adopted the core curriculum of the national government in		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
Having adopted the core curriculum of the national government in consideration of achieving the highest quality of education, students and graduates of the education system of the Autonomous Region shall be fully credited when they transfer to non-autonomous regions. 101. The integration of Islamic Values in the curriculum should be done gradually after researches and studies are conducted. 102. The teachings of Islamic Values, as well as Filipino values, shall be incorporated in Good Manners and Right Conduct in appropriate grade levels including the tertiary level subject to agreed norms, academic freedom, and legal limitations. 103. Muslim culture, mores, customs and traditions which are mainly based on Islam, as well as the cultures, mores, customs, and traditions of Christians and indigenous people, shall be preserved through regular public and special schools in the Autonomous Region, considering that schools are perpetuating vehicles of the values of the people.	consideration of achieving the highest quality of education, students and graduates of the Regional Autonomous education system shall be fully accredited when they transfer from the Bangsamoro Autonomous area to non-autonomous regions. 12. The integration of Islamic values in the curriculum should be done gradually after researches and studies are conducted. 13. Muslim culture, mores, customs and traditions which are mainly based on Islam shall be preserved through the regular public and special schools in the Autonomous Region, considering that schools are perpetuating vehicles of the values of the people.		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
<i>ADMINISTRATION OF EDUCATIONAL SYSTEM</i> 104. The management and control, and supervision of the entire educational system in the area of autonomy shall be the primary concern of the Regional Autonomous Government, consistent with the declared policies of national educational bodies. The national educational bodies shall monitor compliance by the regional educational system with national educational policies, standards and regulations in collaboration with the educational authorities of the autonomous region. The head of the educational system of the Regional Autonomous Government shall have the right to participate in policy and decision-making activities of the national educational bodies. 105. The Regional Autonomous Government shall be represented in the Board of SUCs in the region as co-chairman or at least, co-vice-chairman, as may be provided by law. Appointment to SUC Boards shall be made by the President of the Philippines. 106. The Regional Autonomous Government will be responsible for specific administrative, management functions and powers, educational super-	<i>D. ADMINISTRATION OF EDUCATIONAL SYSTEM</i> 14. The management, control and supervision of the entire educational system in the area of autonomy shall be the primary concern of the Bangsamoro Government, consistent with the declared policies of national educational bodies. The national educational bodies shall monitor compliance by the regional educational system with national educational policies, standards and regulations in collaboration with the educational authorities of the autonomous region. The head of the educational system of the Bangsamoro Government shall have the right to participate in policy and decision-making activities of the national educational bodies. 15. The Autonomous Government shall be represented in the Board of SUCs in the region as co-chairman or at least, co-vice-chairman, as may be provided by law. Appointment to SUC boards shall be made by the President of the Philippines. 16. The Autonomous Region will be responsible for specific administrative, management functions and powers, educational supervi-		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
vision and school administration, and regulation over private schools. 107. The organizational structure of the educational system in the autonomous region shall follow the basic structure of the national educational system. The Regional Legislative Assembly may add special structures, if necessary. It shall follow whatever reorganizations of the curricular years as found in the national set-up. 108. Locally funded programs will be the responsibility of the Regional Autonomous Government. 109. The selection, recruitment, appointment and promotion of teachers and employees shall be the responsibility of the Regional Autonomous Government in accordance with general qualification standard as prescribed by the Civil Service Commission (CSC) provided that the Regional Autonomous Government can initiate regionally-defined standards which are not below national standards. 110. The selection, recruitment, appointment and promotion of elementary, secondary and tertiary education employees shall be the responsibility of the Regional Autonomous Government in accordance with general standards of the Civil Service Commission (CSC) and other existing recognized bodies.	sion and school administration, and regulation over private schools. 17. The organizational structure of the educational system in the autonomous region shall follow the basic structure of the national educational system. The legislative Assembly may add special structures, if necessary. It shall follow whatever organizations of the curricular years as found in the national set-up. 18. Locally funded programs will be the responsibility of the Bangsamoro Government. 19. The selection, recruitment, appointment and promotion of teachers and employees shall be the responsibility of the Autonomous Government in accordance with general qualification standard prescribed by the Civil Service Commission (CSC) provided that the Autonomous Government can initiate regionally-defined standards which are not below national standards. 20. The selection, recruitment, appointment and promotion of elementary, secondary and tertiary education employees shall be the responsibility of the Autonomous Government in accordance with general standards of the Civil Service Commission (CSC) and other existing recognized bodies.		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
111. Primary disciplinary authority over officials and employees of the Regional Autonomous Government will be the area of concern of the Regional Autonomous Government in accordance with Civil Service Commission (CSC) rules and regulations. Administrative sanctions deemed appropriate and reasonable as determined by the Civil Service Commission will be the area of concern of the Regional Autonomous Government. <i>RELIGIOUS INSTRUCTION</i> 112. Religious instruction in public schools should be optional, with the written consent of the parent/guardian, taught by the authorities of the religion to which the student belongs, and should not involve additional costs to the government in accordance with national policies. <i>MEDIUM OF INSTRUCTION</i> 113. Filipino and English shall be the medium of instruction in the areas of the Autonomy; provided that Arabic shall be the auxiliary medium of instruction. 114. Regional languages may be used as auxiliary official languages in the region as well as aux-	21. Primary disciplinary authority over officials and employees of the Autonomous Government will be the area of concern of the Autonomous Government in accordance with Civil Service Commission (CSC) rules and regulations. Administrative sanctions deemed appropriate and reasonable as determined by the Civil Service Commission will be the area of concern of the Autonomous Government. <i>E. RELIGIOUS INSTITUTION</i> 22. Religious instruction in public schools should be optional, with the written consent of the parent/guardian, taught by the authorities of the religion to which the student belongs, and should not involve additional costs to the government in accordance with national policies. <i>F. MEDIUM OF INSTRUCTION</i> 23. Regional languages may be used as auxiliary official languages in the region as well	I.ii. Filipino and English shall be the medium of instruction in the areas of the Autonomy, provided that Arabic shall be an auxiliary medium of instruction.	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
iliary medium of instruction and communication. 115. Arabic shall be recognized as a medium of instruction in <i>Madaris</i> (schools) and other Islamic institutions. 116. Arabic shall be taught as a subject in all appropriate grade levels as presently required in the existing laws for Muslims, and optional, for Non-Muslims. MADRASAH EDUCATION 117. Existing <i>Madaris</i>, including <i>Madaris Ulya</i> shall be included under the Regional Autonomous Government educational system as presently organized in the area of autonomy. 118. <i>Madaris</i> teachers shall receive compensation out of the funds of the Regional Autonomous Government provided they are employed in the public schools. NON-FORMAL EDUCATION AND SPECIALIZED EDUCATION 119. The Regional Autonomous Government educational system shall develop the full potentials of its human resources, respond positively to changing needs and conditions and needs of	as auxiliary medium of instruction and communication. 24. Arabic shall be recognized as a medium of instruction in <i>Madaris</i> (schools) and other Islamic institutions. 25. Arabic shall be taught as a subject in all appropriate grade levels as presently required in the existing laws. G. MADRASAH EDUCATION 26. Existing <i>Madaris</i>, including <i>Madaris Ulya</i> shall be included under the Bangsamoro educational system as presently organized in the area of autonomy. 27. <i>Madaris</i> teachers shall receive compensation out of the funds of the Regional Autonomous Government provided they are employed in the public schools. H. NON-FORMAL EDUCATION AND SPECIALIZED EDUCATION 28. The Bangsamoro educational system shall develop the full potential of its human resources, respond positively to changing needs and conditions and needs of the envi-		

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
the environment, and institutionalize non-formal education. 120. The educational system shall respond positively and effectively to the changing needs and conditions of the times as well as regional and national needs of the environment through the proper use of the latest educational technology, development, planning, monitoring, evaluation, and appropriate and timely educational intervention as well as linkages with national and international institutions. 121. The Regional Autonomous Government educational system shall institutionalize non-formal education in scope and methodology, to include literacy, numeracy and intensive skills training of the youth and adult, to allow them to participate actively and productively in the mainstream of regional and national life. <i>SCHOLARSHIP GRANTS AND ASSISTANCE</i> 122. Universities and colleges in the areas of autonomy may seek and receive overseas donations for educational purposes. 123. The Regional Autonomous Government educational system will handle, by administrative arrangement with the national DECS, CHED, and TESDA scholarship programs, both local and foreign, including those provided by the	ronment, and institutionalize non-formal education. 29. The educational system shall respond positively and effectively to the changing needs and conditions through the proper use of the latest educational technology, development, planning, monitoring, evaluation, and appropriate and timely educational intervention as well as linkages with national and international institutions. 30. The Autonomous educational system shall institutionalize non-formal education in scope and methodology, to include literacy, numeracy and intensive skills training of the youth and adult, to allow them to participate actively and productively in the mainstream of regional and national life. <i>I. SCHOLARSHIPS GRANTS AND ASSISTANCE</i> 31. The Bangsamoro educational system will handle, by administrative arrangement with the national DECS, scholarship programs, both local and foreign, including those provided by the autonomous region pursuant to the provision of existing laws.	I.i. Universities and Colleges in the areas of autonomy may seek and receive overseas donations for educational purposes;	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
autonomous region pursuant to the provisions of existing laws. 124. Disadvantaged but deserving students will be given financial assistance by the Regional Autonomous Government out of funds given by the national government for the purpose and from other sources of funds. <i>FUNDS FOR EDUCATION</i> 125. Funds for education constituting the share of the Regional Autonomous Government as contained in the General Appropriations Act should be given directly to the Autonomous Government. D. THE ECONOMIC AND FINANCIAL SYSTEM, MINES AND MINERALS 126. The Regional Autonomous Government in the area of autonomy shall establish its own Regional Economic and Development Planning Board chaired by the Head of Government in the area of autonomy. The Board shall prepare the economic development plans and programs of the Autonomous Government.	32. Disadvantaged but deserving students will be given financial assistance by the Bangsamoro (Regional Autonomous) government out of funds given by the national government for the purpose and from other sources of funds. <i>J. FUNDS FOR EDUCATION</i> 33. Funds for education constituting the share of the Autonomous Government as contained in the General Appropriations Act should be given directly to the Autonomous Government. III. ON THE ECONOMIC AND FINANCIAL SYSTEM, MINES AND MINERALS 34. In the pursuit of the region's economic growth, development and welfare, the autonomous government shall have the right to formulate economic and financial policies and implement economic and financial programs, taking into account national laws and policies.	II.i. The Autonomous Government in the area of autonomy shall establish its own Regional Economic and Development Planning Board chaired by the Head of Government in the area of autonomy. The Board shall prepare the economic development plans and programs of the Autonomous Government;	Establishment of Support Committee - 3 (Economic and Financial System, Mines and Minerals)

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
127. The pivotal role of banks and other financial institutions for development in the area of autonomy is recognized. 128. The Regional Autonomous Government in the area of autonomy has the power to promote tourism as a positive instrument for development provided that the diverse cultural heritage, moral and spiritual values of the people in the area of autonomy shall be strengthened and respected. 129. The Regional Autonomous Government in the area of autonomy shall have the power to grant incentives including tax holidays within the power and resources in the area of autonomy. 130. The Regional Autonomous Government in the area of autonomy advocates equal opportunities for all the inhabitants of the area of autonomy regardless of ethnic origin, culture, sex, creed and religion. 131. In enacting tax measures, the Regional Legislative Assembly shall observe the principle of uniformity and equity in taxation and shall not impose confiscatory taxes or fees of any kind.	35. The Autonomous Government in the area of autonomy shall undertake, encourage, promote and support the establishment of economic zones and industrial centers. And, in order to attract local and foreign investments within the area of the zone and outside but within the area of autonomy, then government in the area of autonomy may grant incentives to investors as may be defined in an Autonomous Investment Act to be formulated by the Autonomous Regional Assembly within one year from its organization. 36. The permanent residents in the area of autonomy shall have preferential rights over the exploration, development and utilization of resources in the area of autonomy respecting existing rights on the exploitation, exploration, development and utilization of natural resources. 37. The Autonomous Government in the area of autonomy shall enjoy fiscal autonomy in budgeting its own revenue resources and block subsidies granted to it by the National Government and foreign donors. Budgeting includes planning, programming and disbursing of funds. 38. The National Government shall appropriate for the area of autonomy sufficient amount	II.v. The Autonomous Government in the area of autonomy shall have the power to grant incentives including tax holidays within the power and resources in the areas of autonomy; II.xiv. The Autonomous Government may issue its own treasury bills, bonds, promissory notes, and other debt papers in consultation and coordination with the Bangko Sentral ng Pilipinas; II.xv. The Autonomous Government may contract foreign loans within the purview of national laws and pertinent monetary and fiscal policies. II.xvi. In order to attract local and foreign investments within the area of autonomy, the Autonomous Government may grant incentives to investors as may be defined in an Autonomous Regional Assembly within one year from its organization. II.viii. The Autonomous Government in the area of autonomy shall have the power to enact a Regional Tax Code and a regional Local Tax Code applicable to all local government units within the area of autonomy;	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
132. The Regional Autonomous Government in the area of autonomy shall have the power to enact a Regional Tax Code and a regional Local Tax Code applicable to all local government units within the area of autonomy. 133. All corporations, partnerships or business entities directly engaged in business in the area of autonomy shall pay their corresponding taxes, fees, and charges in the province, city or municipality in the area of autonomy where the establishment is doing business. 134. All corporations, partnerships or business entities whose head offices are located outside the area of autonomy, but doing business within its territorial jurisdiction, either by using, exploiting, and utilizing the land, aquatic and all natural resources therein, shall pay their income taxes corresponding to their income realized from their business operation in the area of autonomy through the province, city or municipality where their branch offices are located. In case the business establishment has no branch in the area of autonomy, such business establishment shall pay through the city or municipality where its operation is located.	and for the period (both to be determined later) for infrastructure projects which shall be based on a development plan duly approved by the Autonomous Government taking into account national policies. 39. Except strategic minerals which will be defined later, the control and supervision over the exploration, exploitation, development, utilization and protection of mines and minerals in the area of autonomy shall be vested in the Autonomous Government. 40. In the regulation of the exploration, utilization, development, protection of the natural resources inclusive of mines and minerals, except strategic minerals which will defined later, the government in the area of autonomy shall enact rules and regulations and shall impose regulatory fees, taking into account national policies. 41. An Islamic Banking Unit shall be established in the Bangko Sentral ng Pilipinas which shall be staffed by qualified Islamic Banking experts nominated by the Head of the Autonomous Government shall nominate at least three (3) qualified persons from the area of autonomy, from which nomination the appointing authority shall appoint the	II.ix. All corporations, partnerships or business entities directly engaged in business in the area of autonomy shall pay their corresponding taxes, fees, and charges in the province, city or municipality in the area of autonomy where the establishment is doing business; II.x. All corporations, partnerships or business entities whose head offices are located outside the area of autonomy, but doing business within its territorial jurisdiction, either by using, exploiting, utilizing the land, aquatic and all natural resources therein, shall pay their income taxes corresponding to their income realized from business operation in the area of autonomy through the province, city or municipality where their branch offices are located. In case the business establishment has no branch in the area of autonomy, such business establishment shall pay through the city or municipality where the operations is located;	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
135. The Regional Autonomous Government in the area of autonomy as a body corporate, may contract domestic loans. 136. The Regional Autonomous Government recognizes the pivotal role played by banks and other financial institutions in the economic development of the area of autonomy. Toward this end, the Autonomous Government shall: - Encourage the establishment of banks and bank branches in the area of autonomy; - Encourage the entry and establishment of off-shore banking unit of foreign banks in the area of autonomy. 137. The Regional Autonomous Government may accept foreign financial and economic grant for the development and welfare of the people in the region. 138. The Regional Autonomous Government may issue its own treasury bills, bonds, promissory notes, and other debt papers in consultation and coordination with the Bangko Sentral ng Pilipinas. 139. The Regional Autonomous Government may contract foreign loans within the purview of national laws and pertinent monetary and fiscal policies.	Head of the Unit. The same procedure shall be observed as regards the rest of the positions in the Unit. Bangko Sentral ng Pilipinas shall have a Regional Office with full banking system service in the capital of the government of the Autonomous Region to respond to the growing needs of the banking community in the area of autonomy which shall be established within one (1) year from the establishment of the Autonomous Government. The Head of the Autonomous Government shall submit a list of qualified recommendees to the appointing authority from which the staff of the regional office may be chosen; provided that those staff who are now occupying and already appointed to positions in the regional office are considered as recommended by the Head of the Autonomous Government. 42. The Autonomous Government shall establish a body in the area of autonomy with the same powers of the Philippine Economic Zone Authority (PEZA) consistent with the Special Economic Zone Act of 1995.	II.xi. The Autonomous Government in the area of autonomy as a body corporate, may contract domestic loans; II.ii. The pivotal role of banks and other financial institutions for development in the area of autonomy is recognized; II.xiii. The Autonomous Government may accept foreign financial and economic grant for the development and welfare of the people in the region;	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
140. In the pursuit of the region's economic growth, development and welfare, the autonomous government shall have the right to formulate economic and financial policies and implement economic and financial programs, taking into account national laws and policies. 141. The Regional Autonomous Government in the area of autonomy shall encourage, promote and support the establishment of economic zones, industrial centers and ports in strategic area and growth centers to attract local and foreign investments and business enterprise. 142. The Regional Autonomous Government in the area of autonomy shall undertake, encourage, promote and support the establishment of economic zones and industrial centers. And, in order to attract local and foreign investments within the area of the zone and outside but within the area of autonomy, the government in the area of autonomy may grant incentives to investors as may be defined in an Autonomous Investment Act to be formulated by the Regional Legislative Assembly within one year from its organization. 143. The residents in the area of the autonomy shall have preferential rights over the exploration, development and utilization of natural resources in the area of autonomy respecting		II.iii. The Autonomous Government in the area of autonomy has the power to promote tourism as a positive instrument for development provided that the diverse cultural heritage, moral and spiritual values of the people in the area of autonomy shall be strengthened and respected; II.iv. The Autonomous Government in the area of autonomy shall encourage, promote and support the establishment of economic zones, industrial centers and ports in strategic areas and growth centers to attract local and foreign investments and business enterprise; II.vi. The Autonomous Government in the area of autonomy advocates equal opportunities for all the inhabitants of the area of autonomy regardless of ethnic origin, culture, sex, creed and religion;	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
existing rights on the exploitation, exploration, development and utilization of natural resources. 144. The Regional Autonomous Government in the area of autonomy shall enjoy fiscal autonomy in budgeting its own revenue resources and block subsidies granted to it by the National Government and foreign donors. Budgeting includes planning, programming and disbursing of funds. 145. The National Government shall appropriate for the area of autonomy a sufficient amount and for a period (both to be determined later) for infrastructure projects which shall be based on a development plan duly approve by the Regional Autonomous Government taking into account national policies. 146. Except strategic minerals which will be defined later, the control and supervision over the exploration, exploitation, development, utilization and protection of mines and minerals in the area of autonomy shall be vested in the Regional Autonomous Government. 147. In the regulation of the exploration, utilization, development, protection of the natural resources inclusive of mines and minerals, except strategic minerals which will be defined later, the government in the area of autonomy			

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
shall enact rules and regulations and shall impose regulatory fees, taking into account national policies. 148. An Islamic Banking Unit shall be established in the Bangko Sentral ng Pilipinas which shall be staffed by qualified Islamic banking experts nominated by the Governor of the Regional Autonomous Government shall nominate at least three (3) qualified persons from the area of autonomy, from which nomination the appointing authority shall appoint the Head of the Unit. The same procedure shall be observed as regards the rest of the positions in the Unit. 149. Bangko Sentral ng Pilipinas shall have a Regional Office with full banking service in the capital of the government of the Autonomous Region to respond to the growing needs of the banking community in the area of autonomy which shall be established within one (1) year from the establishment of the Autonomous Government. The Governor of the Autonomous Government shall submit a list of qualified recommendees to the appointing authority from which the staff of the regional office may be chosen; provided that those staff who are now occupying and already appointed to positions in the regional office are considered as		II.xii. The Autonomous Government recognizes the pivotal role played by banks and other financial institutions in the economic development of the area of autonomy. Toward this end, the Autonomous Government shall: (a) Encourage the establishment of regional banks in the area of autonomy; of off-shore banking unit of foreign banks in the area of autonomy;	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
recommended by the Governor of the Regional Autonomous Government. 150. The Regional Autonomous Government shall establish a body in the area of autonomy with the same powers as the Philippine Economic Zone Authority (PEZA) consistent with the Special Economic Zone Act of 1995. 151. All current year collections of internal revenue taxes within the area of autonomy shall, for a period of five (5) years, be allotted for the Regional Autonomous Government (RAG) in the Annual General Appropriations Act; Provided, that: a. The Bureau of Internal Revenue (BIR) shall continue to collect such taxes and the BIR Collection Districts/Offices concerned shall retain such collections and remit the same to the RAG through an approved depository bank within thirty (30) days from the end of each quarter of the current year; b. Out of said internal revenue tax collections, fifty percent (50%) of the tax collected under Section 100 (Value-added tax on sale of goods), 102 (Value-added tax on sale of services), 112 (Tax on persons exempt from value-added tax), 113 (Hotels, motels, and others), and 114 (Caterers), as amended, in excess of the increase in collections for the immediately		II.vii. In enacting tax measures, the Autonomous Legislative Assembly shall observe the principle of uniformity and equity in taxation and shall not impose confiscatory taxes or fees of any kind;	

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
preceding year shall be shared by the RAG and the local government units (LGUs) within the area of autonomy as follows: (1) Twenty percent (20%) shall accrue to the city or municipality where such taxes are collected; and (2) Eighty percent (80%) shall accrue to the RAG. In all cases, the RAG shall remit to the LGUs their respective shares within sixty (60) days from the end of each quarter of the current year. Provided, however, that provinces, cities, municipalities and barangays within an area of autonomy shall continue to receive their respective shares in the Internal Revenue Allotment (IRA), as provided for in Section 284 of the Local Government Code of 1991. Provided, finally, that the five-year (5) period hereinabove mentioned may be extended upon mutual agreement of the National and Regional Autonomous Governments. E. SHARI'AH AND JUDICIARY 152. The Regional Legislative Assembly of the area of autonomy shall establish Shari'ah Courts in accordance with the existing laws.	V. ON SHARI'AH AND JUDICIARY 71. The Regional Legislative Assembly of the Area of Autonomy shall establish Shari'ah Courts with the existing laws on the matter as points of reference.		Establishment of Support Committee - 5 (Judiciary and Introduction of Shari'ah Law)

1996 Peace Agreement	1995 Interim Agreement	1994 Interim Agreement	1993 Interim Agreement
F. TOTALITY CLAUSE 153. This peace agreement, which is the full implementation of the 1976 Tripoli Agreement, embodies and constitutes the totality of all agreements, covenants and understandings between the GRP and the MNLF respecting all the subject matters embodied herein. This Agreement supersedes and modifies all agreements, consensus, covenants, documents and communications not referred to or embodied in this Agreement or whose terms and conditions are otherwise inconsistent herewith. Any conflict in the interpretation of this Agreement shall be resolved in the light of the Philippine Constitution and existing laws. G. EFFECTIVITY CLAUSE 154. This agreement shall take effect immediately upon the signing hereof by the parties, unless otherwise provided herein.	72. The GRP shall endeavor to cause the appointment as a member of the Judicial and Bar Council, a qualified person to be recommended by the highest authority of the said area.		



Notes Comparing the Draft Executive Order and Executive Order No. (EO) 371

by Marlon A. Wui

1

The preambles of the two executive orders speak of substantially the same executive intent or policy — the attainment of a just, comprehensive and lasting peace in the Southern Philippines and the achievement of economic and social development by intensifying and accelerating peace and development efforts therein. Both emphasize the necessity for establishing the SPCPD as the coordinative mechanism for the peace and development efforts that will be channeled to the SZOPAD. But while the phraseology of EO 371 cites the Final Agreement as the sole instrument requiring the SPCPD's (as well as the SZOPAD's) creation, the draft order instead introduces the vision of realizing a "broader autonomy" in the Southern Philippines (in addition to the Final Agreement) as necessitating its establishment. The drafters of the draft order are of the view that this vision is a more forceful policy basis for the creation of the SPCPD.

2

The two orders are also in agreement on the underlying constitutional and legal basis for creating the SPCPD. That basis is the power granted to the President under Article X, Section 14 of the 1987 Constitution to create "regional development councils or other similar bodies . . . for purposes of administrative decentralization to strengthen the autonomy of the units therein and to accelerate the economic and social growth and development of the units in the region." In addition, the draft order cites the delegable powers of the Chief Executive under the Constitution and the laws as a legal basis for the SPCPD's creation.

3

Section 1 of both orders speak of the creation of the SZOPAD, its composition and the goal of focusing intensive peace and development efforts in that area within the next three years. Unlike the draft order, however, EO 371 elaborates on these efforts by identifying the development efforts in Section 2, namely (a) provision of basic services, (b) provision of adequate infrastructure facilities, (c) promotion of investments and trade, (d) provision of entrepreneurial development support, livelihood assistance and credit facilities

and (e) provision of capability-building assistance to local communities and organizations; by providing in Section 3 the institutional mechanisms and programs for the implementation of the development efforts; and by specifying the priority areas and projects in the SZOPAD.

4

Sections 2 and 13 of the draft order are almost identical in content with Section 5 of EO 371. In particular, the phrase “in the office of the President”, which, in the view of the drafters of the draft order, is necessary to emphasize that the SPCPD is not a provisional government, as was feared by some quarters, but merely an executive agency under the control and supervision of the President, is the very words used by EO 371. EO 371 likewise reiterates that the SPCPD is only a special and transitory body. Section 4 (d) of the draft order is of the same tenor as the last sentence in Section 5 of EO 371 requiring the submission of the SPCPD’s plans and programs, reports and other documents on the SZOPAD to the President by the Chairperson in consultation with the Consultative Assembly (CA).

5

On the composition of the SPCPD, Section 3 of the draft order and Section 6 of EO 371 are identical except that EO 371 is silent on where the three deputies would come from or what sectors they will represent, though it provides that they would be designated “from among the heads of departments or other government offices and representatives of non-government organizations within the SZOPAD.” The draft order did not deviate, in this regard, from the wording of the Final Agreement when it specifies that the deputies would each represent the Muslims, Christians and Cultural Communities. The immediate effect of Section 6 of EO 371 is to free the hand of the President in the selection of the deputies, though it is unlikely that the Final Agreement would be entirely disregarded in this respect.

As regards the advisory body provided for in the Final Agreement, EO 371 is silent on the matter while the draft order provided for the same but deleted the reference to the *Darul Iftah*, a religious council, which the drafters view as violative of the constitutional principle of separation

of the Church and State. As it is worded, the provision of the draft order, however, does not preclude appointment of religious leaders in their individual capacities.

6

On the functions of the SPCPD and the CA (Sections 7 and 13, respectively), EO 371 chose to remain consistent with the wording of the Final Agreement. What sets the draft order apart from EO 371 is that the former provides for the necessity of consulting the CA with respect to certain functions of the SPCPD, specifically those relating to the improvement of peace and order in the SZOPAD (see, however, Section 9 (e) of EO 371 for a provision of similar import), attraction of investments therein, the implementation of the provisions of the 1994 and 1995 Interim Agreements not requiring legislative action, and the promulgation of the necessary implementing rules and regulations. The last two functions are introduced by the drafters of the draft order: the first for the purpose of enabling the SPCPD to recommend to the President the implementation of the 123 points of consensus not requiring legislative action during the lifetime of the SPCPD and the second, for the purpose of carrying out its functions and tasks as provided in the executive order.

Moreover, with respect to the power granted to the SPCPD under Section 7 (f) of EO 371 to cause the creation of necessary offices and instrumentalities, the drafters of the draft order believe that such power should only be recommendatory in character (see Section 4 (h) of draft order) as the creating power should be the Chief Executive, the SPCPD being merely an executive agency under his control and supervision. This gap, however, seems to have been bridged by EO 371 when it provides for “approval from the Office of the President for budgetary purposes,” and when it clarifies that these offices and instrumentalities are merely for the efficient internal administration of the SPCPD. Sections 6 and 7 of the draft order, providing for secretariat and administrative support as well as consultancy services for the SPCPD, had the same purpose in mind.

After providing for what appears to be the general functions of the SPCPD, EO 371 then distinguishes the specific “roles” the SPCPD has to

play in terms of development concerns and peace and order concerns (Sections 8 and 9, respectively). The need for attracting “domestic investments” (in addition to foreign investments) appears in both executive orders. For the drafters of the draft order, this inclusion is significant in order to underscore the need for the support of the private sector in carrying out the development efforts in the SZOPAD. The peace and development agencies enumerated in Section 8 of the draft order are the same agencies specified in Section 8 (c) of EO 371. Section 10 of the same further enjoins all government agencies to support the peace and development efforts in the SZOPAD. Anticipating the reorganization of the agencies, the drafters of the draft order thought it wise to explicitly protect, by way of the last paragraph of Section 8, the rights and privileges of government personnel who would be affected thereby.

7

Section 9 of the draft order and Sections 11 and 12 of EO 371 are of the same content. EO 371, however, lumped into one group the 44 members coming from the MNLF and the 11 members from various sectors mentioned in the Final Agreement. Again, the immediate (and theoretical) impact of this provision is to provide flexibility to the President in selecting the members of the CA. The functions of the CA in both executive orders are in conformity with the Final Agreement, though as mentioned earlier, the consultative function of the CA vis-à-vis the SPCPD is made much more explicit in the draft order. Unlike EO 371, the draft order provides for details on the internal organization of the CA, i.e., adoption of rules of procedure, holding of regular and special sessions, and compensation (which is also applicable to the SPCPD).

8

Penultimately, one major difference between the two orders is that the draft order removes the extension clause on the lifetime of the SPCPD and the CA (and terms of office of the officials thereof) which Section 14 of EO 371 maintains. The drafters of the draft order are of the view that imposing a non-extendible three-year term on the SPCPD and the CA would be more in keep-

ing with their transitory nature. Moreover, as stated in the explanatory note of Section 12 of the draft order, this would require Congress and the Executive branch to put in place the new autonomous region before the end of the term.

The draft order also differs from EO 371 in the provision for funding for the SPCPD's operations. Section 16 of EO 371 provides in general terms that the funds shall come from the Office of the President and other sources recommended by the Department of Budget and Management. Section 14 of the draft order is more explicit in ensuring funding for the SPCPD in succeeding years by mandating that appropriations be incorporated in the budget proposals for the Office of the President. It also requires Congress to draw funding for the development programs from the General Appropriations Act.

The draft order also incorporates a section mandating reasonable compensation, in accordance with existing laws, rules and regulations, for the members of the SPCPD, the CA and the advisory body.

9

Finally, both executive orders contain a provision declaring that the creation of the SZOPAD, SPCPD and the CA shall in no way diminish the powers and functions of existing local government units, including the ARMM. Section 16 of the draft order and section 15 of EO 371 ensure that LGUs and the ARMM retain their autonomy even with the coordinative functions given to the SPCPD.

MALACAÑANG
MANILA

DRAFT EXECUTIVE ORDER No. _____

ESTABLISHING A SPECIAL ZONE OF
PEACE AND DEVELOPMENT
IN THE SOUTHERN PHILIPPINES,
CREATING A SOUTHERN PHILIPPINES COUNCIL
FOR PEACE AND DEVELOPMENT

WHEREAS, a primary objective of Government is the attainment of a just, comprehensive and lasting peace, which is the basic foundation for economic development and national prosperity; [*Source — Executive Order No. 125, Series of 1993, Defining the Approach and Administrative Structure for the Government's Comprehensive Peace Efforts*]

WHEREAS, in furtherance of such objective, the Government has conducted negotiations with the Moro National Liberation Front, hereinafter referred to as the "MNLF," towards the attainment of peace and development in the Southern Philippines and, in the course thereof, has entered into a number of agreements with the MNLF culminating in the execution of a Final Agreement on September 2, 1996;

WHEREAS, under these agreements, the Government and the MNLF have reached several points of consensus consonant with the promotion of broader autonomy in the Southern Philippines;

WHEREAS, such consensus will work only with the fullest participation and support of the various sectors in the Southern Philippines, local government units and the Congress;

WHEREAS, to initiate the realization of broader autonomy in the Southern Philippines, there is a need to integrate the peace and development efforts through the creation of a single Council that will coordinate these efforts, as provided for in the Final Agreement;

WHEREAS, the President is empowered to create regional development councils and other similar bodies under Article X, Section 14 of the Constitution and to delegate his powers as provided for by the Constitution and by law;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by the Constitution and by law, do hereby order:

[Texts of provisions not underlined are from the Final Agreement of September 2, 1996.]

SECTION 1. *Special Zone of Peace and Development.* — A Special Zone of Peace and Development in the Southern Philippines, hereinafter referred to as the "SZOPAD," is hereby created, composed of 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.

SECTION 2. *Southern Philippines Council for Peace and Development.* — There is hereby created, **in the Office of the President**, a Southern Philippines Council for Peace and Development, hereinafter referred to as the "Council." [*By saying that the Council is under the Office of the President, it is made very clear that the Council is not a "provisional government" but merely an executive agency. This is also clarified in the Agreement between the GRP and the MNLF dated July 29, 1996 which provides: "The principal concept on the powers and functions of the Southern Philippines Council for Peace and Development (SPCPD) is that its powers and functions are derivative and extension of the powers of the President. This means that only the powers and functions of the President which he is authorized by*

existing laws to delegate to a subordinate office (the Council in this case) can be derived from him and extended to the SPCPD. Otherwise stated, he cannot delegate a power or function that he does not possess, nor those powers or functions which the Constitution and existing laws do not authorize him to delegate. Such other powers or functions beyond the authority of the President could then be granted only through an act of Congress.”]

SECTION 3. Composition of the Council. — The Council shall be composed of the following members to be appointed by the President:

- (a) a Chairman;
- (b) a Vice-Chairman;
- (c) three (3) Deputies, with one deputy representing the Muslims, another representing the Christians, and the third representing the Cultural Communities.

SECTION 4. Powers and Functions of the Council. — The Council shall have the following powers and functions:

(a) Promote, monitor and coordinate the improvement of peace and order in the SZOPAD, **in consultation with the Consultative Assembly**; *[This provides for the participation of the Assembly in matters pertaining to the improvement of peace and order.]*

(b) In consultation with the Consultative Assembly, utilizing the funds from the National Government, promote, monitor and coordinate the development efforts in the SZOPAD, including the attraction of **domestic investments** and foreign investments, especially from the Organization of Islamic Conference (OIC) member-countries and the Association of Southeast Asian Nations; *[The inclusion of domestic investments underscores the need for the support of the private sector in carrying out development efforts in the Southern Philippines.]*

(c) Focus on peace and development efforts more particularly in depressed areas and cause the implementation of peace and development projects;

(d) **Report to the President on the progress of peace and development efforts in the Southern Philippines**; *[This is corollary to the Council's being an alter ego of the President.]*

(e) Provide such support to local government units and the ARMM as may be necessary;

(f) Assist in the preparation for the holding of elections, referenda or plebiscite and people's initiative in the area when duly deputized by the Commission on Elections (COMELEC);

(g) **Recommend to the President, in consultation with the Consultative Assembly**, the implementation of the provisions of the 1994 and 1995 Interim Agreements between the Government and the MNLF which do not require legislative action; *[This is to ensure the participation of the Consultative Assembly in recommending the provisions of the 1994 and 1995 Interim Agreements (which consist of the 42 points of consensus under the 1994 Interim Agreement on matters related to education, economic and financial system, mines and minerals, administrative system, representation in the national government, legislative and executive council, and the implementation of the 1993 ICA as well as the additional 81 points of consensus confirmed in the 1995 Interim Agreement) that can be implemented during the life of the SPCPD, as provided for under Section 14 of the Final Agreement.]*

(h) **Recommend to the President** the creation of such offices or instrumentalities, subject to existing laws, as may be necessary for the effective and efficient administration of the affairs of the SZOPAD. *[This corrects the misimpression that the Council itself is empowered to create new government agencies under Section 18 (f) of the Final Agreement and affirms that the SPCPD is just an extension of the President.]*

(i) **Subject to the approval of the President, and in consultation with the Consultative Assembly, promulgate the necessary implementing rules and regulations to carry out the provisions of this Executive Order**;

(j) Exercise such other powers and functions necessary for the effective implementation of its mandate, as may be delegated or directed by the President.

[The last two powers are SOP for executive agencies. In addition, the requirement that the Consultative Assembly be consulted ensures the participation of other sectors in the formulation of the implementing rules and regulations.]

SECTION 5. *Advisory Body.* — The Council shall be assisted by [the *Darul Iftah*] **an advisory body** which shall be created by the Chairman of the Council. *[The deletion of the reference to the Darul Iftah, a religious council, is suggested because such a council is violative of the separation of the Church and State. However, the appointment of religious leaders in their individual capacities is not precluded.]*

SECTION 6. *Secretariat.* — The Council shall have a Secretariat which shall provide it with technical and administrative support. The Secretariat shall be headed by an Executive Director, who shall be appointed by the President upon the recommendation of the Council.

SECTION 7. *Consultants.* — The Council is authorized to contract the services of consultants, subject to existing laws, rules and regulations, to assist it in the performance of its functions.

[The two preceding sections are necessary so that the Council can function efficiently.]

SECTION 8. *Peace and Development Agencies in the SZOPAD.* — The following agencies of the government engaged in peace and development activities in the SZOPAD are hereby placed under the control and supervision of the Council as its implementing agencies to ensure that peace and development programs and projects are effectively implemented:

(a) The Southern Philippines Development Agency (SPDA), insofar as SPDA offices and projects in the SZOPAD are concerned. The Council shall submit to the President its recommendees for appointment as officials of the SPDA;

(b) The regional and field offices of the Office of Muslim Affairs (OMA), which are situated and operating within the SZOPAD. The coordination, linkages and complementation between the central OMA and the Council shall be defined by the President;

(c) The regional and field offices of the Office of Southern Cultural Communities (OSCC), which are situated and operating in the SZOPAD. The coordination, linkages and complementation between the central OSCC and the Council shall be defined by the President;

(d) Basilan Development Task Force;

(e) Central Mindanao Development Task Force;

(f) Sulu Development Task Force; and

(g) Special Development Planning Group.

The foregoing shall not preclude the President from exercising his power or discretion to delegate, subject to existing laws, certain other powers and functions to the Council, or to place other agencies or entities under the control and supervision of the Council.

The transfer, reorganization, reversion and rights and privileges of the personnel of the above-mentioned agencies shall be subject to existing laws, rules and regulations. *[This paragraph is included to protect the rights and privileges of the employees who may be affected by the reorganization in accordance with the Civil Service Law and other laws, rules and regulations.]*

SECTION 9. *The Consultative Assembly.* — There is hereby created a Consultative Assembly, hereinafter referred to as the "Assembly," with eighty-one (81) members composed of the following:

(a) the Chairman of the Council, who shall be the Head and Presiding Officer of the Assembly;

(b) the Governor and Vice-Governor of the ARMM;

(c) the 14 Governors of the provinces and the 9 City Mayors of the cities in the SZOPAD;

(d) forty-four (44) members from the MNLF; and

(e) eleven (11) members from various sectors recommended by non-governmental organizations and people's organizations.

SECTION 10. *Powers and Functions of the Assembly.* — The Assembly shall exercise the following powers and functions:

- (a) Serve as a forum for consultation and ventilation of issues and concerns;
- (b) Conduct public hearings as may be necessary in order to provide appropriate advice to the Council;
- (c) Formulate and recommend policies to the President, through the Chairman of the Council;
- (d) Promulgate rules and regulations to the extent necessary for the effective and efficient administration of the internal affairs of the SZOPAD; and *[This clarifies that the Assembly will not exercise legislative powers.]*
- (e) **Adopt on its first regular session, by a majority vote of all members, rules of procedure that shall govern the Assembly.** *[This last paragraph is necessary for the orderly conduct of the business of the Assembly.]*

SECTION 11. *Sessions.* — The rules of procedure adopted pursuant to Section 10 (e) of this Executive Order shall provide for the frequency, day, time and place of the regular and special sessions of the Assembly; *Provided*, that the Assembly shall convene once a month for its regular session; *And provided further*, that a special session may be convened as may be necessary upon the call of the Presiding Officer or the initiative of the majority of all the members of the Assembly, subject to proper notice to all the parties concerned.

Unless otherwise provided by the rules of procedure, the majority of all the members of the Assembly shall constitute a quorum for transacting official business.

[This section ensures that regular and special meetings are held for consultative purposes.]

SECTION 12. *Term of Office.* — The term of office of the members of the Council and the Assembly shall be for three (3) years, coinciding with the three-year term of office of the officials of the ARMM to be elected in 1996. *[It is suggested that the phrase "...and may be extended by the President upon recommendation of the Council itself," found in Section 16 of the Final Agreement be deleted in order to emphasize the Council's transitory nature and remove the impression that it is a provisional government. In addition, imposing a three-year term will put pressure on Congress and the President to put in place a new autonomous region before the end of the term.]*

SECTION 13. *Nature of the Powers and Functions of the Council and the Assembly.* — The powers and functions of the Council and the Assembly are derivative and extensions of the powers of the President. The powers referred to in this Executive Order are only those powers of the President that could be delegated under the Constitution and existing laws.

SECTION 14. *Funding.* — The operation of the Council and the Assembly shall be funded with an initial budget for 1996 to be taken from available funds in the Office of the President. **Appropriations for succeeding years shall be incorporated in the budget proposals for 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 Appropriations Act. A supplementary budget for the year 1996 will be recommended to Congress for the purpose. *[The inserted sentence will ensure that the Council and the Assembly will have a budget for the succeeding years.]*

SECTION 15. *Compensation.* — The members of the Council and the Assembly shall receive allowances and *per diems* as determined by the President in accordance with existing laws and regulations. The compensation of the members of the Advisory Body and the Secretariat shall be provided for in the budget proposals for the Office of the President. *[This will enable the members of the Council and the Assembly to get paid for performing their functions pursuant to this Executive Order.]*

SECTION 16. *Local Government Units.* — Nothing in this Executive Order shall affect the existence or diminish the powers and functions under existing laws of local government units in the SZOPAD, including the Autonomous Region for Muslim Mindanao. *[This is a more forceful restatement of Section 6 of the Final Agreement.]*

SECTION 17. *Repealing Clause.* — All executive orders, rules and regulations and other issuances or parts thereof, which are inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 18. *Effectivity.* — This Executive Order shall take effect immediately.

DONE in the City of Manila this __th day of _____, in the year of Our Lord, nineteen hundred and ninety-six.

Appendix

Field Reports: Mapping of Positions of Mindanaoans on the SPCPD

- 96 Zamboanga City**
August 9-12, 1996 by Dr. Samuel K. Tan
- 102 Cagayan de Oro, Iligan & Marawi**
7-11 August 1996 by Miriam Coronel Ferrer
- 109 Zamboanga City and Jolo, Sulu**
5-11 August 1996 by Julkipli Wadi
- 111 Davao City**
7-11 August 1996 by Catherine Ramos

- 114 Position Paper on the SPCPD and the Mindanao Problem** Philippine Council of Evangelical Churches, Inc.

- 115 Resolution No. 699, Series of 1996**
Interposing Vehement Opposition/Objections to the Points of Consensus of the 8th GRP-MNLF Mixed Committee Meeting with the Participation of the OIC Ministerial Committee of Six Held in Davao City on June 21-23, 1996 (Regular Session Held on July 3, 1996, Tanggapan ng Sangguniang Panlun-sod, Lunsod ng Iligan)

- 117 SPCPD — A Space for Peace in Mindanao**
by the Coalition for Peace and the National Peace Conference

- 118 Positions on the SPCPD based on July 1996 Newspapers Reports**

- 120 What is SPCPD?** by the Interfaith Group & the National Program for Unification and Development

- 122 List of Acronyms**

Report on Field Interviews in Zamboanga City

9-12 August 1996

by Dr. Samuel K. Tan

<i>Sector</i>	<i>Religion</i>	<i>Position on SPCPD</i>	<i>Reasons</i>	<i>Recommendations</i>
Media	Islam	In favor	1. To give Muslims a real chance to participate after years of neglect.	1. The MNLF should prepare a credible list of those who should serve in the SPCPD from the Muslim, Lumad, & Christian sectors. 2. Vigorous information drive by the MNLF on its goals on the ground level.
Media	Christian	In favor	1. The SPCPD is a modest act of justice for a sector which has been denied social justice.	1. Modify objectionable provisions to remove fears of the Christian sector.
Media	Muslim	In favor	1. Give the Muslims a chance to feel important and wanted so they can demonstrate what they can do to achieve progress given the resources and support of the majority.	1. Strong public education on historical basis and issues of the Mindanao conflict.
Media	Catholic	Against	1. The SPCPD is an imposition of the political leadership on Mindanao and its people. 2. The SPCPD is not a result of democratic process. It ignores previous democratically arrived at decisions like Zamboanga City opting to be out of the ARMM. 3. Muslim model system and leadership can begin with ARMM which is legally and constitutionally established.	1. Exclusion of Zamboanga from the SPCPD if the latter is finally established. 2. More enlightened public education on entire issues relating to the SPCPD and Muslim-Christian relations.

<i>Sector</i>	<i>Religion</i>	<i>Position on SPCPD</i>	<i>Reasons</i>	<i>Recommendations</i>
Business (Retailer)	Protestant	Against	1. From years of experience and observation as a resident of Sulu, Tausugs are violent and readily resort to violence to resolve conflict.	1. Continue the present system until a better one comes.
Business	Islam	Against	1. Distrust of Tausug leadership. 2. Fear of Misuari's system of governance which is ambiguous. 3. The Sama fear and mistrust of Tausug is still present.	1. Maintain status quo despite the ills of local government.
Business (Barter Traders)	Islam/ Christian	Neutral	1. The position of neutrality is a way of avoiding harassment from organized opposition groups of Clara Lobregat, etc. 2. The individual response favoring the SPCPD is the desire to see Muslims in real positions of advantage in Mindanao.	1. More enlightened public information by MNLF and Muslim groups. 2. Unity of Muslims is needed.
NGO/Civic Organization CAMACOP- PHI	Protestant	Against	1. Based on experience, Tausugs exhibit negative behavior toward non-Muslims. 2. Fear of uncertainty under Muslim governance.	1. More MNLF information to enlighten people on its program, etc. 2. Government help to use competent professionals to explain issues, not just propagandists. 3. Exclude Zamboanga if Council is established.
NGO/Civic Organization Gideons	Protestant	Against	1. The track record of Muslims is that they lack respect for Christians' rights. 2. The violent nature of Muslim society creates distrust.	1. The MNLF has no clear program as a basis for Christians to assess their capability so there is a need for the MNLF to present its program.

<i>Sector</i>	<i>Religion</i>	<i>Position on SPCPD</i>	<i>Reasons</i>	<i>Recommendations</i>
<i>NGO/Civic Organization Masons</i>	Mixed	Against	1. Fears and distrust of Muslim leadership. 2. Contemporary incidents of violence etc. in city involved Muslims especially Tausugs. 3. Deep-seated prejudice.	1. Strong MNLF campaign to present its activities and system. 2. Education and training of MNLF professionals and potential administrators for the SPCPD. 3. Academic not political processes must be developed to deal with issues.
<i>NGO/Civic Organization Silsillah</i>	Islam	In favor	1. The SPCPD is the first real breakthrough in bridging contentious gap between Muslims and Christians. 2. It is a modest concession to a minority long neglected by the Christian majority.	1. Strengthen the peace dialogue even beyond the SPCPD and the MNLF dispensation. The gains of the peace talks must be preserved. 2. Continuation of government-initiated seminars.
Househelp	Islam	Against	1. My employer is against it. 2. Experience with Tausugs is not pleasant.	
Housewife	Protestant	Against	1. Taušugs have a tendency to use violent methods in solving problems. 2. Our numerous experiences give us basis for doubting peace can really be achieved the Muslim way.	1. Maintain the present system but remove graft and corruption. 2. Give good Muslims a real chance to prove themselves in government.
Housewife	Protestant	In favor	1. To allow the Muslims the chance to really prove themselves with the support of the majority Christian sector.	1. Improve Muslim professional capacity to run the Council.

<i>Sector</i>	<i>Religion</i>	<i>Position on SPCPD</i>	<i>Reasons</i>	<i>Recommendations</i>
MNLF	Islam	In favor	1. To correct centuries of social injustice against the non-Christian populace of Mindanao. 2. To provide a real mechanism to at least allow the Muslim leadership under the MNLF to give an alternative to the present leadership and system. 3. The SPCPD is not really a substantial concession compared to those given by previous administrations. It is "blown up" by media and the opposition.	1. More sustained public education to really present the truth. 2. For media to be really fair and honest, not one-sided as a whole. 3. Need for MNLF to come out with its plan and vision how the SPCPD can be the starting point.
Professional Teacher	Islam	In favor	1. The SPCPD addresses in a practical way the old Muslim-Christian conflict.	1. More talks and consultations. 2. Appointment of more competent Muslims especially in the highest level of the bureaucracy. This minimizes conflict due to feelings of injustice.
Professional	Catholic	In favor	1. The SPCPD gives an opportunity for real participation after centuries of neglect. 2. The SPCPD is the last hope of preventing conflict. 3. There is no other means in sight to halt the war in Mindanao.	1. Information campaign by SPCPD supporters. 2. MNLF directory of people who will serve in the SPCPD. 3. Imperfections of the SPCPD should be immediately corrected to remove doubts and misgivings.

SUPPORT FOR SPCPD

From the interviews and especially lengthy discussions of the issues in Tausug, Sama, English, and Filipino, the support for the SPCPD even from among the opportunists appear to be growing. As noted by Councilor Roberto Villarez, one of the leading oppositionist in the city council, the resistance to the council is "simmering down." Dr. Anesia Alvarez, a professional lecturer at the Ateneo de Zamboanga and Western Mindanao State University and an experienced educator in Brunei, expressed elation at the improved perception toward the SPCPD among the Maons who were initially opposed.

The Muslim media persons who support the council criticized the Zamboanga media as partly, if not largely, responsible for the misinformation, distortion, or avoidance of facts. They claim that the media in Zamboanga is

highly biased against the SPCPD because of “envelopmental journalism.” The basis of their conviction or knowledge is personal connection to recipients of political benefits.

The fundamentalist Christians belonging to the conservative Christian and Missionary Alliance (CAMACOP) groups are neutral in formal statements. Their leaders, although sympathetic to Muslim aspirations, prefer to pray for God’s help and will than to categorically make a stand. But from a long discussion with Rev. George Que, President of PHILCAM, a splinter group of the CAMACOP, he was open to accepting the SPCPD if its objectionable features are removed.

RECOMMENDATIONS

The recommendations were similar to those given in most areas of “Mindanao”. These are: (1) postponement of the SPCPD’s establishment; (2) elimination of objectionable points, (3) limitation of the Council’s coverage to those under the ARMM; and (4) more public education on the issues. One recommendation stressed by Muslim media persons and also strengthened by Edward Lim of the MNLF is for the MNLF to present its plan of action.

The city has a wide variety of business and professional groups, majority of whom are Christians and Chinese engaged in big export-import business, operation of educational and service institutions, including legal and medical establishments. Forming the greater part of the city’s society, economy, and culture are the low income and socially-dependent groups and the urban and rural working poor from the other sectoral communities, to which a great number of the Muslim community belong. Sources of livelihood of these lower income groups are the barter trade, farming, fishing, small industries, and all kinds of labor services supporting big businesses and professionals. But as the strategic crossroad of Western Mindanao, Zamboanga City has been the entry points of foreign elements and the melting point of interests. The character of the city becomes crucial in understanding responses to the SPCPD.

OPPOSITION TO SPCPD

At least 19 respondents opposed the establishment of the SPCPD. They come from practically all sectors but their reasons for opposing the SPCPD are not necessarily the same. When the reactions are added to what have been reported in media and official circles, the opposition in Zamboanga assumes a character not necessarily similar to other areas of Mindanao. The most obvious objections are: (1) the SPCPD ignores democratic process, (2) the Muslims cannot be trusted, (3) the ARMM is the logical area for the demonstration of Muslim capacity and model, (4) the city is already doing well and happy outside the autonomous region.

But another category of oppositionists come from both the Christian and Muslim sectors. A chunk from the anti-SPCPD Christian sector shows ignorance of what the council is all about. From the Muslim sector, those who oppose are influenced by Sama ethnic stereotypes of Tausugs, are recipients of material-financial assistance of Christian politicians, and are anti-Misuari although not necessarily against Muslim leadership.

ANALYSIS

From the survey results, as well as the literature produced on the SPCPD by all concerned, certain realities are clear. First, two perspectives are used in responding to the issue. There is the *perspective of contemporary realities* from which the opposition derive their basis of argument and for which they expect greater support from modern society. These contemporary realities are: (1) the Christian majority in Southern Philippines, (2) the disunity in the Muslim sector, (3) the failure of the ARMM as a Muslim autonomous region to raise the level of progress and prosperity in the region, and (4) the violence and conflict induced by the Muslim sector in Mindanao. While this perspective of contemporary history may not be readily ignored, yet it cannot justly deal with the non-Christian demand for social justice which is expressed clearly in Misuari’s ideological reference to *kaadilan* and *gausbaugbug*.

The twin concept of *kaadilan* and *gausbaugbug* brings to focus what constitute the components of the second perspective. The foundation of the Muslim armed struggle and the logic of its demands upon the Philippine government are rooted in centuries of Muslim-Christian relations. Social justice which is subsumed in the concept of *kaadilan* is rectifying the historical injustices committed since colonial times. The concept of *gausbaugbug* establishes the geo-political context of social justice in what is meant and implied by “ancestral land.” Those, therefore, who support the SPCPD take this historical perspective as a legitimate point of reference in evaluating all options and proposals for the resolution of 20 years of armed struggle by the MNLF and the other rebel groups.

In effect, the establishment of the SPCPD is regarded by those opposed as a violation of democratic principles and process, and as exposing the Christian majority to experienced and expected Muslim injustices that may be committed as part of Muslim reprisal for past Christian offenses or simply as natural tendencies of Muslim cultural-social orientation. But taking into account the numerous talks held since 1976 on the implementation of the Tripoli Agreement, the argument on democratic grounds appears weak. Then, the anticipation of Muslim incapacity to render justice to the Christian majority is presumption without solid basis. The historical facts are contrary to the perception. Koranic injunctions supported by the "hadithic traditions" prescribe real social justice for minorities under "People of the Book." Under the "dhimma concept," the Christian and Jewish minorities fall under the category of protected minorities entitled to human rights as such.

Therefore, the fear and distrust among Christians of Muslim leadership are rooted in social prejudice instilled by colonialism in the Philippines. The Christian majority of Mindanao still follow the old colonial orientation that had sustained the fuel of Muslim-Christian conflict for more than three centuries.

On the other hand, those who support the SPCPD find the historical perspective a just basis. From the MNLF side, including Chairman Misuari, the Council is viewed as a very limited and modest concession to Muslim demands after centuries of struggle. In fact, the Muslim opposition to the Council is precisely anchored on the argument that the Council gives less than expected. This position which is shared by the MILF, Abu Sayyaf, and the Islamic Command Council, is opposite that of the Christian sector which views the council as giving too much concessions to the Muslims.

The government is thus right in regarding the SPCPD as a breakthrough and as a gesture of true sincerity on the part of the MNLF and the OIC supporters. No Christian interest has been sacrificed except its pride of power. No constitutional or legal mandate has been eroded since Philippine sovereignty and citizenship have been recognized and assumed by the MNLF.

What is clearly given to the MNLF and the Muslim sector through the SPCPD is a great psychological satisfaction that they are really important and trustworthy part of the Filipino people. This psychological fulfillment of a long cherished dream is all that the Christian majority is asked to give to a sector that has finally come to take its place as Filipinos, not as separatist Mujahideens and Mujahidats. This is not too much a cost to pay for peace in Mindanao by the Christian majority whose interests have always been protected by the state system.

Viewing this from the purely Christian principle, it is a moral obligation of the Christian majority to allow the Muslims to enjoy their freedom and prerogatives through the SPCPD for just three years before their final destiny is settled by the last phase of the peace agreement. Otherwise, the failure to accept the SPCPD as an implementing mechanism ushers in a picture much more uncertain, perilous, and unrewarding to those who are not willing even to share the crumbs of power and wealth or just the thought of being important as a Filipino. The implication of failure of the SPCPD process is clearly the passage of Muslim revolutionary leadership from a moderate, secular Misuari-led MNLF to the radical, Islamic fundamentalist faction whose vision of the peace in Mindanao comes from the unequivocal establishment of a truly Islamic state in which the Koran and the Hadith constitute the basis of personal, and social life. The result of such a prospect is a war or conflict in Mindanao where there are only victims not victors. The SPCPD preempts this possibility.

The recommendations to improve the SPCPD's acceptability include:

1. On the parts of the MNLF and its support groups, they should initiate sustained and effective information campaign. This initiative must include the presentation of the MNLF vision and plans as applied to various areas of the Philippine South. Important in this respect is a clear articulation of the MNLF ideological thrust to clarify issues like islamization, ancestral lands, and property rights. Also imperative is the systematic training of MNLF personnel to administer the SPCPD if finally established.
2. On the part of the government which supports the SPCPD, there should be efforts to integrate suggestions for changes before the actual signing of the agreement. Paramount is the need to open the agreements and issues of secret understanding to public scrutiny.
3. On the part of the opposition, there is a need to reexamine the basis of opposition beyond the logic of contemporary interests and pressures. The roots of conflict, and the necessity of compromise in SPCPD should be given equal importance.

Report on Field Interviews in Cagayan de Oro, Iligan & Marawi

7-11 August 1996

by Miriam Coronel Ferrer

CAGAYAN DE ORO

Breakdown of Respondents (Total: 12)

SECTOR	ETHNICITY		RELIGION	
	<i>Islamicized</i>	<i>Bisaya/Others</i>	<i>Muslim</i>	<i>Christian</i>
	<i>Ethno-Ling. Grp.</i>			
<i>LGU</i>	1	2/1 (Fil-Chinese)	1	3
<i>Business/ Commerce</i>		3		3
<i>Religious</i>		1		1
<i>Academe & Other Professionals</i>	2	1/1 (Tagalog)		2
<i>NGOs</i>		1		1
<i>Semi-Proletariat</i>	1		1	

General Trend

Since the city/province is not included in the coverage of the SPCPD, the issue is not seen as urgent among the populace. Local newspapers have not come up with either a strong pro or anti position.

The Christian majority, nonetheless, tends to view the SPCPD unfavorably. This tendency is true for Christians of the main sectors interviewed, namely, professionals and business/commercial groups. They unanimously claim that most (Christian/Bisaya) people in Cagayan de Oro are against the SPCPD.

Basis of Anti-SPCPD Position

The negative view rests largely on the lack of consultative processes, fear of domination of Muslims in the region's affairs, fear of violence to be perpetuated by the MNLF, and a general distrust of Nur Misuari, the MNLF or Muslims in general. There is also the belief that the crisis will be used as a reason to declare martial law. More informed views questioned specific provisions, namely, the unequal representation of non-Muslim/MNLF sectors in the Council.

Pro-SPCPD Groups/Individuals

LGUs (local government units) and the United Church of Christ in the Philippines (UCCP) respondents concur with their respective principals' stand — that is, unconditional support on the part of government, and conditional support on the part of the Protestant Churches. One provincial bureaucrat, however, expressed his strong, personal anti-SPCPD sentiments.

The two Muslims interviewed — one a semi-proletariat (he assists his wife who runs the *carinderia* beside the mosque) and the other, the director of the Office of Muslim Affairs (OMA) for Northern Mindanao — are in favor of the SPCPD.

Except for the semi-proletariat and the anti-SPCPD LGU bureaucrat, most pro-SPCPD respondents manifested an appreciation for the historical basis of the Moro's claims to their ancestral domains.

Basis for Pro Stance

LGU sources favor the SPCPD unconditionally because they say they trust President Ramos and see it as a means to achieve peace. The UCCP pastor gave his conditional support because, while he agrees with going through the risk and giving the SPCPD a chance, he has broader concerns as to, for instance, what kind of development will actually take place, and the fear that in all these developments, the Lumad will be even more marginalized.

The common folk Muslim interviewed, a Maranao, likes the SPCPD because he thinks Misuari has the capacity to put a stop to drugs and other vices. The OMA director officially and personally favors the ongoing negotiations and considers it a breakthrough since Misuari finally agreed to be mainstreamed.

Sources of Information

Usual sources of information on the SPCPD are the national newspapers, especially the *Philippine Daily Inquirer* and *Philippine Star*, and also the *Manila Bulletin*. Two local government officials and the UCCP pastor interviewed had, on separate occasions, attended meetings with the President on the SPCPD in Malacañang. Respondents from the Xavier University and the UCCP have organized and attended fora. Respondents say, however, that people are generally unaware of its contents. The trade union officer interviewed is not aware of its specific contents and their organization has not addressed the issue.

ILIGAN CITY

General Trend

The SPCPD is evidently a hot issue here, since Christian-dominated Iligan is included in its coverage. According to Dr. Jimmy Balacuit of the Mindanao State University-Iligan Institute of Technology, the ratio of Christians to Muslims in Iligan City is 67 : 23, and in the entire Mindanao, 8 million : 2 million.

The resistance among the Christian populace against the SPCPD is active and passionate. On 3 July 1996, the Sangguniang Panlungsod passed Resolution No. 699 s. 1996, "Interposing Vehement Opposition/Objections to the Points of Consensus of the 8th GRP-MNLF Mixed Committee Meeting with the Participation of the OIC Ministerial Committee of Six Held in Davao City on June 21-23, 1996." Congressman Mariano Luch Badelles (1st District, Lanao del Norte, which includes Iligan) is also an active oppositionist. Many NGOs have subsequently adopted the City Council resolution.

GOs and NGOs jointly mobilized a huge protest rally during the scheduled Senate hearing on the Mindanao Peace Process on 10 August at the MSU-IIT. Rallyists wore red shirts and carried red streamers and posters carrying messages like "SPCPD is good for places like Sulu and Tawi-Tawi but not Iligan" and "Clinton, please take FVR to Hawaii." The thousands who attended the hearing were clearly a partisan crowd, with only about 50-70 Muslim students huddled together in one section of the gymnasium. The latter would clap for pro-SPCPD speakers but would immediately be met by booing from the larger anti-SPCPD crowd. Several times, Senator Shahani, who presided over the hearing, reminded the crowd that the proceeding was not a football game and must be accorded with respect. MNLF representatives and other Muslim dignitaries no longer attended the afternoon session. A cable TV commentary on the Iligan hearing remarked that the audience's unruly behavior before dignitaries was, to Maranao custom, a grave offense and has created ill feeling among the Muslim leaders – MNLF, datos, and politicians – who were there.

Basis of Anti-SPCPD Position

The major points raised against the SPCPD in the hearing were: foremost, the inclusion of Iligan; the perceived wide powers granted to the MNLF; the provisions' constitutionality, especially with regards to separation of church & state; and the lack of transparency and consultations.

A recurring view is that the whole process is a conspiracy of FVR, who anticipated the protests and will use the unrest as a justification to declare martial law. Another is the belief that the process is merely a ploy to eventually implement the Tripoli Agreement.

The strongly worded City Council resolution described the Points of Consensus as dubious, questionable, unfair and unjust. It claimed that the SPCPD is not an administrative machinery but "an interim government, . . . leading to the establishment of a provisional government." Misuari was given absolute power to recommend. The Christians and the non-MNLF Muslims will always be outvoted in the Council. In addition, the agreement institutionalizes the MNLF, a group backed by a foreign power and that will impose its will on inhabitants. The Resolution also criticized the Aquino government for resurrecting the MNLF and the Tripoli Agreement in 1986/87.

Another critical but differently slanted view was expressed by the newly formed Ranao Tri-Peoples' Movement for Peace and Development (RTMPD), composed mainly of left-leaning organizations who broke away from the "re-affirmist" faction of the national democratic movement. The RTMPD called for a suspension of the SPCPD's implementation. It criticized the lack of people's participation in the process, and also wanted other revolutionary forces — the Moro Islamic Liberation Front (MILF) and the Moro Revolutionary Organization (MORO) — to be accommodated in the process. Unlike the other oppositors, it disagreed with the Consensus because these have not given

real autonomy to the Bangsa Moro. They claim that the powers given are only extensions of the President. Thus, no real right to self determination of Muslims has been gained.

Pro-SPCPD Groups

The individuals who spoke in favor of the SPCPD during the Senate Hearing included:

- Lanao Norte 2nd District Representative Mangantara, a Maranao. Rep. Mangantara read a resolution passed by the 21 mayors of the district batting for the SPCPD.
- MSU-IIT Chancellor Khamar Umpa whose view, however, is not shared by most Christian faculty members of his university campus (based on their side comments from their seats).
- Atty. Allan Flores, OIC-mayor in 1986-87, representing the professionals and said to be friendly with Misuari. Flores invited the rebel leader in Iligan during the former's term of office.
- Rev. Absalom Cerveza of the MNLF, who was visibly angry at the response, and gave threatening remarks which displeased the pro-SPCPD audience even more.
- Senator Nikki Coseteng, who criticized other politicians for "rowing between two rivers" and asked the audience to rid themselves of their anti-Muslim biases. A Badelles nephew reacted to her speech during the open forum, and castigated her for thinking that they are ignorant.
- Former Congressman Ali Dimaporo who said that the problem should be left to the President. The crowd, apparently, was not impressed by the fact that he is Dimaporo and openly showed displeasure at his statements.
- A fisheries school teacher in Lanao del Sur, a certain hajji, who spoke during the open forum to say that previous peace initiatives have led to a measure of development, like the paving of the hi-ways. Thus, he sees the current initiative as a step toward further development.

Another major NGO in Iligan is the Ranao Community Development Network, Inc., which organized the National Unification Commission (NUC) consultations conducted in the region in 1993. While RCDN has not come up with an organizational stance, interviewed leaders decried the anti-Muslim bias played up during the hearing. They found tragic how emotion rather than reason was used to deal with the issue. They also regret that the Muslim Mindanao peace process has focused on the territory question, rather than on the social justice agenda, which was highlighted in the NUC consultations. They also decried how the other NGOs are riding on the popular outburst.

MARAWI CITY

<i>Breakdown of Respondents (Total: 8)</i>				
SECTOR	ETHNICITY		RELIGION	
	<i>Islamicized</i>	<i>Bisaya/Others</i>	<i>Muslim</i>	<i>Christian</i>
	<i>Ethno-Ling. Grp.</i>			
<i>LGU</i>				
<i>Business/ Commerce</i>				
<i>Religious</i>		1		1
<i>Academe & Other Professionals</i>	1		1	
<i>NGOs</i>	3	2	3	2
<i>Semi-Proletariat/ Small Traders</i>				
	1		1	

General Trend

Based on accounts of the Senate Hearing conducted in Marawi on 9 August 1996 and additional interviews of key informants, it appears that majority of groups in Marawi are in favor of the SPCPD. Except for a small segment of the organized and left-leaning youth population, informants perceive that in Marawi where Maranaos make up 98% of the population, Nur will be supported in his bid for the governorship and the SPCPD.

Basis for Pro-SPCPD Stance

An interviewee from a Maranao professional and more traditionalist sector sees cooperation on the SPCPD as a means to achieve national unity. He states that “If we have to stay as Filipinos, then we really have to appreciate the SPCPD and cast aside religious and political leanings.” There will be no peace if the majority does not understand the predicament of the Muslims. He believes government should be thankful that Misuari agreed to the SPCPD despite the dwindled powers given to him.

The Catholic priest in the MSU-Marawi campus sees the SPCPD as part of the peace process. He said it is time for Christians to understand the history of the conflict, erase their anti-Muslim biases, and work towards the end of hostilities. He acknowledges, however, that the lack of consultation and some questionable provisions have made Christians insecure. Thus, while the SPCPD is a source of hope, it is also a cause of frustration.

Fifty percent of the students in the MSU-Marawi campus are Christians. The Christian population here make up 5% of the total 2% of Christians in Marawi.

Two Maranao NGO leaders, with a left background, have adopted a critical yes stand on the SPCPD. The SPCPD “gave the Muslims eyes and ears, but it does not give them a mouth and hands.” In other words, the functions defined are minimal. The development it will bring in is also double-edged: foreign investments will exploit Maranao's human and natural resources and with development, grassroots conflicts will be neglected.

They claim that the mainstreaming of the MNLF will at least take them away from their logging activities in the forest. However, they fear that a new elite would only arise.

They think Christian politicians like Rep. Badelles and Rep. Clara Lobregat are feeding anti-Muslim sentiments, and are exploiting the issue to preserve and advance their political and economic interests. For example, Badelles wants to dislodge Dimaporo, and Lobregat has agri-business interests to protect.

A Maranao woman trader who travels regularly to Manila supports the SPCPD. She said “give peace a chance because we are being blamed for lack of peace.” Besides, it is only a Council, a mere extension of FVR.

The four Maranaos believe that the Maranaos would cooperate with the autonomy process even if the leadership comes from the Tausug. They see the matter as a common concern that must unite all Muslims, especially considering the negative response from the Christians.

Anti-SPCPD Positions

One Marano youth and two Christian students of MSU, all former League of Filipino Students (LFS) members, criticized the SPCPD because it does not give real autonomy to the Muslims.

The Maranao respondent does not see the Tausug, Maranao and Maguindanao as capable of working together because of their respective biases against each other.

A young Maranao woman who works as a temporary employee at the Department of Social Welfare in Cotabato also does not like the SPCPD. She fears that once the MNLF takes control, she will lose her job to a Tausug.

COMMENTS ON RELATED ISSUES

ARMM Governorship

Most of those pro-SPCPD interviewed were disappointed that Misuari chose to run as governor. A Maranao lawyer-professional said by doing so, he loses his status of belligerency. A Maranao woman trader claims the MILF is not agreeable to this. Another said that even within the MNLF, many were disappointed with the decision.

MILF

Informants claim that the MILF is adopting a wait-and-see stance. The MILF, which reportedly has more full-time fighters than the more visible MNLF, is cooperating with the MNLF as their Muslim brothers. Respondents claim the MILF still holds Nur in esteem (although this was tainted a little with his decision to run for governor). At the same time, the current process is a way for them to check if the government is really sincere in helping the Muslims.

Possible Plebiscite Results

Areas that would probably vote to be included in the new autonomy area in the plebiscite to be conducted after three years are: the present ARMM coverage plus Marawi, Sultan Kudarat, 2nd district of Lanao Norte, and Basilan.

SUMMARY

Christian-Muslim Polarization of Issue

In the three cities visited, positioning on the issue has generally dangerously polarized between either a pro-Christian and pro-Muslim perspective, wherein Christians are largely against the SPCPD, while Muslims favor it.

The exemptions on the side of the Christians are:

- the churches, which have adopted a conditional support stance and have been staunch advocates of greater Christian-Muslim understanding;
- most LGU officials (with the exemption of Iligan/Lanao Norte 1st district officials), in their official capacity, because this is the government position, although others honestly believe it is the right policy (for example, Governor Emano of Misamis Oriental, according to the provincial administrator interviewed); and
- some NGOs (although the minority in Iligan), who locate the SPCPD within a broader historical perspective and peace process.

On the side of the Maranaos, the single person against the SPCPD is one with a national democratic background, whose opposition is based on the more abstract principle of right to self-determination.

Crisscrossing Logic

The logic of agreement/disagreement between pros and antis provides ironies that are difficult to disentangle. For instance, pro-SPCPD informants view the Council as a means to achieve peace. On the other hand, antis see it as having disturbed the peaceful relationship that exist between Muslims and Christians, and raking up centuries-old animosities between Muslims and Christians. Or, that it will only lead to more violence because Christians do not wish to be under it and will have to defend themselves against the armed Muslims.

Similarly, a dominant argument of those against is that it has vested too much power on Misuari/the MNLF/Muslims. This, in turn, would lead to the domination of the Christian majority by the Muslim/MNLF minority. The Iligan City Council Resolution, in particular, has a distorted notion of the powers granted under the SPCPD: It is not an administrative machinery but an "interim government ... leading to the establishment of a provisional government."

On the other hand, both pro- and anti-SPCPD Muslims claim the powers given to Misuari/the MNLF/Muslims in the Council are very limited. Thus, some of them are against it because it was a bad deal for Muslims and the rest would, nonetheless, give it a chance.

Anti-Muslim Resentment/Fears

While some questions raised on the SPCPD address specific provisions, much of the negative views are founded on anti-Muslim sentiments. There appears to be a prevalent distrust and dislike for Muslims among the Christians.

Some claim that one has to live in Mindanao to understand this. In other words, their distrust is founded on their experience that Muslims are difficult to deal with. Sample personal experiences:

- Cagayan de Oro banker: His family bought a piece of land from a Muslim. However, the Muslim continued to harvest the produce of the land, claiming that what he sold was only the paper (land title).
- Cagayan de Oro restaurant owner-manager: Her uncle was killed by a Muslim over a petty squabble and so the family was moved out to Negros for a time. Now she does not want to have anything to do with Muslims. They say one thing and change their minds. "You have only to stay two hours with them and you'll freak out."

Another view is that Muslims are not oppressed, but have been pampered. One Christian faculty member of MSU-IIT based this comments on her experience in the MSU, whose leadership are Muslims. Christian students also cite the scholarships available to Muslims. A claim is that in Iligan, only Chinese and Maranaos are capable of buying land on cash basis.

Christians also distrust Misuari and resent the fact that he is allowed to roam around with fully armed bodyguards. The Limahong incident is seen to have justified their fears (Limahong is an island in Zamboanga which the MNLF occupied at the peak of the SPCPD controversy). They also think that putting the MNLF in power will lead

to abuses by the MNLF, for instance, there are reports about MNLF soldiers not paying for food eaten and other services.

Certainly, the biases are reciprocated. If Muslims are stereotyped as traitors and kidnappers, Christians are considered the source of all vices.

RECOMMENDATIONS

Recommendations given by respondents are as follows:

1. *On the Process of Implementation*

- Conduct more dialogues and consultations at the grassroots.
- These may be facilitated or initiated by the government but must be conducted by independent bodies.
- The need to understand history and erase biases must be emphasized.
- People must realize that there will be no peace if the majority will not understand the predicament of Muslims.
- Hold plebiscite first before implementation.
- Hold survey first to get people's sentiment, rather than a plebiscite (which is very expensive.)
- FVR must be neutral in the whole process.

2. *Proposed Modifications/Revisions in the Specific Provisions*

2.1 Coverage

- Exclude Iligan in the coverage of the SPCPD. (Basis: outcome of past plebiscites; recent Jaycee survey where 95% refuse to be part of SPCPD.)

2.2 Council Composition

- Misuari should not be the chair of the Council. An alternative is FVR or somebody from outside the region — for example, a Cordilleran.
- Tripartite representation in the Council instead of MNLF majority.
- The SPCPD should be led by a Christian since sovereignty resides in the people. Misuari can still retain a seat in the Council.
- More equitable representation in the Council based on population distribution.

2.3 Other Provisions

- MNLF forces must be properly screened and meet all requirements before they are integrated into the army/PNP.
- Remove the role of the *Darul Iftah* following the principle of separation of church and state.

3. *Proposed Additional Mechanisms/Measures*

- Vigilance must be maintained on the negative impact of development that will follow with the improved peace situation.
- Pursue as well the Social Reform Agenda.

4. *Proposed Alternatives to the SPCPD*

- Make Iligan a part of Region X instead. This is more rational for the progress of the Cagayan-Iligan Corridor.
- Review and utilize existing structures like the Office of the Presidential Adviser for Mindanao. Misuari can instead head this Office.
- Reduce the CIA/CDF of legislators and channel the funds to Mindanao development instead of relying on OIC/foreign aid, which with the SPCPD, is touted to come.
- MNLF must lay down their arms and be provided with livelihood by the government.
- Formulate an alternative people's agenda for lasting peace and sustainable development.
- Social justice.

CONCLUSION

The conflict surrounding the SPCPD is obviously not rooted in political differences alone but in historical socio-cultural cleavages based on religion and ethnicity. For this reason, the atmosphere for the SPCPD and the whole peace process in Mindanao will only improve if the real and imaginary bases for these cleavages are addressed.

At the same time, there are clearly competing political and economic interests at stake, and these concerns have also determined the positioning of the different actors, especially the politicians and economic elites (both Christians and Muslims).

This researcher believes, however, that the threat of violence would be greater if the SPCPD is not pursued. It would mean the breakdown of the whole process and leave the MNLF and MILF with no other recourse but to revert to all-out war. The provinces with Christian anti-SPCPD majority, however, have the option of voting against inclusion in the autonomy area in Phase II — which is what will most likely happen, with a few possible exemptions.

Most of the alternatives outside the SPCPD framework do not specifically address the Muslim question. Social justice and a government more responsive to the interests of Mindanao as a whole are laudable aims but do not address the need to provide actual avenues where the Muslim rebels may have a chance to prove their capability and intentions. The proposal for the MNLF to lay down their arms and for government to give them livelihood is simply an old way to address the problem, one that has failed under both Marcos and Aquino. On the other hand, the inclusion of Iligan in Region X and the utilization of OPAMIN instead would require other legislative and administrative action, and would generate its own problems. OPAMIN's territorial coverage, for one, is even broader than that of the SPCPD. The gerrymandering of provincial and district boundaries would equally be met with protest from vested political interests. Nonetheless, these two proposals merit further study.

In any case, some modifications on the Points of Consensus, and more consultations and dialogues should be made to check exaggerated notions and allow for greater acceptance. (Refer to Recommendations Nos. 1-3)

The churches, the NGOs, and the academe should contribute to this effort of fostering dialogue and greater understanding. In the academe, long term projects could include a review of history books and literature and social science courses, giving due visibility to Muslim history and cultures.

Also, the framework of discourse should be broadened to address the legitimate aim of giving genuine autonomy for the whole of Mindanao (and all local units, for that matter) where the tri-peoples, interests are reconciled for their communities to coexist harmoniously.

Report on Field Interviews in Zamboanga City and Jolo, Sulu

5-11 August 1996

by Julkipli Wadi

I interviewed at least 20 respondents (other questionnaires are yet to be mailed from Zamboanga) who belong to various sectors — the religious (both Muslims and Christians), academic, state, business, NGO, PO, rebel group. Aside from this, I have also informally asked the reactions of non-organized sectors like tricycle drivers and vendors, among others. Time constraint and difficulty of getting appointments, are the main limitation of my field research.

FINDINGS

Based on my interviews and interactions with them, positions on the SPCPD are heavily identified along religious and ethnic lines — that is, most Christian respondents are anti-SPCPD while most Muslim respondents are pro-SPCPD. The specific cases where positions differed from this general rule do not affect the general characteristics of responses. All respondents, however, are unanimous that there is a dearth of information about the SPCPD.

In Zamboanga, I interviewed Father Kruetz, the President of Ateneo de Zamboanga. His position on the SPCPD is what he calls “qualified yes and qualified no.” On the aspect of “qualified yes,” he believes that, at this time, the MNLF is the only Muslim movement capable of talking with the government with clear and specific goals. Thus he supports the GRP-MNLF peace process. On the aspect of “qualified no,” he questions the Davao Agreement, including the 123 Points of Consensus. One of his primary questions is focused on why the MNLF should dominate the Council (44 out of 81 members). He also questions the *Darul Iftah*, alleging that its inclusion would be a violation of the doctrine of separation of Church and State. Finally, he is not at ease with the idea of infusing Islamic values and education in the national curriculum. His main suggestions and recommendations are: the MNLF and the government should disseminate further information on the SPCPD; and, both parties should engage in more extensive consultations with the people in the 14 provinces.

The position of Fr. Adrian Barcelo of the Roman Catholic Archdiocese of Zamboanga (RCAZ) is similar to that of Fr. Kruetz. Specifically, it is in consonance with the position of the RCAZ as shown in its Open Letter to President Ramos on the Proposed SPCPD.

The position of Bishop Benjamin de Jesus of Jolo is quite different from the two priests. He is supportive of the SPCPD although he questions the wisdom of the *Darul Iftah*. He also questions the idea of infusing Islamic values and education in the national curriculum. He said he is ready to help the MNLF engage in social and extension services. More information however about the SPCPD is needed for the people of Sulu.

More or less, these are the general positions of the Christian sectors. The positions however of the non-organized Christians sectors, like tricycle drivers and street vendors are either they don't know anything about the SPCPD or they don't want the SPCPD. In my informal conversation with them (at least 25 in number, most of them expressed dislike for the SPCPD.

In Jolo, most of my respondents were supportive of the SPCPD. Except for the Abu Sayyaf group and a number of non-organized individuals, their support of the SPCPD is premised on the idea that since the SPCPD is partly the MNLF's creation, they support it.

The position of Hanbal Bara, the Dean of Graduate School at the Mindanao State University in Sulu, is reflective of the above-mentioned fact. He is pro-SPCPD. Like Misuari, he believes the MNLF is capable of carrying out the task specified under the SPCPD. When I arrived, they just finished holding a conference on MNLF Visioning of the SPCPD. However, it is contrasted by the position of Mrs. Piang Albar, the President of the Amanat Foundation. While she supports the GRP-MNLF peace process, she is pessimistic on the prospect of the SPCPD. She doubts the capability and resources of the MNLF. She also questions not just the points of consensus but the exact development program of the MNLF. Her observation is relevant because the Amanat Foundation is well-experienced in NGO and PO networking among the grassroots in Sulu especially in the area of education, extension services and literacy development. (However, except for Sarangun Bangun and the Amanat Foundation, there are very few NGOs in Jolo.)

When I went to Timbangan, the headquarters of the MNLF, most of the MNLF members I had talked to were positive on the prospect of the SPCPD. However, most of them are ready with any eventuality in case the peace

process does not realize the promise of the SPCPD. They are specifically eyeing the eventual reign of peace and order in the whole Sulu Archipelago. For the meantime, they have to take an "open position" because they have to wait for the signing of the Final Agreement in Jakarta.

As to their major recommendations, most of them are in need of more information about the SPCPD. They cannot specify their program of action because they are still waiting for the signing of the Jakarta Agreement. They are also unanimous on the need to conduct trainings, seminars and capability-building programs for the MNLF in case the SPCPD will be put in place.

ANALYSIS

The common denominator in the variation of responses and positions by the above-mentioned sectors is the dearth of information about the SPCPD. Only academics, religious leaders, and well-established NGOs have the proper understanding of the SPCPD. This is shown by Fr. Kruetz of Ateneo de Zamboanga, Bishop Benjamin de Jesus of Jolo, Dr. Hanbal Bara of MSU-Sulu and Mrs. Piang Albar of the Amanat Foundation. Other than in their case, the understanding of many sectors on the SPCPD is based on second hand information and personal observation. This is why, as of this moment, it is difficult for them to suggest specific programs of action on the SPCPD. It is also the reason why their positions are heavily identified along religious and ethnic lines. But for those sectors which have copies of both the 123 Points of Consensus and the Davao Agreement, their positions are in line with what they read. This is shown in the positions of Fr. Kruetz and Bishop Benjamin de Jesus. They support the peace process and the SPCPD, although they question some provisions of the agreements and recommend positive steps to make the SPCPD work.

The imperative of proper information dissemination on the SPCPD is shown when I witnessed the rally staged by a group of anti-SPCPD protesters at the Orchids Hotel in Zamboanga City. In my estimate (since I was with the demonstrators), there were only 300 to 500 people who participated in the rally. The next day however a newspaper reported that 10,000 people attended the rally. The point is, because of lack of proper information, people especially outside Zamboanga City are made to believe that most of the Chavacanos are anti-SPCPD.

So that the SPCPD will be understood by most of the people in Zamboanga and Jolo, there is a need to rationalize specific provisions of the Agreement and proper institutions should engage in massive information campaign.

Report on Field Interviews in Davao City

7-11 August 1996

by Catherine Ramos

General Trend

The creation of SPCPD spurred different reactions from the Mindanaoans who will be directly affected. Though the inclusion of Davao City in the Council is not yet clear, the people here have raised important issues concerning the SPCPD which will be chaired by Nur Misuari. Most of the organized groups particularly the peace advocate groups based in the city, are in favor of the SPCPD with some modifications on its provisions. They want to give the MNLF leadership a chance in running the Council but they want the provisions to be clear and clean as to constitutionality, with fair representation from different sectors and with the membership of the Council not necessarily upon the approval by the Chair.

Pro-SPCPD

Most of the non-government organizations of Davao City support the SPCPD, (though not all officially), particularly those which have experience with Muslim communities and are peace advocates. According to them, a resolute step is necessary in the quest for peace and development, and now that the SPCPD is here, give it a try and then see if it works out. They acknowledge that "the road to peace is tortuous but we need to start somewhere and take the risks from there and negotiate with challenges from each turn." Furthermore, the issue in the creation of SPCPD is the restoration of peace in Mindanao, and a political pronouncement is urgently needed because many precious lives and properties have already been wasted. It is only proper to give Muslims the needed attention which is long due. As to its constitutionality, they want to leave the details of the SPCPD to the proper authorities for them to clarify and correct the provisions therein.

Even the businessmen in Davao City support the government in the quest for peace and development through the SPCPD with some modifications.

The local media also wants to give the SPCPD a try, for there will be a three-year term for Misuari to prove his leadership, and after that the people can decide for themselves if they still want him.

The police force also supports the Council because they are tired of conflicts. If the people do not want it after three years, then they may vote against it in the plebiscite.

Mayor Duterte of Davao City and the Mayor of San Marcelino, Davao del Sur support the Council. According to Mayor Duterte, it is the best mechanism introduced by the national government to end the 20-year Christian-Muslim conflict. In the Sangguniang Panlungsod, some councilors said yes to it after they were convinced by Secretary Aguirre. In the public hearing held in Davao City last August 8, Rep. Almendras of Davao del Sur favored it but with modifications and commented that this could bring about one Filipino culture. Also, Governor Al Tillah supports the Council to end the conflict in Mindanao which caused many precious lives and properties to be wasted.

The Protestant Church supports the SPCPD with recommendations and modifications.

The youth of Davao are critically supportive of the Council. Since the SPCPD is for peace and development, they are for it, but its content and the lack of information as to its extent hinders them to fully support it, and they want modifications.

One professor favors the SPCPD because it is worth trying provided the government will quell the fears of the people through proper information dissemination.

Anti-SPCPD

The issues raised by the oppositions to the SPCPD in Mindanao are more on its constitutionality. Among the questionable provisions are: (1) unfair representation in the Council, (2) power to make laws, rule & regulations, etc., (3) creation of *Darul Iftah*, (4) role of SPCPD in the conduct of elections, (5) teaching of Islam in schools.

Many also raised the issue of lack of transparency and consultation in the process. In addition, according to them, the Tripoli Agreement has been implemented through the creation of ARMM. In the same public hearing, House Representatives from Davao City and the 3rd District of Davao proclaimed their opposition to the SPCPD because of the possible inclusion of Davao City in the Council. According to them Davao has never been included in the Tripoli Agreement which is the basis for the creation of SPCPD.

Also in the public hearing, Gov. Hilarion de San Pedro of South Cotabato rejected the Council but said he might change his position if there will be changes in the provisions.

Others question the leadership capability of MNLF. The representative of SocSarGen points out that in their area, the troubles have not come from the Muslim-Christian conflict but from the landgrabbers from Manila.

Deferment/Critical support

The Catholic Bishop Conference of the Philippines is for peace and development but requests for deferment of the implementation of the consensus points until after due consultations. The United Methodist Church is for conditional support because of some questionable provisions like the appointment of members upon recommendation of the MNLF and the creation of *Darul Iftah*. The vice-mayor of the city and some councilors are also for postpone-ment because of lack of information as to the extent of the SPCPD and of the on-going petition to the Supreme Court questioning the SPCPD.

<i>Davao City (25 Respondents)</i>				
GROUP	RELIGION		ETHNICITY	
	<i>Muslim</i>	<i>Christian</i>	<i>Ethno-Ling. Group</i>	<i>Bisaya/Others</i>
LGU		2		2
Church		1		1
Business Sector		2		2
Police	1	1	1 (Tausug)	1
Media		2		2
NGO		11		11
NG	1		1 (Kalagan)	
Youth/Student		2		2
Academe		2		2

Recommendations to the SPCPD

The CBCP recommends the following principles to be embodied in the Council:

(a) peace as a reign of justice and not just absence of war, (b) sustainable development, (c) transparency (d) participation, and (e) consultation. The Protestant Church also raised the question of sustainable development.

Other recommendations are as follows:

1. Support a coordinating body with grassroots Muslims, grassroots Lumads, grassroots Christians.
2. Firearms should be surrendered.
3. Leave the SocSarGen to continue their own endeavor on economic, social, and political aspects through initiatives which come from the people.
4. The Plebiscite can be joined with the 1998 elections.
5. Give Misuari the chance to lead in other areas of concern but not in the SPCPD.
6. Clarification and education of people re SPCPD especially on the grassroots level.
7. Address the corruption in Muslim government like in Marawi and Cotabato.
8. Take a look at the development plan made by the various NGOs which can be applied in the Council.
9. The SPCPD should not be the only answer to the quest for peace.

Many of the respondents requested the modification on of the following provisions:

- a. *Appointment of members upon recommendation of MNLF* - let the representation of NGOs, POs, etc., be duly elected per province without the approval of the MNLF.
- b. *Consultative Assembly* - must be equal representation.
- c. *MNLF Assistance to the COMELEC in conducting elections, plebiscite, etc.*, - COMELEC must be the sole entity to deal with elections.

- d. *Teaching of Islam* - education must be optional.
- e. *Inclusion of 14 provinces and 9 (10?) cities* - don't include all the Mindanao provinces.
- f. *Darul Iftah* - don't include it in the agreement though the Chairman has the right to choose his own adviser, and perhaps an ecumenical advisory committee.
- g. *Inclusion of Davao City in the accord* - include Davao City only after another negotiation because its inclusion now is tantamount to imposition.

CONCLUSION

Generally, the people of Davao City were objective in handling the issue and are prudent in giving opinions. All of the limited respondents who favor SPCPD have tackled the issue based on their personal experience with peace efforts and their appreciation of history, i.e. their recognition of the long struggle of the Moros for recognition in Mindanao and that the Muslims are also fellow Filipinos who also need due attention. Those who are in opposition have based their arguments on the constitutionality and democratic process involved in the creation of the SPCPD. Some people, even the local leaders and members of NGOs who are not really familiar with the SPCPD, did not give a harsh answer whether yes or no and, instead, said that further study and information dissemination are needed. Exceptions to the general rule are two respondents who questioned the leadership capability of Misuari and the abusive tendencies of Muslim people.

It can be said that according to the data gathered, Davao City favors the SPCPD with modification on its provisions. In general, MNLF leadership is acceptable to them and the SPCPD is a significant breakthrough in the peace talks that could end the long time struggle of the Muslims for secessionism. Though there are a lot of objections to the provisions, they want to leave them to the proper authorities to address.

Position Paper on the SPCPD and the Mindanao Problem
Philippine Council of Evangelical Churches, Inc.

1. We support the peace initiatives of President Fidel V. Ramos and earnestly pray that he will succeed in the search for a just and lasting peace in Mindanao.
2. We acknowledge that the people of Mindanao and the Muslims in particular have been disadvantaged over the centuries, under the Spanish rule, under the American regime, and since the birth of the Philippine Republic on June 12, 1898. The historic neglect needs to be corrected, and if some form of regional autonomy which is consistent with the Philippine Constitution is the way to do it, this solution should be pursued.
3. Is the establishment of the SPCPD, and beyond it, the formation of the Bangsamoro Regional Autonomous Government dominated by Muslims the breakthrough that it is needed? We are not sure. We want the peace process to succeed but we raise some basic questions and make recommendations on the SPCPD and the autonomous government to follow it.
 - a. We acknowledge that Section 14, Article 10 of the Constitution empowers the President to "provide for regional development councils, or other similar bodies." However, there are provisions of the agreements which seem to contradict the Constitution. For example, what happens to the religious freedom of Christians who live under the Muslim rule? In places where Muslims rule their record of toleration of other religious groups has not been good. Will the children of Christians in the autonomous region have to be given the Muslim education? A Muslim religious advisory body should not be part of the formal government structure. This clearly violates the constitutional principle of the separation of the church and state.
 - b. What is the relationship of local governments to the SPCPD? This needs careful elucidation for there is much potential for confusion and conflict here.
 - c. The representation and composition of the Consultative Assembly should not be one-sided in favor of the MNLF. A fair and balanced representation is enough and sufficient since the Chairman is already a Muslim.
 - d. The matter of funds for the SPCPD, and funds for local government, and funds for agencies of the government also needs to be elucidated. How are decisions taken, who are the decision makers, and to whom are they accountable?
 - e. Why can't the tenure of the Executive Council and that of the Consultative Assembly be fixed? Let it be three years but fix the date of closure.
 - f. Why can't the date for the Plebiscite be fixed as well? Let not the SPCPD become a COMELEC-deputized agency; this loads the dice in its favor.
 - g. There are many questions about the integration of the MNLF into the PNP. We hold that the integration of the MNLF into the PNP and/or AFP should be on the basis of the qualifying standards and procedures established by the PNP and/or AFP. The MNLF should be required to relinquish their arms before joining the PNP and/or AFP.
4. We recommend that more consultation should be promoted, until some consensus emerges. Leaders of the non-Muslim sectors in Mindanao should be represented in future consultations and/or negotiations. If this means postponing the signing of agreements it is better to postpone now than to be sorry later.
5. We reiterate our commitment to peace because the Lord Jesus said, "Blessed are peacemakers for they shall be called sons of God" (Matthew 5:9).

Signed on August 3, 1996

Rev. Dr. Alfonso Pablo, Chairman	Rev. Dr. Fred Magbanua, Vice-Chairman
Rev. Dr. David Sobrepeña, Treasurer	Rev. Dr. Felipe Ferrez, Jr., Secretary
Rev. Dr. Valmike Apuzen, Board Member	Rev. Felicito Balayo, Jr., Board Member
Bishop Efraim M. Tendero, General Secretary	

Republika ng Pilipinas
Lunsod ng Iligan
Tanggapan ng Sangguniang Panlunsod
Regular Session Held on July 3, 1996

Present:

Hon. Rolito S. Saquilabon, Member, Acting Presiding Officer	Hon. Romeo C. Nabua, Member
Hon. Pedro B. Generalao, City Vice-Mayor, (OB)	Hon. Moises G. Dalisay Jr., Member
Hon. Providencio P. Abragan, Member	Hon. Placido M. Engracia, Member
Hon. Henry C. Dy, Member	Hon. Eric M. Capitan, Member
Hon. Atenodoro J. Ruiz, Member	Hon. Esperidion L. Sagrado, Member

Absent:

Hon. Luciano A. Alejo, Member

Resolution No. 699, series of 1996

"INTERPOSING VEHEMENT OPPOSITION/OBJECTIONS TO THE POINTS OF CONSENSUS OF THE 8TH GRP-MNLF MIXED COMMITTEE MEETING WITH THE PARTICIPATION OF THE OIC MINISTERIAL COMMITTEE OF SIX HELD IN DAVAO CITY ON JUNE 21-23, 1996"

WHEREAS, the "Points of Consensus" reached by the Government and the Moro National Liberation Front (MNLF) Panels on the peace negotiations is dubious and highly questionable to the extent that the concerned and affected inhabitants and residents of the thirteen (13) provinces and nine (9) cities, or the areas covered by Misuari's demand for the creation of a provisional government, should express and make known their opposition, objections, and protests;

WHEREAS, the main and sub-provisions which are patently UNFAIR and UNJUST to the overwhelming majority of inhabitants in the affected areas, who will live and suffer from the evil consequences of the hastily adopted agreement of the GRP and MNLF panels are:

1. The establishment of the Southern Philippines Council for Peace and Development (SPCPD) for Phase I of the Implementation of the Tripoli Agreement. This proposed governmental body which is considered by the administration of President Fidel V. Ramos as a "Regional Development Council", is not an administrative machinery as it is being made to appear. It is an interim government, leading to the establishment of a provisional government, which is Phase II of the point of consensus. It has an administrative body, which is the Council and a legislative body, which is the Consultative Assembly. The latter has power to make rules and regulations to the "extent necessary for the efficient and effective administration of the affairs of the area". This is a revival of an otherwise academic issue of implementing the Tripoli Agreement, which had in fact been implemented with the adoption of the 1987 Constitution and the creation and functioning of the ARMM pursuant to law passed by Congress;
2. The composition of the Council with the MNLF Chairman Nur Misuari as Chairman, with the power to recommend the Council Members representing the Christian, Muslim and Lumad communities. Misuari has the absolute power to recommend even as it is made to appear that he has to consult the different sectors and constituencies. The agreement does not provide that the council representatives will be elected by their constituencies and that Misuari is bound by the choices of the sectoral constituencies. Hence, the clear majority of the Council's members being hand-picked by Misuari, his voice and decision is the Council's voice and decision.
3. The Consultative body is composed mostly, of MNLF representatives, numbering forty-four (44) reinforced by 10 NGO representatives, likewise chosen by Misuari, Compared to only 23 Governors and Mayors. Under this set-up, the Christian majority and the Muslim minority who are NOT MNLF members, will be outvoted in all the decisions makings of the assembly exercising legislative power to promulgate rules and regulations for the affected areas;

WHEREAS, the agreement INSTITUTIONALIZES the MNLF as an organization, backed by foreign governments to impose its will on the inhabitants in the affected areas. Being the armed force that ravaged hundreds of lives and the livelihood of many Mindanao residents during the '70s, its leaders and armed followers will soon become Masters in the affected areas, NOT loyal to the Republic of the Philippines, but to the MNLF organization and

Organization of Islamic Countries. A VIRTUAL SURRENDER OF THE SOVEREIGNTY OF THE REPUBLIC OF THE PHILIPPINES AND ITS TERRITORIAL INTEGRITY, in the affected areas with a population of EIGHT MILLION peace and law-abiding citizens;

WHEREAS, the right of the people to be consulted in a plebiscite to determine their future, deeply imbedded in the UNIVERSAL PRINCIPLE OF SELF-DETERMINATION OF PEOPLES, recognized in the Charter of the United Nations has been trampled upon;

WHEREAS, NUR MISUARI and company, in the MNLF organization, are not qualified under the Constitution to head the SPCPD, because they are NEITHER government officials, NOR NGO representatives (Sec. 14, Art. 10 - Constitution);

WHEREAS, the major premise of the points of consensus which is to "GIVE PEACE AND CHANCE" is UNREAL AND IMAGINARY, based upon an ARTIFICIAL WAR existing only in the figment of the imagination of the panelists, WHOSE GRP PANEL come from and are residents of the Island of Luzon and CANNOT therefore MORALLY AND LEGALLY AND SPIRITLY represent the VOICE of the 8 million Filipino people inhabiting in the 13 provinces and 9 cities of Mindanao. The truth is, that Mindanao is NOT in a state of war. For years, PEACE reigned and is still reigning in Mindanao. A stable peace reputedly better than the one obtaining in Metro Manila. Mindanao has been the sites of the much needed domestic and foreign investments. Economic growth in this part of the Philippine archipelago gained vigorous momentum with the establishment of the East Asia Growth Area (EAGA), the Philippine Aid Plan (PAP) and the Cagayan-Iligan-Corridor (CIC), WITHOUT MISUARI AND HIS ORGANIZATION;

WHEREAS, it is a historical fact that Nur Misuari did NOT return to Mindanao from abroad in the late '80s as a warrior, but as INVITED GUEST of then President Corazon C. Aquino with then Sen. Aquilino Pimentel and Sen. Butz Aquino as emissaries. At that point in time, Mindanao was, and remained at peace; and the Autonomous Region for Muslim Mindanao (ARMM) created pursuant to the infamous Tripoli Agreement was in place and functioning. This BLUNDER committed by then President Aquino is the progenitor of the DIABOLICAL points of consensus hovering over the threatening the horizons of Southern Philippines;

WHEREAS, the equally infamous points of consensus WHICH ARE GRAVELY UNFAIR, UNJUST AND DISADVANTAGEOUS to the VAST MAJORITY OF Filipino citizen both Christians and Muslims who are not MNLF members, and who were not priorly consulted in a plebiscite as required in the constitution, will NOT bring about the real or desired peace, but will, GOD FORBID, sow the seeds of religious discrimination, discontent, oppression and injustice (which were never contemplated by the GRP panel), which are the causes of fratricidal wars in other regions of the world;

WHEREFORE, on MASS motion of all the members of the Sangguniang Panlungsod of Iligan present,

BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Sangguniang Panlungsod of Iligan, to PETITION, as HIS EXCELLENCY PRESIDENT FIDEL V. RAMOS, be, as he is hereby petitioned, to REVIEW, REVISE, MODIFY, REVERSE, RE-NEGOTIATE OR RECALL the "POINTS OF CONSENSUS" with the MNLF PANEL, to the point of an AGREEMENT which is FAIR and JUST to all of the majority of the people in the 13 provinces and 9 cities, regardless of religious belief and after due and adequate consultations in accordance with the requirements of the Philippine Constitution, be ADOPTED and EFFECTED;

RESOLVED FURTHER, to furnish a copy of this Resolution to all Sangguniang Panlungsod and Panlalawigan of the 13 provinces and 9 cities of Mindanao, the Governors and Mayors, and the Congressmen thereof; the Senators of the Philippine Senate; all the other Congressmen for their concurrence and support and/or appropriate action; CARRIED unanimously.

I hereby certify to the correctness of the above-quoted resolution.

ATTY. ARTHUR LI. PADILLA, City Secretary

Attested:

ROLITO C. SAQUILABON, Member, Acting Presiding Officer

12 October 1995

SPCPD — A Space for Peace in Mindanao
Coalition for Peace and the National Peace Conference

Peace, development and autonomy have been the long-cherished dream of Mindanawons — Christian, Muslim and Lumad. The Southern Philippines Council for Peace and Development (SPCPD) is not yet the realization of this dream nor the comprehensive solution to the 30-year old armed conflict that traces its roots to the Spanish-Moro wars of centuries ago. But it is a space for peace, a transition arrangement that provides an arena for building an enduring peace based on justice.

Even as we decry the lack of transparency and citizen's participation in the ongoing peace process, as Filipinos and peace advocates, we welcome this breakthrough in the GRP-MNLF Peace Talks. Despite our fears and questions, we see the SPCPD as probably the most feasible transitional implementing structure and mechanism for the establishment of a new autonomous region within national sovereignty. Thus this political solution to the Moro Liberation struggle deserves at least our critical support as well as positive inputs.

We recognize that the SPCPD has meant a compromise on the part of the MNLF, deviating from the Tripoli Agreement in agreeing to bypass the establishment of a provisional government, and to later submit to the establishment of a new autonomous government by way of amendment of the ARMM Organic Act subject to a plebiscite. Respecting existing structures of governance even as it supports preparations for autonomy, the SPCPD will in no way exercise control over local governments.

But the Council keeps to the spirit of the Tripoli Agreement, laying the ground for autonomy by focusing on peace and development efforts. In this way, it is hoped that a new Moro leadership will be more prepared and more acceptable to handle the task of autonomous governance.

We are wary that "peace and development" within the framework of Philippines 2000/Mindanao 2000 and globalization will only create enclaves of growth enriching a Moro and Christian elite and foreign partners through exploitation of the majority poor and the extraction of the natural resources of Mindanao.

However, we can seize the opportunity in the SPCPD to put forward an agenda and program for economic development that is equitable, sustainable, gender-responsive and participatory. The Draft Mindanao Agenda for Peace and Development (MAPD), formulated with the participation of clergy, NGOs, academe and peace advocates, as well as the People's Development Program for Mindanao of the Mindanao Coalition of Development NGOs (MINCODE) can serve as starting points for consideration by an inclusive Consultative Assembly of the SPCPD.

Other concerns that we propose should be addressed by the SPCPD are:

- ♦ citizens' participation and constituency building
- ♦ information and education
- ♦ transformation through a culture of peace
- ♦ Muslim-Christian dialogue and co-existence
- ♦ Lumad rights and ancestral domain
- ♦ research and studies on autonomy
- ♦ demilitarization of Mindanao

We believe that Christians and Lumads as well as Moros will benefit from the SPCPD if they together address the socio-cultural dimension aside from the economic development and peace-keeping. This is perhaps our final chance to build a nation that honors its ethnic diversity - where Moros at last feel that they are Filipinos.

Let there be a space for peace in our hearts and minds. Give the SPCPD a chance to create and enlarge peace in our land.

Position of Non-Mindanaoans on the SPCPD
based on July 1996 newspapers reports

NAME	POSITION
Corazon Aquino	Yes
Sen. Wigberto Tañada	Yes
Sen. Juan Flavier	Yes
Christian Monsod	Yes
El Shaddai	Yes
Coalition for Peace	Yes
Gaston Z. Ortigas Peace Institute	Yes
Institute for Politics and Governance	Yes
Bukluran sa Ikaunlad sa Sosyalistang Isip at Gawa	Yes
Columnist Conrado de Quiros	Yes
Columnist Teodoro Benigno	Yes
Brian Artwood, <i>USAID Administrator</i>	Yes
Rep. Joker Arroyo	No
Sen Ernesto Herrera	No
Sen. Blas Ople	No
Sen. Edgardo Angara	No
Columnist Neil Cruz	No
Columnist J.V. Cruz	No
National Democratic Front	No

Position of Mindanaoans on SPCPD
based on July 1996 newspapers reports

NAME	PLACE	POSITION
Mayor Rosalita Nuñez	Gen. Santos	Yes
Mayor Dad Tuan		Yes
Mayor Edward Hagedorn	Puerto Princesa	Yes
Mayor Benjamin Arao	Pagadian City	Yes
Mayor James Adasa	Dapitan City	Yes
Vice-Gov. Normallah Lucman	Lanao del Sur	Yes
Gov. Tupay Loong	Jolo, Sulu	Yes
Gov. Gerry Matba	Tawi-Tawi	Yes
Gov. Zacaria Candao	Maguindanao	Yes
Gov. L. Pangandaman	ARMM	Yes
ARMM's Legislative Assembly		Yes
Aquilino Pimentel	Cagayan de Oro	Yes
Florencio Garcia	Misamis Occidental	Yes
Gov. Gerry Salapuddin	Isabela, Basilan	Study further
Mayor George Hoffer	Titay, Zamboanga del Sur	No
Mayor Ludovico Badoy	Cotabato City	No
Mayor Alejo Nuñez	Iligan City	No
Mayor Fernando Miguel	Koronadal, South Cotabato	No
Mayor Wilfredo Furigay	Lamitan, Basilan	No
Councilor Aristeo Albay	Davao City	No
Gov. Hilario de Pedro	South Cotabato	No
Gov. Roldan Dalman	Zamboanga de Norte	No

Rep. L. Antonio	General Santos	No
Rep. Clara Lobregat	Zamboanga City	No
Rep. Avance Fuentes	South Cotabato	No
Al-aleem Jamil Yahya (<i>one of</i> <i>the signatories to the Tripoli</i> <i>Agreement</i>)	Marawi City	No
Mindanao Anti-Communist Crusade	Pagadian City	No
Alsa Masa	Davao City	No
Murad Ebrahim, <i>MILF Vice-Chair</i>		No
Jose del Prado	South Cotabato	No

TRUE	FALSE
1. SPCPD is just a council represented by one representative each from the Muslims, Christians and the Lumads. Its powers and functions are derivative and extension of the powers of the President. 2. Has no authority to control or even supervise the functions of the local government units (LGUs). 3. Created under the powers and authority of the President as allowed by the Philippine Constitution in Section 14, Article X. 4. It does not need a plebiscite as it is not one among those mentioned in the Phil. Constitution that needs plebiscite. 5. It is about Peace and Development issues in depressed areas, particularly in the areas of our Muslim brothers and sisters.	1. It is more than a council. It is actually a provisional government or autonomous political organization which has governing authority and law making powers. 2. It has authority or control of governance over the LGUs in the areas of coverage. 3. It is created against the Philippine Constitution. 4. SPCPD needs to be decided upon with a plebiscite. 5. It has something to do with the Muslim-Christian issue.

Matthew 5:9 Blessed are the peacemakers, for they shall be called children of God.

INTERFAITH GROUP

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- Catholic Bishops Conference of the Philippines - National Secretariat for Social Action (CBCP - NASSA)
- United Church of Christ in the Philippines (UCCP)
- National Council of Churches in the Philippines (NCCP)
- Philippine Council of Evangelical Churches (PCEC)
- Iglesia Ni Cristo (INC)
- Ulama League of the Philippines (ULP)
- Philippine Islamic Council (PIC)
- Philippines for Jesus Movement (PJM)

in coordination with

NATIONAL PROGRAM FOR UNIFICATION AND DEVELOPMENT COUNCIL

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What is



SPCPD?

Southern Philippines
Council for Peace and Development

I. BACKGROUND

1. What is the significance of the Southern Philippines Council for Peace and Development (SPCPD)?

Answer:

The SPCPD realizes the consistent policy of the Philippine Government to work for the welfare of every Filipino i.e. Muslims, Christians and Lumads instead of one group only. Consider the following cycle of the MNLF struggle: From

a. *Independence/secession* - the struggle of the MNLF was re-directed, with the help of the Organization of Islamic Conference (OIC), towards

b. *Autonomy for the Muslims* provided for in the Tripoli Agreement and, now,

c. *SPCPD*, composed of all sectors (i.e. Muslim, Christians and Lumads), is accepted by the MNLF as a realistic solution/formula to the Peace and Order problem in the South.

That means, the initial demands of the MNLF, which were exclusively beneficial to the Muslims, now changed to include all sectors of society. If the MNLF, therefore, has a slim majority in the Council membership, let it be taken as a way of a confidence-building measure to allow its full and responsible participation in the democratic process and within the fold of the law.

2. What is the Tripoli Agreement?

Answer:

This is an agreement entered into between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF), and signed in Tripoli, Libya on 23 December 1976, with the participation of the Organization of Islamic Conference (OIC), to end and settle the armed conflict between the GRP and the MNLF in Mindanao.

3. Why is the OIC participating in the negotiations?

Answer:

It is the OIC, composed of 51 Muslim countries, which convinced the MNLF, being a Muslim-dominated group, to set aside *Independence/Secession* and settle for *Autonomy*. As sovereign nations, the OIC also respects Philippine territorial integrity and sovereignty. It does not like any sovereign nation to be dismembered.

4. Why do we still respect the Tripoli Agreement when it was signed during the régime of President Marcos?

Answer:

Because the Tripoli Agreement is intended to settle and end the Mindanao conflict, which up to now is not yet fully settled, the peace settlement arising therefrom will mean permanent peace that will usher in progress and development in Mindanao.

5. What is so significant about the Tripoli Agreement?

Answer:

This agreement provides for the establishment of Autonomy for "Muslims" in Mindanao within the realm of the sovereignty and territorial integrity of the Republic of the Philippines. That means, secession is totally put aside with the signing of this agreement.

SPCPD (THE SPCPD EXPLAINED)

1. What is SPCPD?

SPCPD stands for Southern Philippines Council for Peace and Development. It is part of the GRP-MNLF agreement to promote, monitor and coordinate peace and development in the area.

2. What is its nature?

SPCPD is a transition mechanism under the control and supervision of the President, like the POC (Peace and Order Council). It has NO legislative power and governing authority unlike the ARMM (Autonomous Region for Muslim Mindanao). It is therefore a temporary set-up towards permanent peace!

3. What is its composition?

1 chairman
1 vice chairman
3 deputies representing Muslims, Christians and Lumads
(plus 81 members in Consultative Assembly)

4. What are its functions?

1. To take charge in promoting, monitoring and coordinating the improvement of peace and order in the area;
2. To focus on peace and development efforts more particularly in the depressed areas and cause the implementation of peace and development projects;
3. To provide support to local government units as necessary;
4. To exercise such other powers and functions necessary for the effective implementation of its mandate as may be delegated by the President;
5. To assist in the holding of elections, referenda or plebiscite and peoples initiative in the area as may be deputized by the Commission on Elections (COMELEC) upon recommendation by the President; and
6. To cause the creation of such offices or instrumentalities as shall be necessary for the effective and efficient administration of the affairs of the area. There shall be approval from the Office of the President for budgetary purposes.

5. What are the areas covered by the Special Zone of Peace and Development?

It should be noted that this Special Zone is not an area of autonomy, but simply an area where intensive peace and development efforts will be focused where private and public investments will be channeled to uplift the conditions of the people specially in the depressed areas therein. These provinces, which were mentioned in the Tripoli Agreement of 1976 are:

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, Palawan, and all cities and villages situated in the above-mentioned areas.

List of Acronyms

AFP	Armed Forces of the Philippines
ARMM	Autonomous Region in Muslim Mindanao
CA	Consultative Assembly
CIC	Cagayan-Iligan Corridor
EO	Executive Order
FVR	Fidel V. Ramos
GRP	Government of the Republic of the Philippines
LGU	Local Government Unit
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
MORO	Moro Revolutionary Organization
MSU-IIT	Mindanao State University-Iligan Institute of Technology
NDF	National Democratic Front
NGO	Non-Government Organization
NPA	New People's Army
OIC	Organization of Islamic Conference
OMA	Office of Muslim Affairs
PNP	Philippine National Police
PO	People's Organization
SocSarGen	South Cotabato-Saranggani-General Santos
SPCPD	Southern Philippines Council for Peace and Development
SPDA	Southern Philippines Development Agency
SRSF	Special Regional Security Force
SZOPAD	Special Zone of Peace and Development in the Southern Philippines
TA	Tripoli Agreement
UCCP	United Church of Christ in the Philippines

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