

The Philippines: The 1996 Peace Agreement for the Southern Philippines: An Assessment

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Abstract

The 1996 Peace Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF) officially ended the 24-year old struggle waged by the MNLF for independence and later for autonomy. The Agreement contains two major sections. The first, Phase I, is a three-year transitional period which commits the GRP to a massive programme of socio-economic development for the region encompassed in the Zone of Peace and Development (ZOPAD), through the Southern Philippine Council for Peace and Development (SPCPD). Phase II of the Agreement envisions the consolidation and expansion of the ARMM beyond the present four provinces, subject to "approval" by the resident population of the provinces affected through a popular vote. During this phase, the economy of the region would be opened up in a more intensified scale to local and foreign developers, investors, and entrepreneurs under the GRP's neo-liberal policies. Opposition to the Agreement remains strong, particularly from within the *Bangsa Moro* community as symbolised by the continuing militant struggle by the Moro Islamic Liberation Front (MILF).

Introduction

Many post-cold war observers have suggested that the end of the cold war has led to the rediscovery of the phenomenon of ethnic conflict as a potential threat to the stability of the "New World Order." United States (US) Pentagon officials have even referred to this threat as among its redefined list of "enemies" in the wake of the collapse of the former Soviet Union and the subsequent triumphalism felt among the Western leaders over the presumed demise of the old enemy—communism.

Ending ethnic conflicts, therefore, wherever they may occur, especially through negotiated means has been given renewed vigour. International governmental organisations, e.g., the United Nations (UN) and the North Atlantic Treaty Organisation (NATO), have gained leading roles in the decade since the collapse of the Berlin Wall in sanctioning, among others, one form of "humanitarian intervention" or another in various parts of the globe where "ethnic cleansing," "heinous crimes," or "crimes against humanity" appeared with consistency and intensity.

In the Philippines, efforts to find a negotiated settlement to the 24-year old secessionist war waged by the Moro National Liberation Front (MNLF) appear to have reached the much sought-for end when rebel leader, Nur Misuari, as Chairman of the MNLF negotiating panel, and Manuel T Tan, Chairman of the Government of Republic of the Philippines (GRP) panel and on behalf of the Philippine President Fidel V Ramos, signed the final draft of the agreement (henceforth referred to as the Agreement) on 2 September 1996. Signed in the city of Manila, the Agreement officially put an end to the 24-year old war that has claimed the lives of over 120,000 persons, caused the displacement and destitution of an estimated 300,000 Muslim refugees and the commitment of as much as 80 per cent of the Armed Forces of the Philippines (AFP) to the Mindanao conflict. While the Marcos administration spent on the military twice as much as that budgeted for health and education combined, economic and social

conditions worsened. Investors shied away, properties were damaged, and overall development in the Mindanao region was skewed in favour of areas that have escaped the fighting. In areas where the fighting was both intense and frequent, e.g., Cotabato, Maguindanao, Lanao del Sur, Sulu, Tawi-tawi and Basilan, poverty has become inescapably endemic.¹ By the time the Agreement was signed, the war is estimated to have cost the GRP over \$3 billion since it began in 1972.

The Agreement: Some Salient Provisions

It should be stated that this Agreement was preceded by several pertinent documents and/or agreements intended to either provide the basic outlines for Muslim autonomy and to clarify or resolve particular issues upon which the Agreement rests. This includes, first and foremost, the Tripoli Agreement of 1976 which was a breakthrough agreement signed through the auspices and the good offices of Libyan President Muammar Khadaffi, and signed by Misuari and Carmelo Z Barbero, representing the MNLF and GRP negotiating panels, respectively; and Republic Act No. 6734 of 1988 otherwise known as An Organic Act for the Autonomous Region in Muslim Mindanao. Despite the misgivings by the MNLF leadership about the particular paths to autonomy prescribed by this Act, it nonetheless provided an important stepping-stone towards other measures that would later be taken.

Broad Outlines

The Agreement envisions two phases of implementation. Phase I is a three-year transitional period at the start of which will be established, through an executive order, the Special Zone of Peace and Development (SZOPAD), the Southern Philippines Council for Peace and Development (SPCPD), and the Consultative Assembly. During this time also, procedures will be established, and the process shall be commenced for the integration of former MNLF guerrillas into the Armed Forces of the Philippines (AFP) as well as into the Philippine National Police (PNP).

The second phase shall consist, following the three-year transitional period, of a legislative action either amending or repealing the existing Republic Act 6734, otherwise known as the Organic Act of the Autonomous Region of Muslim Mindanao (ARMM). Any subsequent law must be submitted to the people in the affected regions in a plebiscite for ratification. This new law shall incorporate the pertinent provisions of the Agreement as well as new provisions that may later on be adopted for the expansion of the geographic scope of autonomy beyond the four provinces that currently compose the ARMM. Provinces that vote for and choose to join the ARMM in that plebiscite to take place within two years of Phase II, may then be formally incorporated, through congressional action, into a new autonomous region.

Some Detailed Provisions Concerning Phase I

The Special Zone of Peace and Development (SZOPAD)

The envisioned SZOPAD shall cover 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. It shall also encompass the cities of Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Zamboanga, and Puerto Princesa. These areas shall be “the focus of intensive peace and development efforts” to which both public and private investments shall also be channelled in order to “spur economic activities and uplift the conditions of the people therein.” (Article II 3)

The Southern Philippines Council for Peace and Development (SPCPD)

The SPCPD, established concurrently with the SZOPAD, shall be set up as a mechanism to “monitor, promote and co-ordinate the development efforts” within SZOPAD. (Article II 8) It shall compose of a Chairman, one Vice Chairman, and three Deputies each representing the Muslim, Christian, and *Lumad* segments of the population living within the area (Note: *Lumad* is a term referring to the non-Muslim and non-Christian indigenous minority communities). All officers of the SPCPD are appointed by the President, (Article II 4), and its powers and functions are derived from and are extension of presidential power. Its operational funds are also initially sourced from the President’s own budget as appropriated from the General Appropriations Act by Congress. The term of office of SPCPD officers shall also be coterminous with those of the ARMM officials.

Existing development-oriented offices and/or agencies shall be subordinated to the SPCPD, and their respective functions merged with or placed under its supervision. These include the Southern Philippines Development Authority (SPDA); the Regional and Field Offices of the Office of Muslim Affairs (OMA); the Regional and Field Offices of the Office of Southern Cultural Committees (OSCC); the Task Force Basilan, henceforth reorganised as the Basilan Task Force; the Task Force MALMAR, henceforth reorganised as the Central Mindanao Development Task Force; the Sulu Development Task Force; and the Special Development Planning Group, an *ad hoc* body consisting of planning experts drawn from the Department of Trade and Industry, (DTI), the National Economic and Development Authority (NEDA) and the Department of Public Works and Highway (DPWH). Insofar as local governments units (LGUs) that are within the SZOPAD are concerned, they shall continue to function in accordance with existing laws (Article II 6). They will not be subordinated to the SPCPD but shall render assistance and co-operation as deemed necessary in the pursuit of the SPCPD’s goals and mission.

The Consultative Assembly

The Consultative Assembly shall consist of eighty-one members. The Chairman of the SPCPD shall serve concurrently as the Assembly’s head and presiding officer. Its other members include: the Governor and the Vice Governor of the ARMM; the fourteen Governors of the provinces within the SZOPAD; the nine city Mayors specified in the SZOPAD; forty-four members drawn from the MNLF; and eleven members drawn from sectoral groups upon the recommendation of grassroots-oriented non-governmental organisations (NGOs).

- Its powers and functions—also derived from those of the President—shall include, but are not to:
- a. the promotion, monitoring, and co-ordination of peace and order activities within SZOPAD;
 - b. the direction and implementation of peace and development efforts particularly in depressed areas of SZOPAD;
 - c. the provision of support to LGUs as deemed appropriate and necessary;
 - d. the provision of assistance to the Commission on elections (COMELEC) as may be duly deputised by its Commissioner preparatory to the holding of elections, plebiscite, or referenda within SZOPAD; and
 - e. the recommendation to the President of the creation of such other office or agency as may be deemed necessary for the effective implementation of peace and development programs within the SZOPAD.

The Integration of MNLF Fighters into the AFP and the PNP

Transitional provisions concerning the integration of former MNLF guerrillas into the PNP and the AFP are found in Articles 19 and 20 respectively, of the Agreement. This integration shall be accomplished, the Agreement insists, in accordance with the “guidelines and procedures under existing laws.” (Article 19a) Further, police training programs shall conform to existing rules, regulations and procedures and be under the direction and supervision of the PNP. For this purpose, the President shall allocate one

thousand five hundred (1,500) PNP vacancies and another two hundred and fifty (250) for special or auxiliary services.

Insofar as the integration into the AFP is concerned, five thousand seven hundred and fifty (5,750) positions shall be created to accommodate former MNLF fighters. Of this number, two hundred and fifty (250) positions shall be created to accommodate former MNLF fighters. Of this number, two hundred and fifty (250) shall be assigned to auxiliary services. With regards to instituting internal reforms and revising existing procedures, the GRP makes no definite commitment other than to exert its "utmost" in its efforts to create the necessary conditions that would ensure the eventual integration of as many of the remaining MNLF forces as possible into the Special Regional Security Force (SRSF) as well as into other agencies and instrumentalities of the government.

As for the rest of former MNLF fighters not absorbed or integrated into the above mentioned structure, the Agreement refers to "a special socio-economic, cultural, and educational programme" intended to "prepare them and their families for productive endeavours, provide for educational, technical skills and livelihood training and give them priority for hiring in developmental projects." (Article 20a)

Some Detailed Provisions Concerning Phase II

The enactment of a new or amended Organic Act for the new ARMM is spelled out in Article III of the Agreement. This is to be accomplished during Phase II in which there will be established, with the recommendation by the President and the requisite concurrence by Congress, the following mechanisms: Executive Council, Legislative Assembly, an administrative system, and a system of representation in the national government.

The Executive Council

The Regional Autonomous Government shall have an executive body called the Executive Council consisting of the Head, the Vice-Head, and three Deputies. The Head and the Vice-Head shall be directly elected by the people of the autonomous region, while the Deputies shall be appointed by the Head. (Article 21)

The Head dispenses with his powers and authority on behalf of the President who exercises overall supervision on regional and local governmental affairs, including the faithful implementation of all laws affecting the region.

The Legislative Assembly

Legislative functions in the Regional Autonomous Government shall be vested upon the Legislative Assembly elected directly by popular vote. It shall consist of three representatives from each of the Congressional Districts within the region. There shall also be sectoral representation totalling no more than 15 per cent of the Assembly. These sectoral representatives shall be elected at large representing such sectors as labour, the disabled, the cultural minority communities, the youth, the women, the non-governmental organisations, the farmers, among others. Others may be appointed upon nomination by the different sectoral groups.

The Legislative Assembly is competent to legislate on all areas except the following: foreign affairs; national defense and security; postal service, coinage and fiscal and monetary policies; administration of justice except on matters affecting the *Sharia'ah*, quarantine; customs and tariff; citizenship; naturalisation, immigration, and deportation; general auditing; foreign trade; maritime, land,

air, and communications policies affecting areas outside the region; and patents, trademarks, trade names, and copyright. (Article 27)

The Administrative System

Significantly, the Legislative Assembly is empowered to enact a Regional Administrative Code and a Regional Local Government Code so long as they are consistent with the Constitution and do not, in any way, diminish the powers and functions now being enjoyed by existing local government units. (Article 62)

Representation and Participation in National Government

This provision is premised on the principle that the Autonomous Region is an integral part of the Republic. Representation of and participation by representatives of the Regional Autonomous Government in the national government, therefore, is considered essential in maintaining a link vital to the success of the peace formula.

Representation and participation shall encompass all the major political (executive and legislative) and judicial branches of the national government. At the executive branch, there shall be appointed by the President, upon the recommendation of the Head of the Autonomous Government, a member of the Cabinet with the rank of Department Secretary, a member in each of the departments and constitutional bodies, and a representative to the Board of Directors in each of the government-owned and controlled corporations (GOCCs) and their respective subsidiaries operating within the autonomous region.

At the legislative branch, the Regional Autonomous Government shall be represented by a Sectoral Representative who will complement but not supplant the Representative (or Congressman) elected from congressional districts within the autonomous region.

And, at the judicial branch, the Regional Autonomous Government shall be represented by at least one justice in the Supreme Court and at least two in the Court of Appeals, upon the recommendation by the Head of the Regional Autonomous Government to the Judicial and Bar Council for consideration for appointment. Further, the GRP shall request the Supreme Court to establish the Office of the Deputy Court Administrator for the Area of Autonomy.

It goes without saying that all appointive officials within the Regional Government, and those representing the Regional Government in the national government and its agencies or instrumentalities shall comply with civil service eligibilities. At the same time, the national government pledges to endeavour all it can so as to increase the number of eligible candidates from within the autonomous region.

The Establishment of the Special Regional Security Forces for the Autonomous Region

Upon the establishment of the new regular Autonomous Regional Government, the Peace Agreement envisions the establishment of the Special Regional Security Force (SRSF) which shall be integrated with the PNP Regional Command in accordance with the constitutional mandate for an integrated national police force.

The SRSF, which shall remain civilian in character, shall carry out functions including: the enforcement of all laws for the protection of persons and properties; the maintenance of public safety, law, and order; the investigation and prevention of crimes, apprehension and or detention of the alleged offender for prosecution, among others.

The SRSF shall be headed by a Regional Director with the assistance of two Deputies to be put in charge of Administration and Operations, respectively.

The Head of the Regional Autonomous Government shall, in turn, exercise authority over the SRSF in the following capacity, among others:

1. By serving as the Deputy of the National Police Commission (NAPOLCOM) and as the ex-officio Chairman of the Regional Police Commission (REPOLCOM);
2. By exercising operational control and general supervision and disciplinary powers;
3. By overseeing the preparation and implementation of an integrated public safety plan; and
4. By imposing administering penalties on personnel of the Regional Command, with the exception of those appointed by the President.

The Establishment of an Integrated Educational System

The educational system to be established upon the reconstitution of the new Autonomous Regional Government shall reflect and perpetuate Filipino and Islamic values and orientations of the *Bangsa Moro* people. It shall “develop the total spiritual, intellectual, social, cultural, scientific and physical aspects of the *Bangsa Moro* people to make them God-fearing, productive, patriotic citizens, conscious of their Filipino and Islamic values and Islamic cultural heritage under the aegis of a just and equitable society.” (Article 95)

Its curriculum shall comply with the requirements of the Department of Education, Culture and Sports (DECS), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA). It shall, further, be oriented around the promotion of “solidarity, unity in diversity, Filipino and Islamic values,” (Article 97) including “Christian values and values of indigenous people, modern sciences and technology.” (Article 100)

However, Article 112 stipulates 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.”

The Establishment of an Economic and Financial System

Essential to the anticipated success of the new Regional Autonomous Government is the establishment of the Regional Economic and Development Planning Board to be chaired by the Head of the Autonomous Regional Government.

While the Agreement does not spell out the specific functions and responsibilities of the Board, it does stipulate generally that it shall “prepare the economic development plans and programs” for the Autonomous Government.

Section D of the Agreement, nonetheless, reflects broad powers granted to the Autonomous Government pertaining to economic, financial, business, and commercial matters. Among the most important of these powers are:

1. The granting of incentives, including tax breaks, to business establishment and investors; (Article 129)
2. The enactment of a Regional Tax Code and a region-based Local Tax Code; (Article 132)
3. The establishment of “economic zones and industrial centers” as well as the construction of port facilities in growth centers for the purpose of attracting both local and foreign investments and

- commercial enterprises consistent with the special zone Act and the Autonomous Investment Act; (Article 141, 142, and 150)
4. The formulation of economic and financial policies as well as the implementation of economic and financial programs (Article 140), including the encouragement of the establishment of banks, and the entry and establishment of off-shore bank units of foreign banks; (Article 127 and 136)
 5. The control, supervision and regulation “over the exploration, exploitation, development, utilisation and protection of mines and minerals,” with the exception of certain “strategic minerals” later to be defined; (Articles 146 & 147)
 6. The acceptance and administration of foreign financial and economic grants for the development and welfare of the people in the region; (Article 137) and
 7. The preparation of an annual budget of its own revenue resources and subsidies from the national government, including the planning, programming, and disbursement of its funds. (Article 144)

Provisions pertaining to the protection of the environment and the promotion of rights and welfare of the people within the autonomous region are referred to in four places: Article 130 states that the “Regional Autonomous Government advocates equal opportunities for all the inhabitants of the area of autonomy regardless of ethnic origin, culture, sex, creed and religion”; Article 131 enjoins the Regional Legislative Assembly to “observe the principle of uniformity and equity in taxation and shall not impose confiscatory taxes or fees of any kind”; Article 143 gives “preferential rights” to residents in the autonomous region “over the exploration, development and utilisation of natural resources in the area of autonomy respecting existing rights on the exploitation, exploration, development and utilisation of natural resources”; and Article 147 mandates that in the “regulation of the exploration, utilisation, development, protection of the natural resources..., the government in the area of autonomy shall enact rules and regulations and shall impose regulatory fees taking into account national policies.”

The Establishment of the Judiciary

Section E, Article 152 of the Agreement simply states, without elaboration, that “The Regional Legislative Assembly of the area of autonomy shall establish *Shari’ah* Courts in accordance with the existing laws.”

A Critique of the Agreement

Any discerning critique of the Peace Agreement will notice a number of problems with it. Some of these problems are conceptual, others are practical in nature; some are obvious, others are subtle; and some have immediate effects, while some others have long-term consequences. Altogether, it is quite predictable that these problems will worsen in time and that the Peace Agreement as it stands will not bring an end to the conflict—both political and military—that has engulfed the southern region of the Philippines for the past three decades or so. What makes the situation even worse is that the powerful external and internal forces that coincided to bring this Agreement into being will suffer less from its flawed nature than the real people—the inhabitants—of the region including the present as well as the future generations of men, women, and children who will be virtually helpless to alter things on their own.

Flawed Concept of Autonomy

In an interview with Governor Misuari held in August, 1999, the present author asked: “How do you define full and genuine autonomy?”

Governor Misuari responded in the following manner: “I think we don’t have to define what is full autonomy [because it has already been defined by existing agreements]. Full autonomy is just to, you know, comply with the peace agreement already signed by us [on the] 23 December 1976 [referring to the Tripoli Agreement], complemented by this implementing peace agreement of 2 September 1996.

These two put together, get the best part of this and implement because it is to the best interest of the country that they implement this peace agreement.”ⁱⁱ

The difficulty with this response is that it equates the 1996 Peace Agreement with the Tripoli Agreement of 1976. In reality, while the Tripoli Agreement has served as a standard measurement as in the geographic scope of the autonomous region covered (14 provinces altogether), or in the vaster powers enjoyed by the regional autonomous government vis-à-vis the national government, in the 1996 Peace Agreement, the geographic scope has shrunk to only four provinces with some possibility of adding another one or two during the “expansion” process envisioned in Phase II of this Agreement. As a matter of fact, in terms of real powers to be enjoyed by the Regional Autonomous Government vis-à-vis the national government, the former will enjoy less, leading to the next problem to be discussed below.

Restricted Political Authority by the Regional Autonomous Government

The special character of this region has inadvertently led to the adoption of laws, rules, and procedures which all add up to an unwelcome encumbrance upon the Regional Autonomous Government, an encumbrance which is not common among the rest of provincial governments. The heavy presence of the President is felt in just about every area of the Regional Autonomous Government’s life, despite the inclusion of the term “autonomous” in its name. In Phase I of the Agreement, the President exerts direct control through his powers of appointment of officers of key economic institutions of the region. This includes the SZOPAD, the SPCPD and various other development agencies, e.g., SPDA, OMA, OSCC, and NEDA. Politically, while members of the Consultative Assembly are, under Phase I, elected by the people in the region at large, this body’s functions and powers are derivative from those of the President. This arrangement, in effect, makes this assembly an appendage of the Executive Office.

In Phase II, the situation does not get any better because, as stipulated in the Agreement’s Article 22, while the Regional Legislative Assembly enjoys similar powers or restrictions shared by the rest of provincial boards, the Regional Executive Council—perhaps the most important political institution in the region—exercises authority only to the extent that this is exercised on behalf of the President. This dependent character of the relationship between the Regional Autonomous Government and the national government has made the former subject to the whims of the latter, to the fluctuations of opinion among members of the national legislature, and to the inter-departmental or inter-agency squabbles over priorities or funds. Governor Misuari has noted this fact when he lamented, in the same interview cited earlier, the difficulty with which he has gone through in getting the funds for his projects, even those that were already allocated. He said:

For instance, I can just cite one thing. If only you can look at that one [pointing to a map on the wall at the Island of Jolo, in the Province of Sulu. It is a circumferential road....[of 162 kilometres in length]. Now [there is money] allotted to us [rather than] to the local government..... It is just a very small, very paltry sum of money, you see.... But unfortunately, again this is the implementing part of it. [We] got this money in the budget, yet they [i.e., the national government] did not release the money, except a small amount.ⁱⁱⁱ

When the question as to why the money could not be released was raised, Governor Misuari responded:

Well, I cannot understand. Maybe it is just that they did not have the will power to help us, you know, [to] get things done. I can’t imagine, you know, even the 25 per cent mandatory reserve taken from our budget. According to my friends, the [other provincial] governors—because I am a member of the League of Governors of the country—have received back [their] money [from the national government]... I don’t mind if they will not release. But this is the budget for 1999. It is the first time [that] they will give us budget for the autonomy. But they do not release. You see? Now, how do you explain that?^{iv}

False Integration of the Former MNLF Guerrillas into the AFP and the PNP

The provision in the Peace Agreement concerning the integration of the former guerrillas of the MNLF into the AFP and the PNP symbolically represents the official disbandment of the MNLF military apparatus. Ideally, it should have represented respect for the fighting capability of the guerrillas as well as the cause for which they fought. In reality, however, the process of integration has been one in which the dominant organisation—the AFP or the PNP—figuratively beats down the enemy (or, in this case, the former enemy) under circumstances where the enemy (or former enemy, as the case may be) is in no position to fight back. The term “integration,” negative as it already is in its connotation, really means “absorption” of those elements of the former MNLF fighting force where the terms of absorption are defined by, affirm the supremacy of, and attest to the one-sidedness that characterises, the government through its coercive institutions. Nothing in the Peace Agreement obliges the AFP or the PNP to adopt the philosophy of the MNLF guerrillas or to preserve the recruitment, training, and combat guidelines of the MNLF. Instead, all of these are replaced and abandoned as the former MNLF guerrilla is turned into a new fighting machine—a robot, in Governor Misuari’s terminology—by the AFP and/or the PNP in accordance with its own institutionalised set of guidelines.

In this process, Governor Misuari sees some problems which he amplified in the following manner: “Even during the training, we found some problems. Because you know, these people, these young fighters, they have been exposed to another kind of training. Our philosophy in training is different from that of the Armed Forces of the Philippines. You see... some people are telling me that in order to be able to achieve your goal in producing a quality soldier, you have to dehumanise him first. And then, turn him into a kind of robot. So that, whatever the officers would say goes with them. Not in our case, we always try to strengthen the sense of humanity of our soldiers and their own personal dignity and self respect, etc.”^v

Ambiguous Status of the *Shari’ah* Law

The heart and soul of the *Bangsa Moro* struggle all throughout history has been the preservation of its distinct Islamic identity, an identity which a succession of enemies—from the period of Spanish colonisation to the present day—have sought, through direct or indirect, or subtle or not-so-subtle means, to destroy, erase, dilute, transform, or eradicate. The MNLF, in its 24-year old struggle, never failed to underscore the centrality of its Islamic basis the most important and most visible symbol of which is the *Shari’ah* Law.

In the Peace Agreement, prominence should have been accorded to the status of the *Shari’ah* law. Its manner of application and extent of implementation should have been spelled out in detailed provisions that would at least equal the kind of elaboration granted to the exploitation of the region’s economic resources. Perhaps this was a Freudian slip or a subliminal suggestion about the way the negotiations preceding the signing of the Agreement were conducted. But the reference to it—in a single paragraph (Article 152)—leaves ambiguous the status of this law and, consequently, the status of Muslim personal and family relations insofar as the country’s secular laws are concerned. While Article 152 allows the establishment of *Shari’ah* courts “in accordance with the existing laws,” no reference is made to the reform of existing secular laws or to the reinforcement of existing Islamic or *adat* (i.e., customary) laws in order to make them more relevant to the day-to-day lives of all Muslims—not just those who reside within the autonomous region—in the Philippines.

The effects of this gross omission are already being felt, as Governor Misuari himself has noted. In the matter of selection of Muslim judges to serve in *Shari’ah* courts, he admitted of some difficulty. Many eligible Muslim lawyers hesitate to serve in these courts because, as he explains, “of some prescriptions which would not qualify them... For instance, they are asking us to submit some candidates for the Court of Appeals to be organised there, and they have to be a full-pledged lawyer and at the same

time learned in Islamic law. Why not just prescribe somebody who is learned in Islamic law, [someone] who has gone through this school of laws in the Middle East, for instance?"

Again, this illustrates at minimum the insensitivity of the government panel and its line-up of consultants and advisers to this issue during the negotiations. As to why the MNLF panel did not see this flaw or, if it was aware of it, why it did not insist on stronger and more detailed provisions to be included can be answered only by its members.

Absence of Institutional and Legal Safeguards to Ensure Just and Equitable Socio-Economic Development

Perhaps the most serious flaw of the Peace Agreement, as it stands, is the glaring lack of institutional and legal safeguards for the promotion of a just and equitable socio-economic development that would benefit the vast number of inhabitants of the region. In particular, the most vulnerable of these inhabitants, which include the uneducated, the unemployed, the children, the elderly, the *lumads*, the tenant farmers, and the small business owners, among others, deserve precisely the kind of safeguards that should have been incorporated, but which are absent, from this Agreement.

While it is true that various foreign governments, international aid agencies, and other organisations have pledged to assist in the social and economic development of the region following the signing of the Agreement, the collective impact of these could not serve as a substitute for a rock-solid commitment as may be embodied in an agreement.^{vi}

Such safeguards should have included, first and foremost, the object of democratising wealth in the manner of its distribution and utilisation. More concretely, it should have:

- a. affirmed the value of the formation of co-operatives and/or unions for empowerment at the grassroots level among such sectors as small independent farmers, fisherfolks, plantation workers, small business owners, factory workers, and the like;
- b. included provisions to ensure priority employment to long-term residents of the region;
- c. reinforced the principle of collective bargaining for worker empowerment against oppressive and exploitative labour conditions;
- d. augmented training (or re-training) programs for the unemployed, underemployed or those who would otherwise be "downsized" by their former employers;
- e. made provisions to make available low-interest and long-term loans to start-up, strengthen, or expand local businesses while curbing usurious practices;
- f. affirmed and augmented fair working laws, e.g., minimum wage, anti-child labour;
- g. required foreign investors to reinvest a significant percentage of their profits back into the local economy;
- h. affirmed and augmented existing laws prohibiting foreign ownership of land within the autonomous region (as it should be for the rest of the country);
- i. affirmed and augmented existing environmental laws and regulations by including, among others, stiffer fines and penalties against those that would wantonly abuse and/or desecrate the natural environment, or otherwise disregard these laws;
- j. affirmed and augmented existing human rights legislation for the protection of grassroots activists and organisers from security officers – both private and public – including the prosecution and punishment of human rights violators;
- k. made provisions for the design and implementation of development projects and programs to address the problems of the urban poor, particularly in the areas of socialised housing and employment; and
- l. provided concrete provisions to cut through the thick bureaucratic red tape by significantly shifting the locus of political control and decision-making capability away from the Office of the President to

the Regional autonomous Government in order to lend more meaning and substance to its autonomy.

One might argue, quite predictably, that the above recommendations are too detailed or specific to be encompassed in a peace agreement such as this one. To this argument, however, one may retort that the matter of specificity should not hinder enactment of provisions protective of the welfare and well-being of the ordinary citizens of the region. Furthermore, the specificity would be no more than that of the provisions which refer or pertain to big-time bankers, industrialists, business and commercial establishments (foreign or domestic) that are currently being lured to partake of the wealth of the region. One might argue, moreover, that without these safeguards, one can only expect that, in the course of the next generation, human rights violations will worsen and deepen, the military rebellion will intensify, and the looting of the region's wealth by native and foreign buccaneers will virtually go untrammelled.

It is precisely in view of these trends that safeguards such as the ones suggested above are imperative. As noted by former Congressman Michael Mastura of Maguindanao: "[B]ecause as the country moves into a corporate life there is danger that the Moros get left behind."^{vii}

What the present Agreement does, as it stands, is to unequivocally integrate the autonomous region, along with the rest of the southern Philippines, into the global economy. (See "Mindanao Business Conference; Responding to Global Challenges") In the name of capitalist globalisation, and in pursuit of GRP's neoliberal economic policies, the Agreement, in effect, hands over the region to global economic forces, e.g., a host of foreign corporations, international commercial lenders, portfolio investors and speculators) for the exploitation, development, and utilisation of the region's natural wealth without so much building-in the kind of safeguards as recommended here.^{viii}

To top it off, the region's insertion into the global capitalist economy is to take place under the auspices of the incumbent President of the government of the Philippines, Joseph Estrada, who has tirelessly sought ways and means to alter the wording of the country's constitution for the main purpose of facilitating and validating the country's participation or, rather, exploitation in the globalisation process. If successful, President Estrada would have been the first Philippine President since the enactment of the so-called Parity Rights Agreement in the late 1940s to publicly, openly, and brazenly espouse the selling of the nation's patrimony to foreign interests. Even the "National Framework for Regional Development" formulated by the country's foremost economic planning body—the NEDA—does not provide adequate safeguards even as it espouses the concept of "sustainable development." In anticipation of the trend towards globalisation, the NEDA, in this report, states that in regional development, "[t]he private sector will be encouraged to lead or participate in development activities within a competitive environment..."^{ix} This kind of development would inevitably fall under what has been referred to as "development aggression."^x

Voices of Opposition to the Agreement

Even as negotiations were taking place prior to the signing of the Agreement, voices of opposition could already be heard. Those opposed were either organised or spontaneous in nature. In any case, they have become significant enough as to threaten to derail the Agreement and prevent its successful implementation.

Opposition by the Moro Islamic Liberation Front

Opposition by the Moro Islamic Liberation Front (MILF) to the Agreement has been the most militant and most enduring thus far. This opposition has its roots early on when, in the mid-1970s, due to either personality or ideological differences, the MILF leader, Hashim Salamat, and MNLF rebel leader, now Governor Misuari, experienced a falling out. Salamat organised his faction into a formidable fighting force. Today, the MILF's military strength is estimated at 120,000 guerrillas, roughly equivalent to six

divisions in a regular army. However, it is also estimated that only about 80 per cent of this force is considered “well-armed.” Nonetheless, it can count on the support of at least 300,000 militiamen to fulfil other functions including intelligence gathering, propaganda, and maintenance of vital source of food and other needed provisions.^{xi}

The MILF emphasises its Islamic character as explained by its current Chair of the Committee on Information of the Central Committee, Mohagher Iqbal “as part of the struggle for self-determination. Its goal is an independent Islamic state.”^{xii} Iqbal elaborates further on the meaning of this concept of self-determination by identifying three essential elements, namely:

- a. Belief that “Islam is a way of life”;
- b. Belief that “[w]e should be governed according to [the] teachings of Islam”; and
- c. Adherence to the principle of “[s]elf governance—we do not want to be governed by outsiders.”^{xiii}

Iqbal, moreover, provided a background to the differences between the MNLF and the MILF. First, in terms of approach, he said that “Under the MNLF peace agreement, Misuari gave so much emphasis to foreign participation, i.e., the involvement of the OIC (i.e., Organisation of Islamic Conference). In our case, though we welcome the OIC and other Muslim states, we can pursue peace talks on our own because we emphasise internal factors.” Second, in terms of the scope of autonomy, the “MNLF asked for 14 provinces and 10 cities. [The] MILF does not give so much emphasis on autonomy. It seeks to establish an independent Islamic Government in areas where Muslims are predominant. And, third, on development plans, under the GRP-MNLF agreement, “projects for development of Muslims, Highlanders and Christians were conceptualised only after the signing of the agreement. Under the MILF, we are already involving them with some livelihood and development projects in order to uplift their living conditions even before we have entered into an agreement with the GRP. This is because we give more importance to self-reliance, to internal factors rather than [to] external ones, especially aid.”^{xiv}

These points of divergence were amplified by Salamat himself in an interview in 1998. He explained that

The [GRP-MNLF] agreement considered side issues only and never touched the core of the *Bangsa Moro* problem which is the illegal and immoral usurpation of their ancestral homeland and the barbarous usurpation of their legitimate rights to freedom and self-determination.

The agreement is devoid of justice and freedom for the *Bangsa Moro* people and peace without justice and freedom for the aggrieved party is another form of colonial oppression.

The agreement is a solution to the problem of the GRP only but not the *Bangsa Moro* problem.

The GRP-MNLF agreement is a violation of the Tripoli Agreement which is now nowhere due to that agreement. The MILF expected that the GRP-MNLF agreement... will be a total failure and that [that] expectation is now a reality. In fact, a top MNLF officer said: ‘[T]he outcome of the GRP-MNLF agreement is a “double zero” because it did not solve [the] *Bangsa Moro* problem and caused the abandonment and total failure of the Tripoli Agreement.’^{xv}

Opposition by Various Other Sectoral Groups

In a study commissioned in 1996-97 by the Center for Integrative and Development Studies of the University of the Philippines, various sectors were sought-after for their opinion and/or attitude towards the GRP-MNLF Peace Agreement. The report, entitled **The Southern Philippines Council for Peace and Development; A Response to Controversy**, published in 1997, provides a mapping of these dissident sectors though not as scientifically as might have hoped, including their reasons for opposing the

Agreement. The purpose of the study was to find some basis for recommendations—aimed primarily to allay the fears of the “Christian community while providing the Muslims with an opportunity to concretely substantiate Muslim autonomy...”^{xvi} The study was divided into four teams. The third team was responsible for the mapping of positions of various groups representing key cities. Because this study represents the most systematic academic attempt thus far to study public opinion on the GRP-MNLF peace process, pertinent aspects of its results are hereby shared with readers here.

Report on Field Interviews in Zamboanga City by Samuel K Tan

Samuel K Tan, Team 3 member, described his findings on the opposition as follows:

At least 19 respondents opposed the establishment of the SPCPD. They came 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.^{xvii}

Report on Field Interviews in Cagayan de Oro, Iligan, and Marawi by Miriam Coronel Ferrer

Miriam Coronel Ferrer, another member of Team 3, reports that the cities covered by her report fall outside the area covered by the SPCPD. Therefore, her respondents do not regard with any urgency the issue of Muslim autonomy or the establishment of the SPCPD. Nonetheless, she writes: “The Christian majority tends to view the SPCPD unfavourably. This tendency is true for Christians of the main sectors interviewed, namely, professional and business/commercial groups. They unanimously claim that most (Christian/Bisaya) people in Cagayan de Oro are against the SPCPD.

Ferrer explains further that the negative attitude is based mainly 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.”^{xviii}

Report on Field Interviews in Zamboanga City and Jolo, Sulu by Julkipli Wadi

The impressions gathered by Julkipli Wadi from his interviews lead him to believe that the respondents’ attitudes are divided along religious and ethnic lines. This means that, according to him, Christian respondents tended to oppose the SPCPD, while Muslim respondents tended to favour it. For example, in his interview with Father Kruetz, President of the Ateneo de Zamboanga, a Jesuit-run institution, Father Kruetz gave a qualified “no” to the SPCPD because of his belief that the MNLF will dominate, which he believes it should not, the SPCPD. Father Kruetz also questions, Wadi writes on, the *Darul Iftah*, believing that its inclusion “would be a violation of the doctrine of separation of Church and State.” And, finally, Wadi explains that Father Kruetz feels ill at ease with “the idea of infusing Islamic values and education in the national curriculum.”

Report on Field Interviews in Davao City by Catherine Ramos

The fourth member of Team 3, Catherine Ramos, reports that, based on her interviews, opponents of the SPCPD tend to base their opposition on constitutional grounds. Among the specific provisions cited were: “(1) unfair representation in the Council [i.e., SPCPD]; (2) power to make laws and regulations; (3) creation of *Darul Iftah*; (4) role of SPCPD in the conduct of elections; and (5) teaching of Islam in schools.”^{xix}

Ramos also points out that many of her respondents have raised the issue of lack of consultations; many of these also believe that the Tripoli Agreement has already been implemented through the creation of ARMM.^{xx}

Time and space do not afford an opportunity for a more thorough survey of other opposition groups, including the Mindanao Independence Movement, a Christian-dominated group led by one Reuben Canoy which advocates secession of Mindanao from the present Republic. This group, which has appropriated the name of a predominantly Maguindanaon group founded by Datu Udtog Matalam in the 1960s, represents the far right-wing of Christian groups opposed to the Agreement.

Representing the extremist end of Muslim resistance to the Agreement is the Abu Sayyaf Group, a fundamentalist Islamic group organised sometime in the 1980s. Reflecting a militant approach to pursue its goals through *jihad*, its name figuratively means "Father of the Sword." Based mainly in the island of Basilan, it was founded by Abdurajak Abubakar Janjalani, an Islamic scholar who previously was a member of the MNLF. Many of his members volunteered along with him to fight in Afghanistan against the Soviet-backed government in the 1980s. He died in 1998 following an encounter with the AFP.

Mention in passing should be made also about some dissident voices from within the MNLF itself. Although the MNLF has been able to present an outward appearance of unity and coherence, it is reasonable to assume, based on some indicators, that it, too, has undergone some inner tensions. These tensions may be due to policy differences or eroding confidence in Misuari's leadership as the three-year transitional period of Phase I of the Agreement is critically assessed.^{xxi}

Conclusion

After long and tedious negotiations, often accompanied by rancorous debates, the panels of the GRP and the MNLF have finally signed a peace agreement in 1996. The Agreement promises to bring to an end the long civil war and to open an era of development and prosperity for the southern Philippines. However, three years after it was signed, many significant problems have cropped up—some predictable while others quite unexpected. In any case, they have to be overcome if the Agreement is to succeed. But in the meantime, these problems are serving to fuel continued opposition both in the battlefields and in the streets. Available information reveals that the nature of the opposition cuts across ethnic and religious divide in that active opponents can be found from among the ranks of Muslims and Christians alike, albeit for very different reasons. While, on one hand, the GRP-MNLF Peace Agreement may be regarded as a breakthrough, most observers would rate its success or failure on the consequences that follow its wake.

Critical observers, including this writer, believe that while the Agreement concedes little by the GRP, it traps Misuari and the MNLF apparatus into a corner where it has compromised their ability to demand greater autonomy than that spelled out in the Agreement, much less ask for independence or return to the battlefield. It is the belief of this author that Misuari may now be more interested in securing his niche in history as a peacemaker.

As for the use of force when all else fails, he also now appears—with understanding—to consign it to other groups that are willing to continue the armed struggle. In the interview with this writer, he pleaded: "Don't count me there. No need for me. You don't have to reckon with me." Regardless of what happens now, Misuari is quite philosophical and says: "I don't repent. I don't. I entered this with an open mind and an open heart. But I don't begrudge myself. But that only goes to show that I am a human being. And, as a human being, I am subject and liable to commit some mistakes. But of course, I am ready to rectify myself but I pray that in the end... [things will get done] because it will be of the greatest tragedy in the history of this country once the peace agreement [is] done away with."

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Notes

- i. Mario Joyo Aguja, "The Aftermath of Ethnic Violence – Post War Reconstruction in the Southern Philippines: A Preliminary Assessment of the Role of the International Community," in www.incore.ulst.ac.uk/esn/joyo.html
 - ii. Kenneth E Bauzon, "The Quest for Peace in the Southern Philippines; A Conversation with Nur Misuari," Manila, Philippines, August 11, 1999.
 - iii. *Ibid.*, p 4.
 - iv. *Ibid.*
 - v. *Ibid.*, p 16.
 - vi. *Op.cit.*
 - vii. Farish A Noor, "The Long Road to Autonomy: An Interview with Michael O Mastura" in www.jaring.my/just/Mastura.html.
 - viii. Kenneth E Bauzon, "The Global Migration of Capital and the Asian Diaspora" paper read at the 2nd International Conference on Contemporary Diaspora, University of Tsukuba, Tsukuba, Japan, 10-12 March 1997.
- Walden Bello, "The End of a 'Miracle' Speculation, Foreign Capital Dependence and the Collapse of the Southeast Asian Economies," *The Multi-National Monitor*, 19(1&2), January-February 1998.
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- David McNally, "Globalisation on Trial: Crisis and Class Struggle and East Asia," *Monthly Review*, 50(4), September 1998, pp 1-14.
- ix. NEDA, "National Framework for Regional Development" in www.neda.gov.ph/PNDP21/html_files/CH5.html
 - x. Edilberto Calang Guyano,, "Development Aggression and Militarization: Burdens of Mindanao," *NASSA News*, July-August 1996, in www.geocities.com/Athens/7298/burdens.htm

The term "development aggression" is derivative from the development ideology that became fashionable in the Third World in the decades of the 1960s and 1970s. Promoted by international development agencies, e.g., the United States Agency for International Development and funded by international governmental financial institutions, e.g., the World Bank and the International Monetary Fund, development ideology promoted a "trickle down" approach that encouraged privatisation (i.e., corporatisation) of the economy in which the state either relinquished its role of overseeing the economy in favour of the native business sector in connivance with foreign interests, or it (i.e., the state) facilitated corporatisation by tightly regulating labour, prohibiting job-related actions, augmenting its security apparatus, and suppressing human rights. (See Bauzon, *Political Forecasting*, forthcoming) These requisite conditions pave the way for development aggression in that the policies, programmes, and projects pursued by the state supposedly to promote "development" end

up benefiting the wealthy elites that control the land and the capital as well as own business enterprises the primary motives of which is to make profits. The privatisation promoted in this kind of development scheme includes even the privatisation of “public services and the sale of national resources at subsidised or unreasonably cheap prices” to native speculators either in behalf of themselves or of their foreign partners.

Grassroots activists who have opposed development aggression have been subjected to harassment, intimidation, and even “salvaging” (i.e., involuntary disappearance) at the hands of agents for private security agencies that serve private corporations. All too often, these activists suffer also at the hands of the local police who serve at the behest of these corporations under the guise of preserving and maintaining “public order.” The blurring of distinctions between the private security agents, on one hand, and the local police, on the other, is due to many reasons including the fact that: 1. Many of local policemen take up a second job as security agents with the corporations; 2. Many private security agents receive training and work experience either with the military or with the police; and 3. Many of them maintain active links or networks with the local police and/or with others in the public service.

- xi. Sheikh Abu Zahir, “The Moro Jihad; Continuous Struggle for Islamic Independence in Southern Philippines” (Interview with Sheikh Salamat Hashim), *Nida’ul Islam*, April-May 1998, in www.islam.org.au
- xii. Macrina Morados and Editha Cabanban, “A View from the MILF-Interview with Mohagher Iqbal” in www.c-r.org/acc_min/iqbal.htm.
- xiii. *Ibid.*
- xiv. *Ibid.*
- xv. Zahir, *op.cit.*
- xvi. Miriam Coronel Ferrer (ed.), *The Southern Philippine Council for Peace and Development; A Response to the Controversy*, Quezon City, Phil., Center for Integrative and Development Studies, University of the Philippines, 1997b, p v.
- xvii. *Ibid.*, p 100.
- xviii. *Ibid.*, p 102.
- xix. *Ibid.*, p 111.
- xx. *Ibid.*
- xxi. Edwin O Fernandez, and Allan A Nawal, “Ranking MNLF leader confirms plot to oust Nur as reb chief,” *Philippine Daily Inquirer*, April 14, 1999, in www.inquirer.net/issues/apr99/apr14/news/news_7.htm

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The Philippines Peace Agreement (*see next page*)

Peace Agreement

THE PHILIPPINES PEACE AGREEMENT

2 September 1996

Selected Extracts

IN THE NAME OF GOD, THE OMNIPOTENT, THE MERCIFUL

THE FINAL, AGREEMENT ON THE IMPLEMENTATION OF THE 1976 TRIPOLI AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES (GRP) AND THE MORO NATIONAL LIBERATION FRONT (MNLF) WITH THE PARTICIPATION OF THE ORGANIZATION OF ISLAMIC CONFERENCE MINISTERIAL COMMITTEE OF THE SIX AND THE SECRETARY GENERAL OF THE ORGANIZATION OF ISLAMIC CONFERENCE.

WHEREAS, the President of the Republic of the Philippines, His Excellency Fidel V Ramos, has pursued a peaceful settlement of the armed conflict under the principle of peace with honor and to serve the paramount ends of national unity, solidarity and progress for all Filipinos;

WHEREAS, the MNLF, led by Professor Nur Misuari, inspired by their quest for peace and prosperity, had in the past asserted the right of the Moro people to freely determine their political status and pursue their religious, social, economic and cultural development;

WHEREAS, the Organization of Islamic Conference (OIC), upon the request of the GRP initiated the First Formal Peace Talks between the GRP and the MNLF during its Third Ministerial Conference in Jeddah, Kingdom of Saudi Arabia, which resulted in the signing of the Tripoli Agreement on December 23, 1976, the document which served as a basis for a just, lasting honorable and comprehensive solution to the problem in Southern Philippines within the framework of the Philippine Constitution;

WHEREAS, by the Grace of the Almighty God and owing to the bold and innovative initiative of the Philippine Government, under H.E. President Fidel V Ramos, and the dedication and perseverance of his duly appointed representatives, headed by Presidential Adviser for the Peace Process Manuel T Yan, coupled with the highly positive and laudable response of the MNLF leadership under its founding Chairman, H.E. Professor Nur Misuari a peace process has been conducted and pursued successfully for the last four (4) years, with the most constructive and beneficial participation of the OIC Ministerial Committee of the Six headed by its distinguished Chairman, H.E. Ali Alatas, Minister of Foreign Affairs of Indonesia, and his four (4) able assistants as facilitators of the talks, namely: H.E. Ambassador S Wiryono, H.E. Dr. Hassan Wirajuda, H.E. Ambassador Pieter Damanik, and H.E. Ambassador Abu Hartono, and the OIC Secretary General, H.E. Dr. Hamid Algabid, and his deputy, H.E. Ambassador Mohammed Mohsin, and with special mention to Libyan Ambassador, H.E. Rajab Azzarouq;

WHEREAS, the parties acknowledge the valuable role of the Organization of Islamic Conference (OIC) in promoting and upholding the rights, welfare and well-being of Muslims all over the world;

WHEREAS, the parties likewise, acknowledge the role of the OIC Ministerial Committee of the Six comprising the nations of Indonesia as Chair, Libya, Saudi Arabia, Bangladesh, Senegal and Somalia in the search of a just, comprehensive and durable peace in Southern Philippines;

WHEREAS, in accordance with the Statement of Understanding signed in Tripoli, Libya on October 3, 1992 and the subsequent Statement of Understanding signed in Cipanas, West Java on April 14, 1993, the parties agreed, through the good offices of the Great Libyan Arab Jamahiriyyah, inspired and guided by its great leader, H.E. Colonel Muammar Khadaffy, the Government of the Republic of Indonesia under the wise and able leadership of H.E. Bapah President Soeharto, and H.E. OIC Secretary General, Dr. Hamid Algabid, to hold formal peace talks 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 discussion and the transitional implementing structure and mechanism;

WHEREAS, the parties affirm their solemn commitment in the aforementioned Statements of Understanding, as well as the Memorandum of Agreement signed in the 1st Round of Formal Peace Talks held in Jakarta, Indonesia on October 25 - November 7, 1993; the Interim Agreement signed in the 2nd Round of Formal Peace Talks held in Jakarta on September 1-5, 1994; the Interim Agreement signed in the 3rd Round of Formal Peace Talks held in Jakarta on November 27- December 1, 1995; the Interim Agreement signed in the 4th Round of Formal Peace Talks held in Jakarta on August 29, 1996; and in the nine (9) meetings of the Mixed Committee held in various places and dates in the Philippines and Indonesia;

WHEREAS, all these agreements resulted from the consensus points reached by the Mixed Committee and the Support Committees (Support Committee No. 1 National Defense and Security; Support Committee No. 2 - Education; Support Committee No. 3 - Economic and Financial System, Mines and Minerals; Support Committee No. 4 Administrative System, Right of Representation and Participation in the National Government, and in all Organs of the State; Support Committee No. 5 - Shariah and the Judiciary; and the Ad Hoc Working Group on the Transitional Implementing Structure and Mechanism in meetings held in various places in the Philippines and Indonesia;

WHEREAS, the parties have rationalized and consolidated all the agreements and consensus points reached, with the assistance of the Mixed Committee and the various support committees established for the purpose, into a final peace agreement;

WHEREAS, the parties affirm the sovereignty, territorial integrity and the Constitution of the Republic of the Philippines; and

WHEREAS, this final peace agreement constitutes the full Implementation of the Tripoli Agreement.

NOW THEREFORE, THE PARTIES DO HEREBY AGREE ON THE FOLLOWING:

I. IMPLEMENTING STRUCTURE AND MECHANISM OF THIS AGREEMENT

- 1 **Phase 1** 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 in of MNLF elements with the PNP as part of the regular police -recruitment programme will also take place in this phase.

2. **Phase 2** shall involve an amendment to or repeal of the Organic Act (RA6734) of the Autonomous Region in Muslim Mindanao (ARMM) through Congressional action, after which the amendatory law shall be submitted to the people of the concerned areas in a plebiscite to determine the establishment of a new autonomous government and the specific area of autonomy thereof.
 - a. While peace and development programs are being implemented in the SZOPAD, a bill to amend or repeal the RA 6734 shall be initiated within Phase 1 (1996-1997). The bill shall include the pertinent provisions of the Final Peace Agreement and the expansion of the present ARMM area of autonomy. After a law shall have been passed by Congress and approved by the President, it shall be submitted to the people for approval in a plebiscite in the affected areas within two- (2) years from the establishment of the SPCPD (1998).
 - b. The new area of autonomy shall then be determined by the provinces and cities that will vote/choose to join the said autonomy(1998).It may be provided by the Congress in a law that clusters of contiguous-Muslim-dominated municipalities voting in favour of autonomy be merged and constitute 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:

3. There shall be established a Special Zone of Peace and Development in Southern Philippines (SZOPAD) covering the provinces of Basilan, S-U-I-U- Tawi-Tawi, Zamboanga del Sur Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur Davao del Stir, 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 Darul Iftah (advisory council) which shall be created by the Chairman of the SPCPD.
6. The local government units in the area including the ARMM, shall continue to exist and exercise -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 super-vision 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, provided -that the co-ordination, 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 SPCPD;
- f. Sulu Development Task Force - an interagency task force that shall be organized to undertake development projects in Sulu - shall be placed under the control and supervision of SPCPD; and
- g. Special Development Planning Group ...
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 South East Asian Nations (ASEAN).
9. The powers and functions of the SPCPD and the Consultative Assembly are derivative and extension of the powers of the President. The powers referred to here are only those powers of the President 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 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 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 1.
(14 and 15 deleted) ...
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 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;
 - 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 Provision of Security Protection for Certain Officials of the Southern Philippines Council for Peace and Development;
 - a. During the transitional phase (Phase 1), 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.
 - 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 as 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 be immediately and particularly 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 regulations 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 the remaining forces into the Special Regional Security Force (SRSF) and 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 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 highest echelons of military and civilian 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 the poor and underprivileged.
- e. The government shall take affirmative measures to continually improve the capabilities of those MNLF forces joining the AFP to enhance their opportunities for professional advancement in the military service. It shall undertake initiatives to provide professional training and military schooling in foreign countries to former MNLF members absorbed into the AFP in consonance with the education and training programmes with 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.

[Clauses 21-152 deleted] ...

F. TOTALITY CLAUSE

- 153. This Peace Agreement, which is the full implementation of the 1976 Tripoli Agreement, embodies and constitutes the totality of all the 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.

Done in the City of Manila on the 2nd day of September 1996.

For the GRP

For the MNLF

H.E. Ambassador Manuel T Yan
Chairman of the GRP Peace Panel

H.E. Professor Nur Misuari
Chairman of the MNLF Panel

With the participation of the OIC Ministerial Committee of the Six and the Secretary-General of the OIC

H.E. Mr Ali Alatas
Minister of Foreign Affairs of the Republic
Of Indonesia/Chairman of the
OIC Ministerial Committee of the Six

H.E. Dr Hamid Al-Gabid
Secretary-General of the OIC

MALACANANG , Manila, EXECUTIVE ORDER NO. 371 (see next page)

MALACANANG

Manila

EXECUTIVE ORDER NO. 371

PROCLAIMING A SPECIAL ZONE OF PEACE AND DEVELOPMENT IN THE SOUTHERN PHILIPPINES, AND ESTABLISHING THEREFOR THE SOUTHERN PHILIPPINES COUNCIL FOR PEACE AND DEVELOPMENT AND THE CONSULTATIVE ASSEMBLY

WHEREAS, the economic and social development of the country, especially the improvement of the living conditions of the underprivileged, is a primary task of Government;

WHEREAS, recent improvements in the standards of living and greater opportunities for economic development arising from our economic and social reform program have not fully benefited our brothers and sisters in some areas of the Southern Philippines;

WHEREAS, peace and development in the Southern Philippines will enable our people to enjoy their just share in the fruits of progress;

WHEREAS, the Government and the Moro National Liberation Front (MNLF) embarked on a peace process to attain a just, comprehensive, peaceful and lasting resolution of the internal armed conflict in the Southern Philippines;

WHEREAS, the peace process culminated in the signing of the Final Peace Agreement in Manila on 2 September 1996 between the Government and the MNLF thereby ending the decades-old conflict in Mindanao;

WHEREAS, there is a new window of opportunity to focus, promote and accelerate development efforts in the Southern Philippines arising from the signing of the Final Peace Agreement between the Government and the MNLF;

WHEREAS, the Final Peace Agreement calls for the establishment of a Special Zone of Peace and Development (ZOPAD) in the Southern Philippines wherein peace and development efforts shall be intensified;

WHEREAS, the Final Peace Agreement further calls for the establishment of the Southern Philippines Council for Peace and Development (SPCPD) and a Consultative Assembly (CA) that will coordinate, promote and accelerate the peace and development efforts in the ZOPAD; and

WHEREAS, Section 14 Article X of the 1987 Philippine Constitution states that: "The President shall provide for regional development councils or other similar bodies composed of local government officials, and representatives from

non-governmental organizations within the regions for purposes of administrative decentralization to strengthen the autonomy of units therein and to accelerate the economic and social growth and development of the units in the region."

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

SEC. 1. PROCLAMATION OF A SPECIAL ZONE OF PEACE AND DEVELOPMENT (ZOPAD) IN THE SOUTHERN PHILIPPINES. There is hereby proclaimed a Special Zone of Peace and Development (ZOPAD) in the Southern Philippines which shall be the focus of intensive peace and development efforts in the next three years. Investments shall be channeled to this area to spur economic activities and uplift the conditions of the people therein. The ZOPAD shall consist of the following:

- (a) The provinces of Basilan, Cotabato, Davao del Sur, Lanao del Norte, Lanao del Sur, Maguindanao, Palawan, Sarangani, Sultan Kudarat, Sulu, South Cotabato, Tawi-Tawi, Zamboanga del Norte, and Zamboanga del Sur; and
- (b) The cities of Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Puerto Princesa, and Zamboanga.

SEC. 2. DEVELOPMENT EFFORTS IN THE ZOPAD. Within the next three years, the above mentioned areas covered by the ZOPAD shall be provided with the following development efforts:

- (a) Provision for basic services in the depressed areas of the ZOPAD, such as water, electricity, educational facilities, socialized housing, and health and sanitation, among others;
- (b) Provision for adequate infrastructure facilities to support the development requirements within the ZOPAD and enhance linkages with areas outside of it;
- (c) Promotion of investments and trade, both domestic and international, to generate employment and create opportunities for economic development;
- (d) Provision for entrepreneurial development support, livelihood assistance, and credit facilities so that those in the ZOPAD, especially the vulnerable sectors such as women, farmers and fisherfolk, unemployed, urban and rural poor, among others, shall have greater control over their economic destinies; and
- (e) Provision for capability-building assistance for local communities and organizations, especially women's groups, to take full advantage of development programs and projects in the ZOPAD.

SEC. 3. MEDIUM FOR DEVELOPMENT EFFORTS IN THE ZOPAD. Development efforts in the ZOPAD shall be carried out through the following:

- (a) Institutional mechanisms, such as the Southern Philippines Council for Peace and Development (SPCPD) to be hereby established, the Cabinet Officer for Regional Development (CORD) system, area-specific development task forces, regional development councils system, regional peace and order councils system, Southern Philippines Development Authority, and other institutional mechanisms which may be established; and
- (b) Existing development programs, such as but not limited to the BIMP-East ASEAN Growth Area, Social Reform Agenda localization programs, flagship projects, and Presidential Council for Countryside Development (PCCD) programs for priority provinces.

SEC. 4. PRIORITY AREAS AND PROJECTS. Development efforts in the ZOPAD shall give priority to the following areas:

- (a) Provinces in the area belonging to the 20 poorest provinces in the country (namely Basilan, Sulu, and Tawi-Tawi);
- (b) All 5th and 6th class municipalities in the provinces in the ZOPAD; and
- (c) Depressed communities within the towns and cities covered by the ZOPAD.

Projects to be implemented in the ZOPAD shall include the following:

- (a) Human development projects, including but not limited to health and sanitation services, educational development, and welfare services, to promote the well-being of families in depressed communities and enhance their capabilities to participate in economic programs;
- (b) Socialized housing projects to address housing backlogs in priority areas;
- (c) Water supply development to provide potable water especially to depressed communities in the ZOPAD;
- (d) Roads and bridges to connect depressed communities to centers of economic activities and improve mobility of goods and services within the ZOPAD and between the ZOPAD and other growth centers;
- (e) Airports and seaports to address the needs of commuters and facilitate transport of products in the priority areas;
- (f) Telecommunications and power/electrification programs to support the increase in economic activities in the ZOPAD;
- (g) Development and promotion of tourism to harness the tourism potential and enhance appreciation and awareness of history and culture in the ZOPAD;
- (h) Environmental and marine resources improvement program to protect and conserve natural resources in the ZOPAD;
- (i) Enhancement of agricultural production through irrigation and create forward and backward economic linkages;
- (k) Establishment of Provincial Industrial Centers and People's Industrial Enterprises to serve as focal points for business activities and generate additional economic opportunities; and

- (l) People empowerment programs to ensure greater participation of women and other disadvantaged groups in governance and in the determination of their political, economic, and social destinies.

SEC. 5. ESTABLISHMENT OF THE SOUTHERN PHILIPPINES COUNCIL FOR PEACE AND DEVELOPMENT. There is hereby established in the Office of the President, a Southern Philippines Council for Peace and Development (SPCPD) to serve as a special and transitory body to coordinate and promote the economic and special growth and development of the ZOPAD. The SPCPD shall be subject to the control and supervision of the President. The powers and functions of the SPCPD shall be derivative and extension of the powers of the President, i.e., those powers of the President that could be delegated under the Constitution and existing laws. The Chairman of the SPCPD shall submit to the President, in consultation with the Consultative Assembly, the SPCPD's plans and programs, annual development reports and other documents on the ZOPAD.

SEC. 6. COMPOSITION OF THE SPCPD. The SPCPD be composed of one Chairperson, one Vice-Chairperson and three Deputies. For the effective coordination of programs in the area, the Chairperson shall be designated by the President from among the governors in the ZOPAD, including the Governor of the Autonomous Region in Muslim Mindanao (ARMM). The other members of SPCPD shall also be designated by the President from among the heads of departments or other government offices and representatives of non-government organizations within the ZOPAD.

SEC. 7. FUNCTIONS OF THE SPCPD. The SPCPD shall promote and coordinate peace and development efforts in the ZOPAD. In particular, the SPCPD shall have the following functions:

- (a) To take charge in promoting, monitoring, and coordinating the improvement of peace and order in the ZOPAD;
- (b) To focus on peace and development efforts more particularly in the depressed areas of the ZOPAD 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;
- (e) To assist in the preparation for the holding of elections, referenda or plebiscite and people's initiative in the ZOPAD as may be duly deputized by the Commission on Elections (COMELEC); and
- (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.

The offices or instrumentalities referred to above are those internal to the SPCPD such as administrative or support staff necessary for SPCPD to efficiently and effectively function, or such ad hoc committees that may be formed from existing government personnel and representatives of non-governmental organizations or people's organizations to effectively promote the programs and projects in the ZOPAD.

SEC. 8. ROLE OF SPCPD WITH RESPECT TO DEVELOPMENT CONCERNS. With respect to development concerns in the ZOPAD, the SPCPD shall undertake the following additional tasks:

- (a) Promote, coordinate, and monitor development efforts in the ZOPAD, including the encouragement of domestic and foreign investments, subject to existing laws, especially from the Organization of Islamic Conference and the Association of Southeast Asian Nations;
- (b) Network with government and other development institutions to generate resources and economic opportunities for the ZOPAD; and
- (c) Coordinate for the office of the President with concerned departments and local government units in the promotion and the implementation of the programs and projects of the following agencies, namely: the Southern Philippines Development Authority (SPDA), the Office of Muslim Affairs (OMA), and the Office of Southern Cultural Communities (OSCC), only insofar as their respective offices or projects located in the ZOPAD area concerned; and the Basilan Development Task Force, the Central Mindanao Force, and the Special Development Planning Task Group.

SEC. 9. ROLE OF SPCPD WITH RESPECT TO PEACE AND ORDER CONCERNS. The SPCPD shall promote, coordinate and monitor the improvement of peace and order in the ZOPAD, as follows:

- (a) Monitor the implementation of peace and order and public safety measures in the area;
- (b) Hold consultative meetings and disseminate vital information pertaining to peace and order in the area;
- (c) Conduct advocacy and public information drive to enhance public support for law and order in the area;
- (d) Keep itself informed of peace and order programs and situation obtaining in the area, through coordination with military and police forces, and request such police or military forces to address specific contingencies in accordance with law, provided however, that the control and supervision of the police and the military forces shall remain and continue to be vested in their respective chains of command under existing laws; and
- (e) Submit reports and make recommendations to the President on matters pertaining to peace and order in the ZOPAD, in coordination with the Consultative Assembly.

SEC. 10. SUPPORT AND ASSISTANCE OF GOVERNMENT AGENCIES ON PEACE AND DEVELOPMENT EFFORTS IN THE ZOPAD. All departments, agencies, and instrumentalities of government, including government-owned and controlled corporations, are hereby directed to provide the necessary support for the successful and timely implementation of the above-mentioned programs, projects and concerns in the ZOPAD, in coordination with the SPCPD.

SEC. 11. ESTABLISHMENT OF THE CONSULTATIVE ASSEMBLY. There is hereby established a Consultative Assembly to serve as an advisory body to the SPCPD in the development of the ZOPAD. The Assembly shall be transitory and shall be under the control and supervision of the President.

SEC. 12. COMPOSITION OF THE CONSULTATIVE ASSEMBLY. The Consultative Assembly shall be composed of the following:

- (a) Chairperson of the SPCPD, who shall be the presiding officer of the Consultative Assembly;
- (b) The Governor and Vice-Governor of the ARMM and fourteen (14) Governors of the provinces and nine (9) city Mayors in the ZOPAD; and
- (c) Fifty-five (55) members from various sectors, including recommendees of non-government organizations (NGOs), and people's organizations (POs).

SEC. 13. FUNCTIONS OF THE CONSULTATIVE ASSEMBLY. The Consultative Assembly shall have the following functions:

- (a) To serve as a forum for consultations 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 Chairperson of the SPCPD and adopt rules and regulations to the extent necessary for the efficient and effective administration of the affairs of the area.

The rules and regulations referred to above pertain only to the internal affairs and procedures of the SPCPD and the Assembly, in order to promote the efficient, effective, and orderly performance of their functions. Such rules and regulations shall be submitted to the President for approval.

SEC. 14. DURATION OF EXISTENCE OF THE SPCPD AND THE CONSULTATION ASSEMBLY. The SPCPD and the Consultative Assembly shall exist for a period of three years from the effectivity of this order unless extended by the President.

SEC. 15. EFFECT ON LOCAL GOVERNMENT UNITS. Nothing in this Executive Order shall affect the existence or diminish the powers and functions under existing laws of all local government units in the ZOPAD, including the Autonomous Region in Muslim Mindanao.

SEC. 16. FUNDING. Funds for the operations of the SPCPD and the Consultative Assembly shall be sourced from the Office of the President and from such other funding sources as may be recommended by the Department of Budget and Management.

SEC. 17. SEPARABILITY CLAUSE. If any part or provision of this Executive Order is held invalid or unconstitutional, the other parts or provisions not affected thereby shall remain valid and effective.

SEC. 18. EFFECTIVITY CLAUSE. This Executive Order shall take effect fifteen (15) days after its publication in two newspapers of national circulation.

DONE, in the city of Manila, this 2nd day of October, in the Year of our Lord, Nineteen Hundred and Ninety-Six.

By the President:

RUBEN D. TORRES
Executive Secretary

