Solving the Mindanao Conflict Through the Constitutional Approach

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Introduction

During the inaugural session of the Regional Consultative Commission for Muslim Mindanao (RCC-MM) in Cotabato City on March 26, 1988, and, later, in the first few sessions in Zamboanga City, Muslim youth demonstrators pooh-poohed it as the Regional Cory's Commission, among others, and accused the government of insincerity, warning that no solution to the Mindanao conflict would be reached without the participation of the various Bangsa Moro Fronts. Loudest of all demands was the emphatic call for the implementation of the Tripoli Agreement.

When the same Commission's mandate of 150 days expired on 30 September 1988, its task unfinished, it was charged with having wasted away its budget of P20 million pesos of people's money.

When both Houses of Congress passed R.A. 6734 - An Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao, which was signed into law by President Corazon C. Aquino on 1 August 1989, the legislators were charged with mutilation of the people's will.

On 19 November 1989, a plebiscite was held to determine which among the 13 provinces and nine cities enumerated in the Organic Act would opt for inclusion in the Autonomous Region. Of the 13 provinces (Davao del Sur, South Cotabato, Sultan Kudarat, Maguindanao, Cotabato, Lanao del Sur, Lanao del Norte, Zamboanga del Norte, Zamboanga del Sur, Basilan, Sulu, Tawi-Tawi and Palawan), only Maguindanao, Lanao del Sur, Sulu and Tawi-Tawi voted in favor. Of the nine cities (Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Puerto Princesa and Zamboanga), not one voted in favor. And this was widely interpreted in media and by oppositionist politicians as a slap on the Aquino government. Or that the constitutional solution to the conflict has failed. But has it?

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This paper is mainly a *testimonial* to the series of events in which the RCC-MM was a vital part. It is also an assessment of the political value of the Constitutional approach towards the solution of the Mindanao conflict, and of the role played by the RCC-MM in the process. I was there as participant and witness. This is my version and perception.

The Constitutional Basis

Hoping to resolve the Mindanao conflict once and for all, the Constitutional Commission laid out the specific steps towards the creation of the Autonomous Region in Muslim Mindanao in seven long sections of the 1987 Constitution, namely, Article X, Sections 15-21. And the very first step was the establishment of the regional consultative commission. Says Article X, Sec. 18 in part:

> "The Congress shall enact an organic act for each autonomous region with the assistance and participation of the regional consultative commission composed of representatives appointed by the President from a list of nominees from multisectoral bodies."

The other autonomous region referred to is the Cordillera.

On the question of where in Mindanao would be the autonomous region, we seek guidance from two sections. The first, Article X, Sec. 15 states:

> "There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and national sovereignty as well as territorial integrity of the Republic of the Philippines."

And the second, Article X, Sec. 18, second paragraph, provides:

> "The creation of the autonomous region shall be effective when approved by the majority of votes cast by the constituent units in a plebiscite called for the purpose, provided that only provinces, cities, and geographic areas voting favorably in such plebiscite shall be included in the autonomous region."

Forming the Regional Consultative Commission

The legal basis for the formation of the Regional Consultative Commission for Muslim Mindanao (RCC-MM) was R.A. 6649. The same law defines the RCC-MM's tasks, among others.

However, long before the enactment of this law, the Office of the President initiated the process of selecting the composition of the RCC-MM. On 2 October 1987, President Aquino enjoined the Peace Commission (OPC) and the Mindanao Consensus-Building Panel (MCBP) to handle the responsibility. In about six months, from October 1987 to February 1988, joint OPC-MCBP teams fanned out in the thirteen provinces enumerated in the Tripoli Agreement and processed nominees for the RCC-MM, both those designated as district representatives and at-large. Interviews were done by the joint panels and as soon as the nominees were short-listed to three per district, these were in turn interviewed by the President before final selection.

In the end, fifty-two (52) people composed the RCC-MM. Twenty-six (26) of these were Muslims, eight (8) identified themselves as Highlanders, and the rest were Christians. A 53rd member was confirmed by the Commission on Appointments on 29 September 1988, the day before the last session; he was unable to participate in the body's deliberations.

There being no R.A. 6649 yet to guide them, how did the joint OPC-MCBP panel decide on the basis of representation? The Constitution was clear on the matter of "nominees from multisectoral bodies." It was merely a matter of defining what multisectoral bodies were, and they did. These were: highlanders, farmers, fishermen, laborers, professionals, businessmen, traditional leaders, and armed Muslim factions. And they were to be private, not government entities that would do the nomination. And the next issue was what specific territorial unit to represent. The only constitutional reference to territory which could be used as basis for representation was "Muslim Mindanao," nothing more. Apparently, the joint panel guided themselves with the policy statement made by President Aquino with respect to Muslim Filipinos on 20 August 1986 in which she expressed a solemn commitment to honor the Tripoli Agreement. Also, a scrutiny of the journals of the Constitutional Commission will show that the Tripoli Agreement was a basic reference in the formulation of the provisions on regional autonomy.

According to the Tripoli Agreement, the territory of the autonomy was made up of the following:

1. Basilan
2. Sulu
3. Tawi-Tawi
4. Zamboanga del Norte
5. Zamboanga del Sur
6. North Cotabato
7. Maguindanao
8. Sultan Kudarat
9. Lanao del Norte
10. Lanao del Sur
11. Davao del Sur
12. South Cotabato
13. Palawan
14. All the cities and villages situated in above-mentioned areas.

The cities were identified as Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Puerto Princesa, and Zamboanga. These 13 provinces and 9 cities were sub-divided into 27 congressional districts. These districts became the basis for territorial representation. The rest were those classified as at-large represented special groups or sectors. So, altogether, there were 27 district and 26 at-large commissioners. Five (5) slots were kept vacant for members of Bangsa Moro Fronts. The latter understandably kept their distance.

Representation by ethnic group went as follows. The Muslims were distributed into eight Maguindanaon, seven Maranao, six Tausug, two Yakan, two Samal, and one convert but married to a Maguindanaon. The Highlanders were two Subanun, one part-Subanun, two B'laan, one T'boli, one Tiruray and one Cuyunon. The imbalance among the Muslims may be explained by the appointment of at-large commissioners.

High Points in the Work of the Regional Consultative Commission

Under R.A. 6649, the RCC-MM had twenty million pesos and 150 days within which to come up with a final report. Oath-taking was presided over by President Aquino herself on 26 March 1988, at Cotabato City. April 4-8 were spent at the Asian Institute of Management, in a live-in seminar spiced with group dynamics, workshops and inputs from resource persons. Atty. Jose Nolledo, a member of the Constitutional Commissions, explained how the provisions on autonomous regions came into being; Rev. Joaquin Bernas spoke on the Tripoli Agreement; Ambassador Pacifico Castro recounted how the Philippine Government got entangled with the Organization of Islamic Conference which led to the Tripoli Agreement, and Dr. Marilou Palabrica-Costello of Xavier University shared the findings of the study-survey on autonomy done within the 13 provinces by a consortium of

universities (Xavier, Ateneo de Davao, Notre Dame University, MSU-Marawi, Western Mindanao State University) and it was found out, among others, that of the Christians who were asked if they wanted their place to be part of the autonomous region, nearly one hundred per cent replied *no*; a similarly negative response was given by the Lumad. The Muslim respondents naturally answered in the positive, also by nearly one hundred percent. The survey impressed on everyone the odds faced by the entire Commission if the intention was to make autonomy acceptable in the 13 provinces and 9 cities. But morale among the Commissioners was high and odds of 7 to 3 or even 9 to 1 was nothing to be scared about, only a battle to be won.

The organizational phase at Zamboanga City lasted until April 19, 1988. The spirit of camaraderie and mutual accommodation was very visible and the first result of this was to have a Muslim chairman and three vice chairmen, one each from the Muslims, Highlanders, and Christians. Another was the decision to distribute committee membership on a 40-40-20 principle, meaning 40% Muslim, 40% Christian and 20% Highlander. But as early as the nomination for the offices which was done by group, followed immediately by the selection of committee membership, this spirit would emerge for what it was: an illusion. To the Muslim submission of a single nominee for chairmanship, there were spontaneous but subdued reactions of "being violated" from some non-Muslims: ***sigurado ng kanila, hindi pa tayo pinadesisyon.*** (It should be pointed out that the Muslims violated no election rules approved earlier by the Commission.) Through whispers a joint Christian-Highlander meeting was convened at past midnight that same evening. More expressions of resentment were put forward. The discussions that followed led to a decision to strategize on how to capture the chairmanship of substantive committees. But apparently the Muslims did the same thing and, on the day of reckoning, cornered more substantive committees.

Beyond the phrase "final report," R.A. 6649 said nothing more about the expected output of the RCC-MM. During the organizational phase, some time was spent figuring out what this output might be. The guiding question was what would be the most worthwhile assistance of the Commission to Congress. The answer agreed upon: a draft organic act. And the reasons bear recalling here. The Commissioners are all long-time residents in the region; they have lived with the problem at hand and are therefore expected to have a feel of the situation better than any grouping. In addition, they would be conducting public consultations at both district and regional levels as prescribed by the law.

In the months of May and June, the individual Commissioners went into the consultation process without any agreed format at the Commission

level. Neither specific methods nor specific goals were arrived at. It was clear enough what district Commissioners would be doing, but the same was not true with Commissioners-at-Large. Thus, consultation methods varied from one Commissioner to another. There were those who went from one barangay to the next or to as many municipalities within their district; there were those who confined themselves to the specifics of their committees and consulted only with relevant groups; there were those who went to several districts; there were those who limited themselves to information drives through radio; and there were those who stayed at home and merely waited for constituents to come. Needless to say, the results were as varied as the methodology. Still, on the whole, the consultation did produce substantial input in a manner that is not easy to quantify. Insights derived from people's comments and translated into concrete proposals cannot be reduced to mathematical terms.

In the month of July and in the first week of August, regional level consultations were conducted in Puerto Princesa City, Zamboanga City, Marawi City, Cotabato City, and General Santos City.

Easily the most controversial, meaning touchy, issue in almost all the consultations was the name of the autonomy. Non-Muslims generally reacted with alarm over "Muslim Mindanao." This was taken as proof of their suspicion that the Muslims were out to dominate the government of the autonomy. Surprisingly, even Muslims (some being members of the MNLF) sensed the divisive effect of this name; some of the latter in Sulu even commented that the introduction of the phrase was a deliberate ploy on the part of the central government precisely to sabotage the struggle of the Bangsa Moro for self-determination.

But because the phrase was claimed to be enshrined in the 1987 Constitution, and in reaction to negative feedbacks, advocates and defenders of the name shot back that proposals to delete it were in effect resuming the colonial policy of annihilation, except that now it took the form of deletion.

And so, as early as May and June, the Commission was deeply aware of the temper of the people. Those opposed to the name and were automatically for non-inclusion of their respective places from the territory of the autonomy were the Christian-dominated provinces and cities, as follows: Davao del Sur, South Cotabato, Sultan Kudarat, Cotabato, Lanao del Norte, Zamboanga del Norte, Zamboanga del Sur, Palawan, General Santos City, Cotabato City, Iligan City, Pagadian City, Dapitan City, Dipolog City, Puerto Princesa City, and Zamboanga City. Generally in favor of inclusion in the autonomy were the Muslim-dominated provinces of Maguindanao, Lanao del Sur, Basilan, Sulu, Tawi-Tawi, and Marawi City. Such a result Reflected the findings of the survey-study shared earlier by Dr. Marilou Costello.

Not surprisingly, the issue of the name became the dominating controversy in the entire Commission and remained unresolved until the last day of the plenary deliberations. For those who were members of the Committee on Preamble, Regional Territory and Declaration of Principles, of which this writer was one, being in the eye of the storm for four months was not exactly a pleasant experience. The turbulence that raged outside was intensely replicated within the Committee itself.

August to September, especially the last 11 days, were plenary session days. On the evening of the last, September 30th, the Commission stopped the clock at exactly 11:53 PM and went on *sine die* session. At around 2:00 AM, the chairman of the Committee on General and Transitory Provisions walked out unexpectedly, and shortly thereafter, after a brief recess and consultation, there was a motion for adjournment, and the Chairman declared the session indefinitely adjourned.

What was the status of the envisioned draft organic act at the time of adjournment? The following have to be accomplished:

1. Completion of second reading for:
   a. preamble, title, name, territory and declaration of principles;
   b. administrative organization of the government structure; and
   c. general and transitory provisions.
2. Third reading for the entire draft organic act.

The abrupt ending which was triggered by the walk-out of a Commissioner from Zamboanga City erased all possibilities of any other decision. As soon as the adjournment was declared, authority for the Commission to deliberate as a body ceased altogether. There was no decision, for instance, that whatever the Commission accomplished ought to be called a draft organic act.

Value of the Regional Consultative Commission as a Political Process

As a political process, the RCC-MM was a first in modern Philippine political life. To put it in proper perspective, however, it must be seen not only as a first but, perhaps, most especially as a part of a bigger political exercise.

From the time President Marcos consented to negotiate with the MNLF through the mediation of the Organization of Islamic Conference, more specifically the Quadripartite Commission which it created to attend to the Bangsa Moro problem, up to the continuation of the same process in the

Aquino administration, one will immediately see the bilateral character of the talks. At the same time, one will also notice a consistent failure of the two parties to agree. The provisions of the Tripoli Agreement and the Jeddah Accord will reveal, on closer examination, a failure to agree on substantive matters.

But a most basic weakness of the bilateral process is the exclusion of the millions of people whose very lives happen to be the subject of negotiations. In the Tripoli Agreement, for instance, the second provision refers to the 13 provinces and all cities and villages therein as the areas of autonomy "for the Muslims in the Southern Philippines." And yet, one look at the 1970 census will show that the Muslim population constitutes only one-fourth of the total in the areas enumerated. What would happen to three-fourth of the inhabitants? And what about the Lumad groups which are equally in need of autonomy? In the Jeddah Accord, both parties agreed "to continue discussion of the proposal for the grant of autonomy to Mindanao, Basilan, Sulu, Tawi-Tawi and Palawan subject to democratic processes." If the exclusion of the rest of the population is noticeable in the first, it is even more so in the second.

And how were the areas of autonomy chosen? Why 23 provinces? Why not 20 or 15? Why 13 provinces? Why not 12 or 11? Unfortunately, no negotiation documents have so far revealed any close scrutiny or discussion on the basis for selection of provinces and cities for the autonomy. Just to emphasize the obvious, why where the two Zamboanga provinces and the province of Davao del Sur included in the Tripoli Agreement? Apparently it never occurred to anyone to inquire from the Lumad groups whether it was they or the Muslims who have been numerically dominant in these areas.

The introduction of the regional consultative commission in the Constitution and the specific instructions of R.A. 6649 for the commission to conduct public consultations constitute a radical departure from the bilateral approach. As interpreted by the Office of the President and later confirmed in R.A. 6649 by Congress, each of the 27 congressional districts would be represented in the regional consultative commission, and these in turn were balanced with sectoral representatives. And so, for the first time in Philippine modern political history, we have gathered together representatives from Lumads, Muslims and Christians with a constitutional mandate to thresh out a *modus vivendi* among themselves in an autonomous region. The public consultations they were bound by law to conduct prior to or as a pre-requisite to substantive deliberations further insured that popular sentiments would be heard and transmitted to the plenary deliberations. Then from the RCC-MM, the work is passed to Congress for final enactment into law. As soon as the President signs the organic act into law,

it is sent back to the people for judgment in a plebiscite. The cycle from-the-people-to-the-people is completed. The RCC-MM was in effect part of an entire cycle of a peacemaking process. But then, people sympathetic to the MNLF would continue to object aloud: the Bangsa Moro Fronts had no part in it, how can it be an instrument of peace? This question carries a mouthful of assumptions which are without solid foundations. In the first place, there is the belief that the cause of lack of peace in the region are the Bangsa Moro Fronts; for this reason, they are a necesary party to the restoration of peace. The existence of Muslim-Christian conflict within the area, specifically in Central Mindanao belies this. Secondly, it is thought that the Fronts unquestionably speak for and in behalf of Bangsa Moro inhabitants which by MNLF definition happen to include the Lumad population. Lumad groups generally refer to themselves as Lumads, Highlanders, Tribal Filipinos, and the like depending on their orientation. But seldom, if ever, do they call themselves Bangsa Moro. Most often they use their ethnolinguistic names. Finally, it is assumed that differences between the Fronts and the Government could be settled constitutionally. Although elements in the latter may claim to be so, it is more than obvious that whenever they meet at the negotiating table, they speak their own distinct languages over each other's heads.

But how can anyone say the constitutional experiment was successful when the RCC-MM did not reach its goal, and whatever it finished was later supposedly mangled by Congress, and what Congress produced that was approvced by the President was later soundly rejected by the majority of the voters during the plebiscite called for the purpose?

The equation seems logical enough. But there is a need to clarify a number of things. First, the failure of the RCC-MM to attain its self-imposed goal is the ultimate result of a complex of issues that revolved around the controversy over "Mindanao." It certainly had a direct role in the maneuvers of its advocates to delay and postpone deliberations on the name to the last minute. The tensions that were created in the process raised other complications. There were also administrative matters, indecisions included, that hampered rather than facilitated deliberations both at the Committee and at the Commission levels. Altogether, finally, the issues reflect the very social dynamics obtaining in the region among the Lumads, Muslims and Christians which the Commission as a whole cannot claim to have overcome.

The failure of the RCC-MM to achieve its goal of a completed draft organic act should not mean a total failure to undertake its principal task of assisting Congress in drafting the organic act. There was much substance in the final report; the will and sentiments of the people were generally reflected in the provisions. After the Mindanao Affairs Committee in the Senate and the Local Government Committee in the House heard from the

Commission, the bills for the organic act filed in both Houses were faithful reflections of what RCC-MM had accomplished. What was left of the original final report when both Houses passed the act must be considered in light of additional factors like the constitutionality of certain provisions, the contradictions among the provisions and others which the RCC-MM did not resolve by themselves in the first place. Insertions in Congress where no RCC-MM made provision existed cannot possibly be regarded as a case of mangling. But we shall have space below for some internal analysis of the organic act.

The so-called rejection by the majority of voters in the region which is equated as the rejection of the constitutional approach and the Cory solution is a case of static and simplistic quantification. It has been known in the proposed area of autonomy by those scholars from a consortium of Mindanao universities that did a study in 1987 about the acceptability of autonomy and came out with the results in March 1988 that those in favor were generally the five Muslim-dominated provinces. Participants in the public consultations have warned of the same result and these were those who advised that the RCC should stop wasting its time with places that do not want to be part of autonomy. In short, those who were generally opposed to autonomy remained so from beginning to end; and those who were in favor remained in favor. There were no noticeable substantial deviations except in the latter with the *no* vote prevailing in Basilan and Marawi City.

And the reasons given in the study were substantially the same reasons repeated in the consultations and, later, in the information drive. It was the Muslims who have fought for autonomy and it was naturally they who favor its establishment. Non-Muslims, whether Christians or Lumads, were quite consistent in their perception that autonomy was for the Muslims and not for them. Put negatively, they say that they do not want to be dominated by the Muslims. One personal experience is worth recalling here.

One week before the November 19, 1989 plebiscite, this author inquired from his four classes in History (History of the Moro people and the Lumad groups of Mindanao) whether they have heard of autonomy in Muslim Mindanao and the organic act and the plebiscite. They answered yes. These students came from all over Mindanao. He also asked them if they wanted to have their place as part of the autonomous region. Ninety-four percent said no. Asked why, the most common reason given was they did not want to be dominated by the Muslims. Then I gave them a copy each of the organic act and together we looked for provisions saying that Muslims would dominate the Christians. They found none, as indeed there was none. Instead there were a number on equality. Also, the overall impression was that there was nothing in the act that would prejudice the Christians. There

were also advantages for those which would become part of the autonomy. Yet, when a second round of voting was done, the same ninety-four percent voted *no* — by the heart, from all appearances.

Judging the Product: Reviewing Certain Points in R.A. 6734 - An Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao

There are four items in political life that the autonomous region for Muslim Mindanao cannot do without: (a) the inhabitants of the autonomy; (b) the territory of the autonomy; (c) the political power of the autonomy; and (d) the resources of the autonomy.

Put in question form, these four items can be writen, as follows: (a) For whom is autonomy? (b) Where is autonomy? (c) What is the political power of the autonomy? (d) With what does the autonomy sustain itself?

It must be clear from the very start that assessing the organic act along these four items is not possible without at the same time touching the 1987 Charter; it will also be evaluating the basic law of the land. According to Article X, Sec. 15 of the 1987 Constitution, it is the mold within which the organic act must be and was formed.

For Whom Is Autonomy? Where Is Autonomy?

The nearest clue to this is Article X, Sec. 15, as follows: "... Muslim Mindanao... consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics...." Also, "ancestral domain" in Sec. 20 of the same article.

The second paragraph of Article X, Sec. 18 provides us with our final lead. It states:

> "The creation of the autonomous region shall be effective when approved by majority of the votes cast by the constituent units in a plebiscite called for the purpose, provided that only provinces, cities and geographic areas voting favorably in such plebiscite shall be included in the autonomous region."

The clues cited are not in any way conclusive, as every working member of the RCC-MM's Committee on Preamble, Regional Territory and Declaration of Principles would testify.

What is the meaning of "Muslim Mindanao"? It is open to at least nine interpretations, and each corresponds to a specified territory ranging from 23 to zero provinces. Here goes:

(a) If by Muslim Mindanao we mean the Bangsa Moro Ancestral Homeland as claimed by the MNLF, then the territorial equivalent is 23 provinces or the entirety of Mindanao, Sulu Archipelago and Palawan.

(b) If by Muslim Mindanao we mean those areas traditionally inhabited, though not necessarily dominated numerically by the Islamized ethnolinguistic groups, the equivalent is a territory encompassed within but not the entirety of 16 provinces (add Bukidnon, Davao Oriental, Davao del Norte, and Davao City to those enumerated in the Tripoli Agreement.)

(c) If by Muslim Mindanao we mean the American-created Moro Province (1903-1914) which was made up of what were then called the undivided provincial districts of Davao, Cotabato, Lanao, Zamboanga and Sulu, the territorial equivalent is 14 provinces.

(d) If by Muslim Mindanao we mean the areas specified in the manifesto of the Muslim Independence Movement on May 1, 1968, namely, "the contiguous southern portion of the Philippine Archipelago inhabited by Muslims, such as, Cotabato, Davao, Zamboanga and Zamboanga City, Basilan City, Lanao, Sulu, Palawan, and the adjoining areas of islands which are inhabited by the Muslims or being under their sphere of influence, including maritime areas therein," the territory is 15 or more provinces and about 10 cities.

(e) If by Muslim Mindanao we mean the areas specified in the Tripoli Agreement, the territorial equivalent is 13 provinces and 9 cities.

(f) If by Muslim Mindanao we mean the jurisdiction of the former autonomous governments of Regions IX and XII, the territorial equivalent is 10 provinces. Sultan Kudarat, Maguindanao, Cotabato, Lanao del Sur and Lanao del Norte, including the cities of Cotabato, Marawi and Iligan for Region XII, and Zamboanga del Norte, Zamboanga del Sur, Basilan, Sulu and Tawi-Tawi, including the cities of Pagadian, Dapitan, Dipolog and Zamboanga for Region IX.

(g) If the reference is to those areas enumerated in R.A. 6649, the terrritorial equivalent is 13 provinces and nine cities, more or less. The latter qualification was deemed necessary so as not to bind the RCC-MM and Congress in its deliberations. We may also include here a slightly distinct interpretation which refers specifically to the provinces and cities from which the RCC-MM members were drawn: slightly distinct because of the absence of the qualification "more or less."

(h) If the focus is specific upon those provinces and cities which are predominantly Muslim according to the Primer of the 1987 Constitution (but

which according to Atty. Nolledo was never approved by the Constitutional Commission) and the national censuses of 1970 and 1980, the territorial equivalent is the combined areas of Maguindanao, Lanao del Sur, Basilan, Sulu and Tawi-Tawi. The only city would be Marawi.

(i) If by Muslim Mindanao we mean, and the Constitution gives us no choice but to accept this meaning, "only provinces, cities and geographic areas voting favorably in such plebisicte," the territorial equivalent is fluid (although this is already theoretical at present), ranging from 13 to zero or vice versa.

Let us now see how these various interpretations would affect the issue of "for whom is autonomy." Notice that the only clear lead we have is the word "Muslim" in Muslim Mindanao. Thus, if we have to answer the question "for whom" we are constrained to look elsewhere. But if we look elsewhere, and this means the realities of the region, what do we see? The Christian population, and this meant at least 70% of the people in the 13 provinces and nine cities, has not expressed any interest in autonomy. The Lumad groups for their part have only started to articulate their desire for self-determination in the mid-80s and have not been specific on the form. Statistically, they constitute about five percent of the total population in the 13 provinces and nine cities. And this leaves us with 13 Islamized ethnolinguistic groups, the core of the MNLF-led Bangsa Moro struggle for self-determination, constituting about 25% of the total inhabitants in said region. But the Constitution fell short of stating that autonomy was for the Muslims. So, for whom indeed?

We referred to "Muslim" as the only clear lead because the continuation of the provision "... consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics..." certainly does not square off with 13 provinces and nine cities. As the territory expands from a base, say, of five provinces (Maguindanao, Lanao del Sur, Basilan, Sulu and Tawi-Tawi) "Muslim Mindanao" progressively loses its appropriateness and must give way to cultural diversity. In the five provinces, only the Tiruray of the Lumad groups are included, confined to two adjacent towns in the province of Maguindanao. In the 13 provinces, we have the 13 Islamized ethnolinguistic groups and at least 12 Lumad ethnolinguistic groups. If we include the Christian population into the picture, then we have a situation that puts autonomy in an entirely different light.

The dominant presence of the Christian population becomes by itself a very potent argument against confining "for whom" to the Muslim population, and opens the way to giving serious consideration to a geographical autonomy within which the major segments of the population, in this case the Muslims, Lumads and Christians, will have to work towards a *modus*

vivendi on the basis of equality of rights. And it seems that by force of reality rather than by force of clear constitutional provisions, the Executive branch has favored geographical autonomy. Which is a departure from the usual twentieth-century political arrangement of giving autonomy to minority groups.

The fact that we have to do a lot of speculation and elimination and stretching to be able to figure out the territory of the autonomy and for whom is autonomy is itself an indication of a basic weakness in the constitutional provisions. And this inadequacy touched off a series of other problems, and this author knows whereof he speaks because the RCC-MM was the first deliberative body to try to find clarity amidst ambiguity. But could the Constitutional Commission have done otherwise? Perhaps not, if we go by the following exchange between this author and Father Joaquin Bernas.

In his column in the *Manila Chronicle* (3 January 1989), Father Bernas who was a member of the Constitutional Commission, strongly spoke in support of Muslim Mindanao. As a matter of fact, he entitled his column for that day: "What's so bad about Muslim Mindanao?" He said in part:

> "The name of the Mindanao autonomous region itself should reflect the rationale for the existence of the autonomous region. The constitutional provision is the formal recognition that there are regions in the Philippines where the Muslim culture is dominant. The constitution wants that culture preserved. Part of the process of preservation and enhancement must be a suitable name for the region, a name that can capture the color of Muslim culture...."

Then he closed with the exhortation: "Give Muslim Mindanao a chance to be truly native — and Muslim."

No one would really argue with this provided that it did not mean 13 provinces and nine cities. This author wrote to him in reaction to his column saying in part (5 January 1989):

> "... when you say 'Give Muslim Mindanao a chance to be truly *native* — and Muslim' (underscoring mine), non-Muslims, the Tribal Cultural Communities are spontaneously excluded. And yet they, too, all 12 tribes of them in the 13 provinces, are native. Do they have less right to a name they can call their own in the areas of the region where they too are indigenous because they are less in number? And what about the Christian inhabitants who by a twist of colonial history became the majority in eight of the 13 provinces, have they lost the right to a name? Because they were born of migrant parents, most of them?"

His reply to this letter appeared in the same column of the *Manila*

Chronicle on 20 January 1989, and said in part:

> "Let me just say that I am not firmly wedded to the name Muslim Mindanao. But I am wedded to the conviction that the autonomous region must be given a chance to choose its own name."

Father Bernas' change of tone is actually no less than a shift in position from Muslim-centered autonomy to a geography-centered one. Which inevitably arouses the suspicion that the ConCom delegates as a whole were not appropriately informed about the social realities in the 13 provinces. And a reading of the ConCom proceedings confirmed this. What they had in abundance was goodwill and an honest-to-goodness desire to bring the Mindanao conflict to an end. But what the implementors of the Constitution discovered was that such an end cannot be attained without giving due consideration to the other major segments of the population. So, how did Congress try to resolve the problem in the organic act? It adopted the proposal of the RCC-MM but attached a clause allowing for a change of name, as follows:

> "The name of the Autonomous Region shall be the Autonomous Region in Muslim Mindanao unless provided otherwise by Congress upon the recommendation of the Regional Legislative Assembly."(Art. I, Sec. 1)

And in recognition of the basic differences of the three major segments of the region's population, Congress combined Sections 7 and 8, Art. III (Declaration of Principles and Policies) of the RCC-MM's Final Report and entered it as Sec. 5, Art. III of the Organic Act (R.A. 6734), as follows:

> "The Regional Government shall adopt measures to ensure mutual respect for the protection of the distinct beliefs, customs, and traditions among its inhabitants in the spirit of unity in diversity and peaceful coexistence: ***Provided,*** That no person in the Autonomous Region shall, on the basis of creed, religion, ethnic origin, parentage or sex be subjected to any form of discrimination."

Before we proceed to the section on political power, let me just point out that the basic design of R.A. 6734 is for 13 provincres and nine cities, geography-oriented, and calculated to accommodate all the three major segments of the population. But if the Constitution had been more definite about the Muslim character of the autonomy, then the design of the organic act would have been made to fit the Muslim-dominated areas. This of course

is now wishful thinking, a *post mortem*, and an academic discourse.

Political Power of the Autonomy

Political power is at the heart of the autonomy question. It has been said that the Marcos autonomy in Regions IX and XII was no real autonomy, just an administrative arrangement where there is mere delegation rather than real transfer or devolution of power.

Not surprisingly, warnings were not lacking against a repetition surfacing during public consultations. The RCC-MM Commissioners were well aware that there had to be a devolution of real power.

The constitutional provisions with respect to what powers would be devolved were most clear in this regard. It was merely a matter of balancing central government authority and autonomous powers. The RCC-MM proposals were contained in Article IV (Government Structure) and Article VI (Inter-Governmental Relations) of the Final Report, very specific and detailed. There was no mutilation in Congress. Although the subject was distributed in Articles IV, V, VI, and XIX of the Organic Act, one would notice that the final version was simpler, sharper, and shorter. One important addition which was not in the RCC-MM version was the immediate transfer of control and supervision of line agencies of the National Government to the Regional Government, namely, those dealing with local government, social services, science and technology, labor, natural resources, and tourism, including personnel, equipment, properties and budgets. The others were scheduled for a later date. And what about budgetary support? We quote from Art. XIX, Sec. 4, Par. 3:

> "The National Government shall continue such levels of expenditures as may be necessary to carry out the functions devolved under this Act: ***Provided,*** however, That the annual budgetary support shall, as soon as practicable, terminate as to the line agencies or offices devolved to the Regional Government."

There was also the provision for the creation of an Oversight Committee that would supervise the transfer of powers, functions, properties, assets, liabilities, personnel and so on. One could see that Congress really stretched to the limit the devolution allowed by and within the Constitution.

We close this section by citing Article V, Sec. 2 of RA 6734:

The Autonomous Region is a corporate entity with jurisdiction in all matters devolved to it by the Constitution and this Organic Act as herein

enumerated.

1) Administrative organization;
2) Creation of sources of revenues;
3) Ancestral domain and natural resources;
4) Personal, family and property relations;
5) Regional urban and rural planning development;
6) Economic, social and tourism development;
7) Educational policies;
8) Preservation and development of the cultural heritage;
9) Powers, functions and responsibilities now being exercised by the departments of the National government except:
   a) Foreign affairs;
   b) National defense and security;
   c) Postal service;
   d) Coinage, and fiscal and monetary policies;
   e) Administration of justice;
   f) Quarantine;
   g) Customs and tariff;
   h) Citizenship;
   i) Naturalization, immigration and deportation;
   j) General auditing, civil service and elections;
   k) Foreign trade;
   l) Maritime, land and air transportation and communications that affect areas outside the Autonomous Region; and
   m) Patents, trademarks, trade names, and copyrights; and

10) Such other matters as may be authorized by law for the promotion of the general welfare of the people of the region.

Still, many people cannot help but wonder and feel insecure about the real implications of those ubiquitous phrases found all over the organic act, namely, "subject to the provisions of the Constitution" and "subject to national laws."

The Gut Level Issue or How to Sustain the Economic Life of the Autonomy

As early as April 1988, there were already comments from key personnel of NEDA from both Regions IX and XII that even if the Autonomous Region were allowed to retain one hundred percent of its tax earnings, it would not be able to sustain itself. It would continue to require financial subsidy from

the national government.

Sometimes in some committee meetings, but usually in private conversations among the Commissioners, it was often said that it was important that the three highly urbanized cities of Zamboanga, Iligan and General Santos be persuaded at all cost to join the autonomy. Combined the three of them could sustain a large portion of the cost of operating the autonomy. Unfortunately, nobody could tell for sure by how much. And the simple reason was really that no one knew the cost of running an autonomous government.

But perhaps the most unfortunate experience of the RCC-MM was that there was no in-depth discussion, whether at the Committee or at the Commission level, of the natural resources of the region as an attempt to figure out the economic viability of the region. Very few Commissioners knew, for instance, that metallic mineral resources in commercial quantities are to be found only in Zamboanga del Sur and Sultan Kudarat; copper in Zamboanga del Sur and Sultan Kudarat; gold and silver, iron (lump ore), lead and zinc and manganese only in Zamboanga del Sur. Non-metaliic mineral reserves: cement raw materials in Iligan; limestone in large quantities in Maguindanao, and a greater portion in Zamboanga del Sur. Thus, no one had any scenario corresponding to, say, 10 provinces, or five provinces. Even in the discussion of the P10 billion yearly subsidy from the National Government for ten years as seed money for the Autonomous Region (the original proposal was P20 billion for an indeterminate period), there were only vague and general references to so much percent of the coconut industry being contributed by Mindanao, or so much percent of the wood industry being supplied by Mindanao, and so on, and that the subsidy was merely an attempt on the part of the Autonomy to recover what has been taken from Mindanao. No specific figures and statistics were cited for each of the 13 provinces and nine cities. No explanation for the reference to Mindanao as a whole, rather than to the 13 provinces and nine cities.

And now come the results of the plebiscite. Only the provinces of Maguindanao, Lanao del Sur, Sulu and Tawi-Tawi constitute the Autonomous Region in Muslim Mindanao. One cannot help but be anxious for the economic future of a region where about the only abundant natural resources one could cite are people, water, fish and patches of forest cover.

An integral part of the discussion on economy and natural resources is ancestral domain. Let us first have a a look at the Final Report's definition of ancestral domain (Article VIII, Sec. 49):

> "All lands and other areas belonging to the indigenous cultural communities in the Autonomous Region by historic right or equitable imperfect title, by customary title, by actual or constructive occupation

and possession including alienable and disposable lands of public domain, lands of the public domain undisposed of or leased, forests, pasture lands, and hunting grounds, shoals, seashores, fishing grounds, coral reefs, sacred shrines, worshipping and burial grounds and trees, ancient settlement sites, air spaces, and such other areas as may be so classified by law are hereby declared as ancestral domain: **PROVIDED,** That valid claims of ownership over land which have been disposed of by the indigenous cultural communities, donated to or acquired by the inhabitants of the region in accordance with customary laws of a specific tribe or the Philippine laws shall be respected and guaranteed; **PROVIDED, FURTHER,** That these acquisitions have been made in good faith."

Notice that ancestral domain includes lands which are alienable and disposable and lands, including bodies of water, forest and mineral areas, which in Philippine laws on natural resources are inalienable and non-disposable. Thus, if we talk of developing and exploiting the natural resources of the region, we are most likely intruding into the domain of the various indigenous communities. Or maybe intruding is a bit too mild. The truth is there is a very real contradiction between State interests and tribal interests. How did we feel about this contradiction in the RCC-MM?

Those directly involved were the members of the Committee on Ancestral Domain and Agrarian Reform. Their task was to define ancestral domain in accordance with customary laws and state laws within the framework of the 1987 Constitution. Tall order. But exciting. The 1987 Constitution is the first basic law of the land to recognize ancestral domain and uphold and protect the same; the RCC-MM had the first crack at attempting a workable definition. Not very long after the first Committee meeting, the members discovered a seemingly insurmountable contradiction — within the Constitution itself! And this author's own description of it is: what the right hand has given away with a smile, the left hand has taken away without the courtesy of a smile. And not too far from each other in the same Article XII on National Economy and Patrimony. Section 5 says:

"The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous communities to their ancestral lands to ensure their economic social and cultural well-being.

The Congress may provide for the applicability of customary laws governing property rights or relations in determining their ownership and extent of ancestral domain."

Apart from the modifying clause "subject to the provisions of this Constitution and national development policies and programs" which in itself is ominous because there is already the element of double talk, there is further Section 2 of the same Article which is a straightforward assertion of State interests, to wit:

> "All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are *owned* by the State. With the exception of agricultural lands, all other natural resources shall not be alienated." (Underscoring supplied)

We in the Committee figured that the only way out to assert the interest of the tribal communities is to convert areas of ancestral domain into local political units which in effect would make them an extension of the State, vested with corporate powers and could assert control, even proprietary rights over ancestral domain or those portions claimed as owned by the State. This explains the last paragraph in the RCC-MM proposal on ancestral domain, namely, Art. VIII, Sec. 49, Par. 2:

> "Such areas of ancestral domain may be declared as political units, subject to national and regional laws."

Congress, however, decided to take the easy way out — uphold the interest of the State. Thus, after the definition of ancestral domain in the organic act (Art. XI, Sec. 1, Par. 2) it added the fatal phrase:

> "except: strategic minerals such as uranium, coal, petroleum, and other fossil fuels, mineral oils, and all sources of potential energy; lakes, rivers, and lagoons; and national reserves and marine parks, as well as forest and watershed reservations."

Wala ng itinira was one reaction to this ***coup d'grace.***

As if this was not enough, Art. XIII, Sec. 2, Par. 2, provides that: "... when the natural resources are located within the ancestral domain, the permit, license, franchise or concession, shall be approved by the Regional Assembly after consultation with the cultural community concerned." The approval by the Assembly is just fine, but the word "consultation" has no fixed meaning in Philippine political life. It got into the 1987 Constitution in reaction to the negative experience during the dictatorial regime of President Marcos. But if we are to judge the public consultations conducted by the

members of the RCC-MM, it can mean any one of several things except "the will of the majority of those consulted is binding."

One can understand the insistence of the central government to exercise direct control over strategic minerals and similar reources, but other forms of arrangement by which indigenous communities can somehow benefit could have been provided for. Through shares of equity or profit, for example. Both the Senate and the House of Representatives may not be aware of it, but they have just hit the Lumads where it hurts most. It is like crippling them first, then providing them with all the technical assistance for participation in a marathon. Not only have the poor Lumads failed to obtain a seat in the Legislative Assembly of the Autonomous Government, they also might miss membership in the regional cabinet because such is contingent on the mood of the Regional Governor. But the most serious reason why they are the biggest loser in the Autonomous region is the State assertion of proprietary right over strategic natural resources within areas of ancestral domain. Because of this we may conclude in their behalf: no amount of recognition and protection and propagation and enrichment of their indigenous culture shall have any meaning unless their ancestral domain is left intact. The milieu of indigenous culture is precisely the area of ancestral domain. The Autonomous Government is merely the bigger structure which will provide umbrella protection to areas of ancestral domain.

Lessons and Conclusions

Was the multilateral or constitutional approach towards solution of the Mindanao conflict a success? It may be too soon to judge; the regional autonomy in Muslim Mindanao has not had time to prove itself. But we can certainly learn some lessons from the process.

First, it was a breakthrough in social conflict resolution, one that illustrates a complete cycle of "from the people to the people," one that demonstrates an active interaction between government and people. There was close interaction between government and people in the way the RCC-MM Commissioners were chosen; there was another round of interaction when the Commissioners conducted public consultations; a refine process took place among the Commissioners, between the Commissioners and responmsible Congressional Committees, and in the Congressional deliberations. Then after the President affixed her signature the organic act was passed back to the people for final judgement in a plebiscite. There were kinks along the way but these did not nullify the positive gains of the entire process.

Second, some fundamental weaknesses point to the Constitution as the controlling factor. It was not clear on for whom is autonomy, or which part

The Memorandum of Agreement is so far deemed classified and will not be made available to the public. The other two are self-explanatory.

The MILF has been quiet and has not released any public statement with respect to the talks. The MNLF-Reformist Group, too, has been silent.

What will the Formal Peace Talks produce ultimately? Will this be acceptable to the other Moro revolutionary groups? The clearest answer we can think of at this point is "We do not know." Perhaps, it is best for the moment to think positive and pray that the end will be for the best interest of all parties concerned.

Document A

IN THE NAME OF GOD, THE OMNIPOTENT, THE MERCIFUL

GRP-MNLF FORMAL PEACE TALKS WITH THE OIC PARTICIPATION JAKARTA, 25TH OCTOBER - 7TH NOVEMBER 1993

INTERIM GRP - MNLF CEASEFIRE AGREEMENT

This document is entitled: "**1993 INTERIM CEASEFIRE 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 THE ISLAMIC CONFERENCE (OIC).**"

WHEREAS, there are on-going formal negotiations between the GRP and the MNLF Peace Panels being held in Jakarta, Indonesia, with the participation of the Representatives of the OIC in order to attain a just, comprehensive and lasting peace in Southern Philippines, primarily in the area of regional autonomy;

WHEREAS, there is an existing informal ceasefire between the Armed Forces of the Philippines and the Philippine National Police of the GRP, on the one hand, and the Bangsamoro Armed Forces of the MNLF, on the other, as a result of the meeting between the estwhile President Corazon C. Aquino and Chairman Nur Misuari in the capital town of Jolo, the Province of Sulu, on 5th September 1986;

WHEREAS, all the parties at the current Formal Peace Talks subscribing to the laudable suggestion of the Honorable Foreign Minister of Indonesia, do hereby agree on the following:

1. To formalize and further strengthen the structure and conduct of the ceasefire which was agreed upon between the erstwhile Philippine President Corazon C. Aquino, and Chairman Nur Misuari of the MNLF. The latter embarking on the peace process had obtained the concurrence of the Secretary-General of the OIC. The historic meeting between the two leaders took place in Jolo, the Province of Sulu, on 5th September 1986.
2. To ensure the successful implementation of this **Interim Ceasefire Agreement**, the forces of both parties shall remain in their respective places and refrain from any provocative actions or acts of hostilities contrary to the spirit and purposes of this said **Agreement**; provided that the representatives of the OIC shall help supervise in the implementation of this **Agreement** through the Joint Committee;
3. A Joint Committee as provided for in Article III section 12 of the Tripoli Agreement shall be constituted immediately, to be composed of representa-

tives from the GRP and the MNLF with the help of the OIC represented by the Ministerial Committee of the Six;

4. The Joint Committee shall prepare its own detailed guidelines and ground rules for the implementation of this **Agreement** and submit the same to all parties concerned not later than 30th November 1993 for approval by duly designated representatives of all parties concerned.
5. This **Interim Ceasefire Agreement** which shall be linked to the substantial progress of the negotiations shall take effect immediately upon its signing by the parties signatory to it and shall remain valid and enforceable solely for the duration of the Formal Peace Talks, unless otherwise extended by their unanimous decision.

Done in Jakarta on 7th November 1993

For the **GRP**

(Sgd.) Ambassador Manuel T. Yan
Chairman of the GRP Peace Panel

For the **MNLF**

(Sgd.) Professor Nur Misuari
Chairman of the MNLF Peace Panel

For the **Host Government/ Chairman of the OIC Ministerial Committee of the Six**

(Sgd.) Ambassador S. Wiryono
Director-General for
Political Affairs

For the **OIC Secretary-General**

(Sgd.) Ambassador Mohammad Mohsin
Assistant Secretary-General

Document A

IN THE NAME OF GOD, THE OMNIPOTENT, THE MERCIFUL

GRP-MNLF FORMAL PEACE TALKS WITH THE OIC PARTICIPATION JAKARTA, 25TH OCTOBER - 7TH NOVEMBER 1993

INTERIM GRP - MNLF CEASEFIRE AGREEMENT

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Done in Jakarta on 7th November 1993

For the **GRP**

(Sgd.) Ambassador Manuel T. Yan
Chairman of the GRP Peace Panel

For the **MNLF**

(Sgd.) Professor Nur Misuari
Chairman of the MNLF Peace Panel

For the **Host Government/ Chairman of the OIC Ministerial Committee of the Six**

(Sgd.) Ambassador S. Wiryono
Director-General for
Political Affairs

For the **OIC Secretary-General**

(Sgd.) Ambassador Mohammad Mohsin
Assistant Secretary-General

Document B

IN THE NAME OF GOD, THE OMNIPOTENT, THE MERCIFUL

JOINT PRESS COMMUNIQUE

THE FORMAL PEACE TALKS BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE MORO NATIONAL LIBERATION FRONT WITH THE PARTICIPATION OF THE OIC MINISTERIAL COMMITTEE OF THE SIX AND THE OIC SECRETARY GENERAL

1. The Formal Peace Talks between the Government of the Republic of the Philippines and the Moro National Liberation Front were held in Jakarta, Indonesia, on 25th October to 7th November 1993 with the participation of the Indonesia as host country and Chair of the OIC Ministerial Committee of the Six, and the Secretary General of the Organization of the Islamic Conference.
2. The opening ceremony, held on 25th October 1993, was presided over by **H.E. Mr. Ali Alatas**, Foreign Minister of the Republic of Indonesia. Also present at the Opening Ceremony was the Secretary General of the OIC, **H.E. Dr. Hamid Algabid**.
3. The Formal Peace Talks were held in plenary and working group sessions. The plenary sessions were chaired by **Ambasssador Sastrohandoyo Wiryono** of Indonesia.
4. Following extensive exchanges of views, the participants in the Formal Peace Talks reached a number of agreements, including the following:
   (1) the establishment of a **Joint Secretariat** made up of representatives from the GRP and the MNLF panels, as well as Indonesia the host country and representing the OIC Ministerial Committee of the Six and the OIC Secretary General to provide back-up support to the Formal Peace Talks.
   (2) the categorization of the proposed Agenda for the Formal Peace Talks focusing on the modalities for the full implementation of the Tripoli Agreement in letter and spirit and on the basis of the guidance provided for in paragraph 14 of the Cipanas Statement of Understanding. The Formal Peace Talks agreed to discuss at the first stage the following nine agenda items with the understanding that other items can be discussed at a later stage:
      a. National Defense
      b. Education
      c. Administrative System
      d. Economic and Financial System
      e. Regional Security Force
      f. Representation in National Government

g. Legislative Assembly and Executive Council
h. Mines and Minerals
i. Judiciary and the Introduction of Shariah Law

(3) the establishment of the following **Support Committees** made up of experts from the GRP and the MNLF to further examine in detail all the pertinent issues in their respective areas of responsibility with a view to achieving agreements and submitting a report with recommendations to the Mixed Committee:

a. Support Committee-1 (National Defense and Regional Security Force)
b. Support Committee-2 (Education)
c. Support Committee-3 (Economic and Financial System, Mines and Mineral)
d. Support Committee-4 (Administrative System, Representation in National Government, Legislative Assembly and Executive Council)
e. Support Committee-5 (Judiciary and Introduction of Shariah Law)

These Support Committees will hold their meetings in Manila and Zamboanga; or elsewhere in Southern Philippines as may be agreed by the parties.

(4) the reactivation of the **Mixed Committee**, composed of representatives of the GRP and the MNLF with the participation of the OIC as mandated by Article III, paragraph 11 of the Tripoli Agreement of 1976 "to study in detail points left for discussion in order to reach a solution thereof in conformity with the provisions of this agreement";

(5) the formation of the Ad **Hoc Working Group on the Setting Up of the Implementing Structures and Mechanism**. The participants of the Formal peace Talks, after considering Article III, paragraph 15 and 16 as well as the effectivity clause contained in Article IV of the 1976 Tripoli Agreement, have agreed to form the said **Ad Hoc Working Group** in accordance with paragraph 14 B of of the Cipanas Statement of Understanding. This Working Group is tasked to study the GRP and the MNLF proposals on the implementing structure and mechanism and to submit their recommendations to the Negotiating Panels for the latter's consideration and approval;

(6) the signing of the **1993 Interim GRP-MNLF Ceasefire Agreement**, to provide a better atmosphere conducive to the promotion of mutual confidence necessary for the success of the on-going negotiations. This Agreement shall take effect immediately upon its signing by the parties signatory to it and shall remain valid and enforceable solely for the duration of the Formal Peace Talks, unless otherwise extended by their unanimous decision. A **Joint Committee**, as provided for in Article III of the Tripoli Agreement, shall be reactiviated immediately, to be composed of representatives from the GRP and the MNLF with the help of the OIC represented by the Ministerial Committee of the Six. The said Joint Committee shall prepare the detailed guidelines and ground rules for the implementation of this **1993 Interim GRP-MNLF Ceasefire Agreement**; and, finally,

(7) the convening of the **Second Formal Peace Talks** between the Government of the Republic of the Philippines and the Moro National Liberation Front

with the participation of the OIC Ministerial Committee of the Six and the OIC Secretary General in Indonesia on 14 February 1994

5. The two weeks of the Formal Peace Talks, although involving discussions on highly complex and at times contentious issues, was imbued by a spirit of goodwill and mutal accommodation which facilitated the achievement of the above agreements.
6. The participants decided to send a latter of appreciation to H.E. Dr. Hamid Algabid for his constant guidance and encouragement, and also to the Heads of the Government/State of the OIC Ministerial Committee of the Six. They also agreed to pay a courtesy visit to Libyan Arab Jamahiriah as a tribute for the signing of the Tripoli Agreement in 1976.
7. The Formal Peace Talks ended on 7th November 1993, on a note of confidence and optimism. In closing, the parties, agreed to send a joint letter, expressing their deep gratitude and appreciation to H.E. President Soeharto for Indonesia's generous hosting of the Formal Peace Talks and for all the warm and brotherly courtesies extended to all the delegations.

Jakarta, 7th November 1993