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PRIMER ON THE MINDANAO PEACE TALKS



Peace and Development Panel for Mindanao and the Cordilleras

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What is the purpose of the peace negotiations between the Philippine Government and the Moro National Liberation Front?

As a result of the President's visit to Maimbung, Jolo, in September 1986, the Philippine Government and the Moro National Liberation Front have agreed to find a peaceful and lasting political settlement of the Mindanao conflict, which has already cost thousands of lives and untold misery on both sides since the early Seventies. The foremost objective of the government is to bring peace to the troubled areas of Southern Philippines so that the people in the region can effectively participate in the political process and the implementation of a sustained and massive socio-economic development program for their welfare and upliftment.

Is the Government genuinely interested in arriving at a peaceful solution to the problem?

Peace, justice and national reconciliation rank high among the priority objectives of the Administration of President Aquino. Shortly after she was installed in power, President Aquino showed her determination to achieve these goals by freeing hundreds of political prisoners. This was followed by serious effort to negotiate a lasting peace with



Breaking protocol, President Corazon C. Aquino met with MNLF Chairman Nur Misuari in Maimbung, Jolo on September 5, 1986. The meeting resulted in an agreement to hold formal negotiations on a peaceful settlement of the conflict in Southern Philippines.

various insurgent forces, including the Communists, the Cordillera People's Liberation Army and the MNLF.

There is perhaps no better measure of the Government's sincerity about reaching a peace agreement than President Aquino's personal involvement in the effort. On 5 September 1986, she broke protocol to meet with MNLF Chairman Nur Misuari in Maimbung, Jolo. That meeting resulted in an agreement for the cessation of hostilities between the Government and the MNLF and laid the groundwork for serious negotiations on a political settlement of the problem.

Why is the Government negotiating only with the MNLF?

The MNLF has been at the forefront of the struggle for self-rule in Mindanao since the early Seventies. Although several factions have since broken away from it, the MNLF has maintained a sizeable following in some parts of Southern Philippines. Moreover, it continues to enjoy recognition from the Organization of Islamic Conference (whose membership consists of 46 Muslim countries and organizations) as the representative of Muslim Filipinos.

Negotiations with the MNLF are only a first step towards arriving at a consensus among the people of Southern Philippines on the form and substance of autonomy. The Government has made it clear that any agreement reached with the MNLF must pass the test of approval by all representative groups in the area. The MNLF itself has agreed to help the Government in bringing together the various factions and in convincing the people to accept such an agreement.

What kind of political solution do the Government and the MNLF envision?

? - The MNLF proposes that the President, by executive order, establish a "Bangsamoro Autonomous Region" composed of all the 23 provinces of Mindanao, Basilan, Sulu, Tawi-Tawi and Palawan. This autonomous region is to be run by a Regional Government with an Armed Forces and a Regional Security Force of 60,000 nen initially, both of

which will operate outside the chain of command of the New Armed Forces of the Philippines. These forces shall draw 85 percent of its membership from the ranks of the MNLF. In addition, the Regional Government shall exercise broad powers, such as taxation, control over the region's natural resources and its economic and educational systems.

The Government wants to establish an autonomous region, with a Regional Government that will have as much powers to run its affairs as the Constitution and Congress will allow.

What are the bases for the respective positions taken by the Government and the MNLF?

The MNLF contends that as a revolutionary front it is not bound to observe any ground rules in negotiating with the Government. It refuses to negotiate on the basis of the Constitution, claiming that as a group it was not party to its framing or its ratification.

The Government firmly stands by the position that the Southern Philippines conflict involves citizens of the same Republic who are bound to respect and obey the Constitution. Thus, the negotiations can be conducted only within the context of Philippine sovereignty and territorial integrity, and any agreement should be in consonance with the Philippine Constitution. This basic principle is recognized and supported by the Organization of Islamic Conference.

The Government negotiating panel has pointed out that even only for practical purposes any agreement ought to conform with the Constitution, otherwise such an agreement would be null and void.

Although the MNLF claims to have boycotted the plebiscite, the Constitution was nevertheless ratified by a great majority of the Filipino people, including those in predominantly Muslim communities. In Sulu, for instance, 95 percent of those who cast their votes in the plebiscite voted for approval of the Constitution.

What is the "Jeddah Accord?"

The "Jeddah Accord" is a joint statement issued by the negotiating panels of the Government and the MNLF on 3 January 1987 in Jeddah, Saudi Arabia. This statement was signed by MNLF Chairman Nur Misuari and Minister Aquilino Pimentel, Chairman of the Government Panel, and witnessed by Secretary General Syed Shariffuddin Pirzada of the Organization of Islamic Conference. It reads in full:

"The two panels agreed to continue discussion of the proposal for the grant of full autonomy to Mindanao, Basilan, Sulu, Tawi-Tawi and Palawan subject to democratic processes."

"In the meantime, the MNLF proposes that President Corazon C. Aquino will issue an executive order suspending pertinent provisions of the draft constitution on the grant of autonomy to Muslim Mindanao in the scheduled plebiscite on February 2, 1987, to allow the MNLF to undertake democratic consultations with the people of Mindanao and its islands, and that the Philippine panel shall present this proposal to President Aquino for her approval."

Does this "Accord" grant outright autonomy to the 23 provinces of Mindanao and nearby islands?

The MNLF contends that the statement effectively commits the Government to grant autonomy to the area defined by it, insisting that the current negotiations are being held to discuss and draft the mechanisms and details of the grant of autonomy.

The Government asserts, however, that the statement represents an agreement only to continue discussions on the proposal. An agreement to discuss a proposal is not to grant what is being proposed, the new Chairman of the Government Panel, Ambassador Emmanuel Pelaez, has said. The summary of the discussions between the two panels confirms the Government's position by repeating the words "proposal" and "proposed area of autonomy."

How does the Tripoli Agreement fit into Government's initiatives for a peaceful settlement?

Although the Tripoli Agreement was concluded under the Marcos Administration, the Aquino Administration considers it as a commitment of the Philippine Government. The new Administration wants to fulfill the just aspirations of Muslim Filipinos for a real and meaningful autonomy, provided that it is done within the framework of Philippine sovereignty and territorial integrity and in accordance with Constitutional processes.

How does the MNLF define the area of autonomy?

The MNLF wants full autonomy for all the 23 provinces of Mindanao, Basilan, Sulu, Tawi-Tawi and Palawan. Under their proposal the 13 provinces mentioned in the Tripoli Agreement "shall be exempted from the act of Congress and shall be immediately constituted as a Provisional Government whose task will be to formulate and implement the structure and mechanics of a formal Autonomous Government for the entire region of Mindanao and its satellite islands." With respect to the 10 remaining provinces, "the Provisional Government still conduct democratic consultations to determine the wishes of the people. The President of the Philippines shall recommend to Congress the formulation of an organic act for these ten provinces based on the recommendation of the said Provisional Autonomous Government acting as a Regional Consultative Commission."

What are the territorial limits of the autonomous region?

The Constitution mandates the creation of an autonomous region in "Muslim Mindanao" (and the Cordilleras). A narrow interpretation of this provision suggests that the autonomous region would cover the provinces where Muslim Filipinos are in the majority, such as in Lanao del Sur, Maguindanao, Basilan, Sulu and Tawi-Tawi. However, there now exist two autonomous regions in Southern Philippines: Region IX which is composed of Zamboanga del

Norte, Zamboanga del Sur, Basilan, Sulu, and Tawi-Tawi; and Region XII which is composed of Lanao del Norte, Lanao del Sur, North Cotabato, Sultan Kudarat and Maguindanao. The autonomous region could extend to these ten provinces plus the three provinces of Davao del Sur, South Cotabato and Palawan, which are mentioned in the Tripoli Agreement of 1976.

The Philippine Constitution, however, leaves it to Congress to determine which areas will compose the autonomous region and the people themselves will have to make the final decision through their vote in a plebiscite.

Can the President issue an executive order to create the "Bangsamoro Autonomous Region?"

The Constitution expressly vests the power to create autonomous regions in the Philippine Congress which will be convened in July 1987. If the President accedes to the MNLF demand to create the autonomous region by executive order, she would be guilty of violating the Constitution which she is sworn to protect and defend. Such a culpable violation of the Constitution is a ground for impeachment of the President.

What steps are to be followed in the creation of autonomous regions?

The Constitution clearly prescribes the procedures for the creation of the autonomous regions: First, the President shall create a ¹Regional Consultative Commission which will assist Congress in drafting the organic act; second, ²Congress shall enact the organic act or charter; and finally, ³the people in the affected areas shall be asked to vote in a plebiscite whether they approve or reject the organic act.

The creation of the autonomous region shall be effective when approved by majority of the votes cast by the constituent units covered by the plebiscite. Only the provinces, cities and geographic areas which vote favorably shall be included in the autonomous region.

What kind of powers does the MNLF want to exercise? ✓

The MNLF demands the establishment of a Provisional Government headed by a Chief Minister to be assisted by three deputies who will exercise executive and legislative powers over the region for three to five years. During the period, there will be no legislature or elections to any post.

Can the National Government establish a Provisional Regional Government as proposed by the MNLF?

The Government does not have any legal basis or moral right to grant this demand. This scheme violates not only the Constitution but the very essence of democracy wherein the people's will is sovereign. The Government stands firmly on the principle that the people have the right to be consulted on vital issues affecting their lives. The consent of the governed as expressed through elections lies at the core of this principle.

What kind of power-sharing can the Government offer the MNLF prior to the formal creation of the autonomous region by the Philippine Congress?

The Government panel has proposed the creation of a Provisional Autonomous Council which will allow the MNLF leadership, along with other representative groups, to effectively administer the affairs of the existing autonomous regions. The proposed council will exercise administrative powers as well as plan and execute development programs in the region. In addition, the Council will exercise the functions of the Regional Consultative Commission by assisting Congress draft the charter on autonomy.

What is the status of the negotiations? ✓

After three months of serious negotiations, the two panels had reached a deadlock on several important issues, like the definition of the territory and Constitutional processes, the establishment of a Provisional Government, and the transfer of powers. The two panels, therefore, agreed to

suspend the talks to enable the two parties to consult separately with the Organization of Islamic Conference, the influential organization of Islamic countries which has been trying to help the two parties in resolving the conflict.

If the negotiations fail to produce an agreement, what does the Government intend to do?

The President and the newly elected Philippine Congress are bound to carry out the autonomy provisions of the Constitution. The President has to constitute the Regional Consultative Commission and Congress will have to pass the organic act within the prescribed period of 18 months. Following this, a plebiscite will be held in the affected areas to ascertain the wishes of the people.

In the meantime, the Government is determined to continue its programs for the socio-economic development of Southern Philippines, because it believes that accelerated development is a key component of the peace process.

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The Government and MNLF panels at a session held at the Philippine International Convention Center, Manila.

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