
AUTONOMY:

More than a Quarter of a
Century of Broken Promises

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1976 Tripoli Agreement Autonomy

1. To set up courts to implement Shariáh
2. To be represented in all courts including the Supreme Court
3. Autonomous Administrative, Financial and Economic Systems;
4. Legislative Assembly and an Executive Council appointed by the Legislative Assembly
5. To have representation and participation in the central government and in all organs of the state
6. To set up schools, colleges and universities
7. To establish a Regional Security Force
8. Reasonable share in the revenues from mines and minerals

Provisional Government

- Immediately after the signing of the Tripoli Agreement a provisional government in southern Philippines shall be established to prepare for the elections of the Legislative Assembly and administer the areas of autonomy until a Government is formed by the elected Regional Assembly

Other Stipulation

- The parties will hold further discussions on vital issues re:
- Regional Security Force
- Mines and Minerals
- Shariáh
- Bangsamoro Educational System
- Administrative System

First Breach

- Instead of Establishing the provisional government and hold further discussions as agreed former President Marcos issued Proclamation 1628-A to establish two autonomous regions in Regions 9 and 12 in Southern Philippines
- Surreptitious insertion of Paragraph 16 to tie down the implementation of the agreement to the constitutional process of the Philippines which was then under martial law.

Second Breach

- Enactment of Republic Act 6734 creating the Autonomous Region in Muslim Mindanao (ARMM) which according to former President Corazon Aquino was “purely a Philippine government’s initiative” contrary to the bilateral nature of the Tripoli Agreement.
- The ARMM suffers from lack powers agreed in the 1976 Tripoli Agreement

1993 Cipanas Statement of Understanding

- In 1992 After 17 long years of procrastination the Philippine government (GRP) through former President Ramos decided to revive the GRP-MNLF peace process;
- In 1993 the GRP and MNLF signed the Cipanas Statement of Understanding in Indonesia, which solely provides that the parties will “Hold Peace talks in order to implement the 1976 Tripoli Agreement in letter and spirit”

September 2, 1996 Peace Agreement

- Phase I: Two year transitory period employing a combination of political, economic, social and security measures to lay the foundations of the establishment of a regular autonomous government
- Phase II: Establishment of the regular autonomous government.

Transitory Mechanism

- Establishment of Southern Philippines Council for Peace and Development (SPCPD)

Mandate and Role of SPCPD:

1. Exercise control and supervision over appropriate agencies engaged in peace and development activities in the area;
2. Monitor, Promote and coordinate development efforts;
3. Attract foreign investment;
4. Cause the implementation of peace and development projects; and
5. Deputy of COMELEC in the preparation of the conduct of elections, referenda or plebiscite and people's initiative

Other Transitory Mechanism

- Consultative Assembly which has the power to make rules and regulations to the extent necessary for the effective and efficient administration of the affairs of the area
- Central government shall channel public and private investment into the area to spur economic development
- Establishment of Darul Ifta or House of Opinions
- Right of representation in all departments and organs of the state
- Integration of MNLF forces with the PNP and AFP

AMENDMENT TO RA 6734

- The transitory period shall culminate with the enactment of a law to amend RA 6734 by incorporating all the pertinent provisions of the 1996 Peace Agreement

RA 9054

- The enactment of, RA 9054 which was done unilaterally without any consultation with the MNLF led to the present dead lock in the GRP-MNLF peace tract.
- In the most recent report of the OIC Secretary General last June 2006 in Baku, Azerbaijan, it declared that the biggest stumbling block to the implementation of the 1996 Peace Agreement is RA 9054

Implementation of RA 9054

- Dura lex sed lex- the law is hard but that is the law.
- RA 9054 is the only existing constitutional and legal paradigm to address the centuries old issue of Moro Self Rule;
- But 9054 is not also properly implemented as shown by the lack of devolution of ARMM already devolved agencies and insufficient public investment in the area of autonomy;
- The Shariáh legal system is not implemented;
- The establishment of the Regional Security Force is not implemented;

RA 9054 is inconsistent with the Peace Covenants

- Ancestral domain and Mines and Minerals

Among others, the most controversial provision of the law is it removed from the scope of ancestral domain and the jurisdiction of ARMM all natural and mineral resources found within the area covered by autonomy

Breach of Autonomy

- The utter disregard of the mandate of the SPCPD and Consultative Assembly and the enactment of RA 9054 broke the peace covenant.

AUTONOMY NOT FULLY TESTED

- In failing to fully implement the Autonomy envisioned in the 1976 Tripoli Agreement and the 1996 Peace Agreement, makes genuine autonomy not fully tested and therefore it remains an option.