

**PHILIPPINES:
THE ROLE OF THE LEGISLATURE
AND LEGISLATORS IN
ADVANCING THE CAUSE OF
PEACE IN MINDANAO**

July 2005

IMPORTANT DISCLAIMER: The findings, interpretations and conclusions expressed in this documents are those of the author who prepared them and do not represent the views of UNDP, the United Nations or the Inter-Parliamentary Union.

LIST OF ABBREVIATIONS

AFP	Armed Forces of the Philippines
ARMM	Autonomous Region of Muslim Mindanao
AUSAID	Australian Agency for International Development
CIDA	Canadian International Development Agency
CPBD	Congressional Planning and Budget Department
CPP	Communist Party of the Philippines
GRP	Government of the Republic of the Philippines
HOR	House of Representatives
IPRA	Indigenous People's Rights Act
OIC	Organization of Islamic Countries
OPAPP	Office of the Presidential Adviser on the Peace Process
LEDAC	Legislative-Executive Development Advisory Council
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
NDF	National Democratic Front
NPA	New People's Army
FPA	Final Peace Agreement
RA	Republic Act
SPCPD	Southern Philippines Council for Peace and Development
SPP	Six Paths to Peace
SZOPAD	Special Zone of Peace and Development
UNDP	United Nations Development Programme
USAID	United States Agency for International Development

This Paper was prepared by Consultant Mr. Miguel Guioquio for the UNDP and the Congressional Planning and Budget Department of the House of Representatives, under the supervision of Director-General Rodolfo V. Vicerra. The author gratefully acknowledges the comments and suggestions of the participants to the Congressional Internship Program for Young Muslim Leaders, and valuable insights from Dr. Emmanuel Buendia, and Ms. Jane Steel. The paper profited as well from the reaction presentations of Mr. Munjurul Kabir and Ms. Jennifer Navarro during the "Round Table on the Role of Parliaments in Conflict and Post-Conflict Situations in Asia" held at Negombo, Sri Lanka on June 9-10, 2005. Needless to say, only the author is responsible for any mistake or weakness of this paper.

Table of Contents

INTRODUCTION	4
Historical Context of the Mindanao Conflict	
The Current Conflicts	
Study Framework	
Methodology	
CONGRESS AND THE PEACE PROCESS	10
How Congress Works: An Overview	
How a Bill Becomes Law	
Performance and Agenda Setting	
Legislation Towards Mindanao Peace	
Related Legislation in the Pipeline	
Observations on the Role of Congress as an Institution	
LEGISLATORS AND THE PEACE PROCESS	19
The Varied Roles of a Legislator	
Project Implementers or Benefactors and Patrons?	
Legislators and Peace making	
Speaker Jose de Venecia, Jr.	
Deputy Speaker Gerry Salapuddin	
Representative Benasing O. Macarambon, Jr.	
Other Peace-Related Efforts	
GENERAL OBSERVATIONS	30
Separation of Powers	
Dynamics of Legislation	
Indirect Accountability	
Collective Sentiments	
Paths to Peace	
The Need for Greater Sensitivity	
PARTICIPATORY GOVERNANCE AND SUSTAINABLE PEACE	32
Representativeness of Policy Actions	
Lack of Political Access	
A PROPOSED PEACE AND GOVERNANCE PROGRAM	33
Democratic Inter-Action	
Participatory Governance	
Transparency and Accountability	
Crying Need for Education and Capacity Building	
CONCLUSION	34

EXECUTIVE SUMMARY

The current Mindanao conflict in the Philippines traces its roots on long-standing inter-cultural conflicts that have affected the island for centuries. The island's two major insurgent groups, the Moro National Liberation Front and the Moro Islamic Liberation Front have battled government troops over the last four decades with the aim of seceding from the Republic of the Philippines. This has caused untold sufferings to the island's inhabitants in terms of lost lives and human potential, socio-economic and cultural displacement, and delayed development of conflict-affected local communities and of the island in general. The government signed a peace pact with the MNLF in 1996 and is widely expected to complete peace negotiations with the MILF within 2005.

This paper adopts the elements of the OPAPP's definition of a "Comprehensive Peace Process" in analyzing the legislature's role in the advancement of Mindanao peace. The OPAPP definition broadly covers various activities that seek to ensure a more sustainable peace. Taking into account the requirements of economic development, social justice and continuing political engagement, OPAPP identified six areas of concern in peace building (dubbed Six Paths to Peace or SPP), namely: 1) Pursuit of social, economic and political reforms; 2) Consensus-building and empowerment for peace; 3) Peace negotiations; 4) Reintegration and rehabilitation of former rebels; 5) Addressing concerns arising from continuing armed hostilities/assistance to communities affected by armed conflict; and 6) Nurturing and building a climate for peace.

The paper then scans available information with respect to contributions by the Congress as an institution, and by Congressmen and Senators as individual leaders, in promoting the government's peace-related initiatives in relation to the SPP. The paper uses this methodology to analyze such interventions and further identify other strategic areas and approaches for strengthening the role of parliaments in reducing conflict situations and sustaining peace within the country. Such analysis intends to also inform and support future international assistance, which has generally not been provided in this crucial field.

The passage of Republic Act 6734 in 1989 which is entitled "The Organic Act for the Autonomous Region of Muslim Mindanao" is considered among the most important legislative outputs of the Philippine Congress relative to the Mindanao peace process. It was subsequently amended in 2001 by RA 9054 entitled "An Act to Strengthen and Expand the Organic Act for the Autonomous Region In Muslim Mindanao," taking into account the suggestions made during the GRP-MNLF peace negotiations, albeit belatedly.

Despite being an indirect player, a legislator has a range of opportunities to contribute to the peace process. Apart from lawmaking, the legislator can assert his/her leadership and influence by way of formal and non-formal peace advocacy - both at the national and local levels - and the delivery of peace-enhancing projects, especially those funded by Congressional entitlements meant for their constituencies.

The study shows, however, that over the years, many legislators have been passive players in the peace process, allowing the executive to take the dominant role. Based on records,

initiators of the peace-enhancing activities are mostly the legislative representatives of the Mindanao Island. The ideal situation is that all legislators in unison are supporting the peace initiatives. Legislators can still expand their role in the peace process beyond their inherent lawmaking powers. They can help plan, program, implement, and monitor the various government efforts in enhancing the peace process.

The broad concerns of the OPAPP's "Six Paths to Peace" demands great sensitivity from policy makers and legislators as well as continuing community inter-actions with political leaders. The proposed piloting of formal Participatory Planning in the congressional districts of Muslim Mindanao is expected to help the legislature respond to the needs of peace and development in a timely, rational, and cost-effective manner.

The concept of Participatory Governance implemented through a proposed Participatory Planning and Oversight project can greatly contribute to good governance and, consequently, to a more lasting and sustainable peace process. This is especially true when constituents are engaged on a regular basis to help not only in giving insights to the ranking of policy priorities but also in the monitoring of government projects and in the legislative oversight process.

However, the proposal presumes unrealistically that: (1) constituents from Muslim Mindanao communities already have good exposure to democratic processes and have the confidence to engage their leaders in policy dialogues; (2) they have a reasonable understanding of the policy and developmental issues within their communities; and (3) they have well-developed communications channels within the local communities. In order to realize these conditions, there is need for external assistance towards capacity building in Muslim communities and establishing a public information and communications support system for grassroots organizations, local CSO's, and NGO's in the concerned communities. ☩

PHILIPPINES: THE ROLE OF THE LEGISLATURE AND LEGISLATORS IN ADVANCING THE CAUSE OF PEACE IN MINDANAO

INTRODUCTION

This paper seeks to review the contributions and roles played by the Congress of the Philippines as an institution, and by legislators, as individual political leaders, in past and current efforts on the pursuit of peace in Mindanao. It attempts to explore specific cases of legislators' involvements in advancing the Mindanao peace process. It also attempts to explore the potential of expanding this role in the context of a sustainable post-conflict peace situation and long term socio-economic comprehensive development in the affected areas.

Historical Context of the Mindanao Conflict

The Republic of the Philippines is an archipelago of more than 7,000 islands. There are three main island groups, namely: Luzon; Visayas; and Mindanao. Mindanao, the second largest group of islands, enjoys the physical advantages of good weather and fertile lands. It is populated by three main groups: eighteen (18) ethnically distinct groups of indigenous peoples known collectively as *Lumads*; the *Moros*, the indigenous tribes that embraced Islam in the fourteenth century, which make up 5% of the Philippine population; and the Christian Filipino settlers who migrated to the island during the late Spanish colonial period and during first half of the 20th century.

The origins of the long-standing Mindanao conflict go back 400 years when Spaniards set foot on Philippine soil just as the islanders were being assimilated to the Islamic religion and culture. The Spaniards were then convinced that coexistence with the "infidels" could only be possible if they were conquered and converted to Christianity. Fighting took place intermittently in the island for 300 years as Muslim tribes resisted Spanish attempts to conquer their territories.

At the onset of the 20th century, the Americans claimed the archipelago as its colony. In contrast to the Spaniards, they adopted a less threatening policy of integration. They encouraged large groups of settlers from Luzon and sent to Mindanao a greater military force (of combined American and Filipino contingents) than the Spaniards. They

eventually gained de facto sovereignty over the whole Mindanao island, including the Moro people.

The influx of Christians into areas, which Muslims regarded as their ancestral domains, eventually marginalized the Moro population. Initially with little or no access to the educational, financial, and legal systems of the settlers, the Moros' socio-economic development lagged far behind the newly established non-Muslim Filipino communities. In 1946, when the Philippines gained its independence from the Americans, the Muslim communities found themselves under a Christian-dominated Philippine central government in Manila. Nonetheless, Muslim leaders gradually began to get assimilated into the political mainstream.

The Current Conflicts

An expose by Senator Benigno Aquino in 1969 on the massacre of a group of young Muslim trainees in the Philippine armed forces fired up the emotions of Muslim Filipinos. Combined with a growing awareness of the continuing marginalization of the Moro people, this helped ignite the current conflict as we know it now. In the aftermath of the *Jabidah* massacre, an armed rebellion was established under the banner of the Moro National Liberation Front – organized by Mr. Nur Misuari, a young professor from the University of the Philippines – which sought the creation of a Moro nation. The MNLF armed struggle against the Government of the Republic of the Philippines was in fact, one of the reasons cited by then President Marcos for declaring martial law in September 1972. The MNLF gained the support of political leaders in other Muslim countries and was given observer status in the Organization of Islamic Countries (OIC).

The Moro National Liberation Front in the late 1960s and early 1970s spearheaded Muslim armed resistance to the GRP. The conflict raged for more than three decades and has caused untold sufferings to hundreds of thousands of Mindanao inhabitants. Not only has this resulted in lost lives, psychological trauma, physical and social displacement, it has caused the significant delay in the economic development of the island in general and the Muslim communities in particular. Almost half a million Muslims in the conflict-affected areas migrated to the Sabah, Malaysia to avoid the clashes between the rebels and the military. Between 700,000 up to a million people are also said to be internally displaced within Mindanao.

The main concern of the Government of the Republic of the Philippines in dealing with the insurgency is to protect its sovereignty and the territorial integrity of the country. Also, Mindanao is rich in natural resources and is widely viewed to have a major role in the long-term food and economic security of the country. For any President of the country,

the achievement of a lasting peace in Mindanao can only be viewed as a major political victory and economic legacy.

In 1976, with the Libyan Government acting as an intermediary, the GRP and MNLF negotiated a cessation of hostilities in Tripoli talks. With prodding from members of the Organization of Islamic States (OIC), the MNLF accepted the concept of autonomy within the framework of the Philippine nation-state. The Moro Islamic Liberation Front (MILF), a faction of the MNLF, broke away from the rebel organization because of disagreement within the MNLF leadership on this issue.

In the Post-Marcos period, the MILF pursued the armed struggle for Independence even after the MNLF and the GRP forged their Final Peace Agreement (FPA) on 2 September 1996. Of late, however, the Government and the MILF have also begun negotiating a peace agreement. On June 22, 2001, the GRP and MILF signed the Tripoli Accord paving the way for formal peace talks. This is widely expected to lead to a final peace agreement within 2005.

Study Framework

This study treats the peace process not as a one time appeal towards the signing of a Peace Accord between the contending parties. The road to peace is recognized as a long and winding path. This would normally commence with confidence building and mutual trust between the adversaries. Often, this would involve a cessation of hostilities (peace keeping), protracted negotiations (peace talks), and a series of measures to leading to a mutually acceptable settlement of issues between the contending groups (peace accords). Beyond all these, one must also consider other actions designed ensure the sustainability of the conditions of such concord (peace building).

Any peace process should therefore be considered as a whole series of mutual engagements that seek to promote the conditions of social harmony, equitable and inclusive economic development, and the achievement of a just society. An analysis of the role of Congress and of legislators in the peace process should, thus, recognize the historical, cultural/religious, socio-economic and political considerations that are part of the Mindanao conflict.

In view of these, the study adopts as a benchmark and possible reference point for the definition of a "Comprehensive Peace Process" as formulated by the Office of the Presidential Adviser on the Peace Process (OPAPP), which takes into account the requirements of policy reforms, social justice, inclusive economic development and continuing political engagement. President Gloria Arroyo created the Office of the Presidential Adviser on the Peace Process in 2001. The said Office noted five major

causes of the armed conflicts in Mindanao, which were identified in a consultation undertaken by the National Unification Commission in 1992. These are: massive poverty; poor governance; injustice and abuse of power; control by a few of political power, and exploitation of cultural communities and lack of recognition of their ancestral domains. To address these problems, OPAPP, then, identified six action areas, dubbed “Six Paths to Peace” or SPP, as follows:

- 1: Pursuit of social, economic and political reforms - which involves policy advocacy and coordination with government agencies for the delivery of basic services and for socio-economic activities and support for the implementation of the Indigenous Peoples' Rights Act, which guarantees the integration of indigenous peoples into mainstream society.
- 2: Consensus-building and empowerment for peace - building a national peace constituency, including the formation of partners of Government in peace-building and support for the formulation of formalized area-based peace and development agenda and related programs.
- 3: Peace negotiations - conduct of peace talks with rebel groups (such as the CPP-NPA-NDF and MILF) and the implementation of the existing peace agreements with the MNLF and with the Cordillera People’s Liberation Army in Northern Luzon.
- 4: Reintegration and rehabilitation of former rebels - provision of emergency assistance, livelihood loan assistance, capacity-building assistance and scholarship programs through the National Program for Unification and Development and amnesty for former rebels in coordination with the National Amnesty Commission.
- 5: Addressing concerns arising from continuing armed hostilities/assistance to communities affected by armed conflict - which involves quick-response interventions in areas with on-going hostilities, assistance to victims of armed conflicts, and support for the establishment of Special Development Zones (Sagada, Mt. Province; Malibcong, Abra; Tulumunan, North Cotabato).
- 6: Nurturing and building a climate for peace - national and area-based peace education programs (development and implementation of education and training programs, curricula and modules for peace) and various peace advocacy activities, including interfaith solidarity conferences, Muslim Leaders’ Peace Summit, tribal peace initiatives, and program for children in armed conflict, among others.

Methodology

The study sought to review available information with respect to contributions of the legislature in promoting the government's peace-related initiatives, especially those that relate to items in the SPP. Information gathering activities focused mainly on in-depth interviews with selected legislators from Mindanao who are active in the peace process. A limited survey of legislators from Mindanao's conflict and non-conflict areas was also conducted in addition to a review of selected legislative literature and records as well as newspaper articles portraying actions by legislators in the peace process.

The analysis covers the actions and interventions of Congress at the institutional level and of the legislator as an individual leader, and how the formal and non-formal structures and mechanisms available to them to were utilized to promote ongoing peace talks, sustain the already signed peace accords, strengthen peace keeping and support overall socio-economic development. Using the analysis, the paper hopes to identify other strategic areas and approaches for strengthening the role of parliaments in reducing conflict situations and enhancing peace sustainability within the country. Such analysis intends to also inform and support future international assistance, which has generally not been provided in this crucial field.

CONGRESS AND THE PEACE PROCESS

How Congress Works: An Overview

The present Congress of the Philippines was created under the 1987 Constitution of the Republic of the Philippines. It represents a return to bicameralism after almost a decade (1978-1986) of experience with the unicameral legislature called the "Batasang Pambansa" (which literally means national legislature) mandated by the 1973 Constitution during the Marcos Martial Law regime.

The Senate is composed of 24 senators elected at-large. To qualify for election as senator, one must be a natural-born citizen and, on the day of the election, 35 years of age or older and able to read and write; a registered voter; and a Philippine resident for not less than 2 years preceding the day of the election. Senators each serve a 6-year term and can only be elected to two consecutive terms. After two consecutive terms, senators are barred from running for the subsequent term. However, after 6 years from the end of a senator's two consecutive 6-year terms, a former senator can again run for a senate post.

The House of Representatives is composed of district representatives and party-list representatives. The former are elected directly by qualified constituencies of

Congressional districts, which are specific political and territorial units. The latter are elected at-large and indirectly, through the parties they represent, which are qualified to participate in party-list elections and are able to garner the requisite percentage of votes as provided in Republic Act 7941 (Party List Law). Congress can increase the number of congressional districts nationwide and thus the number of district representatives. Party-list representatives, by constitutional mandate, should constitute 20% of the total membership of the House (including the total number of party-list representatives). To date, in the 13th Congress (2004-2007), 212 district representatives and 24 party-list representatives constitute the total membership of the House.

To qualify for election as a member of the House of Representatives, one must be a natural born citizen who is at least 25 years of age on the day of the election and able to read and write, a registered voter in the district in which he or she would be elected (except party-list representatives), and a resident therein for at least 1 year immediately preceding the day of the election. Representatives each serve a term of 3 years and can only be elected to serve three consecutive terms. After the third consecutive 3-year term, a representative cannot be elected for the subsequent term. Individuals seeking reelection must wait 3 years from the last day of their three consecutive 3-year terms before running for election again as representatives of their districts.

The Speaker presides over the House of Representatives, elected by a majority of all members of the chamber. Those who support the House leader constitute the majority, while those aligned with the elected speaker's losing opponent(s) belong to the minority. The majority elects a majority leader, who automatically becomes the chair of the Committee on Rules, which is the principal steering committee of the chamber. The minority also elects a minority leader. The speaker is assisted by four deputy speakers (also elected by a majority vote of the members of the House), one each for Luzon, Mindanao, and the Visayas, and one for Central Luzon.

The Senate President, who presides over the Senate, is elected by a majority of all senators. The Senate's president pro-tempore assists the Senate President. Those in the majority in the Senate also elect a majority leader, who automatically chairs the Committee on Rules, and those in the minority elect a minority leader.

Each chamber elects a Secretary-General and a sergeant-at-arms, who are professional persons not from the legislators' own ranks to oversee the operations of their Secretariats and security of each Chamber.

How a bill becomes Law

Every member of the House or the Senate is entitled to file bills or resolutions for deliberation in each Chamber. The Constitution provides that a bill or resolution (essentially the formal documents that embody legislation) has to undergo three readings in each Chamber. The First reading is basically the reading of the title, Number of the bill or resolution and referral to a particular while in Plenary Session. The Committee, where the bill was referred to, evaluates the bill, conducts public hearings, introduces amendments, and consolidates bills on the same subject matter, or it can propose a substitute bill. The final Committee version would come out as the Committee Report to the Plenary.

The Committee on Rules schedules the bill for consideration on Second Reading where the bill is sponsored in Plenary Session, debated upon, further amended and then approved. The Third Reading is actually a mere formality for the Plenary to again vote on the official printed version of the bill after three session days from the passage on Second Reading. Bills on the same or equivalent subject-matter separately approved by the House and the Senate on Third Reading would normally go through Bicameral Conference Committee meetings where the differences in their approved versions are reconciled. The reconciled bill is then reported back to each Chamber for ratification as a requirement before the bill is sent to the President for signing into law.

The congressional committees offer the best channels of access for citizens to participate in legislative policy making. This is where the legislative process is visible and interacts with the rest of the population through public hearings and technical consultations. Nonetheless, no existing institutional mechanisms facilitate such participation although no institutional rules inhibit the participation of citizens. Often, Committees would invite known experts, concerned organizations and individuals as may be referred by the Committee members and/or the Congress staff. In cases where citizens do attend committee meetings, the rules of procedure, language used, manner by which committee meetings are conducted, and the atmosphere generally prevailing in the halls of the House and the Senate may at times deter participation, as these are often intimidating to ordinary citizens.

Performance and Agenda Setting

In the Philippines, political party affiliation does not necessarily determine membership in the majority or the minority. In the last two decades, the practice of crossing party lines on various policy issues has not been uncommon. A report by the Asian Development Bank based on a cursory assessment of the records of deliberations of priority legislative measures in the committees and in plenary shows that the majority of solons do not participate and/or have not displayed a depth of understanding of the policy implications of measures being discussed. In the House, the majority of members are more

focused on local bills and in securing program allocations that they can bring home to their constituents.

Local constituents still generally regard their legislators as dispensers of public goods and services – not authors and framers of laws. Where House members can only bring home laws they authored, they risk losing their seats in the next election. Thus, in regard to national legislative policies, the tendency is generally to vote with the majority or to support the passage of bills certified by the president, at times without conscious or intensive study, unless particular local or sector interests are affected. Since the president usually does not have so many legislative priorities (fewer than 30 per Congressional term), the number of measures approved in both chambers is not as numerous as expected vis-à-vis the number of bills filed.

From the 8th to the current 13th Congress (1987 to 2007), whoever assumes power as President exerts great influence on the alignment of political forces in Congress, as well as on the process and outcome of choosing the leadership of both chambers. Legislators tend to affiliate themselves with the political party of the incumbent President. This pattern of influence of the president over the leadership and the alignment of political forces in both houses has raised questions on the independence of Congress as a separate branch of the Government.

The President's virtual control of the leadership of both houses and the majority of their members, places him or her in a position of extreme influence to dictate the legislative agenda and control both houses. This situation, however, may also be viewed as facilitating the smooth interface of executive and legislative coordination that eliminates gridlock in the passage of legislation.

The elimination of legislative and executive gridlock in policy and program decisions that impact national development planning was the ostensible rationale behind the creation of the Legislative-Executive Development Advisory Council (LEDAC) during the term of President Ramos, through the passage of RA 7640 in 1992. The president chairs LEDAC. The LEDAC brings together the executive and legislative branches. The most tangible result of this interface would be a common legislative agenda -- the product of dialogue and consensus between the executive and the legislative branches). This has resulted in policy dissonances being minimized increasing the chances of passage of measures deemed significant for national development and in support of peace.

The executive branch is represented in the LEDAC by seven (7) members of the Cabinet, while Congress representation is composed of senate president, the speaker of the House and three key members from each chamber. Other members of LEDAC are appointees of the president: one representing the LGUs, two (2) persons represent the

private sector, and one represents the youth. The president is empowered to call LEDAC meetings. During the term of President Ramos, LEDAC meetings were held weekly. President Estrada convened LEDAC only once – which was during the second year of his term. Under President Arroyo, LEDAC has been observed to be convening at least once quarterly.

Legislation towards Mindanao Peace

President Marcos, then using his Martial Law legislative powers, unilaterally created two autonomous regions in Mindanao. But this was only in ten provinces of the 13 provinces covered by the Tripoli Agreement - the result of a plebiscite that was held in 1977. He also created the Batasang Pambansa (literally National Legislature, a unicameral parliamentary assembly) in 1977, which enacted laws creating in each autonomous region a Regional Executive Council and a Regional Assembly. The MNLF rejected the Marcos autonomy scheme because they were calling for a single political autonomy for thirteen and not ten provinces. Hostilities with the MNLF thus continued.

The first significant act of the post-Marcos legislature relative to the peace process in Mindanao was the passage by the 8th Congress (1987-1992) of Republic Act 6734 or Organic Act for the ARMM. This came on the heels of the People Power Revolution of 1986 that overthrew the Marcos dictatorship and saw Corazon C. Aquino assuming the Presidency. In mid-1986, President Aquino met Nur Misuari in the island of Jolo to convince him of her desire for peace. Initial talks commenced between the government and the MNLF but this did not last long. The MNLF did not agree with the condition that talks would be within the framework of the 1987 Constitution, which had a special section that called for a process of creating an Autonomous Region in Muslim Mindanao. Despite the absence of a final peace agreement, RA 6734 was subsequently enacted, which called for a plebiscite of all Mindanao provinces on their willingness to join the ARMM.

The dynamics of the debate and voting during the House deliberations on this law shows that most members of the HOR support the passage of the law to bring about a lasting peace in Mindanao. For instance, during third reading of House Bill 22929 (which was the House version of the “Organic Act for the Autonomous Region in Muslim Mindanao”), the bill was passed with 113 voting in favor, 9 against, and 2 abstentions. The congressmen who voted in the affirmative saw the Organic Act both as a peace and development tool to address the conflict and underdevelopment in Muslim Mindanao. Those who voted in the negative were mainly concerned with the uncertainty of the Act’s implementation given the complexities of the problem in Muslim Mindanao. It may be observed, however, that early on most of the legislators recognized the urgent need to act on the situation Mindanao.

A referendum to form an Autonomous Region of Muslim Mindanao (ARMM) was held in November 1989. In 1990, the ARMM was proclaimed containing four of the now fourteen provinces originally claimed by the MNLF. Only the provinces of Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi did join. Expectedly, the MNLF leadership rejected the plebiscite because they claimed they were not included in drawing up the autonomy law and that the Tripoli Agreement was not subject to a plebiscite. The reduced geographical coverage of the Autonomous Region has further diminished the significance of the political autonomy that they have been fighting for.

When President Fidel Ramos assumed office in 1992, serious negotiations between the GRP and MNLF resumed. One of the commitments on the part of government was to enact legislation to pave the way for the expansion of the ARMM. Initially, President Ramos created through an Executive Order the Special Zone of Peace and Development (SZOPAD) and the Southern Philippines Council for Peace and Development (SPCPD), which covered virtually all the provinces mentioned in the Tripoli Agreement. Ramos invited Prof. Nur Misuari to be the SPCPD Chairman. A bill was also to be initiated in Congress on the conduct of a plebiscite with the end in view of expanding the ARMM within two years of the Agreement.

This helped pave the way towards the Final Peace Agreement (FPA) in September 1996. Following the agreement, many key MNLF leaders, including its chairman Nur Misuari, run for elective office with the regional elections in 1997 in the Autonomous Region in Muslim Mindanao. Misuari became ARMM governor.

By year 2000, however, Congress has yet to pass the legislation on the expansion of ARMM. The legislation should have been passed in 1998, to give ample time for the agreed plebiscite and election of officers of the “expanded ARMM” by March or September 1999. With the failure of the Philippine Congress to pass the said law, Governor Misuari’s term of office, which should have ended in September 1999, was extended, as part of the commitments of the Philippine government under the FPA. This required the enactment in September 8, 1999 of another legislation (Republic Act 8953) resetting the ARMM elections to May 2001. As May 2001 approached, however, yet another legislation (Republic Act 9012) was enacted again resetting the ARMM elections to September 2001.

Subsequently, RA 9054 was passed by the 12th Congress (July 2001-June 2004), which called for a plebiscite for the expansion of the ARMM (on August 14, 2001 as prescribed by the Commission on Elections) and a new ARMM elections set on November 26, 2001. The MNLF rejected RA 9054, claiming it was unfaithful to the provisions of the 1996 FPA and rendered the autonomous region “less autonomous.” It urged the postponement of the plebiscite, but the Executive branch insisted it was obliged to carry out the provisions of the law. Both the MNLF and the MILF boycotted the

plebiscite with the MILF claiming that the ARMM has done nothing to improve the plight of Muslim Filipinos.

During this period, Misuari himself was being discredited in the media for mismanaging the financial coffers of the ARMM. As the Governor's term approached its end with the November 2001 ARMM elections, some of his own colleagues within the governing councils of the MNLF have increasingly distanced themselves from him. He was "retired" by the so-called MNLF Council of 15 (akin to a governing board) as chairman of the MNLF because of the accusation that he was too dictatorial. A member of the Council would even run against him for the post of ARMM Governor.

The voters in the four provinces under the ARMM were asked if they were in favor of the amendments to the Organic Act, which included, among other things, the expansion of the autonomous region. The voters of the non-ARMM provinces and cities were asked if they were in favor of the inclusion of their province or city in the ARMM. The result was that only one of the thirteen provinces (Basilan, excluding Isabela City), and one of fifteen (15) cities (Marawi) voted to join. There are now five provinces and one city forming the expanded ARMM. Despite President Arroyo campaigning for a 'yes' vote, there was a large 'no' vote by the Christian population. Radio and print media in central, southern and western Mindanao reported an unusually low turnout.

This low turn-out coincided with the drama of Misuari's declaration during an assembly of his loyal followers that "the 1996 FPA is all but dead" even as he called for the resumption of a new rebellion against the government. Manila immediately fired him as Chairman of the SPCPD and dispatched troops to capture him. However, his group was able to elude arrest by taking 89 people hostage in Zamboanga prior to their escape to towards Sabah, Malaysia by sea. Because of this, Misuari was deported back to Manila by the Malaysian government. He is currently under detention.

Relative to the 1996 ARMM elections, Congress, in 1995, passed RA 8046, authorizing the use of counting machines in the 1996 ARMM election. It was hoped that cheating would be minimized, which would have help strengthen democratic institutions in Mindanao (see Annex for complete list of laws passed to help Muslim Mindanao or ARMM).

Related Legislation in the Pipeline

In the current 13th Congress, a number of bills have been filed that have bearing to the Mindanao peace process, among them:

- "An Act Improving Philippine Commitment to Human Rights Promotion And Protection by Providing the Necessary Mechanisms for the Prevention Of the Occurrence and Protection from the Adverse Effects of Internal Displacement and for Other Purposes" or "IDP Protection Act" for short, by Representative Etta Rosales in the HOR. As of February 2005, the bill is still under deliberation at the Committee on Human Rights.
- House Bill No. 4186 or "An Act Creating the Mindanao Economic Development and Coordination Office (MEDCO)." The MEDCO is Mindanao's anchor to the Mindanao 2000 (the Mindanao Development Plan) and the Philippine Coordinating Office for the BIMP-EAGA.
- House Bill No. 2655 "Creating A Mindanao Peace And Development Commission" by Representatives Mujiv Hataman, Guillermo P. Cua, and Manuel E. Zamora.
- House Bill No. 1867 "Set A National Policy of Openness, Respect, Recognition, Consultation, Appropriate Support, and Ensuring the Integrity and Autonomy of Peace Zones".

Resolutions have also been filed in both Chambers either to express support towards a particular policy action, or to call attention on a particular issue. Parties being addressed can abide by or ignore a resolution, which are not necessarily binding for those unaffiliated with the Chamber that approved the resolution.

For instance, Senator Pimentel Jr., in 2003, initiated Senate Resolution 58, which essentially urged the United States to act as "an honest broker for peace" between the MILF and the government. It also urged the President to continue peace negotiations to end the conflict in Southern Philippines. Representative Salapuddin said Ghadzali Jaafar, the MILF vice chair for political affairs, supported this resolution.

In the 13th Congress, the following other resolutions have a strong bearing to the peace issue, to wit:

- House Resolution 594 - directing the Special Committee on Peace, Reconciliation and Unity to conduct an "immediate review, in an aid of legislation, on the government's 1996 peace agreement with the MNLF and call for an immediate and unconditional pull-out of troops to prevent the escalation of conflict in other parts of Mindanao in the light of and the renewed hostilities in Sulu" introduced by Representatives Joel G. Virador Satur C. Ocampo, Teodoro A. Casino, Crispin B. Beltran, Rafael V. Mariano, and Liza L. Maza, who are all party list representatives;

- House Resolution 443 - introduced by the same group of legislators which directed the Committee on Mindanao Affairs to conduct an investigation, in aid of legislation, on the so-called preemptive air strikes and howitzer bombardment launched by the Philippine Army's 6th Infantry Division in Maguindanao, which resulted in the forced evacuation of at least 186 families and burning of two houses in gross violation of the government-Moro Islamic Liberation Front Ceasefire agreement;
- Senate Resolution No. 202 - introduced by Senators Edgardo Angara and Rodolfo Biazon which directs the Senate Committee on Peace, Unification and Security to conduct a joint inquiry, in aid of legislation, on the implementation of the GRP-MNLF peace accord of 1996 due to the resumption of hostilities in Mindanao involving the Armed Forces of the Philippines (AFP) and supporters of MNLF Chair Nur Misuari;
- Senate Resolution No. 203 - introduced by Senator Biazon which directs the appropriate committee/s to conduct a review, in aid of legislation, on the implementation of the Tripoli Agreement and the Jakarta final peace agreement entered into between the government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF) and on the Southern Philippines Council on Peace and Development (SPCPD) created under Executive Order No. 371 dated on 02 October 1996; and
- Senate Resolution No. 193 - introduced by Senator Ramon Magsaysay Jr. urging President Arroyo to convene the National Security Council and address the hostilities of February 2005 in Sulu. Magsaysay and Biazon belong to the majority party while Angara belongs to the opposition.

Observations on the Peace Role of Congress as an Institution

It may be noted that the legislators are quick to act in case of apparent evidence of hostilities as what happened recently in Sulu. A resolution seems to be the fastest way for the congressional chamber to act formally to influence the Executive and ask for urgent action to promote and preserve peace in Mindanao. A resolution does not need referral to the other chamber for further deliberations. The exception to this would be when it is a joint resolution, which if approved by both chambers and signed by the President will have the force of law.

One of the formal efforts of the legislature, in this case the Senate, involves using the power of the legislature for oversight of the implementation of laws or of policies initiated by the Executive. While the Executive is the dominant player in any peace process, it does not bar the legislators from asserting their role as overseer of the implementation of government policies and programs. Either chamber of Congress can

make its institutional presence felt in the peace process when this is deemed necessary, despite the fact that part of the probing may have unrelated political motives.

In July 1996, just after the signing of the FPA with the MNLF, the Senate made a formal inquiry into that agreement. The proposed inquiry was in response to angry claims by Mindanao's Christian majority that the government has sold out to the MNLF and that the peace pact contained "secret" provisions. This is an example of the legislature's use of its formal investigative power to make sure that the peace agreement was done in transparent and fair manner so as other parties are not compromised, in this case the Christians in Mindanao. Then opposition Senator Miriam Defensor Santiago said the president is not the sole national policy maker and does not have absolute power to act alone on the Mindanao peace plan.

There was concern among Ramos' people that an investigation could jeopardize the peace process since among other things the MNLF opposed the probe and that senators may possibly draw on their personal biases to block the agreement. Still, President Ramos welcomed the inquiry and therefore instructed the peace panel headed by Manuel Yan and the cabinet secretaries concerned to provide the information needed by the Senate on the accord.

Still, the distance and hurdles between filing a bill and enacting a law are just too great. Authors and sponsors would have to do a Herculean job just to successfully push a bill into law. In the case of Rep. Salapuddin and RA 9054, he was greatly aided by the fact that the bill was a certified priority bill of the Arroyo Administration. While, this presidential dominance has been an issue against Congress, it actually also helped legislators in promoting the peace objective.

LEGISLATORS AND THE PEACE PROCESS

The Varied Roles of a Legislator

Legislative power is the power to enact laws and is exercised through the approval of a bill. Then, the bill becomes a law or statute upon being signed by the president. Concomitant with the power to enact laws is the power to amend and repeal them. Such laws can either advance or hinder the progress of the peace process.

A bill needs the Congressman or Senator as author and sponsor, and as its promoter and defender. As proponent of a bill or resolution, the legislator may wish to convince co-authors to join him or her in filing a bill. He or she needs to shepherd the bill in the appropriate committee towards approval. He or she may wish to undertake a media/publicity campaign or conduct public consultations (whether independently or with

the designated Congressional Committee) or speak in various fora and conferences in order to convince the public and other legislators in both Chambers of Congress.

As in any other country, the individual legislator in the Philippines plays a vital role in the social, political and economic development of national life. His/her potential role in a conflict situation or an on-going peace process is often significant as experience would show. Many a legislator often takes on different roles and personalities apart from the normal lawmaking function. As a political leader, he is presumed to know how to navigate the political and bureaucratic hierarchy in order to push for the appropriate institutional actions that address the needs of his constituents.

The legislators, both the Congressmen and Senators, are considered as policy-makers at the national level. Congressmen, however, do not automatically receive the recognition as national leaders that Senators enjoy. They are customarily regarded only as local leaders, despite the joint and common work output expected from both Houses of Congress. A major reason for this is that Senators are elected at the national level while Congressmen are elected within the narrow confines of congressional districts (i.e., groups of municipalities within a province or contiguous villages within a city).

Another reason is the easier recall that a smaller number of senators can generate vis-à-vis the effort alone to memorize 236 House members. Given their smaller number, Senators are directly involved in discussions of more policy issues as proponents or as Chairpersons of several legislative Committees. Thus, the senator enjoys wider and more frequent national media coverage. A congressman has the opportunity to enjoy only one Committee Chairmanship at a time. It usually takes years of hard work on issues of national importance before a particular Congressman earns the stature of a national leader. And when one does, he or she would tend to become a senator himself. .

Senators, on the other hand, commonly are considered local leaders in their communities of origin or residence because of the respect they enjoy and political influence that they can muster within the confines of such communities. They would normally have high positions within the political parties that nominate candidates in local elections. Many a Senator or congressman belongs to a “political family” and usually has relatives serving as governor, mayor or councilor. In other cases, the legislator could be a former mayor or governor, who enjoys residual influence among local leaders in his district. With such network, they can even be the supreme leaders in their localities. Senators like Aquilino Pimentel and Franklin Drilon are considered regional leaders of Mindanao and the Visayas, respectively.

Project Implementers or Benefactors and Patrons?

Legislators also have the power of the purse - the power to decide on the configuration and sharing of the national government budget among competing objectives, sectors and priorities. This is because of the public funds that government agencies use. There is a Constitutional requirement for congressional authorization (i.e. by law) before government agencies can spend public monies. Just like in any other legislation, legislators have the privilege to inquire about the subject matter. The function of *legislative oversight* focuses mainly on how public monies are spent and whether these are spent efficiently and effectively vis-à-vis agency mandates and programs and their annual plans and projects.

Senators and House members, themselves, are likewise given the unique legislative power to identify programs and projects of their own choosing through their Priority Development Assistance Fund (PDAF). Each legislator, including party-list representatives, is allowed to identify projects to be financed by the PDAF and public works funds: for the Congressmen, PhP 65 million (US \$ 1.2 million) and the Senators PhP 200 million (US \$ 3.68 million), annually. However, unlike the so-called “pork-barrel” funds that are released directly to legislators in the United States, PDAF monies are coursed through the appropriate government agencies and the project as implemented as an additional agency undertaking.

Legislators and Peace Making

It must be emphasized that legislators are not imbued with Executive powers and functions. Congress is mainly a deliberative policy-making body. Yet, despite being indirect players in any peace effort, a legislator has various opportunities to contribute to the peace process. The work and roles played by the following congressional leaders have been of vital importance in the struggle towards a sustainable peace in Mindanao, to wit:

- **Speaker Jose De Venecia, Jr.**

The resumption of talks between the MNLF and GRP probably began as an initiative of Speaker Jose de Venecia, Jr., who in 1992 brought the then Presidential candidate Fidel Ramos to Libya. This was to get the support of President Muammar al Qadhafi in prodding Misuari to come back to the negotiating table. As a young businessman engaged in the oil business in the 1970's, de Venecia developed circles of friends and contacts in trade as well as in politics in the Middle East and other countries. He was a member of the legislature during the pre-Martial Law Congress, and was also active very in foreign policy circles, which he continued to sustain up to the present. This personal interest has been very useful in his current thrust to promote what he now calls “parliamentary diplomacy”.

In the aftermath of their visit to Libya and the assumption of Ramos as President, GRP-MNLF exploratory talks commenced under the auspices of the Libyan Government in October 1992. This re-established long lost contacts after the rejection by the MNLF of the ARMM plebiscite in 1989. De Venecia was also greatly instrumental in convincing Mr. Misuari to pursue the strategy of first having a role in developing the 14 provinces under the Tripoli Agreement through vehicles like the SZOPAD and the SPCPD, which he was offered to lead. De Venecia proposed a Marshall Plan for Muslim Mindanao by encouraging funding support from the international community as well as priority consideration by Congress of the budget for services in the SZOPAD. This was prior to the proposed enactment of a bill to expand the ARMM. A series of talks and accords were made in Jakarta and Manila with the participation of the OIC and the Indonesian government, which led to the signing of the GRP-MNLF Final Peace Agreement on September 2, 1996.

In 1997, as part of his campaign on his quest for the Presidency, De Venecia made contacts with MILF leaders Hashim Salamat and Al Haj Murad. He even flew to the bastion of MILF controlled territories at Camp Abubakar in Maguindanao. Most likely, this contact was initiated with the help of another Congressman during the 10th Congress, Nur Jaafar, whose brother Ghadzali Jaafar is a high ranking official of the MILF. Unfortunately, De Venecia lost to President Joseph Estrada, who subsequently launched an “all out war” policy against the MILF.

With the ouster of Estrada in 2001 and the assumption to power of De Venecia’s vice presidential running mate, Gloria Macapagal Arroyo, De Venecia again exerted his influence for the government to pursue peace with the MILF. In his personal capacity, he met with key leaders in Malaysia, Libya and other OIC countries at various times before and during the current peace negotiations with the MILF for their support to the peace process.

In December 2004, De Venecia called all the Muslim Congressmen to a meeting where he encouraged their active involvement the peace process especially as this would impact on their respective districts. Subsequently he appointed Reps. Salappudin, Macarambon, Amin and Datumanong as House emissaries to the ongoing peace process with the MILF.

In addition to the above, the Speaker of the House initiated in 2003, the Congressional Internship for Program for Young Muslim Leaders (CIPYML) which brings to Congress two batches yearly of 20 young Muslim professionals to train in policy making and legislation at the House of Representatives. The project is a partnership between the House and a foreign funding agency: implemented by the Congressional

Planning and Budget Office and funded under the Growth and Equity in Mindanao (GEM) Program of the USAID.

In 2004, the U.N. General Assembly adopted a new and ambitious proposal coming from the Philippines for the creation of a new office at the United Nations to promote understanding and cooperation among the world's leading religions. De Venecia authored the proposal – it was filed in and was approved by the House of Representatives, and endorsed by the Philippine government to the United Nations. De Venecia was at the vanguard of promoting the concept to conservative parties around the world that value faith - gaining support at Asian forums, the African Union and the Organization of the Islamic Conference. As the Speaker said "the religious sector could become an important tool in the international community's peace-building agenda".

- **Deputy Speaker Gerry Salapuddin**

Salapuddin is a member of the ruling coalition LAKAS-CMD and is the Deputy Speaker for Mindanao. He was an MNLF commander in Basilan for almost 13 years from 1972 to 1984. He was also a former governor of Basilan Province from 1988 to 1998. He is currently one of the four (4) advisers of the government panel in the peace talks with the MILF along with Macarambon, Congressmen Simeon A. Datumanong (Maguindanao, 2nd District LAKAS-CMD), and Hussin U. Amin (Sulu, 1st District, LAKAS-CMD).

The congressman was as one of the authors of RA 9054, which incorporated amendments to the previous law on the ARMM, including the holding of a plebiscite to expand the ARMM. He supported the government's peace agreement with the MNLF in 1996.

He is a strong advocate for the creation of a socio-economic package such as livelihood projects for the combatants to hasten their re-integration to the mainstream of society. This, according to him, was an important element that should be part of any peace agreement with the MILF so that the weaknesses of the 1996 Peace Agreement with the MNLF can be avoided. His being an adviser of the peace panel negotiating with the MILF and his position in the ruling majority as Senior Deputy Speaker would make this advocacy realizable.

When the peace agreement with the MILF is finally forged, he plans to propose the integration of the MILF combatants into the AFP, but without the very restrictive requirements that were used by the AFP in implementing the GRP-MNLF agreement. The former agreement has stiff requirements in education, age and physical defects.

Most of the MNLF combatants were ineligible for integration because they have reached only the most rudimentary education and would not qualify as integratees. Others been wounded and scarred in battle leaving them with permanent physical defects. This resulted is a situation where most of the combatants were not integrated and were left without any means of livelihood. The ones who benefited were those who knew how to make proposals but who were not necessarily combatants.

In this vein, he intends to propose that the peace pact with the MILF will require certification of actual combatants so that only the bonafide members will get the economic livelihood benefits. Another initiative he will likely introduce in the peace agreement with the MILF is to explicitly indicate that the combatants be given the same blanket amnesty as was extended to the members of the Reform the Armed Forces Movement who staged coups against the Aquino Administration.

In the 1996 GRP-MNLF Peace Agreement, the amnesty was not clear-cut if those who committed murder during clashes could be given outright amnesty. This was compounded by cumbersome paper work, which was very difficult for the mostly lowly educated combatants. This dilemma discouraged the MNLF combatants from applying for amnesty and prevented them therefore from being integrated into the armed forces and back into the mainstream of society. This is the reason why some MNLF armed forces still exist in some areas, which can be potential hot spots.

Taking a cue from the MNLF experience, Salapuddin said that once the peace agreement with the MILF was made, he would introduce supportive legislative measures, particularly socioeconomic bills that are in tune with the desire of the MILF Chief Haji Murad to tackle the socioeconomic aspects of the peace process. This is much unlike the MNLF experience, whose leaders immediately participated in mainstream politics (i.e., ARMM elections) and failed to attend to the socioeconomic needs of its members.

On the fielding of American troops in Basilan after 9/11, which was negotiated during President Arroyo's first trip in the US, Salapuddin made full use of his access to the administration by persuading President Arroyo to require the Americans to include the economic component in the troop exercises to battle the Abu Sayyaf. True enough, the American troops provided non-military aid like road building and the construction schoolhouses, which made their presence in Basilan very acceptable to the Muslim community. According to him, it was just a matter of being assertive of the rights/privileges due to the Muslims. Speaker Jose De Venecia helped him in the effort.

Salapuddin is also a member of the Oversight Committee on the implementation of Republic Act 9054. The Chairman of this Committee is the Executive Secretary with

two (2) members each coming from the House of Representatives and the Senate. Part of the technical working group comes from the OPAPP and the regional government of ARMM. As an example of the committee's efforts in the peace process, Salapuddin cited the complaint of the MNLF regarding the delay and location of integration of around 5,000 of its combatants. The committee, facilitated their inclusion in the Philippine National Police Regional Security Force and in the AFP's Regional Unified Command despite funding problems of the national government.

The congressman also cited that the implementation of the national law for ARMM (RA 9054 and RA 6734) may not have been able to fully achieve its objectives because the ARMM's Regional Legislative Assembly was not enacting regional laws as called for in the Acts like the regional laws in the civil service, agrarian reform, salaries of teachers, etc. He said that these observations could be used in crafting out ways for legislators like him to improve the general conditions in Mindanao. He believes that the legislators can remedy the situation by way of more monitoring, oversight and interaction with the members of the regional assembly so that through the carrot of moral suasion and through the stick of financial appropriations, they can be prodded to be more responsive in governing ARMM.

As former governor of Basilan for ten (10) years, he retains his influence in the local community. Until now he mediates local feuds or clashes and works through the mayors and board members to establish peace and order in the conflict areas in his province.

Salapuddin agrees with the importance of participatory governance in sustaining the peace process. He said that in Basilan any one from the lowly farmer to the mighty Governor could submit feedback to him, though informally. Among the beneficiaries of his congressional funds to help his Muslim constituents were the elementary schools, higher education and social work institutions, indigenous people, and health insurance.

In his observation, the Ramos Administration (1992-1998) made great strides in the peace process in Mindanao. Such progress, however, was stunted by the "all out war" policy of the Estrada Administration (1998-2001). Under the Arroyo Administration he foresees a better prospect for the peace process because of the role and influential voice legislators now have in advising the Executive.

- **Representative Benasing O. Macarambon, Jr.**

Representative Benasing O. Macarambon, Jr. is another legislator working for the promotion of peace in Mindanao. Macarambon of the 2nd District of Lanao Del Sur is

a member of the Nationalist People's Coalition (NPC), the main coalition partner of LAKAS-CMD in the House of Representatives. He used to be an MNLF rebel leader and member of the Regional Legislative Assembly of the ARMM in 1993-1996.

As one of the four (4) congressmen advising the government peace panel, Macarambon sees his peace role and contribution mostly as a legislator inside Congress advocating government programs and affirmative action to promote peace in Mindanao and economic amelioration of brother Muslims. He says that the formal mechanism of legislation should help advance and lay the ground-work for the peace process in Muslim Mindanao.

Informally, he sees his role as ventilator of the sentiments of the Muslims. During the "all out war" policy of the Estrada Administration he voiced out his vehement opposition to it directly to the President, the Defense Secretary and the AFP Chief of Staff. He also manifested this in the Arroyo Administration when the Philippine Army undertook an offensive against the MILF during the tenure of then Defense Secretary Angelo Reyes.

Along with other legislators and Mindanao leaders, he played a peacemaker role in the recent clash last February 2005 between the government troops and the MNLF in Sulu. But he helped define and explain to the Executive branch that the accidental killing by the Army of a pregnant Muslim woman in their pursuit of the Abu-Sayaf bandits caused the heightening of the conflict. This effort prevented the said clash from turning into another big confrontation between the government against the MNLF.

In his congressional district, Macarambon is a mediator of family feuds, which is one of the conflict-affected areas in Mindanao. Such mediation has minimized the potential of conflicts from becoming full-scale battles. His Priority Development Assistance Funds and congressional insertions are being spent on social welfare, education and other socio-economic projects.

On the prospects of a proposed participatory governance program in his district, he said he is practicing it already. Rep. Macarambon says he relates with his people by going home regularly to his congressional district to consult with them. He also welcomes the idea of formalizing this mechanism in his district through training and institutionalization of local staff to promote development in his district. Such mechanism would pave the way for rational and systematic formulation of strategies, policies, and projects in his district. With such system in place sustainable and equitable growth of his district could be pursued.

A quick poll of the members of the Research Institute for Mindanao Culture (RIMCU), an NGO in Mindanao, they confirmed that based on their field knowledge, Salapuddin

and Macarambon enjoy high credibility among Muslims in promoting peace. However, during a validation seminar with the young Muslims Interns in Congress, it was found out that very few of them have heard of the efforts of Muslim representatives toward advancing peace. Nonetheless, they have knowledge of these two Congressmen although not necessarily because of their peace efforts.

Other Peace-Related Efforts

In the study's survey conducted among the representatives from Mindanao in the 13th Congress, including those from conflict and non-conflict areas, the following responses were notable for their proactive stance towards making peace more sustainable. It is interesting to note the similarities and differences in their approaches.

- **Personal Mediation Efforts.** In February 6, 2005 hostilities broke out in Sulu when gunmen, backed by hundreds of Abu Sayyaf bandits attacked four military detachments in Panamao, Patikul, Talipao and Parang. Members of the House from Mindanao lost no time in calling for cessation of hostilities. Representative Prospero Nograles of the ruling Lakas Party from Davao City, called for both parties stop fighting and start talking in order to prevent the escalation of violence in Sulu. Meanwhile, Muslim lawmakers led by Deputy Speaker for Mindanao Salapuddin and Representatives Macarambon, and Mujiv Hataman (Anak Mindanao) warned the Executive department that continued fighting would cause more civilian casualties and might jeopardize the ongoing peace talks between the government and the Moro Islamic Liberation front (MILF).
- **Coordination.** One of Rep. Cabilao's suggestions to enhance the role of the legislators in the peace process is to have appropriate and regular coordination by the Executive branch and related concerned agencies like the OPAPP with legislators from Mindanao and Congress as a whole.
- **Advising the GRP Peace Panel.** Representative Simeon Datumanong of Maguindanao, whose congressional district is at the center of the MILF conflict, is a senior party member of the majority that shapes his role in the peace process. He is one of the advisers to the peace panel with the MILF together with representatives Macarambon and Salappudin. His assignment can be traced to his previous stint as a member of the government panel, which negotiated for the signing of the Peace Agreement with the MNLF in September 1996.
- **Back-Channel Contacts.** Rep. Datumanong also negotiated and conducted a series of dialogues with 32 hardcore and foreign-trained MNLF Members led by Commander Ronnie Maradiok, which led to their surrender. He helped facilitate the Ramos

Administration's contact with the MILF right after the 1996 Peace Agreement with the MNLF by meeting the MILF chairman at the latter's office at Camp Abubakar.

- **Provision of Resources.** Representative Joel Mayo Z. Almario, coming from Davao Oriental (2nd District), a non-conflict area, is a member of the majority party LAKAS-CMD. He initiated the establishment of the House's PhP50M Mindanao Peace and Development Fund. In May 2003, the fifty (50) House members from Mindanao decided to pool resources by pledging over time PhP5 million each from their PDAFs towards a Mindanao fund for development, initially for the conflict-affected areas.
- **Special Projects for Muslim Constituencies.** Representative Ma. Angelica Rosedelle M. Amante, from Agusan del Norte, similarly a non-conflict area, caused the construction of Angel's Village for the local Muslim community in her district in, which significantly contributed to the reduction of crimes, involving Muslims, hence, deemed to be highly effective. Meanwhile, Representative Hussin U. Amin of Sulu, whose district is also among the hotbeds of conflict, is active in delivering social services, through his congressional funds. He has sponsored the conduct of regular medical-dental, surgical missions and the establishment of day care centers. He has also supported and maintained scholars and has allocated funds for livelihood projects for deserving constituents.
- **Information Dissemination.** Rep. Amante suggests that more information on the policies and activities related to the ongoing peace process should be provided to the Congress by the Executive branch. She is committed to support any advocacy intended to promote and achieve a final and lasting peace process in the affected areas in Mindanao.
- **Committee Action.** Representative Belma A. Cabilao of Zamboanga Sibugay, another conflict-affected area plays her role in the peace process by being a member of the Committee on Muslims Affairs and the Committee on Mindanao Affairs and also of the Special Committee on Mindanao Economic Development. She is intent on taking part in the formulation of policies to improve the socioeconomic condition of people in the concerned areas through programs for infrastructure and livelihood projects.
- **Peace Dialogues.** Rep. Amin of Sulu was also instrumental in bringing investigative missions in the Sulu province such as the congressional investigations conducted by the Committee on Human Rights in 2002 and again recently in March of 2005. He was also the supportive in the conduct of different fora in Sulu conducted by peace advocates, NGOs and POs in the province.
- **Cultural and Religious Sensitivity.** Rep. Amin was among the authors of a law during the 12th Congress declaring *Eid'l Fitr* (end of Ramadan) a national holiday

saying that the national observance of the Islamic holiday should be dedicated to the search for a lasting peace in Muslim Mindanao.

- **Reconstruction.** Representative Suharto T. Mangudadatu of Sultan Kudarat, a conflict-affected area, suggests the continuous monitoring of the on-going peace negotiations to ensure the peace agreement when forged is implemented properly. He is pushing for the rehabilitation and reconstruction of the damaged infrastructure in the affected areas.
- **Relief Efforts.** In the recent conflict in Sulu, Rep Mangudadatu was quick to address the relief and rehabilitation needs of his constituents. He also made representations with the President as to the plight of the evacuees in Sulu. He also sent a mission team to give relief services to the evacuees.
- **Civil Society Groups.** Rep. Mario Joyo Aguja was one of the convenors of “Kalinaw,” a multi-sectoral peace advocacy group in Mindanao. The group calls for the MILF to heed the overwhelming cry for the cessation of hostilities and to hasten the peace process. It also urges the national and local leaders to re-examine the government's priorities in Mindanao and to sustain ongoing development initiatives by allocating adequate budgetary allocation that will provide livelihood opportunities, deliver necessary basic social services and improve infrastructure in conflict-affected areas.
- **Informal Alliances.** The Mindanao Legislators Association (MLA), on the other hand, is a group composed of congressmen dedicated to the legislative agenda beneficial to the Mindanao economy. They are expected to join forces advocating as well as in voting for policies and actions towards addressing the perceived inequity in resource sharing between Mindanao and the country’s other island groups.
- **Fact Finding Studies.** Senate Minority Floor Leader Teofisto Guingona Jr. and concurrent president of the opposition party during the Administration of President Estrada proposed the formation of a commission composed of people from the academe representing the Muslim and the Christian community which will study the two diverse cultures. This was the time around the time in November 1999 when Estrada threatened to end the ongoing peace talks with the Muslim rebels, particularly the MILF. It uses a non-formal channel (the media in this case) available to the legislature since being in the opposition it was probably the only way he can maximize his influence. As part of the Senate minority, his chance of influencing policy decisions by the Executive was weak.

- **Congressional Advocacy for Peace.** Representative Amin suggested that to improve the role of the legislators in the peace process, Congress should use its power and influence towards:
 - promoting comprehensive livelihood programs that could be extended to as many families and organizations in the conflict-affected areas;
 - reviewing and the assessment of the compliance of the 1996 agreement with the MNLF;
 - hastening reintegration and rehabilitation of former rebels with funds appropriated accordingly;
 - quick response investigations on reports of abuses since inaction will just worsen the situation and a full blown conflict is not a remote possibility.

GENERAL OBSERVATIONS

Separation of Powers

It is a given that the Executive Department – the President and the line agencies – runs the government while the Legislature and the legislators may be considered as the state’s “board of directors”. Congress is therefore not bound to follow each and every commitment made by the President or the government panel in any peace negotiations. In the above-cited peace negotiation efforts, the Muslim insurgent groups had to reckon with the idea of the separation between the Executive and the Legislative as provided for in the Constitution.

Dynamics of Legislation

To be sure, the activity of lawmaking vis-à-vis the peace process for Muslim Mindanao had its own dynamics. The delay in the approval of the bill to enlarge the ARMM was indicative of the failure of the peace advocates to convince legislators about the need for and the effectiveness of such proposal. The early creation of the ARMM in 1987 was probably also an attempt on the part of the non-Muslim majority in Congress to protect the interest of greater majority of the population now in the 14 provinces mentioned in the Tripoli agreement.

Indirect Accountability

The study shows that over the years, the majority of legislators have been passive players in the peace process, allowing the executive to take the dominant role. Yet, despite being indirect players in peace efforts, legislators have not shied away from opportunities to contribute to the peace process. Apart from their lawmaking functions, a number of

Congress members were frequently called upon by Presidents Ramos and Arroyo and as well by officials in the peace panels to present their views and advise the Executive on the political dimensions of their negotiating options.

Collective Sentiment

Congressmen and senators in general understand that the approach to peace requires the building of mutual trust and confidence between the government and the rebel groups; that hostilities and war have adverse effects on their local communities; that they have an obligation to hasten the socio-economic progress of their constituencies. Independently, legislators have asserted their leadership and influence by way of formal and non-formal peace advocacy - both at the national and local levels - and the delivery of peace-enhancing projects. For the most part, these are funded by the congressional entitlements meant for political constituencies. Indeed, there is strong collective sentiment among Philippine legislators to support the peace efforts of the government.

Paths To Peace

The above discussion of Congress peace initiatives as well as of the individual efforts of the legislators, however, is also notable for the lack of particular reference to the OPAPP's Six Paths to Peace (SPP). The individual actions of legislators can obviously be associated with the various elements of the SPP. However, there seems to be no conscious, integrated, official undertaking in Congress that recognizes the OPAPP's "Six Paths to Peace", beyond perhaps providing for the budget of the OPAPP. This is again an indication that Congress and the legislators are not confined to this particular "packaging" of a set of policies. Legislators however are aware of the very concerns cited in the SPP, which are general political aspirations of their own constituencies. For one, most political party platforms and electoral campaigns include, among others: reduction of poverty, pursuit of social, economic and political reforms, good governance and fight against corruption, and building a climate of sustained peace.

The Need for Greater Sensitivity

The broad concerns of the OPAPP's "Six Paths to Peace" actually demands greater sensitivity from policy makers and legislators alike and requires continuing community participation and inter-actions with their political leaders. For instance, in terms of the goal of building a national peace constituency, one is reminded that the long-term societal goal is not just peace for its own sake but a just, progressive and dynamic society that respects the historical and cultural heritage of its communities – which can only be possible under conditions of sustained peace.

PARTICIPATORY GOVERNANCE AND SUSTAINABLE PEACE

Legislators in general are considered to be the representatives of the people in the affairs of government. The decisions and actions of governments have their basis in the laws passed by legislators who are presumed to be acting for and in behalf of the constituencies that put them to the elective office.

Representativeness of Policy Actions

But while, indeed, elections perform a useful role in expressing the voice of the majority and signifying the existence of democratic governance, the challenge of validating the representativeness of the actions and decisions of the elected remains. It is a given that legislators act on the basis of their awareness of the issues at hand. Yet, their options and understanding of such issues may at times be limited by lack of community consultations and/or be biased by the dominant political or economic interests that can influence decision-making. To some observers, there is always the risk of “moral hazard” after every election. In economics, “moral hazard” refers to the possibility that one party to a loan transaction (in this case, the election) would engage in activities undesirable to and inimical to the interest the other party (the electorate) after the loan (grant of political power) has been made.

Lack of Political Access

The responsibility of building peace is not unrelated to the need for better governance and faster socio-economic development. When constituents are faced with poor governmental response to their articulated needs, delayed provision of public services, or questions to the integrity in the dispensation of public resources, the effectiveness and representativeness of a concerned political leader is put into question. However, the lack of access by the majority of citizens to political leaders –legislators as well as national and local executives– is not an uncommon tendency.

In the case of communities in Muslim Mindanao, it is difficult to presume that an active community democracy has taken root. The frequent armed confrontation has disrupted the development of their local economies, community life, education and social inter-actions. One may therefore expect that the majority of constituents from Muslim Mindanao communities do not have adequate exposure to democratic processes. There is need to build and nurture the confidence of their citizens to engage their leaders in policy dialogues and community.

A PROPOSED PEACE AND GOVERNANCE PROGRAM

Democratic Inter-action

Certainly, the improvement of democratic leadership in Muslim Mindanao would greatly contribute to a more sustained state of peace in a post-conflict situation. But, at present, the potential for enhancing democratic governance is still largely in the hands of their political leaders themselves (legislators and executives alike). This can be developed with their active partnership and support.

In the absence of formal consultative institutional mechanisms, legislators' consultations with constituencies have been mostly random and unofficial. By putting together the element of formality in "political leader-and-community" inter-actions, it may be possible to enhance the practice of democratic governance in said communities.

Participatory Governance

One potential program instrument of formal inter-action that can be developed is the idea of "Participatory Planning and Oversight". The practice heretofore of development planning or planning of local and national economic development programs has been customarily undertaken by governmental entities. At the country-level, the National Economic Development Authority conducts limited public consultations for inputs to the 6-year Medium Term Philippine Development Plan (MTPDP). At the local level, municipal and provincial "sanggunians" (councils) as supposed to conduct localized public hearings on their municipal and provincial development programs, respectively.

While the Congressional districts are distinct geographical subdivisions covering groups of municipalities within provinces (or groups of "barangays" or villages within cities), formal socio-economic planning is rarely undertaken at this level. The process of district-wide consultations if undertaken by a legislator can provide an added venue for citizens to directly contribute inputs to the selection of projects and programs that can be funded by the national government. District Consultations may also serve as venue for discussing amplifying national and local issues with the Congressional constituencies.

Transparency and Accountability

The proposal can also a mechanism for greater transparency, especially when constituents are engaged on a regular basis to help not only in giving insights to the ranking of policy priorities but also in the monitoring and oversight of the effectiveness and efficiency of government spending. Often, legislative oversight is hamstrung by the

lack of data and timely technical information from the field. Sanitized reports by agencies of government mostly come unchallenged during budget deliberations. Feedback from the people is simply too few and far between.

Meanwhile, this proposed project can also be an added mechanism for accountability in the way legislators decide on the use of their PDAF or “pork barrel” funds, and in the way they cast their Congress votes among policy choices. A regular formal venue for dialogue with their political leaders will help gather and clarify the people’s needs and sentiments on varied issues, which should be taken into account in policy-making.

Crying Need for Education and Capacity Building

While the Philippine legislator himself/herself is actually in a position to undertake the proposal, there may be a need to structure its implementation and formalize the process of consultations. This is also the need to engage grassroots organizations, local CSO's and NGO's in the concerned communities, which will require a medium to long term capacity formation. There is also the need to establishing a public information mechanism and communications support system such as the conduct of a regular forum, the establishment of a bulletin board-type community newspaper, and in more sophisticated constituencies, web-based discussion boards. The proposed program thus requires the professional discipline of organizations that have linkage with Congress, and those with experience in public communications, policy research and advocacy and development planning. External support from reputable international institutions will greatly help catalyze the institution of such a formal mechanism. Political leaders are likely to be enticed to take part when they realize that the project comes with external assistance from prestigious donor institutions such as the UNDP, USAID, CIDA, AUSAID and the like.

CONCLUSION

The action areas embodied in the “Six Paths to Peace” by and large cover the “core issues” that underlie the continuing conflict in Muslim Mindanao. Archbishop Orlando Quevedo, President of the Catholic Bishops Conference of the Philippines (CPCP) and Archbishop of Cotabato in Mindanao, argues that the root cause of the conflict is the injustice done to the Bangsamoro over these centuries.

On the part of the MILF, nine (9) major issues have been cited which constitute what they call the “Bangsamoro problem”. These include: ancestral domains; displaced and landless Bangsamoro; destruction of properties and war victims; human rights issues;

social and cultural discrimination; corruption of the mind and moral fiber; economic inequities and widespread poverty; exploitation of natural resources; and agrarian reform. These are long term social-cultural, political, and economic issues that require dramatic policy reforms and improvements in the way government deals with particular issue and constituencies.

The indirect role played by more actively by congressmen in past as well as in on-going peace efforts have contributed significantly to the momentum of the negotiations with both the MNLF and the MILF. The varied roles that congressmen and senators can play as local leaders, national decision-makers, project implementor, advocates of policy actions and as overseers of the national government's budget puts them collectively as well as individually in a position of significance in any peace undertaking. The sustainability of any peace effort needs the support legislators, especially in addressing the policy and legislative requirements of the government's commitments to political and socio-economic reforms.

Legislators can further enhance their democratic leadership roles by way of engaging the citizenry and their communities in the practice of participatory governance. The practice of informal consultations with constituencies can be regularized and institutionalized through "Participatory Planning and Oversight". The Congressional districts present an ideal setting for socio-economic planning due to the absence of formal plans at this level. Not only will the proposed activity help enhance the transparency and accountability in the identification of projects by the legislator; it will also improve the representativeness of his policy choices at the legislature.

However, participatory governance is yet to take root in many areas in the Philippines, especially in the conflict-affected areas of Muslim Mindanao. This may require not only some formal training in democratic dialogue and participation but also in understanding how government works and the policy issues that have direct impact to their localities. It would take a vigorous educational campaign, sustained community inter-actions, and continuing communications to be able to engage the citizenry in this effort. Participatory governance would also require the pro-active participation of the concerned political leader. Such political support is more likely to be encouraged and realized with the external support from prestigious international donor organizations.



BIBLIOGRAPHY

Accord's Mindanao project. <http://www.c-r.org/accord/min/accord6/index.shtml>

ACPP Backgrounder Working for Peace in Mindanao. Asian Center for the Progress of Peoples. May 2004

Amina Rasul. *The Road to Peace and Reconciliation: Muslim Perspective on the Mindanao Conflict*. AIM Policy Center, Manila, 2003.

Benedicto Bacani. *Beyond Paper Autonomy: The Challenge in Southern Philippines*. Konrad Adenauer Stiftung and Notre Dame University College of Law, Cotabato City, 2004

Constitution of the Republic of the Philippines. Constitutional Commission of 1986. Compiled by NBSI Editorial Staff, 1986.

Files on House Bills available in the Library of the House of Representatives

Files on Proceedings available in the Library of the House of Representatives

Kalinaw Mindanaw (Peace Mindanao). <http://www.mindanao.com/kalinaw/peaceproc/process.htm>

“Larger ARMM budget needed”–Nene. By Patricia Esteves, Reporter. Manila Times, Friday, February 25, 2005

The Official Site of The Office of the Presidential Adviser on the Peace Process.

<http://www.opapp.gov.ph/index.html>

www.inq7.net. http://www.inq7.net/brk/2003/jun/04/text/brkpol_2-1-p.htm

<http://www.congress.gov.ph/>