

LAG Policy Brief

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The Road to Reforms in the ARMM



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P-Noy is no superman but he seems to want to be a ‘reformer’. If he and his personally anointed deliver the urgent reforms in the ARMM in the next 22 months and he comes out unscathed, history might as well be generous to call him that.

Three tracks will try P-Noy’s leadership and our mettle as a people. The first track is the ‘*matuwid na daan*’ reforms in the ARMM; the second is the full implementation of the 1996 Final Peace Agreement with the Moro National Liberation Front (MNLF); and third is negotiating peace settlement with the Moro Islamic Liberation Front (MILF).

Bringing lasting peace in Mindanao is one of the second Aquino administration’s top priorities. The President himself continues to underscore this desire beginning with his inaugural address. Stated simply he wants to bring “a final closure to the armed conflicts in Mindanao.”

In a briefing with the academe, civil society and the security sector in Cotabato City in July, Fr. Eliseo Mercado has articulated the very difficult convergence of the last two tracks – the MNLF’s and the MILF’s. On IAG’s Facebook, Fr. Mercado wrote: “It is not possible to have two peace processes with two different forces to end the same armed conflict in the same territory in relation to the same people. It is not possible to negotiate natural resources with the MNLF and ancestral domain with the MILF. Hence, the GPH must seek to combine the MNLF and the MILF peace processes in order to embark upon long-term peacebuilding with a solid foundation.”

It is ironic, as one netizen commented that “The GPH now prods MN[LF] and MI[LF] to unite when it was the one which insidiously caused their split in the past via [a] series of divide-and-rule tactics.”

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|  | P-Noy's Wishlist |
| | Put an end to the rule of political families that have fostered a culture of electoral frauds |
| | Abolish private armies |
| | DILG will implement the road map for reforms and direct it toward true peace and progress |
| | Clean up the voters' list and modernize the elections |
| | Strengthen alliances with civil society group |
| Will not allow any form of corruption | |

Definitely, the story of the peace processes in the Southern Philippines continues to unfold, especially with the recent meeting in Japan between the President and MILF Chair Murad Ebrahim, al-hajj.

Critics reminiscing the botched MOA-AD have since made a lightning rod out of that special two-hour meeting, demanding Malacañan to disclose full details.

A Philippine President meeting the chair of a revolutionary front – the last of this sort happened almost 25 years ago – is not unthinkable. Such a grand gesture paints a powerful image devoid of frippery. Every stakeholder to peace in Mindanao will hold on to that image and will make every party to that meeting accountable to peace, or *unpeace*.

Miriam Coronel Ferrer, a member of the GPH Peace Panel in talks with the MILF, was in Tokyo when President Aquino met Chair Murad Ebrahim. Writing in the Manila Times, she said:

“The cordial meeting between President Aquino and MILF Chairman Murad Ebrahim on August 4 had enabled a fruitful exchange of ideas and certainly helped build trust as to each other’s intentions. Meanwhile, meetings with the MNLF continue to thresh out the modes of partnership that will bring closure to the review process and enable this constituency to participate in the regional and national reform agenda. Ultimately the aspirations for autonomy can only be achieved through a broad, nationally coordinated effort. The convergence in due time of the different policy strands affecting the region would thus be ideal.”

The government’s attempts to weave together different strands do not fall in the category of high-flying histrionics. These are courageous moves yet deliberate and powered by the inspiration of the ‘*matuwid na daan*’ leadership of President Aquino. Walking the *daang matuwid* appears historic and out-of-the-box thinking.

While the two peace processes continue, Malacañan pursues with singular devotion the first track, which is the reform of the Autonomous Region in Muslim Mindanao (ARMM). Hopes are high that P-Noy can effect in record time his much-trumpeted reforms in the ARMM.

This administration figures both in positive and negative light for its perceived fixation to pin its predecessor down on the misdeeds the latter allegedly committed – from electoral fraud to anomalous coffee and ghost transactions. Rightly so as the ghosts of the past will keep on haunting the present. Observers can only muse: why not redirect a portion of this fixation to settle once and for all systemic and structural defects in the Muslim region and generate concrete and positive results?

Interior Secretary Jesse Robredo sitting one more time at IAG’s national roundtable in Makati City on July 28 reiterated his cabinet’s position on ARMM:

- 1) Ensuring and securing the environment for honest, peaceful and fair elections;
- 2) Reforms are to be guided by the principles of accountability and transparency in governance and grounded on a peace and order condition that engenders development; and

3) In the current context, election is not the answer to the woes in the region, rather an inclusive and rooted development and transformational leadership are key to reforms and recovery.

As this develops, a performance audit in the ARMM by the assistant secretaries of major line agencies is underway. This will churn out benchmarks reflecting indicators on which necessary investments will be based. Linking the ARMM matrix to national agencies' is also under study to make sure the benchmarks applied in the ARMM will be the same benchmarks applied in the other regions. This is important groundwork according to Secretary Robredo "so we will have a standard basis for assessment and comparison." Meanwhile, the proposed investments will include repairs in the bureaucracy and provision of basic infrastructure, among others. Robredo sees that when the need arises, "certain institutional mechanisms, whether it be a new legislation or restructuring [will be instituted] so that the initiatives [with]in the 20 months will be continued by whoever succeeds in the new administration."

A highly-esteemed local executive in the Bicol region before hopping in President Aquino's cabinet to handle the DILG portfolio, Robredo underscores the all-encompassing perspective adopted by his department which includes reforming the ARMM and the entire provincial and municipal governments as well. Until then, no comprehensive plan can hit the ground as priorities and programs easily dissipate along the obscure lines of institutional arrangements between the ARMM regional government and the provincial governments. Institutions in the ARMM from the regional down to all levels have to be developed according to a workable and more accountable configuration of powers. The same must apply to the relationship between the national government and the ARMM.

These are exceptional times and the government is taking exceptional measures – beginning with the postponement of the ARMM elections and soon with the appointment of the transitory officers in charge – in the name of reforming ARMM. That said, many could forgive all this tinkering with autonomy. That the autonomous region succumbs to the will of the government in Manila is not new. What is rather rare is the power given to the President and his political will to make the ARMM an effective government mechanism for poverty alleviation and people empowerment.

Are reforms possible in 22 months? If President Aquino and his transition team can get away with regular procedures under the bureaucratic mill, the answer is yes. Fr. Mercado outlined three requirements that will see reforms through exceptional conditions:

1) State of exception

2) Funds for these reforms to materialize

3) The appointees must enjoy the trust of the president and the people of the ARMM

"Is this an issue?" asked Upi, Maguindanao Mayor Ramon Piang. Putting reforms of this urgent nature under regular bureaucratic procedures will not produce anything after 22 months. But as Mayor Piang

emphasized, “We cannot also sacrifice transparency and accountability.” Of course our representatives in Congress will not approve funds without the assurance where the money will go.

Robredo deflecting criticisms on why postpone the ARMM elections in IAG’s previous roundtable “What Ails ARMM” invoked this ‘state of exception’ as perhaps the only opportune time when real reforms can be planted on the ARMM. If we don’t grab this and we let this opportunity pass, “it’s going to be business as usual in the ARMM again.” By “business as usual” Robredo meant all the usual evils lurking in the bureaucracy which President Aquino articulated in his recent SONA will continue to thrive.

The DILG secretary has been an eloquent mouthpiece in this intensive campaign to muster popular support in reforming the ARMM to make it a viable institution for peace and development. Robredo has assured stakeholders many times that the process – from setting up of the screening committee to choose the OICs to the actual selection of who will sit in the ARMM transition government – will be inclusive. There are questions raised in the roundtable that called our attention. Some of these questions are the following: Will the private sector be involved on this? Will the indigenous peoples be represented? How will the MNLF be involved considering that ARMM is a product of its epic struggle?

By inclusiveness, Robredo means to “get everyone involved.” But time ticks fast and much as the Aquino administration wants to appease everyone, picking the legitimate representatives of the different sectors vying a voice in this matter proves to be a challenge. At the end of the day, as Robredo conceded, “We don’t have positions for all of them.”

Putting the right persons to steer the transition ship through the critical stage of cleansing and restructuring the ARMM bureaucracy is the way to demonstrate to the people in the region that governance can work. This whole exercise will not automatically redound to measurable results save perhaps for the immediate doable like infrastructure. Nevertheless, this in effect is changing every psychological fabric of thinking in the ARMM.

Put the whole bureaucracy under a scrupulous audit and demonstrate that government does not condone malfeasance and this government sends a clear message that corruption has no place in the reformed ARMM. Draw the lines of power between the regional governor and the provincial and municipal executives and the P-Noy government sends a signal, this time red tape is passé and transparency and service delivery are the new order. Reform the electoral system in such a way that election is no longer synonymous with private army, political clans, ‘ghost’ voters and vote-buying and every citizen is empowered to vote according to conscience and informed choice. You dispense with all the necessary resources on which to carry out all these reforms with the end view that sooner ARMM can run its own affairs on the back of a strong revenue generation and financial viability, you demonstrate exactly, that yes, autonomy can work in Muslim Mindanao.

This is the blood and flesh of the whole reform agenda of President Aquino in the ARMM. Demonstrated exactly that way, the seed of reforms is sown beyond the borders of the region, in the depths of the hearts and minds of the people.

IAG's 'Roadmap for Reforms in the ARMM' roundtable gathered different minds for a common cause. MNLF legal panel member Atty. Ombra Jainal said "it is impossible to reform ARMM; it has to be re-made." Whatever you call that is, hope is not lost in the ARMM. He agreed that structural changes can improve governance in the region but cautioned that "the basic political right to choose one's leaders be restored back to the people" once these improvements are in place and sustained lest we merely legitimize a power grab.

AFP General Benjamin Dolorfino who has remained active past retirement via Magbasa Kita Foundation and as a Senior Fellow of the Institute for Autonomy and Governance said the policy taken by the government highlighting the engagement of civil society is commendable. He said: "The very essence of Islamic governance that is participative and consultative must be promoted in the ARMM. This kind of governance is needed because of the presence of tri-people [Muslims, Christians, and Indigenous Peoples]. Structures must be institutionalized to accommodate this [set-up]."

Major General Carlos Holganza who oversees the AFP National Development Support Command in-charge with infrastructure projects in conflict-affected areas said only out-of-the-box solutions can address the perennial problems in education in the ARMM.

Senator Teofisto 'TG' Guingona, III admits the educational system in Mindanao particularly in the ARMM is in dire need of honest-to-goodness reforms. "Ghost teachers constitute one of the problems but real life teachers are also hard to find. We resort to importing teachers but teachers are scared to go to these places," Senator Guingona said.

A study group convened by IAG in 2008 to look into the implementation of the 1996 Final Peace Agreement between the Government of the Philippines and the MNLF has captured the ailing state of education in the ARMM. The report published in the IAG quarterly *Autonomy & Peace Review* (January-March 2009) said:

" ARMM has not evolved an educational system that is distinctly its own. In terms of the Philippine public educational system, the region lags the rest of the country in participation rate, cohort survival rate, dropout rate, performance in licensure examination for teachers, and simple and functional literacy rate. On the other hand, Madrasah education, which is the core of ARMM's distinct educational system, has not yet evolved to be on par with the existing Philippine educational system. Its policies are still subject to the control and direction of the national Department of Education. Moreover, the DepEd ARMM is beset by administrative problems such as the non-remittance of teachers' contribution to welfare funds, "ghost" schools and teachers, and deep-seated corruption in the recruitment, placement, and promotion of teachers and administrators. With regional, local, and school officials overwhelmed by administrative woes, very little is done in the area of Madrasah curriculum and infrastructure development and teachers' training.

The ARMM has a lot of catching up to do to develop secular education in the region, let alone Islamic education. But education leaders in the national and regional governments must not lose sight of the FPA and RA 9054 mandate that a system of Islamic education must evolve in the region. Thus programs to improve education in the region must go hand in hand with the development of an Islamic education system."

Establishing Sectoral Benchmarks/ Baselines



Determining Sectoral Priority Targets
(in consultation with DBM for funding purposes)



Pursuing Sectoral Development Outcomes and Capacities



| Area | Major Challenges | Strategic Interventions |
|--|---|---|
| Governance <i>Overall Approach:</i> Transparency and Accountability | Government Structure/ Bureaucracy 1. Irrational Agency Devolution 2. Patronage-based appointments | 1. Review the status of devolved and undeveloped agencies 2. Rationalization of bureaucratic positions |
| | Fiscal Management 1. Cash Releases 2. Ghost companies, workers, and schools 3. Lack of line agency reporting | 1. No illegal cash advances 2. Transparent bidding, contract and disbursement procedures |
| | Revenue Generation 1. ARMM profits go to other agencies 2. Unregistered and unregulated businesses 3. Undeveloped line agencies 4. Unclear relationship between LGUs and the Regional Government | 1. Tax Mapping 2. Business Registration 3. Review of existing region-region deals 4. Reinforce the Office of ODA under the ORG |

| Area | Major Challenges | Strategic Interventions |
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| Peace and Security <i>Overall Approach:</i> Rule of Law | 1. Proliferation of loose firearms 2. Lack of civilian control over security forces 3. Weak court system | 1. Firearms policy 2. Activate security bodies 3. Hands-on Regional Governor 4. Regular reassignment of PNP officers 5. Prosecution of most well-known criminals 6. Inclusive peace building 7. Advocate for an ARMM CHR |

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| Socio-Economic Development <i>Overall Approach:</i> Inclusive and Sustainable Development | 1. Inadequate infrastructure 2. Lack of health facilities, skilled staff 3. Lack of school buildings, staffing mismatch, and non-functional school boards | 1. Inventory of all budgeted roads, waterless communities, and areas without electricity 2. Establish fully functional district hospitals in every province 3. DepEd personnel overhaul and activation of local school boards. |
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| Area | Strategic Interventions |
|--|--|
| Flagship Projects <i>Overall Approach:</i> Fast-Track Inclusive Development by Maximizing Local Advantage | Possible projects: 1. Basilan - Rubber Processing Plant 2. Lanao del Sur - Maguing-Wao National Road, Lake Lanao Rehabilitation, Hydroelectric Power Plants (Agos River 3; Pantar-Saguiran), ARMM Islamic University 3. Maguindanao - Kabuluhan Electric Power Plant, Oil Depot Poloc, Cold Storage and Food Terminal 4. Sulu - Jolo Pier Rehabilitation and Abaca Production and Processing 5. Tawi-Tawi - Nickel Harvesting |
| Peace Process <i>Overall Approach:</i> Create an Environment Conducive to Peace | 1. Encourage participation and stakeholdership in LGUs in the Southern Philippine Peace Process 2. The Regional Governor will take an active role in the Regional Reunification Council 3. Create an advisory board to strategize the role of the Regional Government in the Peace Process 4. The Regional Government shall provide avenues and opportunities for dialogue among all stakeholders in the conflict |
| Electoral Reforms <i>Overall Approach:</i> Free and Fair Elections in 2013 | 1. General registration of voters 2. Lobby for a double biometric system |

Ironically, the same problems are still true to this day. Fixing the educational system in the region where many areas are still reeling under the protracted insurgency on one side and banditry on the other goes beyond merely constructing more classrooms. President Aquino's peppery SONA was rich in dramatic metaphors underscoring the hapless state of education in the country. How many teachers will dare exercise their noble profession in areas infested by bandits and where criminality profits from weak governance and law enforcement? The noblest of them do at the expense of their very own lives.

One interesting recommendation from the roundtable is bringing education to high risk areas using security forces. "Why not let MNLF *integrees* come in as facilitators?" proposed AFP Major General Holganza. Another arrangement can train soldiers on the utilization of creative e-learning modules and have DepEd monitor the program closely and if works, accredit it later on.

It is high time the government through multi-sectoral collaboration and consultation comes up with a definitive blueprint of reforms to improve the status of education in the ARMM. Otherwise, as Hatta Dimaporo warned, we will only be rehashing the same problems over and over again.

There are other contentious issues that need decisive actions. For one, how will the government respond to the status of municipalities created in the chambers of the ARMM's own legislative mill – the Regional Legislative Assembly (RLA) that will be put to question once the DILG arrives at its national standards?

A region-wide census can check the actual population of these towns and some add-ons as proposed by NAMFREL's Telibert Laoc might be better to also capture other significant data such as gender distribution, illiteracy rates and disability in view of necessary assistance the right actors can provide to the voting population in the actual exercise of their right in the precincts.

The population count will also spare the government's coffers of spurious budget allocations as the census besides checking and cleansing the voters' registry will also arrive at the standard figures of the Internal Revenue Allotment (IRA) for every municipality.

The abolition of towns deemed not to pass the national standards carries a cautionary tale however. There are 15 of these towns created under RA 6734 as amended by RA 9054 – all laws provide for the autonomy of the regional government of the ARMM. All received their IRA from 2000 to 2007. Others got subsidies from the Office of the Regional Governor beginning 2009. The subsidy was scrapped altogether for those towns which did not pass the national standards upon the assumption of P-Noy due to absence of allocation from the Department of Budget Management (DBM).

Fr. Mercado cautioned: "To abolish these towns will add insult to injury. It is a great injustice. To make ARMM undo its legislation goes beyond autonomy and self-determination. Law must not be retrospective. It has to be respected. If we have one standard for all, what is the use of being autonomous? Are we going to remove their IRA and ask them to cease to exist because they do not pass the national standard?" If the government heeds this recommendation, surely it can install measures to safeguard every centavo of the IRA that goes to these towns.

Institute for Political & Electoral Reform (IPER) Executive Director Ramon Casiple raised more questions on private armies, electoral fraud and vote-buying. To eradicate, even minimize these realities in the contexts of the ARMM and how the government is poisoning itself in dealing with these will break new ground if not open cans of worms. Can the public coming from the Maguindanao vote rigging scandal that sent Senator Miguel Zubiri to deliver his resignation from the Senate brace for more?

More tangibly, will the creation of a PNP sub-regional command in Sulu to cover the island provinces [Sulu, Basilan and Tawi-Tawi] by end-September as proposed by the DILG answer the security woes in these areas? Will all private armies be dismantled and when? How does the government intend to address *rido*?

What will it take for the MNLF and MILF tracks to go together? Miriam Coronel-Ferrer speaking at IAG's roundtable is optimistic. Although "it's unclear yet how the actors can come together... what's important is the recognition of several tracks and several mechanisms where different people and different groups can play a significant role in the transformation of the region."

The government panel in talks with the Moro fronts will have to spell out details to their smallest bit. Ms. Ferrer added this entails "a lot of creativity and imagination, especially when we get down to identifying what kind of governance we want. We would have to settle a lot of questions on governance, territory, powers between the national [government] and the local [government], relationship between the regional [government] and the local [government], critical issues on natural resources (most of these do not really need constitutional change), sharing of jurisdiction, control and revenues. These will have to be spelled out whether in the form of the amended or new organic act or maybe the surgical constitutional change. [But constitutional change is] something that we [GPH] really cannot commit to at this time."

Meanwhile, President Aquino taking on another role as 'ghostbuster' is displaying solidly his penchant to crush corruption. Will this 'ghostbusting' set a historic example by sending 'big fishes' behind bars? Wang-wang as a metaphor in place of abuse of power was mentioned 18 times in the President's recent SONA. Our current woes really reflect the use, misuse, and abuse of power.

Ultimately, the most important question is this: Can the Aquino leadership really do it?

This policy brief is based on the 'Roadmap for Reforms in the ARMM' roundtable organized by IAG in Makati City on July 28, 2011. Written by Ramie Toledo. Lay-out and design by Omar Tadeja. The roundtable discussion was facilitated by Prof. Rommel Banlaoi of the Philippine Institute for Peace, Violence & Terrorism Research (PIPVTR). The main discussants were IAG Director Fr. Eliseo Mercado, DILG Secretary Jesse Robredo and Senator Teofisto Guingona, III. IAG as a policy platform continues to create more 'tables' in our common search for genuine autonomy and governance. To download the pdf format, go to www.iag.org.ph. To read past issues, go to <http://iag2001.wordpress.com> and mouse over Policy Brief. The discussion never stops online. Search Institute for Autonomy & Governance on Facebook, ask to join group, and talk back.

Senator Teofisto Guingona, III; IAG Director Fr. Eliseo Mercado; and DILG Secretary Jesse Robredo sat down at IAG's roundtable in Makati City on July 28 to steer the discussion on the reforms in the ARMM. 50 participants from the government, civil society, media, armed forces, and the MNLF joined the three discussants in an attempt to dissect the proposed reforms in the autonomous region. (Frontpage Photo)

Shaping Public Policy for Peace and Good Governance

The Institute for Autonomy and Governance (IAG) is an independent and non-partisan think tank founded in 2001 to generate ideas on making autonomy an effective vehicle for peace and development in the Southern Philippines. IAG is an institutional partner of the Konrad Adenauer Stiftung in the Philippines.



IAG is located at the Alumni Center, Notre Dame University, Notre Dame Avenue, Cotabato City, Philippines, Telefax (64)421-2071. Email: info@iag.org.ph and Website: www.iag.org.ph and www.iag2001.wordpress.com



KAS is in 5th floor, Cambridge Center Building, 108 Tordesillas Corner Gallado Street, Salcedo Village, Makati City, Metro Manila, Philippines, telephone 894-3737.