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**TOWARDS BETTER PEACE PROCESSES:  
A COMPARATIVE STUDY OF ATTEMPTS  
TO BROKER PEACE WITH  
MNLF AND GAM**

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## ABSTRACT

States increasingly find themselves in a situation where they are unable to suppress an internal insurgency entirely without initiating a peace process with the rebel organisation. This is especially true for countries like Indonesia and Philippines who have been battling domestic conflicts for many decades. This paper compares attempts made to attain peace between the Government of Philippines (GRP) and the Moro National Liberation Front (MNLF) as well as between the Government of Indonesia (GOI) and Gerakan Aceh Merdeka (GAM). In doing so, it endeavors to identify elements that could improve peace processes. The findings of this paper will address the strengths and limitations of a mediator in a peace process, the role of reintegration of armed rebels into mainstream society, how peace zones can be made more effective as well as the function of human rights and symbols in a peace process.

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## List of Acronyms

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<b>AFP</b>	Armed Forces of Philippines
<b>ARMM</b>	Autonomous Region of Muslim Mindanao
<b>ASNLF</b>	Acheh-Sumatra National Liberation Front (official name for GAM)
<b>COHA</b>	Cessation of Hostilities Framework Agreement (signed on December 9, 2002 between GOI and GAM)
<b>DOM</b>	Daerah Operasi Militer (Military Operations Zone)
<b>GAM</b>	Gerakan Aceh Merdeka (or the Free Aceh Movement)
<b>GOI</b>	Government of Indonesia
<b>GRP</b>	Government of Philippines
<b>HDC</b>	Henry Dunant Centre (later called the Centre for Humanitarian Dialogue)
<b>ICA</b>	Interim Ceasefire Agreement (signed on November 7, 1993 between the GRP and MNLF)
<b>ICFM</b>	Islamic Conference of Foreign Ministers
<b>JCC</b>	Joint Ceasefire Committee
<b>JSC</b>	Joint Security Council
<b>MILF</b>	Moro Islamic Liberation Front
<b>MNLF</b>	Moro National Liberation Front
<b>NAD</b>	Nanggroe Aceh Darussalam (the name given to the Aceh province by the Special Autonomy Law in 2001)
<b>NUC</b>	National Unification Commission
<b>OIC</b>	Organization of Islamic Countries
<b>PNP</b>	Philippine National Police
<b>SDA</b>	Special Development Areas
<b>SPCPD</b>	Southern Philippine Council for Peace and Development
<b>SRSF</b>	Special Regional Security Force
<b>SZOPAD</b>	Special Zone of Peace and Development

**TNI**

Tentara Nasional Indonesia (Indonesian Military)

## Appendix Documents\*

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- Appendix I     **Tripoli Agreement**  
Agreement Between the Government of The Republic of the Philippines and Moro National Liberation Front with the Participation of the Quadripartite Ministerial Commission Members of the Islamic Conference and the Secretary General of the Organization of Islamic Conference signed on December 23, 1976 in Tripoli, Libya
- Appendix II    **Interim Ceasefire Agreement (ICA)**  
The 1993 Interim Ceasefire Agreement Between the Government of the Republic of The Philippines (GRP) and the Moro National Liberation Front (MNLF) with the Participation of the Organization of the Islamic Conference (OIC) signed on November 7, 1993 in Jakarta, Indonesia
- Appendix III   **Final Agreement between the GRP and MNLF**  
The final agreement on the implementation of the 1976 Tripoli Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF) with the participation of the Organization of Islamic Conference Ministerial Committee of Six and the Secretary General of the Organization of Islamic Conference signed on September 2, 1996 in Manila, Philippines
- Appendix IV    **Cessation of Hostilities Framework Agreement (COHA)**  
Cessation of Hostilities Framework Agreement Between Government of the Republic of Indonesia and the Free Aceh Movement signed on December 9, 2002 in Geneva, Switzerland

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\* All the Appendix documents were obtained from the United States Institute of Peace Digital Library, accessible at <http://www.usip.org/library>

# **TOWARDS BETTER PEACE PROCESSES: A COMPARATIVE STUDY OF ATTEMPTS TO BROKER PEACE WITH MNLF AND GAM**

## **Introduction**

States are usually reluctant to engage in a peace process with domestic insurgent groups and in particular with separatist organisations. This lack of enthusiasm arises from a perception that negotiating with a rebel outfit would make the state appear weak, set a precedent for other separatist organisations and also give dissident groups a certain legitimacy previously denied to them. However, governments increasingly find themselves in a position where they are unable to quell a rebellion completely without some form of political agreement.

Even when states take the first step to negotiate with a rebel organization, they are hesitant to accept external assistance in the form of peacekeepers since they consider these insurgencies purely a matter of domestic concern. In spite of this, much of the existing literature on peace processes in internal conflicts is in favor of the role of the United Nations and the international community in general.<sup>1</sup> Recognizing this limitation, the study by Darby and Mac Ginty is perhaps the only comprehensive inquiry into peace processes in domestic conflicts.<sup>2</sup>

In a similar vein, this paper sets out to compare the peace processes between the Government of Philippines (GRP) and the Moro National Liberation Front (MNLF) as well as between the Government of Indonesia (GOI) and Gerakan Aceh Merdeka (GAM).<sup>3</sup> While both conflicts have their own political and social contexts, there are some fundamental similarities. In both cases, the conflicts have been protracted with at least one separatist organisation claiming

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<sup>1</sup> See for instance, J.L. Holzgrefe and Robert O. Keohane, eds., *Humanitarian Intervention : Ethical, Legal and Political Dilemmas* (Cambridge: Cambridge University Press, 2003). And Chantal de Jonge Oudraat, "The United Nations and Internal Conflict," in *The International Dimensions of Internal Conflict*, ed. Michael E. Brown (Cambridge: The MIT Press, 1996).

<sup>2</sup> See John Darby and Roger Mac Ginty, eds., *Contemporary Peacemaking: Conflict, Violence and Peace Processes* (New York: Palgrave Macmillan, 2003). This study is in some ways an updated version of an earlier inquiry by the same authors where the conflicts in Northern Ireland, Israel-Palestine, South Africa, the Basque Country and Sri Lanka were considered. See John Darby and Roger Mac Ginty, eds., *The Management of Peace Processes, Ethnic and Intercommunity Conflict Series* (New York: St. Martin's Press, 2000).

<sup>3</sup> The official name of the rebel movement is Aceh-Sumatra National Liberation Front (ASNLF). This paper uses GAM, the more commonly accepted acronym.

historical legitimacy. Both GRP and GOI have launched at least one peace initiative with the MNLF and GAM respectively. Moreover, international mediation has been different in both conflicts and the United Nations has not played a direct role in the resolution of these conflicts. Libya played a liaison role in peace negotiations with the MNLF and the Henry Dunant Centre (HDC)<sup>4</sup> acted as the intermediary during talks with GAM. Through this comparative analysis, this paper seeks to contribute towards a more conceptual understanding of peace processes in internal conflicts.

The first section of this paper defines a peace process and outlines its characteristics. The next two segments elaborate on the peace process between the GRP and the MNLF under President Marcos and President Ramos respectively. The fourth part of this paper describes attempts by GOI to achieve peace with GAM before its collapse on May 18, 2003.<sup>5</sup> Propositions arising from a comparative analysis of both conflicts are elucidated in the final section of this paper.

A caveat to the findings that materialise from this paper is necessary. The propositions that emerge from this comparative analysis are conditional. As more peace processes are examined and the theoretical field expands, the conclusions reached here may need to be reviewed. The goal of this paper is not to provide a magic recipe for the resolution of internal conflicts. It is meant instead to offer insights on how certain shortcomings during a peace process may be dealt with or enhanced in order for it to work better.

## **Identification of a Peace Process**

There is no consensus on the definition of a peace process. For Arnson, it is a “dialogue over time between representatives of contesting forces, with or without an intermediary, aimed at securing an end to the hostilities in the context of agreements over issues that transcend a

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<sup>4</sup> HDC was later called Centre for Humanitarian Dialogue but this paper will use HDC, the more commonly accepted acronym.

<sup>5</sup> At the time of writing, a new peace initiative between GOI and GAM has been launched but is still in its formative stages. It is premature to study the current proposal and hence this paper will only consider the peace process until May 18, 2003. Nevertheless, findings of this paper are valid and may be strengthened when applied to the present peace process.

strictly military nature”.<sup>6</sup> According to Darby and Mac Ginty, the fundamental attributes of a peace process are when:

Protagonists are willing to negotiate in good faith, the key actors are included in the process, the negotiations address the central issues in the dispute, the negotiators do not use force to achieve their objectives and the negotiators are committed to a sustained process.<sup>7</sup>

While these definitions rightly identify the actors, the intended objective as well as the means to achieve the aim, emphasis on the root causes of the conflict becomes unnecessary. It is sufficient that fundamental issues to the dispute are tackled without the actual negotiations taking place. For the purposes of this paper, a peace process can be defined as *a sustained dialogue between contending parties to a conflict conducted in sincerity with an intention to quell the violence and an agreement to negotiate the central issues of the dispute.*

A peace initiative is an attempt to get opposing parties in the dispute to explore ways to resolve the problem through discussion. If the effort fails, then a peace process cannot be said to have begun. A peace process can only be considered to have officially commenced when a peace endeavor results in a public announcement with all parties indicating a readiness to resolve the conflict through dialogue. A peace process can be said to have ceased if the peace agreement has been discharged to the satisfaction of all parties affected by the conflict. Another possible way is if all parties allow the peace agreement to be declared void. A third situation is when there is no agreement between the protagonists and there is a reversal to sustained violence.

Based on the above discussion, the peace talks between GRP and MNLF will need to be considered as two peace processes. The first concerns attempts to achieve peace by the Marcos government and MNLF (hereafter referred to as the *Marcos-MNLF peace process*). The second refers to efforts by the Ramos government and MNLF (hereafter referred to as the *Ramos-MNLF peace process*). Such a distinction is unnecessary in the case of the peace process in Aceh and will just be referred to as the *GOI-GAM peace process*.

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<sup>6</sup> Cynthia J. Arnson, ed., *Comparative Peace Processes in Latin America* (California: Stanford University Press, 1999) 1.

<sup>7</sup> Darby and Mac Ginty, eds., *The Management of Peace Processes* 7-8.

## The Marcos – MNLF Peace Process

The historical roots of the conflict in southern Philippines go back to the days of the Spanish and American occupation of the country. The Jabaidah massacre in March 1968<sup>8</sup> and the killing of seventy Muslims in a North Cotabato mosque in June 1971<sup>9</sup> led to the creation of the MNLF. President Marcos was shortsighted in anticipating the extent of the problem and launched several military operations to destroy the rebel group.<sup>10</sup> Faced with rising attacks by the MNLF, he declared martial law in 1972. This move proved to be counter-productive, as it only led to the aggravation of violence and the isolation of the people.

The official peace process under President Marcos began on 18 January 1975.<sup>11</sup> Why did the GRP choose to negotiate with the MNLF at this time? The costs of the war between the GRP and the MNLF were mounting with an average of 18 people dying during the period 1970–76.<sup>12</sup> The MNLF, playing the Muslim card, had also aroused the interest of the Organization of Islamic Conferences (OIC) and other Arab governments. The decision by the OIC to impose an oil embargo coupled with Saudi Arabia's threat to cut off oil supplies to the Philippines<sup>13</sup> was crucial in getting Marcos to negotiate with the MNLF. Oil was fundamental to the running of the Philippine economy and any disruption would have meant a steep decline in the country's GDP. Marcos appeased the OIC by condemning the Israeli occupation of Arab land and managed to get the oil embargo lifted. Soon after, the OIC setup a Quadripartite Ministerial Committee that included Saudi Arabia, Libya, Senegal and Somalia as members to appraise it on issues relating to Muslims in southern Philippines. In 1974, the fifth Islamic Conference of Foreign Ministers (ICFM) passed a resolution urging:

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<sup>8</sup> The Marcos government wanted to incite a disturbance among the people of Sabah and North Borneo so that these territories could then be seized by the Philippines. To achieve this objective, the Filipino military trained a group of 'Muslim commandos' in an operation called 'Jabaidah'. When these soldiers declined to participate in the mission, they were shot for treason against the GRP.

<sup>9</sup> W.K.C Man, *Muslim Separatism: The Moros of Southern Philippines and the Malays of Southern Thailand* (Singapore: Oxford University Press, 1990) 75.

<sup>10</sup> The operations included Sibalo, Reina Regente, Pamukpok, Lebak, Batikus and Bangsik. See Syed Serajul Islam, "Ethno-Communal Conflict in the Philippines: The Case of Mindanao-Sulu Region", in *Ethnic Conflict and Secessionism in South and Southeast Asia*, ed. Rajat Ganguly and Ian Macduff (London: Sage Publications, 2003), 209.

<sup>11</sup> This section draws from B.R. Rodil, *Kalinaw Mindanaw: The Story of the Grp-Mnlf Peace Process, 1975-1996* (Davao City, Philippines: Alternate Forum for Research in Mindanao, 2000). which offers one of the best accounts of the Marcos-MNLF peace process

<sup>12</sup> Eduardo R. Ermita, "To Win the Peace, to Build the Nation," (Batangas, Philippines: House of Representatives, July 23 1996). cited in Rodil, *Kalinaw Mindanaw: The Story of the Grp-Mnlf Peace Process, 1975-1996* 9.

<sup>13</sup> Ivan Molloy, "The Decline of the Moro National Liberation Front," *Journal of Contemporary Asia* 18, no. 1 (1988): 61-2.

[T]he Philippines Government to find a political and peaceful solution through negotiation with Muslim leaders, particularly with the representatives of the Moro National Liberation Front in order to arrive at a just solution to the plight of the Filipino Muslims within the framework of the national sovereignty and territorial integrity of the Philippines.<sup>14</sup>

This declaration spurred President Marcos into action. The first round of negotiations with the MNLF were conducted in the office of the OIC Secretary General, Mohammed Al-Tohamy in Jeddah. The ICFM resolution served the interests of both the GRP and the MNLF. On one hand, it referred to the territorial integrity of the Philippines and on the other, made MNLF out to be the ‘legitimate’ representative of the Moros in southern Philippines. During the first exploratory talks with the MNLF, President Marcos attempted to weaken the MNLF by offering Hashim Salamat, the then deputy to MNLF leader Nur Misuari, the governorship of the then Cotabato province. This Machiavellian ploy was rejected, but it created a lot of distrust between the two sides and contributed to the breakdown of the talks.<sup>15</sup>

Among the OIC countries, Libya took the lead in compelling on both sides to negotiate.<sup>16</sup> Marcos sought to correct the bad image that Libya had created of the GRP in the OIC. The Libyan Foreign Minister, Abdelsalem Ali Treki, was part of the OIC delegation that visited the Philippines in August 1976. After much lobbying on part of the GRP, this led to the resumption of negotiations between the GRP and MNLF. While Libya supported the territorial integrity of the Philippines, they also warned the GRP that they would retaliate if a peace agreement were not concluded soon. In retaliation, Libya threatened to notify the OIC on GRP’s negative response to peace negotiations, escalate the problem to the UN Security Council and give Misuari a freehand in returning to violent conflict.<sup>17</sup>

The GRP negotiators had no misgivings about the Libyan threat and proceeded to negotiate with the MNLF in Tripoli in December 1976. As conference chairman, Ali Treki dominated the negotiations, while Nur Misuari was acquiescent to Treki. The other members of the OIC

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<sup>14</sup> Fifth Islamic Conference of Foreign Ministers, “The Plight of the Filipino Muslims”, Resolution No.18, June 21-25 1974 available at <http://www.oic-oci.org/english/fm/All%20Download/Frm.05.htm>, accessed February 24 2005. Rodil cites the same resolution but incorrectly identifies the date as January 21-24 1974. See endnote 16 of Chapter 1 in Rodil, *Kalinaw Mindanaw: The Story of the Grp-Mnlf Peace Process, 1975-1996* 161.

<sup>15</sup> Ibid. 17.

<sup>16</sup> Libya got involved in the GRP-MNLF peace negotiations when the Libyan leader, Colonel Muammar Gaddafi made it his personal goal to ensure a peace agreement between the two sides after hearing a BBC radio broadcast of carnage at a mosque in the Philippines. Quoted in Ibid. 26.

<sup>17</sup> Ibid. 36-7.

who were present too were passive to Libya's whims.<sup>18</sup> In other words, it was the intense pressure by Libya on both the MNLF as well as the GRP that led both sides to the negotiating table and culminated in the Tripoli agreement.<sup>19</sup>

The Tripoli agreement guaranteed the territorial integrity of the Philippines while granting autonomy to thirteen provinces in the southern Philippines. Foreign policy and defence came under the jurisdiction of the GRP, whereas a regional authority controlled education, administration, judiciary and the economy of the autonomous areas. The Tripoli agreement also served as a broad ceasefire agreement. Despite the general nature of the Tripoli agreement, Libya was very pleased that it had managed to broker the accord. The euphoria soon subsided and both sides were divided over Article 16 that wanted the GRP to "take all necessary constitutional processes for the implementation of the entire Agreement".<sup>20</sup> While the MNLF inferred this clause to be a decree from President Marcos, the GRP wanted to hold a referendum. This impasse continued for many months after which President Marcos unilaterally decided to hold a referendum despite MNLF opposition. The MNLF did not want the plebiscite to be held as it could mean an erosion of their legitimacy in those areas. This caused a lot of distrust and misgivings on both sides and it was clear that neither side truly wanted peace. Soon after, the MNLF decided to regress to its old position of fighting for an independent state.

## **Ramos – MNLF Peace Process**

Nearly sixteen years after the signing of the Tripoli agreement, President Fidel V. Ramos decided to launch another peace initiative with the MNLF. Soon after Ramos came into power, he set up the National Unification Commission (NUC) which was tasked with the formulation of a comprehensive peace process. Among the recommendations of the NUC was the pursuit of "peace talks with the different rebel groups aimed at final negotiating settlements".<sup>21</sup> Before entering into negotiations, President Ramos clearly understood the crucial role of Libya and the influence it had over the MNLF. Even prior to becoming

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<sup>18</sup> Ibid. 45-6.

<sup>19</sup> The full text of the Tripoli Agreement is available in Appendix I

<sup>20</sup> Tripoli Agreement, Article 16

<sup>21</sup> Fidel V. Ramos, *Break Not the Peace: The Story of the Grp-Mnlf Peace Negotiations, 1992-1996* (Philippines: Friends of Steady Eddie, 1996) 29.

President, Ramos undertook a secret visit in February 1992 to meet the Libyan leader, Muammar Gaddafi in Tripoli.<sup>22</sup> The discussion with Gaddafi was successful with Libya guaranteeing “support for, and assistance to, the peace process”.<sup>23</sup> The MNLF was also willing to negotiate, as it was able to portray itself as more legitimate than other rebel groups in the southern Philippines.

Exploratory talks were launched between the two sides in Tripoli on 3 October 1992. The GRP negotiating panel included Congressman Eduardo Ermita, Congressman Nur Jaafar and Silvestre Afable. The inclusion of Jaafar, who was an ex-MNLF, helped create a sense of trust on both sides as he was highly respected by Nur Misuari. Indeed, Misuari conferred with Jaafar privately before the actual talks began.<sup>24</sup> The meetings were held at the office of the Libyan Ministry of Foreign Affairs and presided over by Undersecretary Ahmad bin Khayyal. It is noteworthy that President Ramos specifically instructed his negotiating panel not to discuss the option of surrender by the MNLF at the talks.<sup>25</sup>

After a cordial end to the first round of exploratory talks, the venue for the next round of talks proved to be the main stumbling block. Although the GRP preferred to have the talks in the Philippines, the MNLF was particular about holding it abroad. The GRP conceded after Indonesia offered to hold the talks. Initially, the proposed dates fell during Ramadan and had to be postponed. Finally, the second round of talks was held in the Cipanas Presidential Palace in the period 14-17 April 1993. President Suharto had chosen the venue and the talks were opened by then Foreign Minister Ali Alatas.<sup>26</sup> While both sides agreed that formal talks would be held before 30 June 1993, the venue again proved to be a hindrance.

A compromise was reached and the first round of formal talks between the two sides was held on 25 October 1993 in Jakarta. They agreed to the setup of a Joint Secretariat comprising of representatives from the GRP, MNLF, Indonesia and the OIC.<sup>27</sup> Five support committees were also created to deal with issues of National Defence and Regional Security

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<sup>22</sup> The visit to Tripoli was only made public in 1996.

<sup>23</sup> Ramos, *Break Not the Peace: The Story of the Grp-Mnlf Peace Negotiations, 1992-1996* 4.

<sup>24</sup> Rodil, *Kalinaw Mindanaw: The Story of the Grp-Mnlf Peace Process, 1975-1996* 102.

<sup>25</sup> The memorandum of instructions by President Ramos to the GRP negotiating panel is available at Ramos, *Break Not the Peace: The Story of the Grp-Mnlf Peace Negotiations, 1992-1996* 193.

<sup>26</sup> Teuku Faizasyah, "Indonesia's Experience in Facilitating Peace Process," *Indonesian Quarterly* XXXI, no. 3 (2003): 352-3.

<sup>27</sup> Rodil, *Kalinaw Mindanaw: The Story of the Grp-Mnlf Peace Process, 1975-1996* 108.

Force, Education, Economic and Financial System, Mines and Minerals, Administrative System, Representation in National Government, Legislative Assembly and Executive Council, as well as the Judiciary and the Introduction of Shariah Law.<sup>28</sup> A Mixed Committee was also created to deal with the details of the support committees.<sup>29</sup> After a series of confidence-building measures, the peace negotiations of the First Mixed Committee Meeting got underway on home soil in Jolo, Sulu.<sup>30</sup>

One of the key agreements of first round of formal talks was an Interim Ceasefire Agreement (ICA).<sup>31</sup> As a formalised version of the agreed ceasefire between ex-President Corazon Aquino and Nur Misuari, it provided for the creation of a Joint Ceasefire Committee (JCC) with representatives from the OIC supervising the implementation of the ceasefire. Working alongside with the ceasefire agreement was localised peace zones. The peace zones in southern Philippines were created as a grassroots initiative. Community leaders in various areas negotiated a deal between the various warring factions. The Dungos Peace Pact is a case in point. Signed in 1995 between envoys of the Christian and the Muslim Barangay, the Philippine National Police (PNP) and the MNLF, it served as an inspiration for the creation of various other peace zones.<sup>32</sup> One of the chief achievements of these peace zones was that no armed groups were allowed to enter the peace zone without the explicit request of its inhabitants. The Ramos government recognised the role of such peace zones and consulted with communities in Mindanao, Visayas and Cordillera during the formulation of a peace strategy.<sup>33</sup> Many of these zones were also designated as Special Development Areas (SDA) and given development assistance.

During the peace negotiations, there were incidents of violence that looked like it would derail the peace process. One was the kidnapping of two Carmelite nuns in Basilan. Nur Misuari together with the assistance of Ambassador Rajab Azzarouq, the Libyan envoy to Manila, managed to free the nuns and the peace process continued.<sup>34</sup> Another instance was the kidnapping of American Dr Charles Walton in Sulu. Again, the MNLF took the

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<sup>28</sup> Ramos, *Break Not the Peace: The Story of the Grp-Mnlf Peace Negotiations, 1992-1996* 37.

<sup>29</sup> The Tripoli Agreement stipulated the creation of a Mixed Committee.

<sup>30</sup> Ramos, *Break Not the Peace: The Story of the Grp-Mnlf Peace Negotiations, 1992-1996* 43.

<sup>31</sup> The full text of the ICA is available in Appendix II

<sup>32</sup> Rodil, *Kalinaw Mindanaw: The Story of the Grp-Mnlf Peace Process, 1975-1996* 146-7.

<sup>33</sup> Ramos, *Break Not the Peace: The Story of the Grp-Mnlf Peace Negotiations, 1992-1996* 108.

<sup>34</sup> *Ibid.* 15.

assistance of Libya to secure his release.<sup>35</sup> Throughout the negotiations, Libya continued to keep a close watch on the negotiations and ensured that violence would not be able to disrupt the peace process. Even the 4 April 1995 raid on the town of Ipil<sup>36</sup> by the Abu Sayyaf group that included MNLF cadres did not derail the peace process. The JCC successfully resolved the problem with cooperation from both the GRP and the MNLF.<sup>37</sup>

The peace talks itself was not without any impasse. During the first round of talks in November 1993, President Ramos attended the third anniversary of the Autonomous Region of Muslim Mindanao (ARMM)<sup>38</sup> and wished it more successful years ahead. Misuari, who was against the ARMM, took offence at Ramos' comments and threatened to abandon the peace process. He demanded that President Ramos apologise in public.<sup>39</sup> It was the finesse of the GRP negotiating team, as well as a personal commitment by President Ramos that prevented the disruption of the peace process.<sup>40</sup>

On 2 September 1996, the final peace agreement between the GRP and MNLF was signed in Manila.<sup>41</sup> The agreement catered for a transitional period for three years before the final establishment of a regional autonomous government. This peace agreement was to be followed up with executive orders for the creation of the Special Zone of Peace and Development (SZOPAD), the Southern Philippine Council for Peace and Development (SPCPD), as well as instructions to integrate MNLF forces with the Armed Forces of Philippines (AFP) and the Philippine National Police (PNP).<sup>42</sup>

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<sup>35</sup> Ibid. 43.

<sup>36</sup> The raid on the town of Ipil was significant as it was meant to intentionally disrupt the GRP-MNLF peace talks. Seven banks were robbed and it left more than fifty people dead. Ibid. 61.

<sup>37</sup> Ibid. 64.

<sup>38</sup> ARMM was an administrative body setup before the inception of the Ramos-MNLF peace process.

<sup>39</sup> Rodil, *Kalinaw Mindanaw: The Story of the Grp-Mnlf Peace Process, 1975-1996* 116.

<sup>40</sup> Ibid. 117.

<sup>41</sup> The full text of the Final Agreement between the GRP and MNLF is available in Appendix III

<sup>42</sup> Rodil, *Kalinaw Mindanaw: The Story of the Grp-Mnlf Peace Process, 1975-1996* 122.

## GOI – GAM Peace Process

The origins of the Aceh conflict backdate to the late nineteenth century.<sup>43</sup> The contemporary phase of the fracas began in late 1976 with the establishment of GAM by Hassan di Tiro.<sup>44</sup> The misuse of Aceh's economic resources by Jakarta during the 1970s provided the impetus for GAM's separatist cause. During the late 1980s, President Suharto declared Aceh as a Military Operations Zone (DOM) giving the military a free hand to tackle the rising GAM insurgency in Aceh. GAM survived this assault and after the fall of Suharto in May 1998 came back with a renewed rebellion.

Amid rising accusations of human rights violations by the Indonesian military (TNI), then military commander in chief, General Wiranto and Suharto's successor B.J. Habibie apologised for the atrocities. But a peace initiative was launched by GOI only after the ascendancy of Abdurrahman Wahid as President of Indonesia in October 1999.<sup>45</sup> Why did GOI launch a peace initiative at this time? Firstly, it was apparent that neither the TNI nor GAM could defeat each other militarily. In addition, President Wahid had supported Aceh's claim to self-governance when he was the opposition leader.<sup>46</sup>

The Henry Dunant Centre (HDC) offered to mediate between the two sides. The HDC was an international NGO with limited experience in conflict zones and Aceh was its first major mediation endeavour. The first problem faced by GOI was the location of negotiations since GAM leaders lived in exile in Sweden. GAM saw the negotiations as an opportunity to increase its legitimacy as the sole representative of the Acehnese as well as to internationalise their cause for an independent state.

In January 2000, a meeting between the Indonesian Ambassador to the U.N., Hassan Wirajuda and Hassan di Tiro in Geneva resulted with both sides agreeing to meet for talks.

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<sup>43</sup> For a detailed historical account of the Aceh conflict, see Tim Kell, *The Roots of the Acehnese Rebellion, 1989-1992* (Ithaca, New York: Cornell Modern Indonesia Project, Southeast Asia Program, Cornell University, 1995). And Nazaruddin Sjamsuddin, *The Republican Revolt: A Study of the Acehnese Rebellion* (Singapore: Institute of Southeast Asian Studies, 1985).

<sup>44</sup> For a comprehensive account of the structure of GAM, see Kirsten E. Schulze, *The Free Aceh Movement (Gam): Anatomy of a Separatist Organization* (Washington D.C.: East West Center, 2004).

<sup>45</sup> The most comprehensive account of the peace process between GOI and GAM can be found in Edward Aspinall and Harold Crouch, *The Aceh Peace Process: Why It Failed* (Washington: East West Center, 2003).

<sup>46</sup> Andrew Tan, *Armed Rebellion in the Asean States: Persistence and Implications* (Canberra: Strategic and Defence Studies Centre, Research School of Pacific and Asian Studies, The Australian National University, 2000) 39.

Even before formal negotiations could begin, GOI attempted to split the ranks of GAM by enticing GAM leaders in Aceh. But this move backfired as GAM's military commander based in Aceh, Abdullah Syafi'ie, deferred all political decisions to di Tiro.<sup>47</sup>

After a few rounds of negotiations, a ceasefire termed as Humanitarian Pause for Aceh was signed in May 2000. It is noteworthy that GOI did not want this interim agreement to be called a ceasefire, as this would make GAM an "equal belligerent"<sup>48</sup>. While this pause was received well internationally, it faced a lot of criticism within Indonesia. For a few months after the signing of the pause, violence in Aceh decreased but this escalated again in September. The situation continued to worsen and it became increasingly difficult for humanitarian NGOs to carry out their work.

Meanwhile, negotiations to find a political solution to the violence continued outside Indonesia. The Humanitarian Pause was extended more than once and signs of desperation began to surface. With President Wahid's presidency dissolving in Jakarta, there was a new military offensive against GAM in April 2001. President Megawati Sukarnoputri, who succeeded Wahid, was in favor of a military solution to the conflict. With the introduction of the Special Autonomy (NAD) Law in July 2001, GOI not only reiterated that the sovereignty of the Indonesian state was sacrosanct but that GAM had to also accept the NAD Law for Aceh before any further negotiations.

The HDC was left watching helplessly as the violence continued to spiral. It decided to set up a team of 'wise men' as mediators<sup>49</sup> to jumpstart another round of peace negotiations. GAM still continued to be adamant that talks be held outside Indonesia. Thinking GAM could be bullied into submission, GOI again made an attempt made to get the local GAM leadership to split with di Tiro and others in Sweden. The Aceh governor, Abdullah Puteh, communicated to Syafi'ie that talks could be held in Aceh.<sup>50</sup> When Syafi'ie rebuffed this proposal, he was killed along with his wife and bodyguards in January 2002.

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<sup>47</sup> Aspinall and Crouch, *The Aceh Peace Process: Why It Failed* 14.

<sup>48</sup> Ibid. 15.

<sup>49</sup> The 'wise men' included former U.S. Marine General Anthony Zinni, ex-Thai Foreign Minister Surin Pitsuwan, ex-Yugoslav ambassador to Indonesia, Budimir Loncar and ex-Swedish diplomat Bengt Soderberg.

<sup>50</sup> Aspinall and Crouch, *The Aceh Peace Process: Why It Failed* 27.

Talks between the two sides continued in February and May 2002 but this proved to be fruitless as the TNI adopted a hawkish stand towards GAM. The HDC also faced increasing criticism but decided to remain an intermediary in the conflict for humanitarian reasons. HDC realized that there were limitations to its role as a facilitator, mediator and a third-party guarantor. Despite this, it could not be very critical of GOI since it would mean jeopardising its position.<sup>51</sup> After months of backroom diplomacy and the international community committing funds to the conflict region, a Cessation of Hostilities Framework Agreement (COHA) was signed on 9 December 2002.<sup>52</sup> It is again noteworthy that GAM insisted that the name “Aceh” be used to identify the province instead of the more commonly used “Aceh”.

One of the most significant clauses of COHA was the establishment of peace zones.<sup>53</sup> Although the COHA was meant for the whole of Aceh, the peace zones served to disarm GAM, withdraw both parties to “defensive positions”<sup>54</sup>, as well as provide the urgently required “humanitarian, rehabilitation and reconstruction assistance”<sup>55</sup>. The Joint Security Council (JSC) in-charge of the identification of peace zones in Aceh, announced the first peace zone in Indrapuri in January 2003. A further six more peace zones were announced in February. Although the violence subsided soon after the signing of COHA, there was a sharp upswing in casualties from March to May 2003.<sup>56</sup> The JSC peace monitors came increasingly under attack and had to be flown out of Banda Aceh in early May. Once it became apparent that the peace negotiations at the national level were going to breakdown, the peace zones also collapsed.

Another main aim of COHA was the disarmament and the disintegration of GAM. Once the peace zones under COHA had been established, GAM had to place its weapons at designated sites beginning on 9 February 2002. GAM would not be able to use these arms without the consent of the JSC; and GOI could at anytime request the JSC to carry out an impromptu inspection of the sites. GAM was given five months to comply with the disarmament

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<sup>51</sup> Konrad Huber, *The Hdc in Aceh: Promises and Pitfalls of Ngo Mediation and Implementation* (Washington DC: East West Center, 2004) 5-10.

<sup>52</sup> The full text of COHA can be found in Appendix IV.

<sup>53</sup> The peace zones in Aceh were first created as part of the Humanitarian Pause but it lasted for less than a week. See Pushpa Iyer and Christopher Mitchell, "The Collapse of Peace Zones in Aceh," in *Research Paper No. 7* (Institute for Conflict Analysis and Resolution, George Mason University, 2004), 8.

<sup>54</sup> Article 4b of COHA

<sup>55</sup> Article 4a of COHA

<sup>56</sup> Aspinall and Crouch, *The Aceh Peace Process: Why It Failed* 42.

decree.<sup>57</sup> But as the date for the disarmament to begin approached, no agreement was reached on how the disarmament was to take place.<sup>58</sup> What resulted was the classic security dilemma where either side was afraid of the other cheating. Issues such as the initial number of weapons that GAM held were a problem. Violations of the ceasefire by both sides proved to be a stumbling block and the JSC were left helpless.

As the violence continued and the impasse extended, the HDC were getting desperate to get both sides to seek common ground. With a lot of international help, GOI and GAM agreed to meet in Tokyo for a final round of talks in May 2003. The talks were delayed by several hours and almost caved in when the local police arrested five GAM negotiators. It was only after GOI arranged for their release did the Tokyo talks begin. But the negotiations came to naught after both sides refused to budge from their positions. The next day, President Megawati placed Aceh under military emergency and the peace process formally collapsed.

## **Comparing the Peace Processes**

It is apparent from the above discussion that there are a number of similarities between the GRP-MNLF and the GOI-GAM peace processes. When faced with comparable situations, certain decisions taken by the respective governments, rebel groups or mediators sent the peace processes along diverse paths. Of course, different governments and societies handle peace processes in distinct ways and need not follow the same linear pattern in every case. Nevertheless, in each case there are lessons that can be drawn to make elements of a peace process more effective and sustainable. This section outlines six such propositions.

**Proposition 1: State and non-state mediators have similar stakes in the outcome of a peace process.**

The aim of international mediation is to help antagonists achieve settlement to a conflict that is satisfactory to all parties without the use of military force.<sup>59</sup> Mediators usually try to

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<sup>57</sup> See Article 3b of COHA

<sup>58</sup> Aspinall and Crouch, *The Aceh Peace Process: Why It Failed* 38.

<sup>59</sup> Saadia Touval and William I. Zartman, "International Mediation in the Post-Cold War Era," in *Turbulent Peace: The Challenges of Managing International Conflict*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington DC: United States Institute of Peace, 2001), 427.

achieve this objective by increasing incentives of arriving at a peace agreement and decreasing inducements of prolonging the conflict. These mediators can take the form of states, international organisations or international NGOs. International organisations and NGOs are usually perceived to be better mediators, because unlike states, they do not have a vested interest in the outcome of the conflict.

Libya played a very dominant role throughout the negotiations between the Marcos government and the MNLF. There was a lot of pressure on both sides to arrive at a settlement. Reflecting on the negotiations, Undersecretary Carmelo Barbero of the GRP negotiating panel thought it was apparent that Libya wanted to be “pictured as the champion and the one who successfully solved the problem before the eyes of the Islamic Conference”.<sup>60</sup> The HDC overextended its resources by trying to play the roles of a mediator, facilitator as well as the guarantor of a ceasefire.<sup>61</sup> It came under increasing criticism for failing to deliver on the Humanitarian Pause but chose to remain as an intermediary and may have inadvertently contributed to the extension of the conflict.<sup>62</sup> The HDC also refrained from reprimanding GOI for violence committed by the TNI because it risked eviction from the conflict.

Both Libya and HDC were concerned about their reputations as a mediator. Libya wanted to be seen as the protector of Muslims worldwide. Aceh was the first major mediation endeavour by the HDC and failure would have meant tarnishing its standing as an effective intermediary. Hence, the mediators had a similar interest in the conclusion of a peace agreement. In other words, an impartial mediator is a utopian situation rarely achieved in peace processes.

**Proposition 2: The effectiveness of a mediator depends on the amount of leverage it has over the disputants. As a corollary, this leverage is most useful only when both sides truly seek peace.**

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<sup>60</sup> Cited in Rodil, *Kalinaw Mindanaw: The Story of the Grp-Mnlf Peace Process, 1975-1996* 45-6.

<sup>61</sup> Huber, *The Hdc in Aceh: Promises and Pitfalls of Ngo Mediation and Implementation* 10.

<sup>62</sup> See Sultan Barakat, David Connolly, and Judith Large, "Winning and Losing in Aceh: Five Key Dilemmas in Third-Party Intervention," *Civil Wars* 5, no. 4 (2002).

The difference between Libya and HDC lies not in their vested interests but in the amount of leverage that they had over the antagonists. Leverage here refers to:

[T]he ability of the mediator to alter the objective environment of the disputants: in particular, the capacity of the parties to prosecute the war, the tangible rewards of choosing peace, and the provision of personnel and services to reduce the risks of settlement.<sup>63</sup>

A credible threat by a mediator is helpful in getting a result. Libya as a key member of the OIC was active in getting GRP and MNLF to negotiate a solution to the conflict. Its influence on Nur Misuari assisted in persuading the MNLF to reduce its demands from an independent state to regional autonomy. It also issued threats to the GRP that efforts must be made to reach a settlement with the MNLF. During the Ramos-MNLF peace process, Libya kept a close watch on the negotiations. When violence threatened to derail the peace process, Libya was instrumental in inducing both sides back to the negotiating table. HDC did not have any such leverage on GOI or GAM. Its position as an intermediary was weak as GOI could expel it at any time. HDC was left a bystander when violence on the ground continued after the signing of the humanitarian pause and COHA. It was powerless when the TNI overtly used military measures to destroy GAM during the peace process. In short, HDC's primary deficiency was that "it lacked the power usually available to states who attempt to mediate in similar conflicts".<sup>64</sup>

States do have a considerable advantage over NGOs in mediation.<sup>65</sup> First, they have a lot more leverage which allows them to persuade and at times coerce the disputants to reach a settlement. This leverage is especially important in asymmetric conflicts like Aceh.<sup>66</sup> Second, states can influence decisions taken by international organisations similar to what Libya achieved with the OIC. Last but not least, they also have much greater funding and resources that may be required during a protracted peace process. This is not to say that NGOs are not effective as an intermediary. If they are in possession of similar leverage as states, they too can effective mediators.

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<sup>63</sup> Stephen John Stedman, "Negotiation and Mediation in Internal Conflict," in *The International Dimensions of Internal Conflict*, ed. Michael E. Brown (Cambridge: The MIT Press, 1996), 358.

<sup>64</sup> Huber, *The Hdc in Aceh: Promises and Pitfalls of Ngo Mediation and Implementation* 3.

<sup>65</sup> This section draws from Ibid. 8.

<sup>66</sup> See Barakat, Connolly, and Large, "Winning and Losing in Aceh: Five Key Dilemmas in Third-Party Intervention."

The leverage of a mediator has its limitations. Despite high political pressure by the intermediary, it is possible for a peace process to collapse. If both sides do not sincerely pursue a settlement, then no amount of concessions made by either side will result in a sustainable peace agreement. The first attempt to make peace with the MNLF was squandered by President Marcos. After he was forced to the negotiating table, he tried to cause a split within the MNLF. Instead of trying to build trust, this ruse diluted the sincerity of the GRP. Similar attempts to get GAM leaders based in Aceh to split with the political leadership in Sweden can be seen in the GOI-GAM peace process. After the signing of the Tripoli agreement, Marcos decided to unilaterally conduct a referendum. The MNLF opted to hold its ground and the conflict remained unsolved. With both sides more than willing to go back to use violence, no amount of mediation at that time would have brought peace.

In stark contrast, President Ramos sought to achieve peace with the MNLF by not treating them as the enemy. His trip to Libya, the setting up of the NUC, the inclusion of Jaafar as part of the negotiating panel, as well as his personal commitment to the peace process clearly showed that Ramos wanted to achieve peace without capitulation of the MNLF. He did not commit the same mistake as Marcos in attempting to split the MNLF, but instead chose to reintegrate them into the Philippine mainstream society. This allegiance helped to sustain the peace process when faced with any impasse.

**Proposition 3: More emphasis needs to be placed on the re-integration of the rebel organisation into the mainstream political and civil society than on the disarmament and demobilisation of the insurgent army.<sup>67</sup>**

Disarmament, demobilisation and reintegration are usually chief elements of conflict reduction strategies. Disarmament can be defined as “the collection, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population”.<sup>68</sup> Demobilisation is much broader and identifies “the formal disbanding of military formations and, at the individual level, as the process of releasing

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<sup>67</sup> This proposition overlaps and further refines Proposition 5 put forward by Darby and Mac Ginty. See Darby and Mac Ginty, eds., *Contemporary Peacemaking: Conflict, Violence and Peace Processes* 268.

<sup>68</sup> United Nations Department of Peacekeeping Operations, "Disarmament, Demobilization and Reintegration of Ex-Combatants in a Peacekeeping Environment: Principles and Guidelines," (New York: United Nations, 1999), 15. Available at <http://www.un.org/Depts/dpko/lessons/DD&R.pdf>, accessed on March 8, 2005

combatants from a mobilized state.”<sup>69</sup> Reintegration refers to “assistance measures provided to former combatants that would increase the potential for their and their families’ economic and social integration into civil society”.<sup>70</sup> The primary aim of disarmament and demobilisation is to reduce the ability of the warring parties to return to armed conflict. It seeks to create a stable environment that will allow for negotiations on substantive issues of the conflict and allow for humanitarian efforts to proceed in parallel.

There are two key problems over the reduction of arms and personnel that needs to be overcome. First, given the deep sense of distrust between the government and the armed rebels, it is natural for both parties to be reluctant to disarm and demobilize. The ability to return to armed violence is the biggest bargaining chip of the armed rebels. This dilemma is further compounded by the fear of cheating by the other side. Second, no one knows the initial number of arms and personnel to begin with. While an end date to complete disarmament may seem feasible, it is not practical as the fear of cheating is still prevalent during the disarmament period.

In spite of these predicaments, disarmament and demobilisation are usually seen as precursors to the creation of a new assimilated army and in general to reintegration of the armed rebels into mainstream society.<sup>71</sup> It is assumed that there is a “natural continuum . . . [w]here disarmament terminates, demobilization begins and where demobilization ends, reintegration commences”.<sup>72</sup> This has led many scholars to improve disarmament and demobilisation programs.<sup>73</sup>

During the Ramos-MNLF peace process, emphasis was placed on the integration of MNLF personnel into mainstream society.<sup>74</sup> First, this practice served as a confidence building measure as it clearly showed that the GRP was more interested in the pushing the political

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<sup>69</sup> Mats R. Berdal, "Disarmament and Demobilization after Civil Wars," *Adelphi Paper*, no. 303 (1996): 39.

<sup>70</sup> Operations, "Disarmament, Demobilization and Reintegration of Ex-Combatants in a Peacekeeping Environment: Principles and Guidelines," 15.

<sup>71</sup> Joanna Spear, "Disarmament and Demobilization," in *Ending Civil Wars: The Implementation of Peace Agreements*, ed. Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (London: Lynne Rienner, 2002), 145.

<sup>72</sup> Operations, "Disarmament, Demobilization and Reintegration of Ex-Combatants in a Peacekeeping Environment: Principles and Guidelines," 16.

<sup>73</sup> See for instance, Stephen John Stedman, "Peace Processes and the Challenges of Violence," in *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, ed. John Darby and Roger Mac Ginty (New York: Palgrave Macmillan, 2003).

<sup>74</sup> See Memorandum of Instructions, Article 3.1 available at Ramos, *Break Not the Peace: The Story of the Grp-Mnlf Peace Negotiations, 1992-1996* 193.

negotiations than disarming and disbanding the MNLF. Second, Ramos believed that demobilising the MNLF would only lead to a loss of face.<sup>75</sup> This went against his strategy for finding peace while maintaining the dignity of the MNLF cadres.

The Final Agreement between the GRP and MNLF provided explicitly for incorporation of MNLF fighters into the PNP and AFP. The GRP also agreed to allocate 1500 vacancies in the PNP and integrate 5700 MNLF members into the AFP.<sup>76</sup> Provision was also made for the creation of a Special Regional Security Force (SRSF) with a MNLF member as Deputy Commander. In addition, MNLF cadres and their families were given access to education, technical and livelihood training that would enable them to assimilate easier with mainstream Philippine society.

This is not to claim that the integration of MNLF forces into the AFP and PNP was successful and without problems. Other than initial delays, there were accusations of spying, non-issuance of arms<sup>77</sup>, harsh training, as well as delays in the release of their allowances.<sup>78</sup> The military structure of the MNLF and the AFP are very different, but there was an internalisation programme set up to “bridge misconceptions and build trust”.<sup>79</sup> But the advantages far outweigh these problems. Other than being able to assist with the AFP civil military operations like healthcare, building of mosques, it also allowed the GRP to push its disarmament programme through the BARIL programme<sup>80</sup> that persuaded MNLF rebels to hand in their arms in return for compensation. For sure, not all MNLF cadres have taken up the offer to turn in their weapons, but the emphasis on reintegration of the rebels by Ramos proved to be an important confidence building measure.

In direct contrast, the GOI-GAM peace process emphasised more on the disarmament and demobilisation of GAM. Offers of amnesty had little effect on the violence on the ground and were insignificant in building trust between the two sides. Any future agreement needed to give considerable importance to the reintegration of GAM rebels. Given the high level of

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<sup>75</sup> Ibid. 87.

<sup>76</sup> See Final Agreement between the GRP and MNLF, Articles 19a,e.

<sup>77</sup> Merliza M. Makinano and Alfredo Lubang, "Disarmament, Demobilization and Reintegration: The Mindanao Experience," (Department of Foreign Affairs and International Trade, 2001), 29.

<sup>78</sup> Ibid., 32.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid., 33.

distrust between GAM and TNI, the setting up of a regional security force would be a step in the right direction.

Of course, there will a fraction of fighters who will continue to remain armed, but the government needs to provide them with a means of livelihood. Provision with training for jobs in the economy of the conflict area is an incentive that can prevent them from joining criminal gangs. The importance of integrating insurgents into civil society cannot be underestimated. They can derail a peace process and hence a speedy and balanced approach to reintegration needs to be established.

#### **Proposition 4: Peace zones are more effective if they involve the local populace**

A peace zone can be defined as a geographically bound area whose inhabitants are secure from violence. The creation of a peace zone can be a social process where the local populace takes the initiative. It can also be a political process where it is an imposition by the state authorities, usually as part of a peace process. By prohibiting arms within the peace zone, it serves for the commencement of rehabilitation, humanitarian and disarmament efforts.

Peace zones in Mindanao were far more effective than the ones in Aceh. A key difference between the two peace zones was the role of local population. In Mindanao, the inhabitants in the conflict area took on the responsibility to set up peace zones. In Aceh, the peace zones were created specifically as part of the GAM disarmament process, and no substantial consultation with local inhabitants seems to have taken place. The peace zones in Aceh collapsed together with the peace negotiations at the national level.

The Mindanao experience demonstrates two very key aspects about peace zones. First, it proves that inhabitants of a conflict zone need not wait for the government to institute peace zones.<sup>81</sup> The local population can collaborate with NGOs for instance, in establishing peace zones. Second, it is an attestation to the fact that unarmed residents can negotiate with armed combatants and establish zones of peace.<sup>82</sup> The creation of the peace zones does not mean

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<sup>81</sup> Rodil, *Kalinaw Mindanaw: The Story of the Grp-Mnlf Peace Process, 1975-1996* 148.

<sup>82</sup> Ed Garcia, "Filipino Zones of Peace," *Peace Review* 9, no. 2 (1997): 2.

there will not be any violence within them at all. While there have been violations in southern Philippines<sup>83</sup>, in large part, they have been respected by both sides.

Peace zones that involve the local populace have a number of advantages. In the short-term, it attempts to create an area that is free of violence and also assists in lending legitimacy to the peace process at the national level. The fear that violence will disrupt the peace negotiations can be reduced. In the long term, peace zones also assist in constructing alternative avenues for dialogue between warring parties. It takes into account the very people who are affected by the violence. Hence it lays the groundwork for a culture of peace.

**Proposition 5: The greater the extent of human rights abuses in a conflict before or during a peace process, the higher the need to include human rights provisions as part of a peace agreement.**

The notion of human rights has gained salience in violent conflicts over the last decade. Its role in peace processes is more recent and is usually elucidated in a peace agreement. This paper will refer to human rights components as those mechanisms that are in place to deal with past human rights violations.<sup>84</sup> These include prisoner releases, amnesties, independent authorities to investigate alleged breaches and a reconciliation process.<sup>85</sup>

The biggest human rights abuse committed by the GRP before the launching of a peace process with the MNLF was the Jabaidah massacre.<sup>86</sup> This incident was a catalyst to the formation of the MNLF. In response, the Tripoli agreement incorporated elements that addressed human rights issues. These included:<sup>87</sup>

- A complete amnesty in the areas of the autonomy and the renunciation of all legal claims and codes resulting from events which took place in the South of the Philippines.

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<sup>83</sup> Zosimo E. Lee, "Peace Zones in Mindanao" (paper presented at the The SEACSN Conference : Issues and Challenges for Peace and Conflict Resolution in Southeast Asia, Penang, Malaysia, 12-15 January 2004), 3.

<sup>84</sup> This conception of human rights in peace agreements is sufficient for our study. For a much broader scope of human rights, see Christine Bell, *Peace Agreements and Human Rights* (Oxford ; New York: Oxford University Press, 2000).

<sup>85</sup> Christine Bell, "Human Rights and Minority Protection," in *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, ed. John Darby and Roger Mac Ginty (New York: Palgrave Macmillan, 2003), 165-6.

<sup>86</sup> See superscript 8 for more information on the Jabaidah massacre.

<sup>87</sup> Tripoli Agreement, Article 12a, 12b and 12c.

- The release of all the political prisoners who had relations with the events in the South of the Philippines.
- The return of all refugees who have abandoned their areas in the South of the Philippines.

In Aceh, there have been extensive human rights violations by the military under President Suharto. After Aceh was turned into a DOM in 1990, the military was given a free hand to annihilate GAM. One estimate puts the total number of people killed and missing at more than 4400<sup>88</sup>, with more than 1000 casualties in the first three years.<sup>89</sup> Apologies for human rights abuses under DOM in addition to guarantees of prisoner releases by General Wiranto and President Habibie, were seen as mere rhetoric and had no effect on the behavior of the TNI. Human rights abuses continued to plague Aceh even after the GOI-GAM peace process commenced. The assassination of local GAM commander Abdullah Syafi'ie as well as the arrest of local GAM negotiators before the final talks in Tokyo contributed to the failure of the peace process. Human rights abuses in Aceh have continued after the collapse of the peace process in May 2003.<sup>90</sup> According to conservative military estimates, nearly 400 and over 1100 GAM rebels were killed in eight months after the breakdown and the imposition of martial law.<sup>91</sup> Such abuses dramatically increases the need to include extensive human rights components in any future agreement between GOI and GAM.

The extent to which human rights is a part of a peace process usually depends on the degree to which the populace in the conflict area have been affected by the violence. Addressing human rights issues in peace processes helps not only to build a sense of trust for the rebels, but also to provide a certain degree of security to the people in the affected area. Peace agreements that ignore human rights protection are not durable. Once human rights violations come to forefront, the peace process will run the risk of slipping back into violence.

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<sup>88</sup> International Crisis Group, "Aceh: Why Military Force Won't Bring Lasting Peace," (Jakarta/Brussels: International Crisis Group, 2001), 3.

<sup>89</sup> Human Rights Watch, "Aceh under Martial Law: Inside the Secret War," (Human Rights Watch, 2003), 8.

<sup>90</sup> See Amnesty International Press Release, "Indonesia: Human Rights Sacrificed to Security in Nad (Aceh)," *Amnesty International*, 11 May 2004.

<sup>91</sup> Watch, "Aceh under Martial Law: Inside the Secret War," 11.

### **Proposition 6: Symbols plays an important role in a peace process**

Symbols can be defined as objects, tangible or otherwise, which is an attribute to group identity. These include flags, colors, language or even venues. Symbols during a conflict can sometimes be identified by the choice of targets. For instance, an insurgent group may attack a building or a person if it sees them as symbols of state identity. During a peace process, antagonists use symbols to define their own identity. Symbols have high significance during a peace process and yet, this aspect has not been dealt at length in the existing literature.<sup>92</sup> This dearth is due to the perception that symbols are just poignant elements and its 'irrational' nature fails to address anything substantive to a conflict. In other words, symbols are just seen as a distraction during an analysis of a peace process. But on the contrary, symbols are highly significant and can direct the successful or unsuccessful outcome of a peace process.

Venues for negotiations are usually a point of contention in a peace process. On one hand, a state might prefer to hold the negotiations within the country since they usually perceive the insurgency as a local problem. On the other hand, the rebel organisation would favour a venue outside the country since it might be concerned about the use of violence by the state if negotiations are held within the country. Moreover, a foreign venue would help internationalise their cause. In the event negotiations are held where the mediator is based, the stature of the person chairing the sessions also plays a symbolic role.

Ramos' strategy in negotiating with the MNLF took into account the importance of venues.<sup>93</sup> He agreed to initial negotiations to be held in Libya and Indonesia. The preliminary talks in Libya were held at the Ministry of Foreign Affairs and chaired by an Undersecretary. In contrast Indonesia offered a Presidential Palace to conduct negotiations with Foreign Minister Ali Alatas presiding over the opening talks. The initial dates proposed by the Indonesians fell during the Muslim fasting month of Ramadan and Ramos recognized that holding negotiations during this period would not be fair to the MNLF.<sup>94</sup> Ramos also foresaw that negotiations could take place within the Philippines only if there was sufficient local

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<sup>92</sup> To understand the connotations of symbols in a peace process, see Roger Mac Ginty, "The Role of Symbols in Peace Making," in *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, ed. John Darby and Roger Mac Ginty (New York: Palgrave Macmillan, 2003).

<sup>93</sup> Ramos called this the 'shifting venue' concept. See Ramos, *Break Not the Peace: The Story of the Grp-Mnlf Peace Negotiations, 1992-1996* 18.

<sup>94</sup> *Ibid.* 14.

expertise to achieve the task.<sup>95</sup> This confidence building measure proved a success as the GRP negotiating team managed to hold the subcommittee meetings within the country. This tussle over symbols can also be witnessed in the GOI-GAM peace process. In the signing of COHA, GAM insisted that the spelling of the name of the Aceh province be spelt as ‘Acheh’. GOI, on its part, insisted on including the name Indonesia next to Acheh to signify the territorial integrity of Indonesia.

Symbols hence play the crucial role of legitimising the rebel organisation during a peace process. The insurgent group wants to be recognised as an equal political entity during peace negotiations. The state on the other hand, wants to restrict this legitimacy to the rebels and does its best to impose its own symbols during peace negotiations. This clash can be very emotional and needs to be managed carefully. In short, the significance of symbols in a peace process should not be underestimated.

## **Conclusion**

The peace process launched by GRP and MNLF took more than two decades to reach a final agreement. In comparison, the peace initiative commenced by GOI and GAM is relatively young. This paper has attempted to compare the two peace processes and in doing so, has sought to draw lessons from both of them. In particular, it has investigated the handling of similar situations in both cases and has proposed ways on how they can be better managed.

States are usually perceived to be biased mediators. This discernment arises because states can be prejudiced towards one of the antagonists, predisposed towards a certain goal or keen to maximise its own geopolitical interest at the expense of the peace process. While this opinion has some value, the claim that NGOs are impartial is incorrect. States as well as NGOs want to enhance or at least maintain their reputation as mediators. Hence, it is not the impartiality of the mediator that matters but the leverage that it has over the disputants. This leverage is a mediator’s biggest asset; it can be used to ensure that the antagonists remain at the negotiating table despite setbacks to the peace process. This leverage, though valuable, is

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<sup>95</sup> Rodil, *Kalinaw Mindanaw: The Story of the Grp-Mnlf Peace Process, 1975-1996* 112.

best utilised only when both disputants want to make peace. If the antagonists want to continue the conflict, there is little that a mediator can achieve.

Countries involved in a peace process with an insurgent group make the common mistake of concentrating on the disarmament and demobilisation of the rebel organization. Once the insurgent army is disbanded, they usually believe that the violence will cease and there is no necessity for the peace process to proceed. On the contrary, more prominence needs to be given to the reintegration of rebels into mainstream society. These dissenters and their families need to be given alternative sources of livelihood. In other words, governments need to take sincere efforts to make the option of returning to violence less attractive to these insurgents.

Peace zones are not always necessary part of a peace agreement but they have some distinct advantages. They facilitate the disarmament of the rebel group and aid in the provision of humanitarian assistance. A durable peace zone can also sow a culture of peace in the conflict zone. For peace zones to be resilient, the involvement of the local populace is crucial. They need to be persuaded to take on a certain responsibility for their safety. Human rights abuses under Suharto have left the Acehnese very skeptical of apologies by GOI leaders. In conflicts such as this, a comprehensive human rights component is imperative for a sustainable peace agreement. Explicit guarantees are required by both sides to support human rights and measures that will be taken in the event of any violations. Symbols play a very central role in building trust between the antagonists. If not managed properly, it can also be a source of friction between the two sides. Members of the negotiating panel on both sides need to be attentive to the confidence-building value of venues, dates, flags, colors and language.

Resolving internal conflicts can be an arduous task and the peace process laboriously slow. A comparative analysis, such as the one presented in this paper, is able to provide insights into how certain elements can be made more effective. These findings have the potential to lead to a sustainable peace agreement. The conflicts in the southern Philippines and Aceh are far from over. The GRP are now trying to forge a peace agreement with the Moro Islamic Liberation Front (MILF), a splinter group of the MNLF. The GOI too have recently launched a new peace initiative with GAM. A study of these peace initiatives can further enhance our understanding of peace processes.

# APPENDIX I

## **The Tripoli Agreement**

*In the Name of God, the Omnipotent, the Merciful.*

### **Agreement Between the Government of The Republic of the Philippines and Moro National Liberation Front with the Participation of the Quadripartite Ministerial Commission Members of the Islamic Conference and the Secretary General of the Organization of Islamic Conference**

In accordance with the Resolution No. IV Para. V adopted by the Council of Ministers of the Islamic Conference in its Fourth Session held in Benghazi, Libyan Arab Republic during the month of Safar 1393 H. corresponding to March 1973, calling for the formation of Quadripartite Ministerial Commission representing the Libyan Arab Republic, the Kingdom of Saudi Arabia, the Republic of Senegal and the Republic of Somalia, to enter into discussions with the Government of the Republic of the Philippines concerning the situation of the Muslims in the South of the Philippines.

And in accordance with the Resolution No. (18) adopted by the Islamic Conference held in Kuala Lumpur, Malaysia in Jumada Alakhir 1393 H. corresponding to June 1974 A.D. which recommends the searching for a just and peaceful political solution to the problem of the Muslims in the South of the Philippines through the negotiations.

And in accordance with the Resolution No. 12/7/S adopted by the Islamic Conference held in Istanbul in Jumada El-Ula 1396 H. corresponding to May 1976 A.D. empowering the Quadripartite Ministerial Commission and the Secretary General of the Islamic Conference to take the necessary steps for the resumption of negotiations.

And following the task undertaken by the Quadripartite Ministerial Commission and the Secretary General of the Islamic Conference and the discussions held with H. E. President Marcos, President of the Republic of the Philippines.

And in realization of the contents of Para. (VI) of the Joint Communique issued in Tripoli on the 25th Zulgeda 1396 H. corresponding to 17th November 1976 A.D. following the official visit paid by the delegation of the Government of the Philippines headed by the First Lady of the Philippines, Mrs. Imelda Romualdez Marcos, to the Libyan Arab Republic and which calls for the resumption of negotiations between the two parties concerned in Tripoli on the 15th of December 1976 A.D.

Negotiations were held in the City of Tripoli during the period between 24th Zuhijja 1396 H. to Second to Moharram 1397 H. corresponding to the period from 15th to 23rd December 1976 A.D. at the Ministry of Foreign Affairs presided over by Dr. Ali Abdussalam Treki, Minister of State of Foreign Affairs of the Libyan Arab Republic, and comprising of the Delegations of:

1. Government of the Republic of the Philippines, led by Honorable Carmelo Z. Barbero, Undersecretary of National Defense for Civilian Relations.
2. Moro National Liberation Front, led by Mr. Nur Misuari, Chief of the Front. And with the participation of the representatives of the Quadripartite Ministerial Commission:

The Libyan Arab Republic - represented by Dr. Ali Abdussalam Treki, Minister of State for Foreign Affairs.

The Kingdom of Saudi Arabia - H. E. Salah Abdalla El-Fadl, Ambassador of the Kingdom of Saudi Arabia, Libyan Arab Republic.

The Republic of Senegal - Mr. Abubakar Othman Si, Representative of the Republic of Senegal and Charged' Affaires of Senegal in Cairo.

Democratic Republic of Somalia - H. E. Bazi Mohamed Sufi, Ambassador of the Democratic Republic of Somalia, Libyan Arab Republic.

With the aid of H. E. Dr. Ahmed Karim Gaye, Secretary General of the Organization of Islamic Conference, and a delegation from the Secretariat General of the Conference composed of Mr. Qasim Zuheri, Assistant Secretary General and Mr. Aref Ben Musa, Director of Political Department.

During these negotiations which were marked by a spirit of conciliation and understanding, it has been agreed on the following:

*First:* The establishment of Autonomy in the Southern Philippines within the realm of the sovereignty and territorial integrity of the Republic of the Philippines.

*Second:* The areas of the autonomy for the Muslims in the Southern Philippines shall comprise the following:

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

*Third:*

1. Foreign Policy shall be of the competence of the Central Government of the Philippines.
2. The National Defense Affairs shall be the concern of the Central Authority provided that the arrangements for the joining of the forces of the Moro National Liberation Front with the Philippine Armed Forces be discussed later.
3. In the areas of the autonomy, the Muslims shall have the right to set up their own Courts which implement the Islamic Shari'a laws. The Muslims shall be represented in all Courts including the Supreme Court. The representation of the Muslims in the Supreme Court shall be upon the recommendation from the authorities of the Autonomy and the Supreme Court. Decrees will be issued by the President of the Republic of their appointments taking into consideration all necessary qualifications of the candidates.
4. Authorities of the autonomy in the South of the Philippines shall have the right to set up schools, colleges and universities, provided that matters pertaining to the relationship between these educational and scientific organs and the general education system in the State shall be subject of discussion later on.

5. The Muslims shall have their own administrative system in compliance with the objectives of the autonomy and its institutions. The relationship between this administrative system and the Central administrative system to be discussed later.
6. The authorities of the autonomy in the South of the Philippines shall have their own economic and financial system. The relationship between this system and the Central economic and financial system of the State shall be discussed later.
7. The authorities of the autonomy in the South of the Philippines shall enjoy the right of representation and participation in the Central Government and in all other organs of the State. The number of representatives and ways of participation shall be fixed later.
8. Special Regional Security Forces are to be set up in the area of the Autonomy for the Muslims in the South of the Philippines. The relationship between these forces and the Central security forces shall be fixed later.
9. A Legislative Assembly and an Executive Council shall be formed in the areas of the Autonomy for the Muslims. The setting up of the Legislative Assembly shall be constituted through a direct election, and the formation of the Executive Council shall take place through appointments by the Legislative Assembly. A decree for their formation shall be enacted by the President of the Republic respectively. The number of members of each assembly shall be determined later on.
10. Mines and mineral resources fall within the competence of the Central Government, and a reasonable percentage deriving from the revenues of the mines and minerals be fixed for the benefit of the areas of the autonomy.
11. A mixed Committee shall be composed of representatives of the Central Government of the Republic of the Philippines and representatives of the Moro National Liberation Front. The mixed Committee shall meet in Tripoli during the period from the Fifth of February to a date not later than the Third of March 1977. The task of the said Committee shall be charged to study in detail the points left for discussion in order to reach a solution thereof in conformity with the provisions of this agreement.
12. Cease-fire shall be declared immediately after the signature of this agreement, provided that its coming into effect should not exceed the 20th January 1977. A Joint Committee shall be composed of the two parties with the help of the Organization of the Islamic Conference represented by the Quadripartite Ministerial Commission to supervise the implementation of the cease-fire.

The said Joint Committee shall also be charged with supervising the following:

- a. A complete amnesty in the areas of the autonomy and the renunciation of all legal claims and codes resulting from events which took place in the South of the Philippines.
  - b. The release of all the political prisoners who had relations with the events in the South of the Philippines.
  - c. The return of all refugees who have abandoned their areas in the South of the Philippines.
  - d. To guarantee the freedom of movements and meetings.
13. A Joint meeting be held in Jeddah during the first week of the month of March 1977 to initial what has been concluded by the Committee referred to in Para. 11.
  14. The final agreement concerning the setting up of the autonomy referred to in the first and second paragraphs shall be signed in the City of Manila, Republic of the

Philippines, between the Government of the Philippines and Moro National Liberation Front, and the Islamic Conference represented by the Quadripartite Ministerial Commission and the Secretary General of the Organization of Islamic Conference.

15. Immediately after the signature of the Agreement in Manila, a Provisional Government shall be established in the areas of the autonomy to be appointed by the President of the Philippines; and be charged with the task of preparing for the elections of the Legislative Assembly in the territories of the Autonomy; and administer the areas in accordance with the provisions of this agreement until a Government is formed by the elected Legislative Assembly.
16. The Government of the Philippines shall take all necessary constitutional processes for the implementation of the entire Agreement.

*Fourth:* This Agreement shall come into force with effect from the date of its signature.

Done in the City of Tripoli on 2nd Muharram 1397 H. corresponding to 23rd December 1976 A.D. in three original copies in Arabic, English, French languages, all equal in legal power.

**For the Government of the Republic of the Philippines:**

**HON. CARMELO. Z. BARBERO**

*Undersecretary of National Defense  
for Civilian Relations*

**DR. ALI ABDUSSALAM TREKI**

*Minister of State for Foreign Affairs, Libyan  
Arab Republic and Chairman of the  
Negotiations*

**For the Moro National Liberation Front:**

**MR. NUR MISUARI**

*Chairman of the Front*

**DR. AHMED KARIM GAYE**

*Secretary General of the Organization of the  
Islamic Conference*

## APPENDIX II

**In the Name of God, the Omnipotent, the Merciful**

**GRP - MNLF Formal Peace Talks  
with the OIC Participation  
Jakarta, 25th October - 7th November 1993**

### **Interim GRP - MNLF Ceasefire Agreement**

**This document is entitled: "1993 Interim Ceasefire Agreement Between the Government of the Republic of The Philippines (GRP) and the Moro National Liberation Front (MNLF) with the Participation of the Organization of the Islamic Conference (OIC)".**

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

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

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

1. To formalize and further strengthen the structure and conduct of the ceasefire which was agreed upon between the erstwhile Philippine President Corazon C. Aquino, and Chairman Nur Misuari of the MNLF. The latter in embarking on the peace process had obtained the concurrence of the Secretary-General of the OIC. The historic meeting between the two leaders took place in Jolo, the Province of Sulu, on 5th September 1986;
2. To ensure the successful implementation of this Interim Ceasefire Agreement, the forces of both parties shall remain in their respective places and refrain from any provocative actions or any acts of hostilities contrary to the spirit and purposes of this said Agreement: provided that the representatives of the OIC shall help supervise in the implementation of this Agreement through the Joint Committee;
3. A Joint Committee as provided for in Article III section 12 of the Tripoli Agreement shall be constituted immediately, to be composed of representatives from the GRP and the MNLF with the help of the OIC represented by the Ministerial Committee of the Six;
4. This Joint Committee shall prepare its own detailed guidelines and ground rules for the implementation of this Agreement and submit the same to all parties concerned not later than 30th November 1993 for approval by duly designated representatives of all the parties concerned.
5. This Interim Ceasefire Agreement which shall be linked to the substantial progress of the negotiations shall take effect immediately upon its signing by the parties signatory to it and shall remain valid and enforceable solely for the duration of the Formal Peace Talks, unless otherwise extended by their unanimous decision.

Done in Jakarta on the 7th of November 1993

**For the GRP**

**Ambassador Manuel T. Yan**  
Chairman of the GRP Peace Panel

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

**Ambassador S. Wiryono**  
Director-General for Political Affairs

**For the MNLF**

**Professor Nur Misuari**  
Chairman of the MNLF Peace  
Panel

For the OIC Secretary-General

**Ambassador Mohammad Mohsin**  
Assistant Secretary-General

## APPENDIX III

**In the Name of God, the Omnipotent, the Merciful**

### **Peace Agreement**

**The final agreement on the implementation of the 1976 Tripoli Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF) with the participation of the Organization of Islamic Conference Ministerial Committee of Six and the Secretary General of the Organization of Islamic Conference.**

**Whereas**, the President of the Republic of the Philippines, His Excellency Fidel V. Ramos, has pursued a peaceful settlement of the armed conflict under the principle of peace with honor and to serve the paramount ends of national unity, solidarity and progress for all Filipinos;

**Whereas**, the MNLF, led by Professor Nur Misuari, inspired by their quest for peace and prosperity, had in the past asserted the right of the Moro people to freely determine their political status and freely pursue their religious, social, economic and cultural development;

**Whereas**, the Organization of Islamic Conference (OIC), upon the request of the GRP initiated the First Formal Peace Talks between the GRP and the MNLF during its Third Ministerial Conference in Jeddah, Kingdom of Saudi Arabia, which resulted in the signing of the Tripoli Agreement on December 23, 1976, the document which served as a basis for a just, lasting, honorable and comprehensive solution to the problem in Southern Philippines within the framework of the Philippine Constitution;

**Whereas**, by the Grace of the Almighty God and owing to the bold and innovative initiative of the Philippine Government, under H.E. President Fidel V. Ramos, and the dedication and perseverance of his duly appointed representatives, headed by the Presidential Adviser for the Peace Process Manuel T. Yan, coupled with the highly positive and laudable response of the MNLF leadership under its founding Chairman, H.E. Professor Nur Misuari, a peace process has been conducted and pursued successfully for the last four (4) years, with the most constructive and beneficial participation of the OIC Ministerial Committee of the Six, headed by its distinguished Chairman, H.E. Ali Alatas, Minister of Foreign Affairs of Indonesia, and his four (4) able assistants as facilitators of the talks, namely: H.E. Ambassador S. Wiryono, H.E. Dr. Hassan Wirajuda, H.E. Ambassador Pieter Damanik, and H.E. Ambassador Abu Hartono, and the OIC Secretary General, H.E. Hamid Algabid, and his deputy, H.E. Ambassador Mohammed Mohsin, and with special mention to Libyan Ambassador, H.E. Rajab Azzarouq;

**Whereas**, the parties acknowledge the valuable role of the Organization of Islamic Conference (OIC) in promoting and upholding the rights, welfare and well-being of Muslims all over the world;

**Whereas**, the parties likewise, acknowledge the role of the OIC Ministerial Committee of the Six comprising the nations of Indonesia as Chair, Libya, Saudi Arabia, Bangladesh, Senegal and Somalia in the search of a just, comprehensive and durable peace in Southern Philippines;

**Whereas**, in accordance with the Statement of Understanding signed in Tripoli, Libya on October 3, 1992 and the subsequent Statement of Understanding signed in Cipanas, West Java on April 14, 1993, the parties agreed, through the good offices of the Great Libyan Arab Jamahiriyah, inspired and guided by its great leader, H.E. Colonel Muammar Gaddafi, the Government of the Republic of Indonesia under the wise and able leadership of H.E. Bapah President Suharto, and H.E. OIC Secretary General, Dr. Hamid Algabid, to hold formal peace talks to discuss the modalities for the full implementation of the 1976 Tripoli Agreement in

letter and spirit; to include those portions of the Agreement left for further discussion and the transitional implementing structure and mechanism;

**Whereas**, the parties affirm their solemn commitment in the aforementioned Statement of Understanding as well as the Memorandum of Agreement signed in the 1st Round of Formal Peace Talks held in Jakarta, Indonesia on October 25-November 7, 1993; the Interim Agreement signed in the 2nd Round of Formal Peace Talks held in Jakarta on September 1-5, 1994; the Interim Agreement signed in the 3rd Round of Formal Peace Talks held in Jakarta on November 27-December 1, 1995; the Interim Agreement signed in the 4th Round of Formal Peace Talks held in Jakarta on August 29, 1996; and in the nine (9) meetings of the Mixed Committee held in various places and dates in the Philippines and Indonesia;

**Whereas**, all these agreements resulted from the consensus points reached by the Mixed Committee and the Support Committees (Support Committee No. 1 - National Defense and Security; Support Committee No. 2 - Education; Support Committee No. 3 - Economic and Financial System, Mines and Minerals; Support Committee No. 4 - Administrative System, Right of Representation and Participation in the National Government, and in all Organs of the State; Support Committee No. 5 - Shariah and the Judiciary; and the Ad Hoc Working Group on the Transitional Implementing Structure and Mechanism in meetings held in various places in the Philippines and Indonesia;

**Whereas**, the parties have rationalized and consolidated all the agreements and consensus points reached, with the assistance of the Mixed Committee and the various support committees established for the purpose, into a final peace agreement;

**Whereas**, the parties affirm the sovereignty, territorial integrity and the Constitution of the Republic of the Philippines; and

**Whereas**, this final peace agreement constitutes the full implementation of the Tripoli Agreement.

Now Therefore, the Parties do Hereby Agree on the Following:

### **I. Implementing Structure and Mechanism of this Agreement**

1. Phase I shall cover a three (3) year period starting after the signing of the peace agreement with the issuance of Executive Order establishing the Special Zone of Peace and Development (SZOPAD), the Southern Philippine Council for Peace and Development (SPCPD), and the Consultative Assembly. During this phase, the process of the joining in of MNLF elements with the Armed Forces of the Philippines will start. The joining in of MNLF elements with the PNP as part of the regular police recruitment programme will also take place in this phase.
2. Phase II shall involve an amendment to or repeal of the Organic Act (RA 6734) of the Autonomous Region in Muslim Mindanao (ARMM) through Congressional action, after which the amendatory law shall be submitted to the people of the concerned areas in a plebiscite to determine the establishment of a new autonomous government and the specific area of autonomy thereof.
  - a. While peace and development programs are being implemented in the SZOPAD, a bill to amend or repeal the RA 6734 shall be initiated within Phase I (1996-1997). The bill shall include the pertinent provisions of the final Peace Agreement and the expansion of the present ARMM area of autonomy. After a law shall have been passed by Congress and approved by the President, it shall be submitted to the people for approval in a plebiscite

in the affected areas, within two (2) years from the establishment of the SPCPD (1998).

- b. The new area of autonomy shall then be determined by the provinces and cities that will vote/choose to join the said autonomy (1998). It may be provided by the Congress in a law that clusters of contiguous Muslim-dominated municipalities voting in favor of autonomy be merged and constituted into a new province(s) which shall become part of the new Autonomous Region.

## **II. The Transitional Period (Phase I)**

Phase I shall be implemented as follows:

3. There shall be established a Special Zone of Peace and Development in the Southern Philippines (SZOPAD) covering the provinces of Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao del Sur, South Cotabato, Sarangani and Palawan and the cities of Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Zamboanga and Puerto Princesa. Within the next three (3) years, these areas shall be the focus of intensive peace and development efforts. Public and private investments shall be channeled to these areas to spur economic activities and uplift the conditions of the people therein.
4. There shall be established a Southern Philippines Council for Peace and Development (SPCPD), composed of one (1) Chairman, one (1) Vice Chairman and three (3) Deputies, one each representing the Muslims, the Christians, and the Cultural Communities. They shall be appointed by the President.
5. The SPCPD shall be assisted by the Darul Iftah (advisory Council) which shall be created by the Chairman of the SPCPD.
6. The local government units in the area including the ARMM, shall continue to exist and exercise their functions in accordance with existing laws.
7. Appropriate agencies of the government that are engaged in peace and development activities in the area, such as but not limited to the Southern Philippines Development Authority (SPDA), shall be placed under the control and/or supervision of the Council as its implementing agencies to ensure that peace and development projects and programs are effectively accomplished. Based on the foregoing, the following agencies or entities will be placed under the control and/or supervision of the SPCPD, to wit
  - a. The Southern Philippines Development Authority (SPDA) may be attached to the SPCPD and be placed under the latter's direct supervision insofar as SPDA offices and projects in the SZOPAD are concerned. The SPCPD can exercise a further degree of control over SPDA by allowing the Council to submit recommendees to the President for appointment as officials of SPDA;
  - b. The Regional and Field Offices of the Office of Muslim Affairs (OMA) which are situated and operating within the Special Zone of Peace and Development (SZOPAD), shall be placed under the direct supervision of SPCPD, provided that the coordination, linkages and complementation

between the central OMA and SPCPD shall be defined by a Presidential issuance;

- c. The Regional and Field Offices of the Office of Southern Cultural Communities (OSCC) which are situated and operating within the Special Zone of Peace and Development (SZOPAD), shall be placed under the direct supervision of SPCPD, provided that the coordination, linkages and complementation between the central OSCC and SPCPD shall be defined by a Presidential issuance;
- d. Task Force Basilan, which shall be reorganized into the Basilan Development Task Force, to undertake development activities in Basilan shall be placed under the control and supervision of SPCPD;
- e. Task Force MALMAR, to be reorganized into the Central Mindanao Development Task Force, to undertake development activities in Central Mindanao shall be placed under the control and supervision of SPCPD;
- f. Sulu Development Task Force Ñ an interagency task force that shall be organized to undertake development projects in Sulu shall be placed under the control and supervision of SPCPD; and
- g. Special Development Planning Group Ñ this is an ad hoc body composed of staff officers and planning experts from the Department of Trade and Industry (DTI), the National Economic and Development Authority (NEDA), the Department of Public Works and Highways (DPWH) and other concerned agencies which could be organized to support directly the staff planning requirements, shall be placed under SPCPD.

The foregoing enumeration of agencies or entities shall not preclude the President from exercising his power or discretion to delegate, subject to existing laws, certain powers or functions to the SPCPD, or to place other agencies or entities under the control and/or supervision of the latter.

8. The SPCPD, in consultation with the Consultative Assembly, utilizing the funds from the National Government, shall monitor, promote and coordinate the development efforts in the area, including the attraction of foreign investment, specially from OIC member countries and the Association of South East Asian Nations (ASEAN).
9. The powers and functions of the SPCPD and the Consultative Assembly are derivative and extension of the powers of the President. The powers referred to here are only those powers of the President that could be delegated under the Constitution and existing laws.
10. There shall be established a Consultative Assembly with 81 members composed of the following:
  - a. The Chairman of the SPCPD shall be the head and presiding officer of the Assembly;
  - b. The Governor and the Vice Governor of the ARMM, the 14 Governors of the provinces and the 9 City Mayors in the SZOPAD;
  - c. 44 members from the MNLF; and

- d. 11 members from various sectors recommended by non-governmental organizations (NGOs) and people's organizations (POs).

11. The Consultative Assembly shall exercise the following functions and powers:

- a. To serve as a forum for consultation and ventilation of issues and concerns;
- b. To conduct public hearings as may be necessary and to provide appropriate advice to the SPCPD; and
- c. To formulate and recommend policies to the President through the Chairman of the SPCPD and make rules and regulations to the extent necessary for the effective and efficient administration of the affairs of the area.

12. The OIC shall be requested to continue to extend its assistance and good offices in monitoring the full implementation of this agreement during the transitional period until the regular autonomous government is firmly established and for this purpose, help generate broad international support for the Zone of Peace and Development.

13. A Joint Monitoring Committee composed of members coming from the GRP and the MNLF, with the help of the OIC, shall continue to meet to review and identify agreements that can be immediately implemented, and monitor the implementation of this Agreement during Phase I.

14. The provisions of the 1994 and 1995 Interim Agreements and subsequent agreements entered into by the GRP and the MNLF that would not require legislative action shall be implemented during Phase I.

15. The funds for the operations of the Council and the Assembly shall be initially sourced from the funds of the Office of the President. Funding for development programs and projects shall come from the appropriations of Congress as may be drawn from the General Appropriations Act. A supplementary budget for the year 1996 will be recommended to Congress for the purpose.

16. The term of the SPCPD and the Consultative Assembly shall be for a period of three years and may be extended by the President upon recommendation of the Council itself.

17. The term of office of the SPCPD and the Assembly shall coincide with the three-year term of office of the officials of the Autonomous Region in Muslim Mindanao (ARMM) elected in 1996.

18. The powers and functions of the Council shall be as follows:

- a. To take charge in promoting, monitoring and coordinating the improvement of peace and order in the area;

- b. To focus on peace and development efforts more particularly in the depressed areas and cause the implementation of peace and development projects;
  - c. To provide support to local government units as necessary;
  - d. To exercise such other powers and functions necessary for the effective implementation of its mandate as may be delegated by the President;
  - e. To assist in the preparation for the holding of elections, referenda or plebiscite and people's initiative in the area as may be duly deputized by the Commission on Elections (COMELEC);
  - f. To cause the creation of such offices or instrumentalities as shall be necessary for the effective and efficient administration of the affairs of the areas. There shall be approval from the Office of the President for budgetary purposes.
19. The joining of the MNLF elements with the Philippine National Police (PNP) and the Provision of Security Protection for Certain Officials of the Southern Philippines Council for Peace and Development:
- a. During the transitional phase (Phase I), there shall be a program or process to allow the joining of MNLF elements into the PNP and to be part of the PNP in accordance with guidelines and procedures under existing laws. The Philippine Government shall allocate one thousand five hundred (1,500) PNP vacancies for this purpose to be filled up by MNLF elements during the transition period, and another two hundred fifty (250) items for special or auxiliary services.
  - b. The processing of MNLF elements will start upon the establishment of the Southern Philippines Council for Peace and Development (SPCPD). The police training programs to be undergone by the joining MNLF elements shall be as prescribed by existing laws and regulations, and shall be conducted by the PNP.
  - c. The concerned officials of the Council (e.g. the Chairman and his Deputies) shall be provided security and protective assistance by the national government, as the security situation warrants and as part of confidencebuilding measures. An AFP/PNP security detail shall be immediately and particularly assigned to the Council. This special AFP/PNP security detail shall be composed of former MNLF regulars who shall have been granted AFP or PNP appointments and duly integrated into the AFP or PNP. This security detail shall be of appropriate size in accordance with the needs of the situation, without prejudice to augmentation by regular AFP or PNP units as the need arises and in coordination with the AFP and PNP commanders concerned. This security detail which shall not be utilized for law enforcement, but solely for the security and protection of SPCPD officials concerned, shall conduct themselves in accordance with existing policies and regulations in order to prevent undue alarm to the population during movements of concerned officials.
  - d. To have good coordination between the AFP and PNP on the one hand and the SPCPD on the other, a liaison system will be set up composed of the AFP, PNP and SPCPD senior officials.

- e. The joining of the MNLF forces with the Armed Forces of the Philippines (AFP):
  - a. Five thousand seven hundred fifty (5,750) MNLF members shall be integrated into the Armed Forces of the Philippines (AFP), 250 of whom shall be absorbed into the auxiliary services. The government shall exert utmost efforts to establish the necessary conditions that would ensure the eventual integration of the maximum number of the remaining MNLF forces into the Special Regional Security Force (SRSF) and other agencies and instrumentalities of the government. There shall be a special socioeconomic, cultural and educational program to cater to MNLF forces not absorbed into the AFP, PNP and the SRSF to prepare them and their families for productive endeavors, provide for educational, technical skills and livelihood training and give them priority for hiring in development projects.
  - b. In the beginning, the MNLF forces will join as units distinct from AFP units. They will be initially organized into separate units within a transition period, until such time that mutual confidence is developed as the members of these separate units will be gradually integrated into regular AFP units deployed in the area of the autonomy. Subject to existing laws, policies, rules and regulations, the appropriate authorities shall waive the requirements and qualifications for entry of MNLF forces into the AFP.
  - c. One from among the MNLF will assume the functions and responsibilities of a Deputy Commander of the Southern Command, AFP, for separate units that will be organized out of the MNLF forces joining the AFP. The Deputy Commander will assist the Commander of the Southern Command, AFP in the command, administration and control of such separate units throughout the aforementioned transition period. The Deputy Commander will be given an appointment commensurate to his position and shall be addressed as such.
  - d. The government recognizes the skills, capabilities and achievements of the MNLF and its capacity to develop its members for the highest echelons of military and civilian leadership. The ranks and grades of MNLF forces joining AFP shall be subject to the decision of the President in his capacity as Commander-in-Chief of the AFP along the principles of universality, nondiscrimination, equity and preferential treatment for the poor and underprivileged.
  - e. The government shall take affirmative measures to continually improve the capabilities of those MNLF forces joining the AFP to enhance their opportunities for professional advancement in the military service. It shall undertake initiatives to provide professional training and military schooling in foreign countries to former MNLF members absorbed into the AFP in consonance with the education and training programmes with the AFP.
  - f. All other matters regarding the joining of MNLF forces into the AFP not expressly covered by this Agreement shall be prescribed by the President in his capacity as Commander-in-Chief of the AFP.

### **III. The New Regional Autonomous Government (Phase II)**

The following provisions shall be implemented after a law amending or repealing the Organic Act of ARMM shall have been enacted by Congress and approved by the people in the concerned areas in a plebiscite therefore. Accordingly, these provisions shall be recommended by the GRP to Congress for incorporation in the amendatory or repealing law.

#### **A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council**

21. Executive power shall be vested in the Head of the regular Autonomous Government duly elected at large by direct vote of the people of the Autonomous Region. There shall also be a Vice Head of the Regional Autonomous Government also elected in the same manner. The Head of the Regional Autonomous Government may appoint three (3) Deputies. The Head, the Vice-Head and the three (3) Deputies shall comprise the Executive Council of the area of Autonomy.
22. The President shall exercise general supervision over the Regional Autonomous Government and all local government units in the area of Autonomy through the Head of the Regional Autonomous Government to ensure that laws are faithfully executed. The Head of the Autonomous Government shall exercise general supervision over all local government units in the area of autonomy to ensure that national and regional laws are faithfully executed, and see to it that they act within their assigned powers and functions. Legislative Assembly
23. Legislative power shall be vested in the Regional Legislative Assembly.
24. The Legislative Assembly shall be composed of members elected by popular vote, with three (3) members elected from each of the Congressional Districts.
25. There shall be sectoral representatives in the Legislative Assembly whose number shall not exceed fifteen percent (15%) of the total number of elected Members of the Legislative Assembly coming from the labor, disabled, industrial, indigenous cultural communities, youth, women, non-government organizations, agricultural, and such other sectors as may be provided by Regional Law to be appointed by the Head of the Autonomous Government from among the nominees of the different sectoral groups; provided, however, that the youth representative shall not be less than 18 years of age nor more than 21 years of age at the time of his appointment.
26. The people's initiative, by way of a plebiscite or referendum, is recognized.
27. The Regional Legislative Assembly shall exercise legislative power for application in the area of autonomy except on the following matters, to wit:
  - a. Foreign Affairs;
  - b. National Defense and Security;
  - c. Postal Service;
  - d. Coinage, and Fiscal and Monetary Policies;
  - e. Administration of Justice except on matters pertaining to Shari'ah;

- f. Quarantine;
  - g. Customs and Tariff;
  - h. Citizenship;
  - i. Naturalization, Immigration and Deportation;
  - j. General Auditing, Civil Service and Elections;
  - k. Foreign Trade;
  - l. Maritime, Land and Air Transportation and Communications that affect areas outside the autonomous region; and
  - m. Patents, Trademarks, Tradenames and Copyrights.
28. The Legislative Assembly may create, divide, merge, abolish or substantially alter boundaries of local government units in the area of autonomy in accordance with the criteria laid down by law subject to approval by a majority of the votes cast in a plebiscite called for the purpose in the political units affected. It may also change the names of such local government units, public places and institutions.
29. Any member of the Legislative Assembly who accepts an appointment and qualifies for any position in the Government, including government-owned-and/or-controlled corporations or institutions and their subsidiaries, shall automatically forfeit his seat in the Legislative Assembly.
30. No member of the Legislative Assembly may personally appear as counsel before courts of justice or quasi-judicial and other administrative bodies. Neither shall he directly or indirectly, be interested financially in any contract with, or in any franchise or privilege granted by, the Government or any subdivision, agency or instrumentality thereof, including any government-owned-and/or-controlled corporation or its subsidiary, during his term of office. He shall not intervene in any matter before any office of the government for his pecuniary benefit or where he may be called upon to act on account of his office.
31. In case of vacancy in the Legislative Assembly occurring at least one year before the expiration of the term of office, a special election shall be called to fill the vacancy in the manner prescribed by law; provided that the member elected shall serve for the unexpired term.
32. The Legislative Assembly shall elect from among its members a Speaker and such other officers as the rules may provide. The Speaker shall appoint the personnel of the administrative organization of the Legislative Assembly.
33. The powers, functions, responsibilities and structure of the different Departments, agencies, bureaus, offices and instrumentalities of the regional government including regional government-owned-and-controlled corporations in the areas of the autonomy shall be prescribed and defined by the Regional Legislative Assembly.

34. No person shall be elected member of the Legislative Assembly unless he/she is:
  - a. A natural-born citizen of the Philippines;
  - b. At least 21 years of age on the day of elections;
  - c. Able to read and write;
  - d. A registered voter of the district in which he/she shall be elected on the day he/she files his/ her certificate of candidacy; and
  - e. A resident thereof for a period of no less than five years immediately preceding the day of election.
35. Every member of the Legislative Assembly shall take an oath or affirmation of allegiance to the Republic of the Philippines before taking his/her seat.
36. The Legislative Assembly shall adopt its own rules of procedure by a majority vote of all its Members including the selection of members of its standing committees and the suspension or expulsion of its Members.
37. A majority of all the Members of the Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day-to-day and may compel the attendance of absent members in such manner, and under such penalties as the Assembly may provide.
38. The Legislative Assembly or any of its committees may conduct inquiries or public consultations in aid of legislation in accordance with its rules. The rights of persons appearing in or affected by such inquiries shall be respected.
39. The Legislative Assembly shall keep a Journal of its proceedings and a record of its caucuses and meetings. The records and books of account of the Assembly shall be preserved and be open to public scrutiny. The Commission on Audit shall publish an annual report of the itemized list of expenditures incurred by the Members of the Assembly within sixty (60) days from the end of every regular session.
40. The Speaker of the Legislative Assembly shall, within ten working days from approval thereof, submit to the President and to both Houses of Congress a certified true copy of all laws and resolutions approved by the Legislative Assembly.
41. No member shall be questioned or be held liable in any other place for any speech or debate in the Assembly or in any committee thereof.
42. The Chief Executive of the Autonomous Government shall approve the budget of the Autonomous Region. If, by the end of any fiscal year, the Legislative Assembly shall have failed to pass the regional appropriations bill for the ensuing fiscal year, the regional Appropriations Act for the preceding fiscal year shall be deemed automatically re-enacted and shall remain in force and effect until the regional appropriations bill is passed by the Legislative Assembly.
43. No provision or enactment shall be embraced in the regional appropriations bill unless it relates specifically to some particular appropriation therein.

Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.

44. The procedure in approving appropriations for the Legislative Assembly shall strictly follow the procedure for approving appropriations for other departments and agencies of the Regional Government.
45. A special appropriations bill shall specify the purpose for which it is intended, and shall be supported by funds actually available as certified by the Regional Treasurer, or to be raised by a corresponding revenue proposal therein.
46. Discretionary funds appropriated for particular offices shall be disturbed only for public purposes to be supported by appropriate vouchers and subject to such guidelines as may be prescribed by regional law.
47. All money collected on any regional tax levied for a special purpose shall be treated as a special fund and paid out for such special purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall accrue to the general funds of the regional government.
48. Trust funds shall only be paid out of the regional treasury upon fulfillment of the specific purpose for which said funds were created or received.
49. Except as provided by its rules, the Legislative Assembly shall meet in open session. Regular session shall commence on the 4th Monday of April and shall continue to be in session for such number of days as may be determined by the Assembly until thirty (30) days before the opening of its next regular session.
50. The Legislative Assembly shall meet in special sessions at the request of one-third (1/3) of all its Members or by call of the Chief Executive. Such special sessions must be convened with specific agenda.
51. No bill shall become a law unless it has passed three (3) readings on separate days and printed copies thereof in its final form have been distributed to its Members three (3) days before its passage, except when the Chief Executive certifies to the necessity of its immediate enactment to meet a public calamity or emergency.
52. Every bill passed by the Legislative Assembly shall, before it becomes a law, be presented to the Chief Executive. If he approves the same, he shall sign it, otherwise, he shall veto it and return it with his objections to the Legislative Assembly, which shall enter the objections at large in its journal and proceed to consider it. If, after such reconsideration, two-thirds (2/3) of all the Members of the Legislative Assembly shall agree to pass the bill, it shall become a law. In all such cases, the veto shall be determined by yeas and nays, and the names of the members voting for or against shall be entered in the journal. The Chief Executive shall communicate his veto of any bill to the Legislative Assembly within thirty (30) days after the receipt thereof; otherwise, it shall become a law as if he had signed it.
53. The Legislative Assembly may request the presence of the Chief Executive, Vice- Chief Executive, Cabinet members or their deputies, as the rules shall provide, for questioning on matters falling within the scope of their assigned powers and functions.
54. Subject to the rules of the Legislative Assembly, the legislative power to inquire on matters relating to the exercise of administrative functions by an

agency of government within the Autonomous Region shall be in the form of written questions.

55. The Chief Executive shall submit to the Legislative Assembly not later than two (2) months before the beginning of every regular session, as the basis of the regional appropriations bill, a budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures.
56. The fiscal year of the Autonomous Region shall cover the period January 1 to December 31 of the same year.
57. The Legislative Assembly may not increase the appropriations recommended by the Chief Executive for the operation of the Autonomous Government as specified in the budget. The form, content and manner of preparation of the budget shall be prescribed by regional law; provided, however, that pending the enactment of such regional law, the budgeting process shall be governed by existing national laws and rules and regulations prescribed by the Department of Budget and Management.
58. The Chief Executive shall have the power to veto any particular item or items in an appropriation or revenue bill, but the veto shall not affect the item or items to which he does not object. The veto may be reconsidered by the Assembly by a vote of two thirds (2/3) of all its Members.
59. The financial accounts of the expenditures and revenues of the Autonomous Region shall be audited by the Commission on Audit.
60. No money shall be paid out of the Regional Treasury except in pursuance of an appropriation made by regional law.
61. No regional law shall be passed authorizing any transfer of appropriations; however, the Chief Executive, the Speaker of the Assembly, and the Presiding Justice of the highest Shariah Court may, by law, be authorized to augment any item in the Regional General Appropriation Law for their respective offices from savings in other items of their respective appropriations. Administrative System
62. The Regional Autonomous Government shall have the power to enact its own Regional Administrative Code and Regional Local Government Code consistent with national laws and the Constitution provided that it shall not in any way diminish the powers and functions already enjoyed by Local Government Units. Right of Representation and Participation in the National Government and in all Organs of the State

**General Principles:**

63. Representation in the National Government by the inhabitants of the Autonomous Region may be effected through appointment or elections and must be subject to standards and guidelines prescribed for the position. When representation is done by appointment, the inhabitants of the Autonomous Region will be appointed by the President of the Philippines to herein specified positions which are policy determining, highly technical, primarily confidential and supervisory upon recommendation by the Head of the Autonomous Government.
64. Right of representation shall not be construed in such a way that applicants from the Autonomous Region, especially Muslims, and Cultural Communities, for lower positions in the above organs of the government

cannot be appointed anymore thereto. Manner of Representation and Participation Executive

65. It shall be policy of the National Government that there shall be at least one (1) member of the Cabinet (with the rank of Department Secretary) who is an inhabitant of the Autonomous Region to be recommended by the Head of the Autonomous Government.
66. It shall likewise be a policy that there shall be at least one (1) official in each of the departments and the constitutional bodies of the national government who shall be appointed in executive, primarily confidential, highly technical policy-determining positions, from among the inhabitants of the Autonomous Region upon recommendation by the Head of the Autonomous Government. The Head of the Autonomous Government shall participate as ex-officio member of the National Security Council on all matters concerning the Autonomous Region and such other matters as may be determined by the President.
67. Government-Owned and Controlled Corporations (GOCCs) or institutions and their subsidiaries in the area of autonomy: where Government-Owned and Controlled Corporations (GOCCs) are operating mainly or with a subsidiary in the area of autonomy, as a policy, the Regional Autonomous Government shall be given some representations in the Board of Directors or in the policy-making body of said GOCCs or their subsidiaries consistent with their respective charters.

#### **Legislative**

68. It shall be the policy of the National Government that the Regional Autonomous Government shall have one (1) representative in Congress as a Sectoral Representative. This is aside from the representatives/congressmen elected from the congressional districts located in the autonomous region.

#### **Judicial**

69. It shall be a policy of the National Government that at least one (1) justice in the Supreme Court and at least two (2) in the Court of Appeals shall come from the Autonomous Region. For this purpose, the Head of the Autonomous Government may submit the names of his recommendees to the Judicial and Bar Council for consideration. This is without prejudice to the appointment of qualified inhabitants of the Autonomous Region to other positions in the judiciary in accordance with their merits and qualifications.
70. The GRP shall endeavour to cause the appointment, as a member of the Judicial and Bar Council, a qualified person to be recommended by the Head of the Regional Autonomous Government.
71. The GRP shall request the Supreme Court to create the Office of the Deputy Court Administrator for the Area of Autonomy, and to appoint thereto a qualified person recommended by the Head of the Regional Autonomous Government.

#### **Civil Service Eligibilities**

72. The civil service eligibility requirements for appointment to government position shall be applicable in the Autonomous Government. As necessary, the Civil Service Commission shall hold special civil service examinations in the region to further increase the number of eligibles therein. For a period not longer than five (5) years from the establishment of the Regional

Autonomous Government, the GRP will endeavour to provide for appropriate civil service eligibility to applicants in the Autonomous Region, provided, the minimum educational qualifications for the position are met.

**B. The Establishment of the Special Regional Security Force for the Autonomous Region (Phase II of the Implementation of the Tripoli Agreement) General Principles**

73. When the new regular Autonomous Regional Government shall have been established, there shall be created or constituted a PNP Regional Command for the new Autonomous Region, which shall be the Special Regional Security Forces (SRSF) as referred to in Paragraph 8, Article III of the Tripoli Agreement.
74. The Regional Legislative Assembly may enact laws governing the PNP Regional Command for the Autonomous Region/SRSF consistent with the constitutional provision that there shall be one police force in the country which is national in scope and civilian in character.
75. The PNP Regional Command for the Autonomous Region/SRSF shall be composed of the existing PNP units in the area of autonomy, the MNLF elements and other residents of the area who may later on be recruited into the force.
76. The powers and functions of the PNP Regional Command for the Autonomous Region/SRSF, which shall be exercised within the territories covered by the Regional Autonomous Government (RAG), shall be the following:
  - a. Enforce all laws and ordinances relative to the protection of lives and properties;
  - b. Maintain peace and order and take all necessary steps to ensure public safety;
  - c. Investigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution;
  - d. Exercise the general powers to make arrest, search and seizure in accordance with the Constitution and pertinent laws;
  - e. Detain and arrest a person for a period not beyond what is prescribed by law, informing the person so detained of all his rights under the Constitution and observing the inherent human rights of the citizens; and
  - f. Perform such other duties and exercise all other functions as may be provided by law.
77. The PNP Regional Command for the Autonomous Region/SRSF shall be charged with the maintenance and preservation of peace, law and order, and protection of life, liberty and property in the region in consonance with the Constitution. Organization of the PNP Regional Command for the Autonomous Region/SRSF
78. It shall be civilian in nature or character.
79. It shall be regional in scope of operations.

80. It shall be headed by a Regional Director who shall be assisted by two (2) Deputies, one (1) for Administration and one (1) for Operations.
81. It shall have regional, provincial, and city or municipal offices.
82. At the provincial level, there shall be a provincial office, headed by a Provincial Director.
83. At the city or municipal level, there shall be an office/station which shall be headed by a Chief of Police. Powers of the Head of the Regional Autonomous Government over the PNP Regional Command for the Autonomous Region/SRSF
84. Act as the Deputy of the National Police Commission (NAPOLCOM) in the region and shall be the ex-officio Chairman of the Regional Police Commission (REPOLCOM).
85. Exercise operational control and general supervision and disciplinary powers.
86. Employ/deploy the elements of the Regional Command through the Regional Director.
87. Assign/reassign officers and other personnel through the Regional Director.
88. Recommend to the President the appointment of the Regional Director and his two (2) Deputies.
89. Oversee the preparation and implementation of the integrated regional public safety plan.
90. Impose, after due notice and summary hearings of citizen's complaints, administrative penalties on personnel of the Regional Command except Presidential Appointees.

#### **Creation of the Regional Police Commission**

91. There shall be created a Regional Police Commission (REPOLCOM) by the Regional Legislative Assembly consistent with the Constitution.
92. The REPOLCOM shall be under the supervision of the NAPOLCOM.
93. The Chairman of REPOLCOM shall be an ex-officio Commissioner of the NAPOLCOM.

#### **C. Education**

##### **The Integrated System of Education**

94. The Regional Autonomous Government shall have an educational component comprising of existing schools, colleges and universities in the present area of autonomy and such other schools and institutions in the future expanded area of autonomy, with the possible inclusion of state universities and colleges (SUCs) to be decided later on. The relationship of the Regional Autonomous Government educational body with the national educational system shall be that of a system and sub-system with emphasis on the autonomy of the sub-system. In the event that SUCs should be included as part of the educational component of the Regional Autonomous

Government, the autonomous government recognizes the fiscal autonomy and academic freedom of the SUCs as mandated by their respective charters.

95. The Regional Autonomous Government educational system shall, among others, perpetuate Filipino and Islamic ideals and aspirations, Islamic values and orientations of the Bangsamoro people. It shall develop the total spiritual, intellectual, social, cultural, scientific and physical aspects of the Bangsamoro people to make them Godfearing, productive, patriotic citizens, conscious of their Filipino and Islamic values and Islamic cultural heritage under the aegis of a just and equitable society. The Structure of Education System
96. The elementary level shall follow the basic national structure and shall primarily be concerned with providing basic education; the secondary level will correspond to four (4) years of high school, and the tertiary level shall be one year to three (3) years for non-degree courses and four (4) to eight (8) years for degree courses, as the case may be in accordance with existing laws. Curriculum
97. The Regional Autonomous Government educational system will adopt the basic core courses for all Filipino children as well as the minimum required learnings and orientations provided by the national government, including the subject areas and their daily time allotment. Teaching materials and curriculum contents shall promote solidarity, unity in diversity, Filipino and Islamic values.
98. The addition of more required learnings and instructional materials shall be the prerogative and responsibility of the Autonomous Government.
99. The minimum requirements and standards prescribed by Department of Education Culture and Sports (DECS), Commission on Higher Education (CHED) and Technical Education and Skills Development Authority (TESDA) will be followed by the Autonomous Region.
100. The same textbooks of the National Government will be used by schools in the Autonomous Region. The formulation, shaping and revision of textbooks are the responsibilities of the Regional Autonomous Government and the National Government and within agreed norms, academic freedom and relevant legal limits, the formulation and revisions shall emphasize Islamic values or orientation, in addition to Filipino values which include Christian values and values of indigenous people, modern sciences and technology as well as the latest educational thrusts. Having adopted the core curriculum of the national government in consideration of achieving the highest quality of education, students and graduates of the education system of the Autonomous Region shall be fully accredited when they transfer to non autonomous regions.
101. The integration of Islamic Values in the curriculum should be done gradually after researches and studies are conducted.
102. The teachings of Islamic Values, as well as Filipino values, shall be incorporated in Good Manners and Right Conduct in appropriate grade levels including the tertiary level subject to agreed norms, academic freedom, and legal limitations.
103. Muslim culture, mores, customs and traditions which are mainly based on Islam, as well as the cultures, mores, customs, and traditions of Christians and indigenous people, shall be preserved through the regular public and special schools in the Autonomous Region, considering that schools are

perpetuating vehicles of the values of the people. Administration of Educational System

104. The management and control, and supervision of the entire educational system in the area of autonomy shall be the primary concern of the Regional Autonomous Government, consistent with the declared policies of national educational bodies. The national education bodies shall monitor compliance by the regional educational system with national educational policies, standards and regulations in collaboration with the educational authorities of the autonomous region. The head of the educational system of the Regional Autonomous Government shall have the right to participate in policy and decision making activities of the national educational bodies.
105. The Regional Autonomous Government shall be represented in the Board of SUCs in the region as co-chairman or at least, co-vice-chairman, as may be provided by law. Appointment to SUC Boards shall be made by the President of the Philippines.
106. The Regional Autonomous Government will be responsible for specific administrative, management functions and powers, educational supervision and school administration, and regulation over private schools.
107. The organizational structure of the educational system in the autonomous region shall follow the basic structure of the national educational system. The Regional Legislative Assembly may add special structures, if necessary. It shall follow whatever organizations of the curricular years as found in the national set-up.
108. Locally funded programs will be the responsibility of the Regional Autonomous Government.
109. The selection, recruitment, appointment and promotion of teachers and employees shall be the responsibility of the Regional Autonomous Government in accordance with general qualification standard prescribed by the Civil Service Commission (CSC) provided that the Regional Autonomous Government can initiate regionally-defined standards which are not below national standards.
110. The selection, recruitment, appointment and promotion of elementary, secondary and tertiary education employees shall be the responsibility of the Regional Autonomous Government in accordance with general standards of the Civil Service Commission (CSC) and other recognized bodies.
111. Primary disciplinary authority over officials and employees of the Regional Autonomous Government will be the area of concern of the Regional Autonomous Government in accordance with Civil Service Commission (CSC) rules and regulations. Administrative sanctions deemed appropriate and reasonable as determined by the Civil Service Commission will be the area of concern of the Regional Autonomous Government.

#### **Religious Instruction**

112. Religious instruction in public schools should be optional, with the written consent of the parent/guardian, taught by the authorities of the religion to which the student belongs, and should not involve additional costs to the government in accordance with national policies.

#### **Medium of Instruction**

113. Filipino and English shall be the medium of instruction in the areas of the Autonomy; provided that Arabic shall be an auxiliary medium of instruction.
114. Regional languages may be used as auxiliary official languages in the region as well as auxiliary medium of instruction and communication.
115. Arabic shall be recognized as a medium of instruction in Madaris (schools) and other Islamic institutions.
116. Arabic shall be taught as a subject in all appropriate grade levels as presently required in the existing laws for Muslims, and optional, for non-Muslims. Madrasa Education
117. Existing Madaris, including Madaris Ulya shall be under the Regional Autonomous Government educational system as presently organized in the area of autonomy.
118. Madaris teachers shall receive compensation out of the funds of the Regional Autonomous Government provided they are employed in the public schools. Non-formal Education and Specialized Education
119. The Regional Autonomous Government educational system shall develop the full potentials of its human resources, respond positively to changing needs and conditions and needs of the environment, and institutionalize non-formal education.
120. The educational system shall respond positively and effectively to the changing needs and conditions of the times as well as regional and national needs of the environment through the proper use of the latest educational technology, development, planning, monitoring, evaluation, and appropriate and timely educational intervention as well as linkages with national and international institutions.
121. The Regional Autonomous Government educational system shall institutionalize non-formal education in scope and methodology, to include literacy, numeracy and intensive skills training of the youth and adult, to allow them to participate actively and productively in the mainstream of regional and national life.

#### **Scholarship Grants and Assistance**

122. Universities and colleges in the areas of autonomy may seek and receive overseas donations for educational purposes.
123. The Regional Autonomous Government educational system will handle, by administrative arrangement with the national DECS, CHED, and TESDA scholarship programs, both local and foreign, including those provided by the autonomous region pursuant to the provision of existing laws.
124. Disadvantaged but deserving students will be given financial assistance by the Regional Autonomous Government out of funds given by the national government for the purpose and from other sources of funds.

#### **Funds for Education**

125. Funds for education constituting the share of the Regional Autonomous Government as contained in the General Appropriations Act should be given directly to the Autonomous Government

#### **D. The Economic and Financial System, Mines and Minerals**

126. The Regional Autonomous Government in the area of autonomy shall establish its own Regional Economic and Development Planning Board chaired by the Head of Government in the area of autonomy. The Board shall prepare the economic development plans and programs of the Autonomous Government.
127. The pivotal role of banks and other financial institutions for development in the area of autonomy is recognized.
128. The Regional Autonomous Government in the area of autonomy has the power to promote tourism as a positive instrument for development provided that the diverse cultural heritage, moral and spiritual values of the people in the area of autonomy shall be strengthened and respected.
129. The Regional Autonomous Government in the area of autonomy shall have the power to grant incentives including tax holidays within the power and resources in the area of autonomy.
130. The Regional Autonomous Government in the area of autonomy advocates equal opportunities for all the inhabitants of the area of autonomy regardless of ethnic origin, culture, sex, creed and religion.
131. In enacting tax measures, the Regional Legislative Assembly shall observe the principle of uniformity and equity in taxation and shall not impose confiscatory taxes or fees of any kind.
132. The Regional Autonomous Government in the area of autonomy shall have the power to enact a Regional Tax Code and a regional Local Tax Code applicable to all local government units within the area of autonomy.
133. All corporations, partnerships or business entities directly engaged in business in the area of autonomy shall pay their corresponding taxes, fees, and charges in the province, city or municipality in the area of autonomy where the establishment is doing business.
134. All corporations, partnerships or business entities whose head offices are located outside the area of autonomy, but doing business within its territorial jurisdiction, either by using, exploiting, and utilizing the land, aquatic and all natural resources therein, shall pay their income taxes corresponding to their income realized from their business operation in the area of autonomy through the province, city or municipality where their branch offices are located. In case the business establishment has no branch in the area of autonomy, such business establishment shall pay through the city or municipality where its operation is located.
135. The Regional Autonomous Government in the area of autonomy as a corporate body, may contract domestic loans.
136. The Regional Autonomous Government recognizes the pivotal role played by banks and other financial institutions in the economic development of the area of autonomy. Toward this end, the Autonomous Government shall:
  - a. Encourage the establishment of banks and bank branches in the area of autonomy;
  - b. Encourage the entry and establishment of off-shore banking units of foreign banks in the area of autonomy.

137. The Regional Autonomous Government may accept foreign financial and economic grant for the development and welfare of the people in the region.
138. The Regional Autonomous Government may issue its own treasury bills, bonds, promissory notes, and other debt papers in consultation and coordination with the Bangko Sentral ng Pilipinas.
139. The Regional Autonomous Government may contract foreign loans within the purview of national laws and pertinent monetary and fiscal policies.
140. In the pursuit of the region's economic growth, development and welfare, the autonomous government shall have the right to formulate economic and financial policies and implement economic and financial programs, taking into account national laws and policies.
141. The Regional Autonomous Government in the area of autonomy shall encourage, promote and support the establishment of economic zones, industrial centers, and ports in strategic area and growth centers to attract local and foreign investments and business enterprise.
142. The Regional Autonomous Government in the area of autonomy shall undertake encourage, promote and support the establishment of economic zones and industrial centers. And, in order to attract local and foreign investments within the area of the zone and outside but within the area of autonomy, the government in the area of autonomy may grant incentives to investors as may be defined in an Autonomous Investment Act to be formulated by the Regional Legislative Assembly within one year from its organization.
143. The residents in the area of the autonomy shall have preferential rights over the exploration, development and utilization of natural resources in the area of autonomy respecting existing rights on the exploitation, exploration, development and utilization of natural resources.
144. The Regional Autonomous Government in the area of autonomy shall enjoy fiscal autonomy in budgeting its own revenue resources and block subsidies granted to it by the National Government and foreign donors. Budgeting includes planning, programming and disbursing of funds.
145. The National Government shall appropriate for the area of autonomy a sufficient amount and for a period (both to be determined later) for infrastructure projects which shall be based on a development plan duly approved by the Regional Autonomous Government taking into account national policies.
146. Except strategic minerals which will be defined later, the control and supervision over the exploration, exploitation, development, utilization and protection of mines and minerals in the area of autonomy shall be vested in the Regional Autonomous Government.
147. In the regulation of the exploration, utilization, development, protection of the natural resources inclusive of mines and minerals, except strategic minerals which will be defined later, the government in the area of autonomy shall enact rules and regulations and shall impose regulatory fees, taking into account national policies.
148. An Islamic Banking Unit shall be established in the Bangko Sentral ng Pilipinas which shall be staffed by qualified Islamic banking experts

nominated by the Governor of the Regional Autonomous Government. The Governor of the Regional Autonomous Government shall nominate at least three (3) qualified persons from the area of autonomy, from which nomination the appointing authority shall appoint the Head of the Unit. The same procedure shall be observed as regards the rest of the positions in the Unit.

149. The Bangko Sentral ng Pilipinas shall have a Regional Office with full banking service in the capital of the government of the Autonomous Region to respond to the growing needs of the banking community in the area of autonomy which shall be established within one (1) year from the establishment of the Autonomous Government. The Governor of the Autonomous Government shall submit a list of qualified recommendees to the appointing authority from which the staff of the regional office may be chosen; provided that those staff who are now occupying and already appointed to positions in the regional office are considered as recommended by the Governor of the Regional Autonomous Government.

150. The Regional Autonomous Government shall establish a body in the area of autonomy with the same powers as the Philippine Economic Zone Authority (PEZA) consistent with the Special Economic Zone Act of 1995.

151. All current year collections of internal revenue taxes within the area of autonomy shall, for a period of five (5) years, be allotted for the Regional Autonomous Government (RAG) in the Annual General Appropriations Act; provided that:

- a. The Bureau of Internal Revenue (BIR) shall continue to collect such taxes and the BIR Collection Districts/Offices concerned shall retain such collections and remit the same to the RAG through an approved depository bank within thirty (30) days from the end of each quarter of the current year;
- b. Out of said internal revenue tax collections, fifty percent (50%) of the tax collected under Section 100 (Value-added tax on sale of goods), 102 (Value added tax on sale of services), 112 (Tax on persons exempt from value-added tax), 113 (Hotel, motels and others), and 114 (Caterers) of the National Internal Revenue Code (NIRC), as amended, in excess of the increase in collections for the immediately preceding year shall be shared by the RAG and the local government units (LGUs) within the area of autonomy as follows:
  1. Twenty percent (20%) shall accrue to the city or municipality where such taxes are collected; and
  2. Eighty percent (80%) shall accrue to the RAG. In all cases, the RAG shall remit to the LGUs their respective shares within sixty (60) days from the end of each quarter of the current year. Provided, however, that the provinces, cities, municipalities and barangays within the area of autonomy shall continue to receive their respective shares in the Internal Revenue Allotment (IRA), as provided for in Section 284 of the Local Government Code of 1991.

Provided, finally, that the five-year (5) periods herein abovementioned may be extended upon mutual agreement of the National and Regional Autonomous Governments.

**E. Shari'ah and Judiciary**

152. The Regional Legislative Assembly of the area of autonomy shall establish Shari'ah Courts in accordance with the existing laws.

**F. Totality Clause**

153. This Peace Agreement, which is the full implementation of the 1976 Tripoli Agreement, embodies and constitutes the totality of all the agreements, covenant and understandings between the GRP and the MNLF respecting all the subject matters embodied herein. This Agreement supersedes and modifies all agreements, consensus, covenants, documents and communications not referred to or embodied in this Agreement or whose terms and conditions are otherwise inconsistent herewith. Any conflict in the interpretation of this Agreement shall be resolved in the light of the Philippine Constitution and existing laws.

**G. Effectivity Clause**

154. This Agreement shall take effect immediately upon the signing hereof by the parties, unless otherwise provided herein.

Done in the City of Manila on the 2nd day of September 1996.

**For the GRP:**

**H.E. Ambassador Manuel T. Yan**  
Chairman of the GRP Panel

With the participation of the OIC Ministerial Committee of the Six and the Secretary- General of the OIC

**H.E. Mr. Ali Alatas**  
Minister for Foreign Affairs  
of the Republic of Indonesia/Chairman  
of the OIC Ministerial Committee of the Six

**For the MNLF:**

**H.E. Professor Nur Misuari**  
Chairman of the MNLF Panel

**H.E. Dr. Hamid Al-Gabid**  
Secretary-General of the OIC

## APPENDIX IV

### **Cessation of Hostilities Framework Agreement Between Government of the Republic of Indonesia And the Free Aceh Movement**

#### **Preamble**

The Government of the Republic of Indonesia (GOI) and the Free Aceh Movement (GAM) have been engaged in a process of dialogue since January 2000 and concur that the priority in Aceh is the security and welfare of the people and therefore agree on the need for finding an immediate peaceful solution to the conflict in Aceh. On 10 May 2002, the GOI and GAM issued a Joint Statement set out below:

1. On the basis of the acceptance of the NAD Law as a starting point, as discussed on 2-3 February 2002, to a democratic all-inclusive dialogue involving all elements of Acehese society that will be facilitated by HDC in Aceh. This process will seek to review elements of the NAD Law through the expression of the views of the Acehese people in a free and safe manner. This will lead to the election of a democratic government in Aceh, Indonesia.
2. To enable this process to take place both parties agree to work with all speed on an agreement on cessation of hostilities with an adequate mechanism for accountability of the parties to such an agreement. This will also provide the opportunity and environment for much needed socio-economic and humanitarian assistance to the people of Aceh.

The GOI and GAM share the common objective to meet the aspirations of the people of Aceh to live in security with dignity, peace, prosperity, and justice. In order to meet the aspirations of the people of Aceh and permit them to administer themselves freely and democratically, the GOI and GAM agree to a process which leads to an election in 2004 and the subsequent establishment of a democratically elected government in Aceh, Indonesia, in accordance with the review of the NAD Law, as provided for in point 1 of the 10 May 2002 Joint Statement.

To this end, the GOI will ensure and GAM will support the development of a free and fair electoral process in Aceh, which will be designed to ensure the broadest participation of all elements of Acehese society.

In light of the delicate nature of the confidence building process, the GOI and GAM further appeal for the support of all elements of society and request that no party undertake any action which is inconsistent with this Agreement and may jeopardize the future security and welfare of the people of Aceh.

The immediate requirement is to ensure the cessation of hostilities and all acts of violence, including, intimidation, destruction of property and any offensive and criminal action. Offensive and criminal action is deemed to include violent actions such as attacking, shooting, engaging in torture, killing, abducting, bombing, burning, robbing, extorting, threatening, terrorising, harassing, illegally arresting people, raping, and conducting illegal searches.

Throughout the peace process the maintenance of law and order in Aceh will continue to be the responsibility of the Indonesian Police (Polri). In this context, the mandate and mission of Brimob will be reformulated to strictly conform to regular police activities and as such will no longer initiate offensive actions against members of GAM not in contravention of the Agreement.

The JSC will be the point of reference for all complaints regarding police functions and action that are deemed to be in contravention of the spirit and letter of the Cessation of Hostilities (COH) Agreement. As such, the JSC will be responsible for defining, identifying and investigating when and if the police have breached their mandate.

With this general understanding, and to bring the peace process forward to the next phase, both parties hereby agree on the following:

#### **Article 1: Objectives of the Cessation of Hostilities and All Acts of Violence**

- a) Since both sides have thus agreed that, from now on, enmity between them should be considered a thing of the past, the peace process, which is continued by an agreement on this phase, will proceed by building further confidence and both sides will prove to each other that they are serious about achieving this ultimate common objective.
- b) The objectives of the cessation of hostilities and all acts of violence between both parties are (i) to proceed to the next phase of the peace process, as mutually agreed on 10 May 2002 in Switzerland; (ii) to continue the confidence building process with a view to eliminating all suspicions and creating a positive and cooperative atmosphere which will bring the conflict in Aceh to a peaceful conclusion; and, (iii) to enable, provided hostilities and all acts of violence cease, for the peace process to proceed to the next phases, i.e. the delivery of humanitarian, rehabilitation and reconstruction assistance.

#### **Article 2: Commitment by Both Sides to Cease Hostilities and All Acts of Violence**

- a) Both sides explicitly express their commitment to meet the terms of this Agreement to cease hostilities and all forms of violence toward each other and toward the people in Aceh, by implementing the steps stipulated in this Agreement. In expressing such commitment, both sides guarantee that they are in full control of, respectively, TNI/Polri and GAM forces on the ground. GOI and GAM commit to control those groups that do not share their objectives but claim to be part of their forces.
- b) Both sides further commit themselves to immediately after the signing of this Agreement to thoroughly inform their respective forces on the ground of the terms of this Agreement, and to instruct them to cease hostilities immediately.
- c) Both sides agree that, should there be other parties taking advantage of the situation and disturbing the peaceful atmosphere, they will endeavour to take joint action against them to restore the peace.
- d) During this confidence-building period, both sides agree that they will not increase their military strength, which includes re-deployment of forces, increase in military personnel or military equipment into Aceh.
- e) HDC is requested to strictly facilitate the implementation of this Agreement.
- f) Both parties will allow civil society to express without hindrance their democratic rights.

#### **Article 3: Joint Security Committee (JSC)**

- a) The senior leadership in charge of security from each side will meet, in order to establish the initial contact and understanding between both sides. They should also (i) reactivate the Joint Security Committee (JSC), which was established during the implementation of the Humanitarian Pause, and (ii) commence discussion, in order to reach agreement expeditiously, on a plan of action for the JSC in discharging its duties.
- b) The functions of JSC are: (i) to formulate the process of implementation of this Agreement; (ii) to monitor the security situation in Aceh; (iii) to undertake full

investigation of any security violations; (iv) in such cases, to take appropriate action to restore the security situation and to agree beforehand on the sanctions to be applied, should any party violate this Agreement; (v) to publish weekly reports on the security situation in Acheh; (vi) to ensure that no new paramilitary force is created to assume previous functions of Brimob, and (vii) to design and implement a mutually agreed upon process of demilitarisation. Regarding this last task, the JSC will designate what will be called Peace Zones ([see Art. 4\(a\)](#)). After peace zones have been identified, the GAM will designate placement sites for its weapons. Two months after the signing of the COH and as confidence grows, GAM will begin the phased placement of its weapons, arms and ordinance in the designated sites. The JSC will also decide on a simultaneous phased relocation of TNI forces which will reformulate their mandate from a strike force to a defensive force. The GOI has the right to request HDC to undertake no-notice verification of the designated sites. With the growth in confidence of both parties in the process the phased placement of GAM weapons will be completed within a period of five months.

- c) The composition of JSC will be senior officials appointed as representatives of the GOI and the GAM and a senior third party personality of high standing agreed upon by both sides, Each senior official from the three parties are to be accompanied by up to four persons as members. The heads of delegations from both sides have to be senior and have the authority to be able to take decisions on the spot.

The third party (HDC) personality needs to be able to command the respect and high regard of both sides in order to be able to assist in resolving problems, as they arise.

- d) In order to perform these functions, the JSC is to be assisted by a monitoring team or monitoring teams, which would be provided security guarantees by both sides in monitoring the security situation and in investigating any violation.
- e) The composition of each of the monitoring teams are appointed officials as representatives of the High Command of the security forces of the GOI and the High Command of the forces of the GAM in Acheh and a senior third party military officer agreed upon by both sides reporting to the senior third party personality of high standing in the JSC.
- f) JSC and the monitoring team(s) would be provided with the necessary technical and administrative staff and logistical support. The HDC is requested to facilitate the establishment of these bodies by providing the necessary funds, logistical and administrative facilities.
- g) It is agreed upon that the JSC and the monitoring team(s) will be established and be operational within one month of the signing of this Agreement. Civil society has the right to provide inputs to the JSC.

#### **Article 4: Establishment of "Peace Zones"**

- a) Following the signing of the COH Agreement, the JSC, with the direct participation of the senior leadership for security from both sides, will immediately identify and prepare locations of conflict to be designated as "Peace Zones". This would facilitate, considerably the work of the JSC since it could focus its attention on these areas in establishing and maintaining security, and these zones, provided peace could be established, will be the focus of the initial humanitarian, rehabilitation and reconstruction assistance.
- b) b) For the first two months after the signing, both parties will relocate to defensive positions as agreed upon by the JSC. Adjustments to these locations could be made by the JSC in order to separate the forces of both parties with sufficient distance to avoid contact or confrontation. Forces of both parties will refrain from operations, movements, activities or any provocative acts that could lead to contact or confrontation with each other.

- c) In order to build trust and confidence during these crucial months, these zones and surroundings will be monitored by the tripartite monitoring teams. The JSC will be informed by both parties of any significant movements or activities in these areas.
- d) POLRI will be able to investigate criminal activities in these areas in consultation with the JSC.
- e) The designation of identified areas of demilitarised zones such as schools, mosques, health institutions and public places, bazaars, Acehese meunasahs, market-places, foodstalls, communication centres including bus-terminals, taxi-stations, ferry-terminals, public roads, river transportation services, and fishing ports.

#### **Article 5: Time Frames**

- a) Both sides agree that hostilities and all acts of violence by both sides should cease forever in Aceh.
- b) Both sides also agree that hostilities and all acts of violence during the first three months from the time when the JSC and the monitoring team(s) become operational are very crucial as indicator of the seriousness of the commitment from both sides. If indeed hostilities and all acts of violence could decrease dramatically, or even cease altogether, during this first three month period, the Acehese and other Indonesian people, and the international community, would consider that the peace process would most likely succeed.
- c) During the period between the signing of this Agreement and the time when the JSC and the monitoring team(s) become operational, both signatories to this Agreement commit themselves to exercise the utmost restraint by not making any public statement that would inflame the feeling and sentiment of the other side, including the people, and by ensuring that their forces will not initiate any hostile act toward the other.

#### **Article 6: All-Inclusive Dialogue**

The parties agree to support the process of All-Inclusive Dialogue in Aceh as provided for in the Joint Statement of 10 May 2002. The parties agree to ensure, through this Agreement, the necessary security and freedom of movement for all participants in the All-Inclusive Dialogue to enable the process to be conducted in a safe and fair manner, reflecting the views of all elements of Acehese society. The parties reconfirm their agreement that the process of All-Inclusive Dialogue be facilitated by HDC.

#### **Article 7: Public Information and Communications**

- a) To ensure national and international support for the peace process in Aceh, the Agreement of 10 May 2002, and this Agreement and its implementation have to be publicised as widely as possible within one month of the signing of this Agreement. The process of implementation has to be as transparent as possible and the people have to be regularly informed of the progress made and difficulties encountered.
- b) Communications to the public will be given priority, especially through the print and electronic media. Television and radio programmes have to be devised to enable obtaining inputs from the general public provided that they are conducted in a fair and balanced manner. The JSC remains the final reference on this matter.
- c) Other media, such as community meetings, seminars, flyers, bumper stickers, T-shirts, and others could also be considered, as appropriate.
- d) The HDC is requested to look for sources of funding these public information and communication activities.

### **Article 8: Joint Council**

A Joint Council will be established, composed of the most senior representatives of the GOI and the GAM, and of the third party (HDC). The function of this Joint Council will be to resolve all issues or disputes arising out of the implementation of this Agreement, which cannot be resolved by other Committees or Structures established under this Agreement. The Joint Council may amend the articles and provisions of this Agreement.

### **Article 9: Amendment or Termination**

This Agreement may only be amended by agreement between the two parties in the Joint Council. Should either party wish to unilaterally terminate the Agreement then they are obligated to first bring the issue to the Joint Council and engage in and support all efforts by the Joint Council to resolve the problem within a sufficient period of time (no less than 30 days). If the Joint Council is unable to resolve the matter, then either party has the right to unilaterally withdraw from the Agreement.

For the Government  
of the Republic of Indonesia  
Amb. Mr. S. Wiryono

For the Leadership  
of the Free Aceh Movement  
Dr. Zaini Abdullah

Witnessed by  
Henry Dunant Centre  
for Humanitarian Dialogue (HDC)  
Mr. Martin Griffiths

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