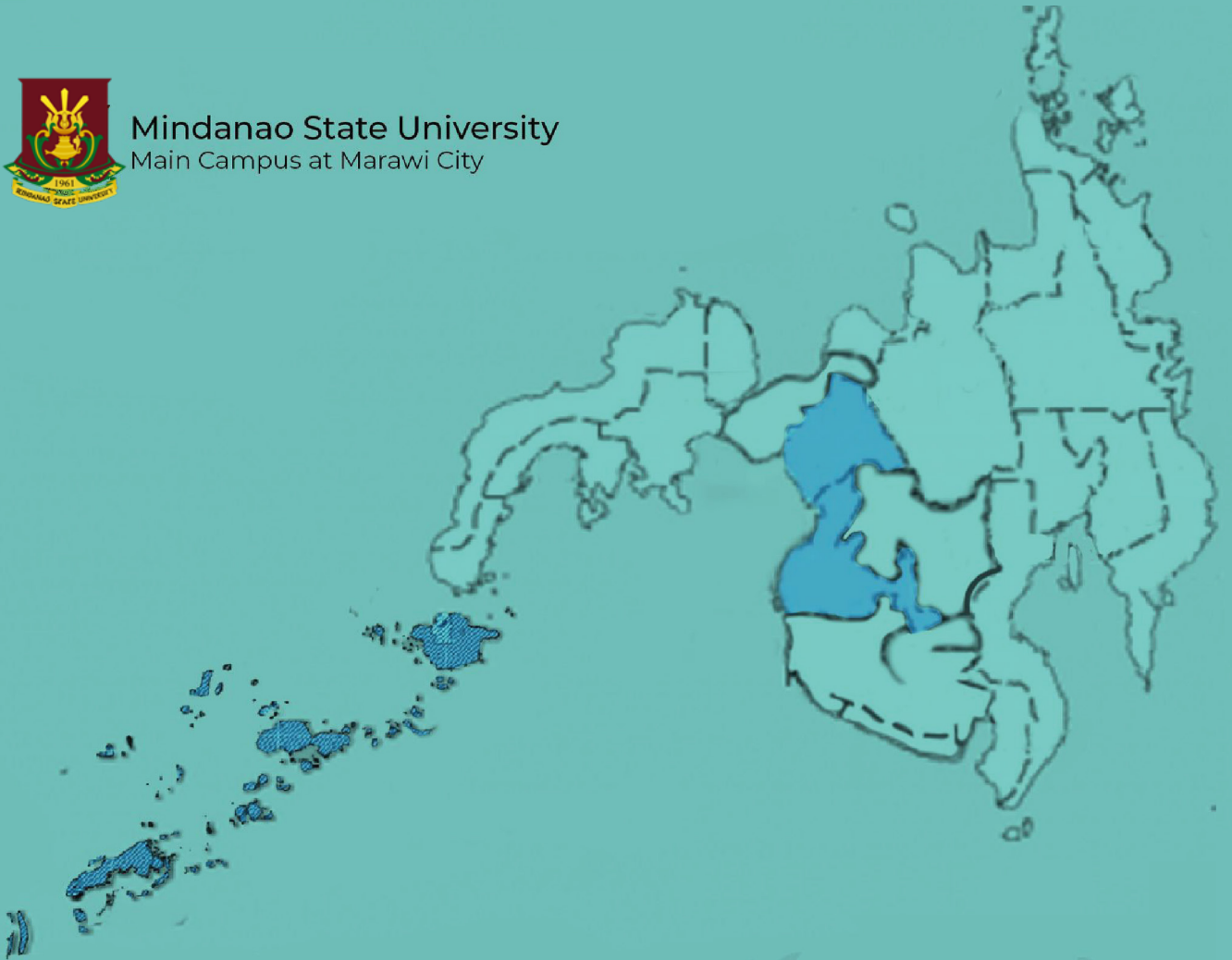




Mindanao State University
Main Campus at Marawi City



DEVELOPMENT *for* PEACE

*In Pursuit of Sustainable Peace
through Inclusive Development*

The Case of the Bangsamoro



Edited by Urooj S. Malik

Development for Peace
In Pursuit of Sustainable Peace through Inclusive Development
The Case of the Bangsamoro

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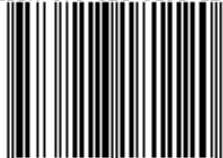
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Principles and Practice of Moral Governance in the Bangsamoro

Nassef Manabilang Adiong and Potre Dirampatan Diampuan

Abstract

Governance has been at the fulcrum of the Bangsamoro's leadership. Whether it has been—or can yet be—good or moral governance is the question at hand. The discussion of good governance precedes that of moral governance in this article, with the former describing a modern-secular form of good governance as defined by international and multilateral organizations, while the latter propounds the idea of an Islamic-rooted moral governance. The new BARMM autonomous government is the opportunity for the Bangsamoro people to chart up their future in accordance with their distinct beliefs, culture, and aspirations, a shift from the struggle into fighting against oppression, corruption, discrimination, and other malpractices that are worsening the situation of the Bangsamoro people. Its leadership is determined to lead and manage the Moro society based on “moral governance.” However, it is difficult to understand what moral governance means. By using an exploratory design to frame research as inquiry and gain insights on moral governance as the BARMM's agenda, the research navigated and conceptualized the meaning of moral governance based on a proposed framework that constitutes five immutable principles: Faith, Freedom, Moral Authority, Common Good, and Social Ethics. By constituting these interrelated principles that will map the framework towards practice, within the distinct historical and faith context of Muslim Philippines, an authentic Bangsamoro leadership is envisaged as a tolerant society to various Muslim groups and non-Muslim communities—Christians and Indigenous Peoples in particular. Consequently, the juxtaposed comparison of the ARMM and the BARMM will, in effect, highlight the tasks that were not successfully or satisfactorily implemented by the ARMM. These are areas where the BARMM can build its introductory steps to come up to the challenges of moral governance.

Key words: Islamic governance, good governance, moral governance

Contemporary Political Governance

The creation, and thereby the presence, of a few agencies and institutions within the Philippine bureaucracy such as the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) is not part of the natural evolution of the Philippine government. Rather, these entities are a result of a struggle for self-rule and self-determination that is deeply rooted in the historicity of the Muslims in the Philippines. Creating and organizing these institutions is a strategy of national politics to address the age-old “Moro Problem”—also known as the “Mindanao Problem” or “Mindanao Conflict”—to gain sustainable peace and development in the Southern Philippines and the whole country. Thus, this article requires a recollection of the political evolution in the region by way of remembrance of the past.

The BARMM is the present-day evolved form of what began with the implementation of Presidential Decree No. 742, establishing on July 7, 1975 the Office of the Regional Commission (ORC) of Region XII (covering the Provinces of Lanao del Norte, Lanao del Sur, Maguindanao, North Cotabato, and Sultan Kudarat, and the Cities of Cotabato, Iligan, and Marawi) with Cotabato as the Regional Center; and Letter of Instruction 290 along with Region IX (covering the Provinces of Basilan, Sulu, Tawi-Tawi, and Zamboanga del Sur, the Cities of Pagadian and Zamboanga) with Jolo as the Regional Center. After the signing of the Tripoli Agreement on December 23, 1976, Presidential Decree No. 1628 was signed, establishing autonomy covering 13 provinces and nine cities in Mindanao. Sultan Ali Dimaporo and Simeon Datumanong became the Chair and Co-Chair, respectively, of the organized Interim Government, with the Provincial Governors and City Mayors as members.

Presidential Decree No. 1555 of 1978, among other things, moved the Regional Center of Region IX from Jolo to Zamboanga City with Romulo Espaldon as Regional Commissioner, and Simeon Datumanong as the Regional Commissioner of Region XII. Then, on March 23, 1979, the Interim Batasang Pambansa (IBP) enacted Batas Pambansa 20 putting in place the Legislative Assembly and the Executive Council of each of the two Autonomous Regions.

On July 25, 1979, Presidential Decree No. 1618 was issued defining the functions, powers, and responsibilities of the *Lupong Tagapagpaganap ng Pook* (LTP) as the executive arm and *Batasang Pampook* (BP) as the legislative arm, both instituted in the two Autonomous Governments. Section 4 of the Decree spelled out their scope of internal autonomy.

Two months later, Presidential Decree 1639 was signed on September 20, 1979, abolishing the ORC of both regions, thereby transferring the executive powers to the *Lupong Tagapagpaganap ng Pook* (LTP). On December 9, 1979, Simeon Datumanong was appointed as Chair of LTP Region XII, and was later replaced by Amelil U. Malaguio; while Ulbert Ulama Tugung was appointed as Chair of LTP Region IX. Abulkhayr Dangcal Alonto was the first speaker of the Region XII Legislative Assembly, and Nur Hussein Ututalum was the first speaker of the Region IX

Legislative Assembly. All of these developments took place during the era of former President Ferdinand Marcos that ended on February 25, 1986 after three days of popular demonstrations mostly in the capital city of Manila, known as the People Power Revolution or the EDSA Revolution.

Corazon C. Aquino ascended to the presidency through people power. Upon the insistence of the MNLF and the MILF on the implementation of the Tripoli Agreement, President Aquino faced the issue with her own government's autonomy agenda. Through a plebiscite in 1991, the provinces of Lanao del Sur, Maguindanao, Tawi-Tawi, and Sulu joined the new Autonomous Region in Muslim Mindanao (ARMM). The ARMM had been established by the promulgation of Republic Act 6734, otherwise known as the Organic Act for Muslim Mindanao, which was signed into law on August 1, 1989. With the LTP signing off to pave the way for the ARMM, Dr. Alibashir Lucman served as the last LTP Chair.

The ARMM held its first election on February 17, 1990, as an implementation of the Transitory Provision in RA 6734. Zacaria Candao and Benjamin Loong became the first Regional Governor and Vice-Governor of the ARMM, respectively. The three-year administration of Governor Candao was dedicated to peace and development in the area. The Candao-Loong tandem was followed by that of former Ambassador Lininding Pangandaman and Nabil Tan, resulting from the regional election on March 25, 1993. The third regional election took place on September 9, 1996, seating the unopposed tandem of Professor Nur Misuari and his running mate, Guimid Matalam. The fourth regional election was preceded by the passing of Republic Act 9054 into law which was intended to incorporate the provisions of the 1996 Final Peace Agreement between the Philippine Government and the MNLF. The election was finally conducted on November 25, 2001 with MNLF Vice-Chair Dr. Parouk S. Hussin winning as Regional Governor and Dr. Mahid M. Mutilan as Regional Vice-Governor.

This election marked the first conducted under the new RA 9054 that strengthened, expanded, and amended RA 6734. The fifth regional election on August 8, 2005 was won by Zaldy Uy Ampatuan as Governor (who served until December 10, 2009 when he was no longer physically able to carry out his functions) with Ansaruddin Alonto Adiong as Vice-Governor. Ampatuan was the first Regional Governor who sought a second term through election. Passing the Election Synchronization Law, then President Benigno Aquino III appointed Mujiv S. Hataman and Bainon Karon as Officers-in-Charge Regional Governor and Vice-Governor, respectively, in 2011. Subsequently, Hataman along with his running mate, Haroun Al-Rashid Lucman, won and became the sixth Regional Governor and Vice-Governor, respectively.

The Hataman-Lucman regional administration was the last under the ARMM. In 2014, a framework agreement called the Comprehensive Agreement on the Bangsamoro had been entered into between the Aquino administration and the MILF. On July 26, 2018, President Rodrigo Duterte signed into law Republic Act No. 11054 or the Bangsamoro Organic Law (BOL). And on January 25, 2019, the

ratification of the BOL was confirmed by the Commission on Elections. Thus, the BARMM finally replaced the ARMM—and the MILF called for the devolution of more powers from the national government to the new autonomous region guided by moral governance. The new BARMM administration is led by Al Hajj Murad Ebrahim as Interim Chief Minister.

Elements and Principles of Governance

The concept of governance has been a crucial focus of study in political science, public policy, and social science in general since the last decade of the 20th century (Pierre & Peters, 2000) in a way that is changing the nature of the state. Heywood (2002) described governance as a broader term than government. "It refers, in its widest sense, to the various ways through which social life is coordinated." It is not synonymous with government as the latter is seen simply as "one of the institutions involved in governance" (Heywood, 2002, p. 6). Saying that it is possible to have "governance without government," Rhodes (1997) conceptualized governance as "self-organizing, interorganizational networks characterized by interdependence, resource exchange, rules of the game and significant autonomy from the state" (Rhodes, 1997, p. 15).

Governance is also seen as a phenomenon characterized by the following: blurring of distinction between state and society; development of new forms of public management; growth of public-private partnerships; the increasing importance of policy networks; and the greater impact of both supranational and sub-national organizations, also called "multi-level governance" (Heywood, 2002, p. 6). Rhodes (1996) claimed that governance "signifies a change in the meaning of government, referring to a new process of governing; or a changed condition of ordered rule; or the new method by which society is governed." Specifically, he emphasized governance as referring to "self-organizing, interorganizational networks that complement markets and hierarchies as governing structures for authoritatively allocating resources and exercising control and co-ordination" (Rhodes, 1996, p. 652-3). Similarly, conceptualizing governance beyond government, Stoker (1998) expressed that "the essence of governance is its focus on governing mechanisms which do not rest on recourse to the authority and sanctions of government" (Stoker, 1998, p. 17).

Modern Style "Good Governance"

Governance precedes good governance. Bearing the adjective "good" links governance to those features that are associated with a democratic framework handled by an efficient and effective administration (Srivastava, 2009). It is viewed as processes that denote a system of order that is values-based. It is dedicated and committed to improving the quality of life of the people, the very essence of development, the bedrock of peace in the society. It is a new dimension of positive values and virtues that propels an effective, credible system that is a people-

sharing and people-caring type of governance, embodied in the concept of good governance. This concept is, no doubt, an elusive ideal. How it is characterized is admittedly difficult to achieve in its defined totality. However, the aspiration to make it a reality, no matter how elusive, must be pursued to establish sustainable human development through collective actions by all stakeholders.

Governance is viewed as processes that denote a system of order that is values-based. It is dedicated and committed to improving the quality of life of the people, the very essence of development, the bedrock of peace in the society.

How good governance is arrived at largely depends on how the decisions are made and how they are implemented. The result can also be the reverse, e.g., bad governance. Tamayao (2014) explains that it is the informal actors like powerful families and organized crime syndicates whose influence impacts the local governments, in both rural and urban areas. Their influence, more often than not, translates into corruption through manipulation of government officials and the agencies of government, causing the distortion or else compromise of constructive, helpful, and legitimate government objectives while pursuing their own private, often illegal, interests. The literature on good governance presents some of the following elements or characteristics of the concept culled from the definitions given by multilateral institutions.

Accountable

Considered as the key requirement of good governance, accountability is the obligation to explain, justify, and take responsibility for one's actions. In the context of the discourse, government institutions, the private sector, and civil society organizations must be accountable to their institutional stakeholders and to the broader mass of the public. Who is accountable to whom and who is accountable for what are recorded in policy statements. As a general rule, an institution or an organization is accountable to those who will be influenced or affected by its decisions and/or actions and to the applicable rules of law. Accountability can be enforced and can be had if transparency and the rule of law come hand in hand.

Consensus-oriented

There are as many actors as there are opinions and viewpoints in a given country or society. Good governance uses consultation to understand and build consensus emerging from the different expressed interests of those concerned and/or affected. This is aimed at arriving at the best interest of all stakeholder groups. When consensus is built, the next step is to achieve sustainability in a judicious and wise manner requiring a broad and long-term view of what is truly needed for sustainable human development goals. In this context, this can only be achieved from an honest understanding of the historical, cultural, and social contexts of a given society or community (Sheng, 2009).

Equitable, Efficient, and Inclusive

All groups and sectors of society, especially the most vulnerable, must feel that they have a stake in the entire society's well-being. They must believe that opportunities are equally available for everyone, themselves included. No one must feel excluded from mainstream society or be left behind. Enabling stakeholders "to maintain, enhance, or generally improve their well-being provides the most compelling message regarding (a governing body's) reason for existence and value to society" (Zaman, 2020).

Participatory

At the core of good governance is the genuine participation of both men and women whether directly or indirectly or through their legitimate representatives or intermediate institutions. A well-informed and systematically organized civil society, along with freedom of association and expression, are desired and needed in participation. These are the elements necessary in addressing the best interests of a community and of society as a whole.

Responsive

Good governance demands that the best interests of all stakeholders are served through appropriately designed institutions and their processes within a reasonable and realistic time frame. This means that service is done in a timely fashion, with no unnecessary delay. Using a justice-related adage, service delayed is service denied.

Transparent

Transparency is in place in good governance when decisions are made and their implementation or enforcement is carried out consistent with set rules and regulations. Information under this scenario is readily available and directly within reach by those who will be affected by decisions and their corresponding implementation. Usually, this refers to governance policies and practices and the resultant outcomes.

In Accordance with the Rule of Law

Good governance demands fair legal frameworks enforced by an impartial or neutral regulatory body for the full protection of stakeholders' human rights, with emphasis on those of minorities. Impartial enforcement involves both a neutral, independent judiciary on one hand, and a neutral, incorruptible police force on the other (Zaman, 2020).

Islamic-rooted “Moral Governance”

To dwell on the Islamic way of governance is to make reference to the rules and regulations laid down by Allah and His Prophet Muhammad (peace be upon him). Such rules and regulations were implemented and exemplified in the life of Prophet Muhammad (peace be upon him), in the life of the four *khalifas* who succeeded Prophet Muhammad (peace be upon him), and some of the Muslim rulers who ruled in different eras of world history. Malik (2011) presented a model of Islamic governance founded on Islamic epistemology articulated by using the logic of axiomatic formulation in explaining the philosophy and fundamentals to clearly identify its working mechanism. From the same source, axioms have been developed to outline governance from the Islamic ethical philosophy which were used to explain the Islamic moral economy framework. This set of axioms include *tawhid* (oneness of God), *amanah* (trust), *adl* (justice), *ikhtiyar* (freedom or free will), *tazkiyah* (growth towards perfection), *rububiyyah* (divine arrangements for nourishment), *ukhuwwah* (universal solidarity), *khalifah* (vicegerency), *islah* (reform), *ihsan* (perfection), and *maqasid* (highest objective of Shariah).

Those axioms of Islamic ethical philosophy are foundational to the leadership of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) which is determined to lead and manage the Moro society based on “moral governance.” In order to understand what moral governance means, this research used an exploratory design to frame research as inquiry and to gain insights on moral governance as BARMM’s agendum. It navigated and conceptualized the meaning of moral governance based on a proposed framework that encompasses five immutable principles: Faith, Freedom, Moral Authority, Common Good, and Social Ethics.

Axioms of Islamic ethical philosophy are foundational to the leadership of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) which is determined to lead and manage the Moro society based on “moral governance.”

Faith

From the viewpoint of Shariah, faith goes hand in hand with Islam. Without faith, there is no Islam in the heart of an individual. In short, it is not enough to believe in the transcendence of an unimaginable divinity, God (Allah), without the mind and the body expressing this faith through loyalty, allegiance, and unfettered submission. To ascertain faith, two elements are essential: sustenance (*rububiyyah*) and purification (*tazkiyah*). The first element refers to divine arrangement for nourishment. Thus, *rububiyyah* directs attention to the sole Lordship of Allah, as the One and Only Creator, Owner, and Nourisher of the universe.

Rububiyyah in Islamic economics points to the establishment of harmony among the components of economic and social life directed at sustainable growth and development. In the context of governance, *rububiyyah* (Malik, 2011) means the administration of continuous sustainable development of individuals, society, natural environment, and the state through an ex-ante policy-making process and an ex-post government mechanism. Further, that development and growth through *rububiyyah* demands the preservation of moral and environmental integrity, cultural strength, and the advocating of *maqasid al-Shariah* as the cornerstone of governance to attain the holistic well-being of society as everything on earth is created with its own optimality or equilibrium, which has to be nourished and sustained. Development in *rububiyyah* aims at the creation of infrastructure actively balanced with society.

The second element, *tazkiyah*, means physical and spiritual purification. The giving of a fixed percentage of obligatory almsgiving from one's wealth is called *zakah* and it is an act of purification of one's wealth. An individual goes through the process of *tazkiyah* or purity in contrast to engaging in any process that will obliterate or nullify one's conviction and, most importantly, one's submission to God. A society must observe *tazkiyah* to purify the entire community from disobedience, hypocrisy, sinfulness, injustice, etc. *Tazkiyah* in governance is the highest aim of *Shariah* which is the attainment of the well-being of all in the society or community. Both the individual and the entire society and the state must keep themselves continuously in purity.

Freedom

Freedom is a highly essential part of Islam in the realm of worldly affairs and the life hereafter and is integral to establishing a just society based on the rule of law and respect for human dignity. Freedom or *ikhtiyar* is the absence of human coercive forces which would arbitrarily limit and curb decision making. *Ikhtiyar* in Islam means free will that is based on the understanding that it is about a free choice between what is good (*khayr*) and that which is better. So that the choice given to the individual is only that which benefits him and others.

Tied up with *ikhtiyar* is the Islamic concept of freedom as being exercised to arrive at what is true, just, right, and correct reason (Malik, 2011). The choice for anything that is bad is an act of injustice, thus, it is not real freedom. In good governance, *ikhtiyar* empowers people with decision-making on free choices with regard to governance without the need for these to be enforced or restricted. After all, *ikhtiyar* comes with responsibility and accountability.

Freedom's multi-dimensional character supersedes the human faculty of reason, which is deemed as a blessing for humankind to explore the complexity of natural laws and social relations. Freedom is both instrumental and relational in providing a conducive environment and equitable conditions for a good life in society.

Moral Authority

The prophethood which bestowed upon Muhammad (may God's blessings and peace be upon him) strong leadership skills in sound execution, legislation, and judgment exemplifies moral authority in Islam. With the Prophet's demise, the Qur'an provided revelations that would guide the growing community. Qur'anic chapter 24, verse 55, states that "God has promised those among you who believe and perform righteous deeds that He will surely make them vicegerents upon the earth, as He caused those before them to be vicegerents, and that He will establish for them their religion, which He has approved for them, and that He will surely change them from a state of fear to [one of] security. They will worship Me, not ascribing any partners unto Me. And whosoever disbelieves thereafter, it is they who are iniquitous."

Moral authority is legitimized by the central belief in *tawhid* or oneness of God. *Tawhid* or monotheism is the overarching principle, the essential part, the wellspring and foundation in the Islamic theory of governance and the Islamic concept of justice. Governance that is inspired by *tawhid* produces a state of God fearing and piety among the actors of governance. Being in such a state, the actors of governance and all others involved in the process of governance will consider all their actions and involvements as part of worship or *ibadat*. They attain that inner feeling of satisfaction, highly inspired and motivated, knowing fully well that they gain pleasure and reward from God. Such God-consciousness and firm connectedness with God while implementing the processes of governance give way to the emergence of a state of *iman*, faithfulness and piety combined. The *maqasid al-Shariah* provides the necessary validation and power to moral authority. *Maqasid* means intent, objective, and purpose with a desire to create harmony with others by looking at the public good and welfare of society in relation to the consequences of the intentions and actions of individuals. *Shariah* (literally, "the way") includes the broad Islamic law in terms of principles and rulings and represents the way to the One God and purity. *Shariah's* goal is justice. Thus, the *maqasid*, next to *tawhid*, is the be all and end all of Islamic governance: comprehensive and a holistic paradigm. It is the entire realm of execution and productivity so that the aims of governance are fulfilled. It sums up in a holistic lens Islamic governance and becomes the sine qua non in every step and detail of the governance process. Governance that is oriented in *maqasid* (purpose) articulates all the other foundational concepts discussed above and is constantly moving to achieve human well-being in political, economic, and religious life.

Common Good

The attainment of public welfare (*maslaha*) and public interest (*istislah*) is the higher objective and meaning of common good in Islam. *Maslaha* is described as prohibiting or permitting a regulation based on whether or not it contributes to public welfare. The use of *istislah*, on the other hand, is limited to specific situations or conditions upon which permission is only given in cases that are not related to religious exercises—and in which its application does not contradict the principles of Islam.

Public welfare is the good life essential to the healthy implementation of Islamic law. It underlines the essential aspects of the higher purpose of Shariah—life, intellect, faith, wealth, and progeny—moving towards achieving progress and mutual gains while preventing harm. Malik (2016) reiterated this by stating “the greatest of all the objectives of the Qur’an is to facilitate public welfare and the means that secure them and that the realization of benefit is also included in the prevention of harm.”

A tool to achieve common good is *ukkuwwah*. It is Islam's universal sense of solidarity and filial loyalty emphasized in many verses in the Qur’an (2:83; 4:36; 6:151; 17:22; 29:8; 31:14; 46:15). *Ukkuwwah* encompasses the concept of individualism, ownership, and gain of profit; and harmoniously keeping a balance of collectivism, social justice, and solidarity. The unique nature of *ukkuwwah* is the foundation of Islamic political economic philosophy and the creator of social fairness in Islamic governance. It is the unity of the Muslims whether they are in a Muslim or a non-Muslim community that sustains justice, fairness, mercy, and the objectives of Shariah. The kind of unity that is established in *ukkuwwah* becomes stronger as it embraces the notions of brotherhood, solidarity, and equality. Islamic governance in *ukkuwwah* safeguards unity, promotes it, and more importantly, deters anything by all means to polarize the spirit of brotherhood, solidarity, and altruism. Finally, *ukkuwwah* generates high-spirited volunteerism in the individual which is one of the critical factors for civil societies to function.

Another tool to instill common good is the concept of *shura* or consultation. *Shura* is considered a virtue of a Muslim individual in authority revealed in the Qur’an (3:159): “It is part of the mercy of God that thou dost deal gently with them. Were thou severe or harsh-hearted, they would have broken away from about thee: so pass over (their faults), and ask for (God’s) forgiveness for them; and consult them in affairs (of moment). Then when thou hast taken a decision put thy trust in God. For God loves those who put their trust (in Him).” *Shura* (consultation) according to the Qur’an is clearly based on equality of those in the consultation so that they may arrive at a collective decision. It is interesting to note that one of the chapters of the Qur’an is entitled *Al-Shura* and that its basic message which is “to live true in mutual consultation and forbearance and rely on Allah” is actually the essence of Islamic governance.

To champion *ukkuwwah* and *shura*, a positive reform is envisioned in carrying out the principle of common good. *Islah* or reform implies the importance of humans as the vicegerents on earth for their role and capacity to do reforms as mentioned in many parts of the Qur’an. Today, *islah* means reform and positive change. *Islah* is that act of “reforming” in such a wide sphere that refers to reforming the mental, spiritual, and material (Al-Zamili, 2009 in dissertation). It expresses a continuous struggle to attain perfection in the three areas mentioned. In the context of good governance, *islah* is prescribed to define the system and the practices of good governance by introducing or presenting a culture of comprehensive excellence that should imbue all dimensions of community life.

Social Ethics

The last principle of the framework for moral governance is social ethics which encompasses, according to Dakake (2015), the interrelated theorems of community, trust, justice, peace, and equality.

Theorem 1: Community - The importance of a faith-based community is a collective representation of faithful believers that pledge allegiance to the authority of Allah. Nevertheless, the Qur'an conveys obedience for those in authority among them (4:59), with no specific criteria on how to exercise political power or select a leader. Politics is extensively discussed in the Hadith literature. The Qur'an does, however, persuade the faithful believers to consult among themselves (42:38), be protectors of one another, and share moral responsibility for the sake of the *ummah* (9:71); and even directs the Prophet Muhammad (may God's blessings and peace be upon him) to consult with his followers in certain matters (3:159).

Theorem 2: Trust - When God renders his trust (*amanah*) to man, He wants man to administer this world and to keep it well by making it peaceful and safe. The Qur'an (4:58-59) states that "Allah commands you to deliver the trusts to those to whom they are due; and whenever you judge between people, judge with justice. Follow God, follow the Prophet, and those from among you who have been entrusted with authority." This is the sum total of *amanah* or trust and its implementation creates that self-accountability that guides each person's moral compass in everyday life. Thus, when applied, it points to the strict selection and appointment of officials to be in leadership positions based on merit and qualification.

Theorem 3: Justice - Justice is primarily concerned with fair and equitable treatment by faithful believers to all creations of Allah, particularly the marginalized and silent voices of the *ummah* such as slaves, orphans, and women—recurring themes in the socio-ethical verses of the Qur'an. The living out of justice rests largely upon the duty-bound believer's truest nature. Justice, in Islam, is equated with piety. In fact, the Qur'an speaks of justice along with monotheism as being the mission and message of all the Prophets (57:25). The reverse is also true: the Qur'an abhors injustice and despotism as seen in the stories of some prophets who spoke the truth before tyrant rulers and despots. The Qur'an (4:135) enjoins believers: "O you who believe! Be steadfast maintainers of justice, witnesses for God, though it be against yourselves, or your parents and kinsfolk, and whether it be someone rich or poor, for God is nearer unto both. So, follow not your caprice, that you may act justly. If you distort or turn away, truly God is aware of whatsoever you do."

Ádl or *ádalah* (justice and fairness) is heavily loaded with meanings about what it is, what it is not, or what it is without. The vast meanings of *ádl* or *ádalah* far exceed the narrow, limited concept of justice as commonly understood. It means straightness and uprightness, balance and proportion, and is also used for equality, equity, and fairness. It also denotes being in a state where there is "no tyranny, corruption, waywardness and deviation;" no imbalance and asymmetry;

no inequality and discrimination, inequity and oppression (Malik, 2011). *Ádl*, thus, epitomizes the ultimate objective of the Shariah. Along with benevolence or *ihsan*, *ádl* is accomplished when Muslims are encouraged to deliver fairness and justice in their own life. In the context of governance, *al-ádl wa al-ihsan* brings about just order by ensuring social justice and fair distribution of wealth through value-based development.

Theorem 4: Peace - Having peaceful relations among the faithful believers is the fourth important theorem of Islamic social ethics. Maintaining harmonious relations within the *ummah* by amicably settling disputes is highly prescribed in the Qur'an. The proscription is that, when conflict arises between faithful believers, the entire *ummah* must adjudicate the two warring parties until reconciliation is obtained. If one party uses violence, then the community is obligated to repel the aggressive party through force until they concede and diplomatic negotiation may start anew.

Theorem 5: Equality - The last theorem is the essential notion of human equality before Allah and the revealed message. The emphasis is placed on the realization of equal opportunities of faithful believers' moral and spiritual potentialities. In the Qur'an, race, gender, wealth, social class, political status, etc., are meaningless when it comes to the spiritual worth of a faithful believer. The Qur'an clearly states that those who have made substantial sacrifices for their faith (4:95; 9:20), as well as those who have achieved high levels of religious knowledge (39:9; 9:109), enjoy a higher standing than those who have not. This distinction is identical across social boundaries for the entire humankind.

Clamor for Moral Governance

The new BARMM autonomous government is the opportunity for the Bangsamoro people to chart up their future in accordance with their distinct beliefs, culture, and aspirations, a shift from the struggle into fighting against oppression, corruption and discrimination, and other malpractices that are worsening the situation of the Bangsamoro people. Arch. Edward U. Guerra, the Minister for Budget and Finance of the BARMM, reading a paper on behalf of Chief Minister Al Hajj Murad Ebrahim, indicated that, while poverty incidence continues to worsen in BARMM, this "perennial problem" is actually only a symptom of the real problems that must be addressed (BARMM Promotes Evidence-based Policies Against Poverty, 2019). From the same paper, Guerra went on to state that records speak of funded and implemented programs and projects in the billions of pesos for the promotion of agricultural production and productivity; and that livelihood programs and projects were also supported with huge allocations from the government. Unfortunately, the equation between the funds expended and the results seen did not match up.

Current BARMM Chief Minister Ebrahim made clear his idea of the moral governance that he envisions for the region in an exclusive interview in Istanbul, Turkey on December 16, 2019 (Khaliq, 2019). He said:

The new BARMM autonomous government is the opportunity for the Bangsamoro people to chart up their future in accordance with their distinct beliefs, culture, and aspirations.

“You know, when we joined the government, we found out that there are so many anomalies in the government. So, when we see, if we cannot change the system, then there is no way we will succeed. For example, corruption. Corruption is built already in the government. It is automatic because it is already built in. That's why our advocacy is moral governance. And for the first time, when people join the government, we let them take oath to the Constitution and take oath to Allah—a noble oath—to ensure that this moral governance will be the basis. So, we say we are not imposing the moral virtues of Islam because, if you look at the moral virtues of Islam, it is for mankind; it is not only for Muslims. You will notice in the Holy Qur'an that there are many verses which are addressed to mankind instead of only to Muslims. So, we are careful also because maybe they will be saying we are establishing Islamic government, which is not very popular among the other people in the area.”

In fact, even the local government units in the BARMM moved towards the strengthening of moral governance in the region. MILG Minister Atty. Naguib Sinarimbo opined that, due to the challenges the Bangsamoro region is facing amidst the coronavirus disease (COVID-19) pandemic, innovation is highly needed in order for the LGUs to deliver their programs. Sinarimbo also commends the actions conducted by LGUs during the implemented community lockdown in the region, specifically their initiatives to buy products from local farmers to boost economic activity in the region.

Chief Minister Ebrahim further stated that moral governance must start from the call for jihad with an oath before the Qur'an. He emphasized that the moral background of our governance is our faith, and that we must define what morality means for ourselves before we can start on governance. For the BARMM bureaucracy, the officials must establish and uphold merit-based recruitment of human resources as these will serve as the backbone of the operations of the regional government, and it is through their efforts that laws are approved expediently and subsequently implemented effectively.

Moral governance, in essence, refers to morality in action—that of helping and reaching out to those who are less fortunate, and by granting them equal access to opportunities of education, employment, and livelihood. These programs must also be held accountable, where the investments of both local and foreign organizations are concerned. The challenges facing the Bangsamoro leadership are still very much evident in terms of corruption and rampant nepotism. These must be addressed in the Bangsamoro Transition Authority, as well as in the BARMM Government's own personal code of ethics. There are existing national laws, such as the Anti-Red Tape Act of 2007, that the officials can make use of to ensure that the integrity of the BARMM leadership is intact.

This call for moral governance by Chief Minister Ebrahim is a direct result of the corruption that prevailed in the past regional administrations. The character of corruption is anti-development and, while it pervades every corner of the Philippine bureaucracy, the ARMM was not spared from this “illness.” Corruption, which is commonly viewed as the misuse and/or abuse of public office for private gain has several forms of illicit behaviors, as reported in a study by Laut et al. (2013). Such corrupt practices result in a demoralized and often incompetent bureaucracy; unsatisfactory transparency, accountability, and governance performance; financial mismanagement along with rampant irregularities committed by provincial government officials—including, but not limited to, personally spending the Internal Revenue Allotment (IRA) intended for national and local projects.

The Laut et al. study asserts that graft and corruption practices often begin during elections when vote-buying is rampant. The corruption then extends beyond elections to the preparation of fake documents such as vouchers, payrolls, disbursement receipts, and liquidations of expenditures—all of which come from the IRA—as well as the forging of signatures. Patronage is normally the basis for hiring employees in the local government, resulting in misfits on the job and paralyzed management. Malversation of public funds, which is a criminal offense, is virtually standard. Bribery is a common means “to get things done” in numerous transactions, while public bidding is skipped for the implementation of infrastructure projects and the purchase of government supplies. Contracts are awarded to favored contractors, a clear violation of Republic Act No. 9184 also known as the Government Procurement Act—with some contractors even revealed to be owned by the awarding local officials under the cover of a pseudonym.

The same study echoes the report of Transparency and Accountability Network in 2011 where the funds lost to corruption were about 12 billion dollars between 1995 and 2000. The effects of such graft and corruption in the local government units include, but are not limited to, the perpetuation of nepotism in the recruitment and hiring system, failed health and other social services, insufficient safe water supply or outright absence of a water system, and a poor quality of education. The elimination of corruption and heading towards moral governance must be the target of everyone in government. It may be ambitious, no doubt, but it is doable. The BARMM must take up the cudgels to make it happen by taking the first slow but sure steps.

It is in keeping with the desire to promote an ethical and transparent government in the BARMM that its leadership, since assumption of office, has pronounced moral governance as the overarching strategy and direction of all development initiatives in the region. Consequently, the first Bangsamoro Development Plan, 2020, has included key principles and pillars of moral governance. It may be noted that there is a high degree of consistency between these and the ones highlighted in this article, particularly in respect of Islamic moral governance. The Plan places the foundation of moral governance as being guided by the following principles:

Taqwa Cognizance of God – *Taqwa* is the fear of God. It incorporates the consciousness and fear of God as well as piety. It is believed that when the person is conscious and cognizant of God, he will refrain from committing a sin. The fear of God will lead to being righteous, and a channel through which a person relates to (others) in society and also a medium to link their actions.

Akhlaq Moral and Ethical Values – *Akhlaq* is the disposition, moral(s) or manners of a person. With the person's fear of God, he will develop himself into the best of character. He will perform his duty with high regard of morality and ethics. Being moral is enjoining what is right, and forbidding what is wrong.

Khalifah Vicegerency and Upholding Trust (Amanah) – *Khalifah* is being the steward and fulfilling trust. With a person's fear of God emanates a trustworthy leader. Fulfilling one's obligation is fulfilling trust. Fulfilling responsibilities in the best manner, with all the talent and potential, is indeed fulfillment of trust. Being the steward of God's creation, public servants are bound to protect the environment, natural resources, and all other creatures on earth for the benefit of mankind.

Ihsan Striving for Excellence – *Ihsan* is the drive for achieving excellence in the performance of duties and responsibilities. The concept of *ihsan* is doing things as if you are watched by the creator. As such, public servants should strive to do their best in delivering public service. (First BDP, 2020, p. 50)

These principles will indeed help to take forward the agenda for the BARMM as elucidated in the BOL.

Way Forward

The principles of faith, freedom, moral authority, common good, and social ethics are mapped below, juxtaposing these against the Bangsamoro Organic Law (BOL, Republic Act No. 11054) of the BARMM.

In the Bangsamoro Organic Law, faith is enshrined in the preamble: "Imploring the aims of Almighty God, in recognition of the aspirations of the Bangsamoro people...reflective of their system of life as prescribed by their faith, in harmony with their customary laws, cultures and traditions...." This starting point of the law asserts the philosophy and purpose of the creation of the BARMM which revolves around the sanctity of a faith-based community.

Accountability and responsibility characterize freedom, the second principle of moral governance in Islam. Islamic freedom is an inward act that links the spiritual self with exaltation connected to dignity and respect. It tacitly entails and

necessitates knowledge of heaven and earth, and of virtues and vices—whereas the ultimate exercise of freedom is precisely the operation of being free from the influence and domination of the egotistical desires that may incite evil. The state of perfect submission to Allah, the choice of good, and wanton affection of the transcendent are attributes pertaining to individual freedom in Muslim societies. In the Bangsamoro Organic Law (Republic Act No. 11054), “freedom” is enshrined in the following articles with their corresponding sections:

Article 4: General Principles and Policies

Section 10. Freedom of Choice: The freedom of choice of all people within the Bangsamoro Autonomous Region shall be respected. Indigenous peoples shall have the freedom to retain their distinct indigenous and ethnic identity in addition to their Bangsamoro political identity. There shall be no discrimination on the basis of identity, religion, and ethnicity.

Article 9: Basic Rights

Section 5. Religious Freedom: The Bangsamoro Government shall guarantee religious freedom and the free exercise thereof pursuant to the Constitution, national laws, and principles of international law. The Bangsamoro Government shall protect all persons from harassment or any undue pressure, coercion, and violence on account of religion. Any establishment and institution shall be free to implement policies and undertake activities pursuant to their respective religious beliefs and values.

Moral authority, the third principle of moral governance, is legitimized if it serves the higher purpose or objectives of Shariah (*Maqasid al-Shariah*), including the epistemological sources of Islam. The crucial element of moral authority in Shariah is to regulate the welfare and the prevention of harm by considering the significance of life, intellect, faith, wealth, and progeny (i.e., securing descendants or offspring). Thus, the Qur’an and *Sunnah* establish sovereignty belonging to Allah alone, and humans are endowed with a mandate to govern through popular vicegerency—the exercise of delegated power on behalf of a sovereign—which can be attained in various ways as long as agreed to by the *ummah*. In the Bangsamoro Organic Law (Republic Act No. 11054), the aid with which to establish popular vicegerency in the modern world is represented through the political expression of democracy. Article 4, sections 3, 4, and 5 emphasize the democratic system of the Bangsamoro, including women’s participation in Article 9, section 11.

Article 4: General Principles and Policies

Section 3. Democratic Political System: The Bangsamoro Autonomous Region shall have a democratic political system that allows its people to freely participate in the political processes within its territorial jurisdiction. The Bangsamoro Autonomous Region shall have a parliamentary form of government.

Section 4. Electoral System: The Bangsamoro Government shall adopt an electoral system which shall be consistent with national election laws, allow democratic participation, encourage the formation of genuinely principled political parties, and ensure accountability.

Section 5. Civilian Government: Governance in the Bangsamoro Autonomous Region shall be the responsibility of the duly elected civilian government. Civilian authority is, at all times, supreme over the military.

Article 9: Basic Rights

Section 11. Participation of Women in the Bangsamoro Government: Aside from the reserved seat for women in the Parliament, there shall be at least one (1) woman to be appointed to the Bangsamoro Cabinet. The Parliament shall enact a law that gives recognition to the important role of women in nation-building and regional development, ensuring the representation of women in other decision-making and policy-determining bodies of the Bangsamoro Government. The Parliament shall create by law a commission on women and shall define its powers, functions, and composition.

Common good, the fourth principle of Islamic-rooted moral governance, is characterized by public welfare (*maslaha*) and public interest (*istislah*). In the Bangsamoro Organic Law (Republic Act No. 11054), common good is enshrined in Article 5, section 3.

Article 5: Powers of Government

Section 3. General Welfare: The Bangsamoro Government shall exercise the power expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance and those which are essential to the promotion of general welfare. Within its territorial jurisdiction, the Bangsamoro Government shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among its residents, maintain peace and order, and preserve the comfort and convenience of its inhabitants.

Social ethics, the last principle of moral governance, constitutes the following interrelated theorems of community, trust, justice, peace, and equality. In the Bangsamoro Organic Law (Republic Act No. 11054), these are explicit in the following articles' sections:

Article 4: General Principles and Policies

Section 6. Promotion of Unity: The Bangsamoro Government shall promote unity, peace, justice, and goodwill among all peoples, as well as encourage a just and peaceful settlement of disputes.

Section 7. Social Justice: The Bangsamoro Government shall ensure every Filipino citizen in its territorial jurisdiction the provision of the necessities and equal opportunities in life. Social justice shall be promoted in all aspects of life and phases of development in the Bangsamoro Autonomous Region.

Section 9. Rights of Non-Moro Indigenous Peoples: The Bangsamoro Government shall recognize and promote the rights of non-Moro indigenous peoples within the framework of the Constitution and national laws.

Article 9: Basic Rights

Section 6. Human Rights: The Bangsamoro Government shall fully respect human rights.

Section 8. Right of Access to Basic Services: The Bangsamoro Government shall provide, maintain, and ensure the delivery of basic and responsive health programs, quality education, appropriate services, livelihood opportunities, affordable and progressive housing projects, power and electricity, and water to inhabitants of the Bangsamoro Autonomous Region. It shall maintain appropriate disaster-preparedness units for immediate and effective relief services to victims of natural and man-made calamities. It shall also ensure the rehabilitation of calamity-affected areas and victims of calamities.

Section 10. Rights of Labor: The Bangsamoro Government shall guarantee the fundamental rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike, in accordance with the Constitution and the Labor Code of the Philippines. In this regard, the rights of workers, whether publicly or privately employed, to form unions, associations or federations shall not be abridged. The workers shall participate in policy and decision-making processes affecting their rights and benefits, as may be provided by a law that shall be guaranteed. No trafficking of persons and engagement of minors in any hazardous or deleterious forms of employment shall be tolerated. The Parliament may pass labor laws that expand or enhance the rights stated herein.

Section 13. Rights of the Youth: The Bangsamoro Government shall recognize the vital role of the youth in nation-building, promote and protect

their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate patriotism and nationalism, encourage involvement in public and civic affairs, and promote mental and physical fitness through sports. The Parliament shall create by law a commission on youth affairs and shall define its powers, functions, and composition.

Section 14. Rights of Children: The Bangsamoro Government shall respect, protect, and promote the rights of children, especially orphans of tender age. They shall be protected from exploitation, abuse, or discrimination. Their education and development, both physical and mental, shall be protected from exploitation, abuse, or discrimination. Their education and development, both physical and mental, shall be fully addressed. Bangsamoro policies and programs shall take into utmost consideration the best interest of children, and promote and protect the rights of children, youth, and adolescents, including their survival and development. The Bangsamoro Government and its constituent local government units shall provide for adequate funding and effective mechanisms for the implementation of this policy.

Article 13: Regional Economy and Patrimony

Section 12. Rights of Indigenous People to Natural Resources: The Parliament shall enact a law recognizing the rights of indigenous peoples in the Bangsamoro Autonomous Region in relation to natural resources within the areas covered by a native title, including their share in revenues as provided in this Organic Law, and priority rights in the exploration, development, and utilization of such natural resources within their area. The right of indigenous peoples to free, prior, and informed consent in relation to development initiatives and exploration, development, and utilization of the natural resources within the ancestral domains covered by Certificate of Ancestral Domain Title shall be respected.

Conclusion

The move from governance towards good governance was triggered by the corruption that engulfed many developing countries in recent decades. The aim to alleviate poverty; the aspiration to address the well-being of people; the objective to deliver the common good for the benefit and interests of all; and the intention to bring development so that people may live in peace, or better still, to bring development for peace, has been consumed in corruption. Recognizing this serious predicament of developing countries, multilaterals were compelled to intervene in the politics and economies of these countries to achieve their missions—namely, the common good. As the 1990s ensued, these multilaterals presented their own views of the principles of good governance summed up into the “Eight Elements or Characteristics of Good Governance”: accountable, consensus-oriented, effective and efficient, equitable and inclusive, participatory, responsive, transparent, and in accordance with the rule of law.

The discussion on each of the axioms, fundamentals, or principles—as they have been differently termed in the literature on Islamic governance, both in their semantic and technical connotations—form the foundational principles of Islamic governance. They all work together, mutually reinforcing each other to bring about the clear Islamic paradigm or model of good governance, or better still, moral governance. Islamic governance first of all ensures moral, ethical, and value-laden elements to form the core foundation in the individual. Islamic governance aims for a holistic philosophy that is moral- and values-laden so that it eventually leads to development that translates to human well-being highlighting unity, peace, and cohesion—at the same time, guaranteeing individual liberty, freedom of choice, rule of law, accountability, transparency, efficiency, sustainability, and the desirable governance goals to achieve genuine peace. The morally upright individual, grounded in *tawhid* and in his clear-cut role as vicegerent, can shape the structures to best exemplify and carry out good governance. Conversely, however, structures—no matter how smartly they may be designed—cannot shape the individual implementing it.

The BARMM must shift from a zero-sum situation to a positive sum outcome by governing morally and ethically—leading to the development of a culture of honesty and efficiency in public service, transparent, reforming, and corruption-free.

The BARMM is fraught with challenges as well as opportunities. As a newly formed regional autonomous government riding on the past reputation of the ARMM, the BARMM has to turn itself around and create a significant impact on the lives of the Muslim Filipinos. Moral governance is a step in the right direction as it gives clarity and direction to the BARMM's purpose as an organization. Autonomy is the tool that the BARMM can share with its stakeholders and can serve as a roadmap on what immediate needs have to be met and what long-term actions need to be done. For the Muslims in particular, moral governance is the hallmark of political success and maturity, the starting point for growth and poverty reduction.

The juxtaposed comparison of the ARMM and the BARMM will in effect highlight the tasks that were not successfully or satisfactorily implemented by the ARMM. These are areas where the BARMM can build its introductory steps to come up to the challenges of governance. For functions which were instituted in the ARMM, the BARMM can attempt to strengthen these. In the newly introduced functions, the BARMM must endeavor to achieve them. There is a sea of opportunities for the BARMM to do great things as long as the officials keep their moral perspective, wisely manage their resources, and create public value. Coming up with the strategy map is just the first step. The real challenge is the actual implementation of the strategies and plans consciously guided by moral governance. The BARMM must shift from a zero-sum situation to a positive sum outcome by governing morally and ethically—leading to the development of a culture of honesty and efficiency in public service, transparent, reforming, and corruption-free.

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"...The book captures very well the plight of the Bangsamoro in our struggle for the right to self-determination, and proposes a number of meaningful ways on how peace can be achieved through targeted programs..."

Minister Mohagher Iqbal

Minister of Basic, Higher and Technical Education
Chair of the MILF Peace Implementing Panel
Co-Chair of the Inter-governmental Relations Body (representing BARMM)

"...The book benefits from a good mix of the ethnicities, genders, academic backgrounds and faith traditions of the authors. It is my hope that the book is well advertised and distributed, and can be made available to as many stakeholders of the peace agenda in Mindanao as it will surely inspire the reader to also find a way for her/him to take an interest in promoting peace..."

Bro. Karl M. Gaspar, CSSR

Author, *Mapagpakamalinawon:*
A Reader for the Mindanao Peace Advocate

"...I find the relevance of this book an enrichment of the story of the Bangsamoro. It is insightful and depicts the landscape and its people, while highlighting both the critical issues and the key options available for promoting growth and reducing poverty in the poorest region of our country. The book gives enhanced enlightenment on significant development issues and the dire need for moral governance that are vital to achieving sustainable peace."

Bai Norhata Demarunsing Macatbar Alonto

Commissioner, Social Security Commission
Government of the Republic of the Philippines

"...The book tackles multi-layered issues that need to be better understood and better managed in order to ensure that the promise of peace, security, and prosperity in the Bangsamoro can be assured for future generations."

Louie Montalbo

Associate Dean for Academic Affairs, Ateneo Graduate School of Business
Policy and Planning Adviser, Education Pathways to Peace in Mindanao
Former Undersecretary and Executive Director, OPAPP

