



Linking the Moro People with the Rest of the World

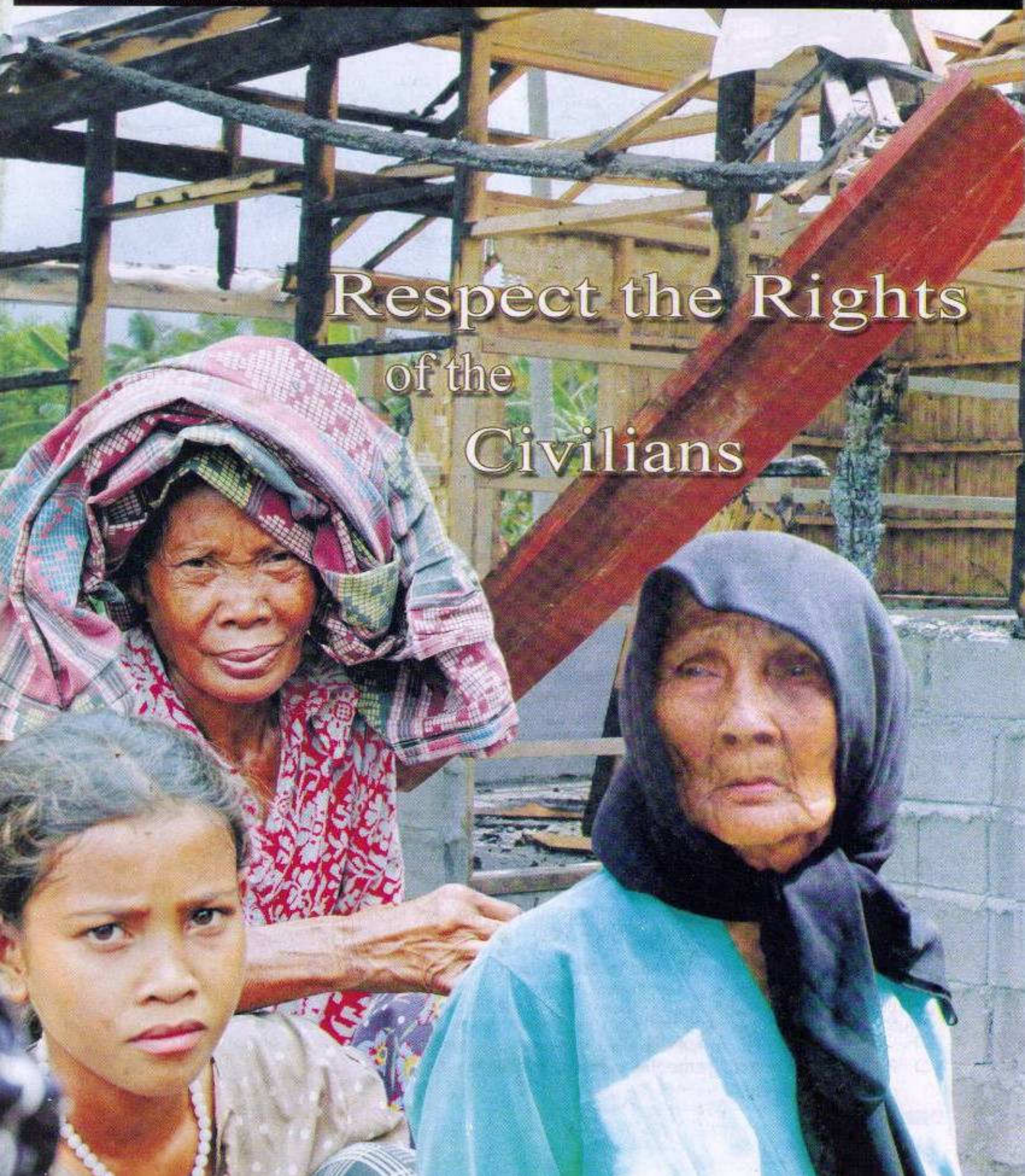
# THE BANGSAMORO JOURNAL

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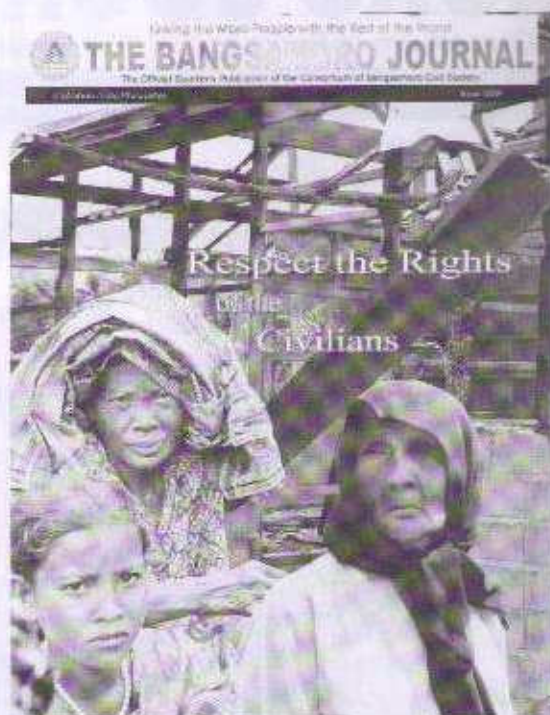
June 2009

## Respect the Rights of the Civilians





## OUR COVER



Hundreds of thousands of civilians, most of them Moro, have been displaced by war and millions worth of properties have been destroyed. Houses of civilians have also been burned, therefore going back to their places and rebuilding their lives would not be easy.

The old ones wonder if they would live to see the resolution of the conflict in Mindanao. The young ones dream of a future where their odds for a bright future are high and that they don't have to rely on food aids and live in makeshift shelters.

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# EDITORIAL

## Justice or Peace?

**B**efore the coming of the foreign colonizers the Bangsamoro have already existed as a first nation in the far east. It was in this pre-colonial period that they had freely exercised and enjoyed their right to self-rule. With the vast natural resources of their ancestral homeland (Mindanao, Sulu and Palawan or MINSUPALA), they lived with prosperity, honor and dignity, and peacefully co-existed with their neighboring nations.

However, with the encroachment of Spain and the United States of America, the peaceful and happy life of the Bangsamoro was shattered by wars and conflicts, and they had been pushed against the wall to defend themselves and their homeland. They have become freedom fighters.

Despite the military superiority of their enemies; however, the Bangsamoro had managed to fight gallantly and stand against them. Notwithstanding the imposed colonization of their homeland, they had never been subjugated. They continued to resist against colonialism and their struggle had been carried over up to the post-colonial period.

When Spain ceded to the United States all the territories it occupied by virtue of Treaty of Paris of December 1898, the Bangsamoro protested the inclusion of their homeland that was never conquered. This historical protest was attested by the Dansalan Declaration and the Zamboanga Assembly of Moro Leaders.

The establishment of the Philippine republic in July 1946 had even worsened the Bangsamoro situation. The Philippine government pursued pacification, mainstreaming and integration of the Moro people into the Filipino national body-politics. Several anti-Moro laws had been enacted that paved the way for legalized land grabbing of Moro lands and for diminishing the Moro people as a mere segment of the Philippine society. This had led to their total and continuing political disfranchisement and economic marginalization.

In 1960s, Datu Udtog Matalam, then-governor of the Empire Province of Cotabato, organized the Mindanao Independent Movement (MIM) as a response to the worsening Bangsamoro situation. The MIM however did not last long due to power squabbling by and diversity of perspectives among the Moro traditional political leaders inside the movement.

Later on, Professor Nur Misuari and other noted Mujahideens organized the Moro National liberation Front (MNLF) to rekindle the Bangsamoro struggle to

restore their right to self-determination (RSD). But after several years of war, the Philippine government and the MNLF had agreed for the cessation hostilities and had engaged in peace talks. After grappling of contentious issues, they forged various peace accords that ended up with the signing of Final Peace Agreement (FPA) of 1996 by the two parties, and which subsequently gave birth to the so-called Autonomous region for Muslim in Mindanao (ARMM) and its present-day "expanded" version.

Although with limited power, the ARMM had been perceived to be a good takeoff point to push forward the protracted Bangsamoro struggle. However in the process, insincerity and lack of political will by Manila to fully implement the FPA loomed. What Malacañang actually tried to resolve through the ARMM is its problem with the Bangsamoro, not the Bangsamoro problem.

This is one of the most compelling reasons why the Moro Islamic Liberation Front (MILF) took the cudgel and drove forward to reaffirm the Moro struggle. But like the MNLF experience, they came about with cessation of hostilities and peace talks. And after over a decade of peace negotiation, the GRP-MILF peace panels wrapped up their work with Memorandum of Agreement on Ancestral domain (MOA-AD).

Again, with the sincerity and political will of the Philippine government to abide and respect peace agreement put in the bad light, some politicians and groups or entities with vested interests had successfully persuaded the Supreme Court to sabotage the scheduled signing of MOA-AD on August 5, 2008.

This unfortunate development had diametrically opposed the mission of the GRP-MILF peace talks to identify, develop and adopt a viable and relevant formula or solution to restore a just and lasting peace in the Moro homeland— a mechanism to promote a just and lasting peaceful co-existence between the Bangsamoro and other people in the Moro homeland. The aborted signing of the MOA-AD had brought back Mindanao into a brink of war.

To date, there are more than half a million internally displaced persons (IDPs) who still languish and live under dehumanized condition at various evacuation centers in Mindanao. Apparently, they are just being treated by the government as collateral damage of war and that the violation of their basic human rights is merely considered as a consequence of preserving national security. They all suffer from serious lack of both justice and peace, like the rest of the Bangsamoro people, in their own homeland.



# Thinking Through & Beyond the "MOA-AD Fix"

*Fixating on the MOA-AD, or  
Fixing it as a Fixture for Moro  
Self-Determination?*

By **ATTY. SOLIMAN M. SANTOS, JR.**

**I**n the negotiation period preceding the aborted GRP-MILF Memorandum of Agreement on Ancestral Domain (MOA-AD), there was talk then of a "territorial fix" versus a "constitutional fix." Now and for the past several months, there has been talk of what might be called a "MOA-AD fix." This apparently arises from the standing MILF position on the MOA-AD as a "done deal" and the related view that any resumption of the GRP-MILF peace negotiations must logically return to where it left off or what was put off, i.e. the signing of the already initialed MOA-AD. The "MOA-AD fix" is reflected in calls to "honor, respect, sign, implement" the MOA-AD. It is reflected in the view that the MOA-AD is "the only instrument leading to the peaceful and early resolution of the Mindanao Conflict."

In the sense just described, the "MOA-AD fix" partakes of *fixation* (as in fastened in position) on the MOA-AD, especially when one brings in the political and legal reality of rejection of the MOA-AD on the GRP/Filipino side (aside from the MILF/Moro side) of the current context. We need not go anymore here into the arguable or debatable legal intricacies of initialing and signing peace agreements, whether treated as civil contracts or as international treaties or as documentary instruments *sui generis* (in a class of their own). One need only recall the several months in 2008 of intense majoritarian Filipino elite and public clamor against the MOA-AD. And then all that capped by a final arbiter Supreme Court Decision categorically declaring the MOA-AD as "CONTRARY TO LAW AND THE CONSTITUTION." The political and legal reality of rejection of the MOA-AD on the GRP/Filipino side can be likened to "a vital change of circumstances," the kind that would allow a state to unilaterally withdraw even from a treaty it has already signed and ratified, under the second fundamental international treaty law principle of *rebus sic stantibus*.



*These children holds a RESPECT THE MOA-AD banner. Their families are among those who had to move to evacuation sites for safety because of the war.*

To insist and persist on the MOA-AD as initialed is like banging one's thick head against the thick wall of Intramuros, or like setting up a lightning rod so that lightning can strike the same place twice. This is simply bad tactics for a strategy of negotiated political settlement, and maybe bad tactics even as a "tipping point" for "immediate politics" of dealing with or waiting out a "lame duck" administration that "cannot deliver anymore." But also bad politics (the art of the possible) in terms of reaching out beyond the established constituency of the MILF among the tri-people (yes, including among the Moros, not to mention the Christian settlers and Lumads) of Mindanao, not to mention the rest of the Philippines. Relevantly, the *Konsult Mindanaw!* Project of the Bishops- Ulama Forum (BUF), in its planned key question on the GRP-MILF peace talks (distinguished from the broader peace process), avoids a direct question on reactions to the MOA-AD as something potentially divisive, given what has happened.



## Status of and Closure on the MOA-AD

But the MILF has also rightly asked, in the context of resuming the GRP-MILF peace talks, that "Both sides resolve the issue of the MOA-AD" as part of its five-point declaration on the resumption. *Note* that it officially and authoritatively (through no less than MILF Chairman Al Haj Murad Ebrahim) asks only for a resolution of the issue, not for the MOA-AD to be treated as a "done deal." In turn, Presidential Adviser on the Peace Process (PAPP) Secretary Avelino I. Razon, Jr. recently says that "we shall endeavor to put a closure to the discussions on the Ancestral Domain Aspect of the talks..." How then should the status of the MOA-AD be resolved? How then should closure be put to the Ancestral Domain discussions?



MILF Chairman  
Al Haj Murad  
Ebrahim

**The best way to treat the MOA-AD, under the "changed (political) circumstances," is as a very good reference document.** After all, as Atty. Camilo Miguel "Bong" Montesa pointed out, "it is a real fruit of real negotiations," even if not a signed and sealed interim peace agreement. Cotabato Archbishop Orlando B. Quevedo, O.M.I. had described it as "a remarkable document. It is a very serious attempt to balance national sovereignty [and territorial integrity] and Bangsamoro aspirations for self-determination and freedom." That necessary "balancing act" was also described elsewhere as an "elegant formula." But it is not a perfect document, and can itself stand improvement, given the chance for improvement, with the benefit now of 20/20 hindsight. Perhaps more importantly, it should not be treated as if it were the-be-all-and-end-all of peaceful solutions to the Mindanao Conflict.

*The MOA-AD had already served its purpose for a certain time. It showed "thinking out of the box." It showed the application of an underlying concept of "earned sovereignty" for "bridging the gap between sovereignty and self-determination" – and just "how far (they) can harmonize and accommodate each other." It showed the MILF preference for a high degree of self-determination by way of an "associative relationship" (or elsewhere, a federative relationship) as at least a transitional political arrangement. And it showed that at least some Filipinos and Moros can compromise or find a middle ground for a proposed Bangsamoro Juridical Entity (BJE) which would be something between the existing Autonomous Region in Muslim Mindanao (ARMM) and independent statehood, the original common aspiration of the Moro liberation fronts. Unfortunately, the majoritarian Filipino elite and public were not yet ready to go along with the MOA-AD in August 2008. But a conjunctural point has been reached whereby to further belabor the MOA-AD would be more counter-productive than productive to moving on and forward.*

This is not at all to lay the MOA-AD to waste. Thus, notwithstanding the MOA-AD's likely divisiveness as an issue, the consultation design of the *Konsult Mindanaw!* Project of the BUF would still "take seriously the gains and insights of the MOA-AD, while at the same time generating new ideas for the formal talks and for the broader peace process."



Avelino Razon, Jr.

**Putting a closure to the Ancestral Domain Aspect discussions as embodied in the MOA-AD can take the form of the parties agreeing to commonly treat it as a very good reference document, and then leap-frogging to Comprehensive Compact discussions which will necessarily include an ancestral domain aspect, among others.**

## Ancestral Domain as Aspect of Broader Self-Determination

Atty. Montesa had already pointed out that the MOA-AD title is "misleading" because "The matters discussed in the MOA are not just about 'ancestral domain' in the ordinary sense of the word. The MOA creates the 'pillars,' the infrastructure, and



the frame [for the GRP and the MILF, these pillars are: (1) concepts and principles, (2) territory, (3) resources, and (4) governance) in resolving the sovereignty-based conflict in Mindanao." In this way, the MOA-AD actually goes *well beyond* the "Ancestral Domain Aspect" in paragraph C of the Tripoli Peace Agreement of 2001, which indicates only this: "On the ancestral domain aspect, the Parties, in order to address the humanitarian and economic needs of the Bangsamoro people and preserve their social and cultural heritage and inherent rights over their ancestral domain, agree that the same be discussed further by the Parties in their next meeting."

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As we had pointed out in an earlier paper, that mother framework agreement said nothing about political solution (form of self-determination), Comprehensive Compact, and Disarmament, Demobilization, Reintegration (DDR) but all these are now considered remaining agenda. In other words, it is puerile to mechanically invoke proper sequencing of aspects, one having to come and be completed before going to the next, as if this was a hard and fast rule. Peace negotiations have to be flexible – more so, after 12 years without any substantive agreement (following a trend in the extreme protraction of Philippine peace negotiations). The ancestral domain negotiations of 3 years and 8 months (December 2004-July 2008) and the existing related literature already provide enough basis to leap frog to Comprehensive Compact negotiations.

In fact, the afore-said "four pillars" (concepts and principles, territory, resources, and governance) would be better (re-)framed under the broader concept of self-determination rather than under the narrower concept of ancestral domain. This is where the notion of *fixing* the MOA-AD as a *fixture* (as in accessory articles) of Moro self-determination comes in. There was actually already panel-level consensus on this re-framing soon after November

2006 when then GRP Peace Panel Chairman Sec. Silvestre C. Afable, Jr. proposed "to enlarge the discussions on ancestral domain that we are currently pursuing, within the broader context of Bangsamoro self-determination." Unfortunately, the GRP principals subsequently retreated from this re-frame. But there is no reason there can be no return to self-determination, as even more important than ancestral domain, as a frame of reference for the GRP-MILF peace negotiations.

First of all, the Tripoli Peace Agreement of 2001 itself makes reference to the right of a people to self-determination but quaintly restating it in paragraph 1 under "B. Rehabilitation Aspect" in this quaint way: "The observance of international humanitarian law and respect for internationally recognized human rights instruments and the protection of evacuees and displaced persons in the conduct of their relations reinforce the Bangsamoro people's fundamental right to determine their own future and political status." Then, there is the recent Supreme Court (SC) Decision on the MOA-AD which Decision contains a discussion of the right to self-determination of "peoples" and indigenous peoples, albeit the accent here is on *internal* self-determination of peoples (no unilateral right of secession) and on the right to autonomy or self-government of indigenous peoples. And finally, what the SC Decision overlooks, is the constitutional provision on "the right to self-determination" as among the "paramount consideration(s)" in the Philippine State's "relations with other states." Thus, "the right to self-determination" is here given *constitutional status*, not just the status of a "generally accepted principle of international law as part of the law of the land." In contrast, (rights to) ancestral domain has more of a statutory status, as it is defined in R.A. No. 8371 (Indigenous Peoples Rights Act of 1997) and in R.A. No. 9054 (second Organic Act for the ARMM).

### Human Rights as Solid Common Ground

While there may differing GRP and MILF notions of the right to self-determination and ancestral domain, there is surely also more solid common ground in the even broader, if not the broadest, framework of human rights. All these bring to mind a proposed *unified (human rights) approach to self-determination*, based on four conceptual frameworks in the area of human rights:

- 1) the right to equality and non discrimination;



- 2) the right of *minorities* to preserve and develop their own culture, religion, and language;
- 3) the right of *indigenous populations* to preserve their traditions, as well as their special rights to land and its natural resources; and
- 4) the right of *peoples* to self-determination.

Professor Benedict Kingsbury, in his 1992 *Cornell International Law Journal* article "Claims by Non-State Groups in International Law" proposed it this way: "This strategy entails recognizing a degree of unity of justificatory principle between self-determination, autonomy, right to language, culture, and participation, equality and non-discrimination, and general human rights in plural societies. *A major attraction of such a unified approach is that it allows for the rights and interests of non-members of the group – or even dissentient members – to be weighed on the same scale as the claim to self-determination. This aids in ensuring that the rights of all are effectively protected during the immediate self-determination process and after any ensuing transition. This is of particular importance where a territory is shared by more than one group....* It is increasingly evident that the right to self-determination must be more complex, and that its vindication in any particular situation depends upon a complex matrix of factual and legal considerations, rather than on the simple assignment of labels." (italics mine)

This unified approach suits the tri-people complexity of Mindanao. For one, clear recognition and protection of indigenous peoples' rights, because it is part of the unified framework, is better than just "freedom of choice of the indigenous peoples." Within a predominantly or majority Moro or Muslim territorial entity to be established (e.g. the BJE), there will still be pockets of new minorities of Christian settlers and Lumads, or the phenomenon of minorities within minorities. Thus, the continuing relevance of minority rights. This is also important for the Moros in the context of the whole Philippines. A unidimensional approach focusing on the Moro people's right to self-determination, even if still the main frame for Moro aspirations, might miss out on the benefits of other human rights.

For while the conflict is sovereignty-based and not a religious one, the element of Islam (as part of the Moro, esp. the MILF, framework,) cannot and must not be denied. After all, this is also an ideology-

based armed conflict, and the MILF's ideology is no less than Islam. Also, Islam would presumably inform "a system of life and governance suitable and acceptable to the Bangsamoro people" to be established as "a political and lasting solution to [the Bangsamoro] problem." The de-emphasizing by some (inc. on the MILF side) of the Islamic element and agenda, in order to highlight the Moro nationalist, political and territorial agenda, might miss out on helpful ramifications of freedom of religion — including in support of self-determination. At the same time, we cannot of course be "holier than thou" on this.

Putting a closure to the Ancestral Domain Aspect discussions as embodied in the MOA-AD can take the form of the parties agreeing to commonly treat it as a very good reference document, and then leap-frogging to Comprehensive Compact discussions which will necessarily include an ancestral domain aspect, among others.

All told, as MILF Peace Panel Chairman Mohagher Iqbal wrote his then counterpart GRP Peace Panel Sec. Rodolfo C. Garcia upon the dissolution of his panel, the aborted signing of the MOA-AD "was not the end of the long journey to peace in Mindanao..." Sec. Garcia himself would subsequently say in a public forum, "Perhaps we should build up from the ashes of the MOA...Having reached this far and accomplished so much..." **There can indeed be a new (re-)beginning, of a new stage that is qualitatively different** from the preceding one. This expected third major resumption should ideally already be the final one, the one which completes the long journey. **But it will itself need a good framework document for resumption towards completion** to guide the way for the rest of this still difficult journey. This should be seen as something strategic with future generations in mind, not just something tactical for the remaining term of the Arroyo administration.



# Bangsamoro Governance

By **DATU MICHAEL O. MASTURA**

## Culture of Co-existence in Islam

**C**andor compels one to say this country has come to a fork in the road, take it. This may sound too harsh. But the single inclusive unitary construct of the Philippine Republic has become fragile. "We need to stop pretending," says one specialist, "that fragile states are just less-developed versions of Western states." Let's start recognizing then Mindanao realities, building on the Bangsamoro capacities so as to enable indigenous and Muslim societies to chart their own development paths within modern "state-nations" framework.

The earlier modernity gripping Islamic countries paced on that of nation-state trajectory was conducted on the European model. This was the case for Attaturk in Turkey and Bourguiba in Tunisia modeled on the juridical spirit of the French Third Republic.

Last month, I travelled to Turkey with Mohagher Iqbal and two other lobby volunteers for whom it was like coming in from the cold. We've been catching up with substantial changes to the way foreign policy is conducted around the world on armed conflicts and peace initiatives. In Istanbul, our research team was hosted by civil society and foundations. With uncanny chance, we met Ebubekir Dogan, a journalist who translated into Turkish the original thin version of Salah Jubair's "Bangsamoro, A Nation Under Endless Tyranny" (1983). In the new political life of the Turkish nation, Muslim politics evolves with younger

Islamists driven by realistic political discourse; they have established think tanks and social research institutions. More interestingly, we're told that the onus of finding a long-term solution to the Kurdish problem remains with Turkey as a sovereign country through national consensus.

The Undersecretary in the Prime Ministry received our MILF delegation. Ankara's public diplomacy does not remain hostage to history, however, it takes pride as heir to the legacy of the Ottoman Empire. As a dynamic modern Republic, Turkey has made substantial inroads in mediating roles (or back channel talks) to initiate strategic partnership in key issues in the Middle East, the Balkans, the Caucasus and Central Asia. Recep Tayyip Erogan, the Prime Minister of Turkey and leader of the post-Islamist movement AKP, want "a constitution that is going to provide and protect a state that is a democratic, secular, and social state of law." The Adalet ve Kalkinma Partisi (AKP) oscillates in ideology then shifts from Islamism to 'Muslimhood' activism; so for theoreticians, it has become the pendulum: Turkish 'polyarchy'.

On our last night in Istanbul we were treated to a public forum of women volunteers group. We got interested to know the heritage of the Ottoman millet system. Historically, this millet was a self-governing community curved as sphere of autonomy. This community system in dealing with people of different cultures and religions under the same political order and social domain enabled the culture of co-existence in Islam as a natural human condition. When we look at the current context of relationships between the Muslim majority and non-Muslim minorities, the millet provided freedom not only in the field of religion and worship, also in the areas of civil law and politics. How far modern Turkey inherited the culture co-existence? Which new instruments it has developed to consolidate this culture within its national boundaries under the Westphalian system?

And my take is each nation has "constants" it adheres to and from which it does not deviate. But whether summons to striving would bring about a cultural revolution or not, civic religion appeals to equality as its core principle under the



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constitutional canopy. When the revolutionaries created "citizens" from the new republican "nation-states" they put premium on common culture for social cohesiveness. There was instability in the pre-modern republics. To follow Montesquieu, conventional wisdom dictated that republics should be small in size and similar in character.

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Twenty-first century global realities trump competing powerful "nation-states" because there's something to just being small. That is, if we just want earned sovereignty and settle for "state-nations" model. Who needs governance that denies the existence of autonomous politics? Should Muslims suffer any longer to allow the modern concept of territorial state sovereignty to imprison groups within a unitary scheme that stifles all diversity? Withering states can survive only by signifying representation of citizenry from geographic areas—with a myriad of ethnic backgrounds and cultural ethos—but with common claims on the state-nations.

This is not the early 19th century when Moro proto-states (sultanates) signed most treaties with the European powers; it is now the first decade of the 21st century. Indeed, most modern constitution originated from a treaty devised between the monarchy and nobility (English model) to lay down the rules for political conduct. States union (American model) is a kind of 'negarchy' to moderate interstate territorial conflict by compromises in multi-sided agreements to combat threats of anarchic state of war among foreign powers. By writing 'citizens' into a declaration (French model), the Jacobins cut monarchy from public life essential to the survival of the republic and its ideals. The Bolsheviks reinvented also the 'people' by organizing them along 'class' lines (Russian model) followed by the Maoists (Chinese model). Sukarno in Indonesia, Gamal Abd al-Nasir in Egypt, and Riza Shah in Iran were working in a nation-state political context such that Islam did not provide the political matrix.

Who needs an Islamic State? (2008) is the very title of a small book published by the Malaysia Think Tank London. To the author, Dr. Abdelwahab El-Affendi, "the central value governing the Islamic polity and giving it meaning is freedom." It posits that shari'a can rule only when the community in observance of it perceives this as a liberating act and self-fulfillment. And when only coercion underpins shari'a, it becomes hypocrisy. That word "freedom" was the give away for a democratic model of governance, which the GRP sought to drop from MOA-AD (Memorandum of Agreement on Ancestral Domain). To be sure, in the MILF leaders' thinking an Islamic polity only deserves that name if it is governed by shari'a though it may be founded on co-existing communities.

But why do modern thinkers of the Muslim polity call for an Islamist agenda without an Islamist vocabulary? They argue that an individual does not need the state to be Muslim; he creates the state as a Muslim to enhance his Islamic life. And so, why relegate the Moro individual to a status of non-entity in terms of the fardu jamai (or collective duty)? The polity constructed by the Prophet based on the sahafat al-Madina was a framework treaty. (I shall shortly revert to this point in part 2 of my commentary).

God-and-country people are raised to respect and obey their rulers while politicians invoke "the people's trust." This has to be placed in the context of foundational authority in Islam. In contemporary Islamic movements, there's stress on wala (obedience) to vet 'those in authority' balanced with indices against resisting it. Theory and practice attempt to reconcile the revolutionary content inherent only in the caliphal 'righteous successors' and in dealing with the reality of present power state. Normative orthodoxy by which the ruler's removal weighs against the collapse of religious life and the community's peaceful existence is a well-considered hierarchy of values.

I have read with interest Eliseo Mercado's write up posing the need for any group or Liberation Front insisting on Islamic rule and government "to spell out in clear terms the status of non-Muslims in such situation." After attributing the articulated MILF position on the fact that the people of the book are given as "protected people" (ahl-dhimmah), Mercado then takes issue that a simple reference to dhimmah does not capture the essence and praxis of the concept through the centuries.



Qur'anic scriptural verses on protected peoples were revealed in the course of war with the "polytheistic" Quraysh when tyranny was the sole obstacle in the face of the call for justice. But I find it important that the critical writer proceeds to jot down factual conditions for the protection and to check circumstances of praxis in the time of Umar ibn al-Khattab, the 2nd Caliph. The Muslim rules of engagement and their applications to non-Muslims were highly flexible. It has to be said that when Islam expanded into Iran and India these conditions were tailored to match public policy considerations.

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Whenever multiculturalism dominates our contemporary discourses, we've grounds to be suspicious of any attempt to read it back into the past. There's always a tendency to extract from Islam in history as culture for some kind of bearing on contemporary problems to reflect on it (or de-construct) familiar aspect of it. This present-mindedness needs "critical control" to avoid "grafting" that could cause errors of perception and mistaken judgments. It matters not whether the graft is religious or secular. The schematics of ahl-kitab and ahl-dhimma are quite extensive which appears in the large literature on just-war theory in Islam in three stages.

The dhimma status which justifies the jizya (poll tax) levy explains the legal order appropriate for non-Muslims who defied living among Muslims and waged war and were defeated. By definition the dhimma as the pact ('ahd) and the dhimmi as a person who has the compact of the Islamic polity is the non-Muslim domicile of the Muslim country. As for those who belong to different religions or beliefs living among Muslims are safe and secured people according to the general principles of the agreement they have signed. In conjunction with this theory, a "mu'ahid" is a citizen of a non-Muslim state which has a compact with the Muslim country.

## Context of Moros and non-Muslims Coexistence

Any national liberation front that is without Moro territorial base will come up against one regime after another Filipino government. But the emergence of the Moro Islamic movement is different. It's not that there are few claimants to Islamic rule and governance. Far from it, Muslim contemporary thought such as the Tunisian reformist Rashid al-Ghanoushi rejects the idea that Islamic movement has "a monopoly in the interpretation of Islam" by limiting its role to "just another actor within the liberal democratic state." The one thing people don't understand is that the ideological dimension matters to the leading theoreticians.

Nor is the case for the Moro Islamic movement the lack of what is desirable as an Islamic state model. Whether we like or not change of condition in the people is inevitable, which is the principle of movement within a social organism. Can Moros who are Muslims and non-Muslim Groups Coexist? The fundamental institutions of political life—the state, government, and citizenship—have both a past and future. Satellite ideas such as civil rights, civil society and status of non-Muslims in governance are justificatory modalities in contemporary discourse. Twenty-first century de-Christianization of public life has penetrated through a civic religion of ideas reached by reason alone. Secular humanism is a faith of educated Filipinos imbibed from America's elite; it asserts the separation of church and state. This civil libertarian agenda is not concealed: "The separation of ideology and state are imperatives."

The usual debate about "interpreted shari'a" fits those who think of the anomaly in the mode of "liberal Islam" to be contesting revelation itself. That's why the Luwaran website cautions Eliseo Mercado, OMI about the imperatives of traditional tafsir (or exegetical commentary). Specialists focusing on textual construction of reality are keen to import epistemological skepticism of the theorists of today only to erode scriptural reading in social contexts. The true shari'a as an organizing principle of society is far more concise than the legal structure evolved through the centuries by the fiqh (or jurisprudence) of the various schools of thought. But it is the province of the mujtahids (i.e. scholars so learned they have a right to engage in independent original rule decisions) and the ulama that are closely tied to the masses.



In this sense, can one appreciate Muhammad Assad writing a pamphlet on Islamic Constitution Making prior to the partition of India. Does Islam demand for Muslims a duty to strive for the establishment of an Islamic state? Or is the desire for an Islamic state based only on their historical memories? Thus, it is for the Muslims to decide whether to subordinate their polity to modern concept modeled in the West, which deny to religion the means to shape the nation's public life.

I'm convinced that the fear of Islamists coming to power boils down to the secular liberals' intellectual preference to settle for regimes that have captured the cultural institutions of the republic. Why is it that a person who does not belong to the Anglican Church cannot be ruler of the English monarchy? Islamist strategies co-opt popular religious sentiment hewed strictly to the creation of social conditions that postulate the enjoining of what is right and forbidding of what is wrong (al-amr bi 'l-maruf wa 'nahy 'an al-munkar) mainly from the viewpoint of public morality than on the political democratic argument.

This framework of equity and justice—toward Muslims and non-Muslims alike—situates us at the intersection on which the political instrument of the ideal (Islamic state) stands and falls. A corollary basic principle is incumbent on an individual to tell the truth and expose fasiq (or transgression) even when this entails opposing the ruling authorities.

I find it is a misplaced context for Fr. Mercado to craft political authority of "the head/chief of a community/state" for the enforcement of Islamic law lodged on the premise relating to the Qur'an verse we are now considering. Our critical public intellectuals have missed out the conceptual constants of dhu 'l-amr (or layers of holders of authority). Without falling aground to secularism, the liberation theology tact spins in new or postmodern discourse that can be grafted on to an old content, or an old (traditional) discourse can be grafted into a new base. This is a negative salvation in "fundamentalism" in regard to the virtuous community model making up the Islamist "restorative vision" an element of instability in current discourses on political Islam. Behind any laicism establishment, harking back in "fanaticism" to the cultural hand of the church and clergy who compete for power (pure and simple) within the hierarchic power-state is a problem of instability of the original republican model.

Once we look at the Muslim homeland with paramount political importance it does not take much fresh political thought, for historical replica, to follow or not the lead of the theoretician Abul al-Maududi to preserve the unity of millat al-islamiyyah (nation cum community of believers). The major architects of that "Islamic republic" were not unmindful of the presence of non-Muslims in Pakistan. Instead theoretical reflection aroused apprehensions to a point of obstructions of the nass (or textual ordinances) of the Qur'an and Sunnah. The Qur'an commentators include also the prohibition of sabb or insult to non-Muslims with enormity. But the act of blasphemy has generally been subsumed under riddah (apostasy) overlapping with kufr (disbelief) and zandaqah (heresy) being treated as part thereof. Provocative offense to sensibilities of believers constitutes legal and moral restraints in Islamic law.

As a digression, talk of "medieval practices" and bigotry for my reading covers an obscure crime of blasphemy, which is still extant in English statute. In any case, we know the struggle for the Filipino Christian soul is not fading away, if we go by the TV bible debates with polemical vectors of influence.

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Without proposing a context, the terms "people of the book" and "protected people" are construed in their distinction from the polytheists (or idolaters). But the context for the Qur'an verses on ideological struggle has given rise to the idiom of ahl al-jiza (or those subject to poll tax) 'an-yad (out of hand) in exchange for protection. Thus MILF's leadership is careful to avoid explicit reference to Islamic terminology because it does not advocate autocratic strictures of the state. Moreover, MILF theoreticians downplay pietism rhetoric that cuts the ties between culture and religion to prevent the alienation of indigenous peoples.



Our general public may now have only begun to glimpse Islamic observant party across the Arab and Muslim world. What can one learn from this compressed summary? If readers of the Qur'an can grasp the political ordinances, they will discern the ordered major transitions toward the Islamic systems of individual and community (societal) identity, social structure, governance, and conduct towards outsiders. We know that not just matters of ideology are at stake in the debate over movement versus party, not to mention da'wah versus politics. The role of the ulama was underestimated by the nascent nationalist movement but the influence of this Moro internal debates go back to the 1960s and 1970s.

Beginning 30 years ago, since I first got a close look at the workings of the Philippine unitary state at the Constitutional Convention of 1971, I have discerned that as the failings of politics and public policy in Mindanao. Our problem arises from the way the governmental system is constituted in the constitution. We believe a political compact could unite us so I wrote, *The Moro Problem*, an approach constitutional reform (unpublished, 1971). Ideas can become also part of the public culture. It's the claim of political ideologues that their present-day use of ideas shaped from the history of political thought can be a source of answers to questions that could enhance contemporary political thought.

The troubling Bangsamoro nationalism articulates the beliefs and values of freedom as a study in Islamic contemporary political thought, not history. The "nationalism" I'm speaking of developed not where the Filipino "nation-statism" (is) was conceived in seeds of idea as a country. That is why the Constitution is not central to the identity of Moros resembling the way German-speaking peoples came as multitude of principalities and kingdoms under a Basic Law. Our Bangsamoro juridical entity has the so-called *volkgeist* or "people" congealing with a spiritual essence and heroic resistance shared in common in Muslim-inhabited soil. Whereas in America's model of union multitudes of individuals could become "a people" by virtue of shared principles and allegiance to a process, the Constitution. Historians hold that ideas are the products of particular circumstances (and moments in time), so that using them for present purposes distorts their original historical meaning.

Leading MILF theoreticians are aware of the Christian Filipino governing elites and Mindanao settler colons that have never been more openly

hostile than when they felt intimidated by the MOA-AD. Yes, it was Napoleon who said that "God is on the side of the big battalions"; and so, are the Catholics supposed to be on God's side? Just the same the episodes mentioned by Fr. Mercado are instructive. The Turkish constitutional movement (1905-1911) had "historical antecedents" embodied in the nineteenth-century Tanzimat (reorganization measures) from 1816 that led to the reform edict of 1839. The notion of nationalism that seeped into the Ottoman world had corrosive effect. Imperial edicts worked directly against the interest of the ulama. The demands of the Young Turks from about 1860 emerged from the French paradigm of progressive bourgeoisie preceding the Kemalist revolution. The French movement was no doubt secular with an ideological expression in nonreligious terms.

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When the Republic of the Philippines is categorized as a secular state, it synchronizes political legitimacy within a polity and society. Sovereign authority emanating from "the people" is founded on the rejection of absolutism ordained in the non-establishment clause of "official religion" in the constitution. That in such a religiously neutral ideology the downside is its weakness as foundation for public morality. There's no way I know that the fundamentally different impulses could be addressed by the Filipino propensity for "politics as usual". The Indonesian *pancasila* and the Malaysian *rukun negara* are amalgam models of the practicability of religious and social conservatism with modernity.



# Silencing 100,000 voices

The need for global  
and local solidarity  
with Mindanao

By **JEREMY SIMONS**

**M**y hands and arms are getting tired of being pulled, grasped, clasped and yanked. Is this what it feels like to be a celebrity? We've been driving since 6 am when we met at Freedom Park in Downtown Davao, the main city in the southern Island of Mindanao, Philippines. The plan for "Peace Power Day" (on March 18, 2009) was to travel a 500 km circular route through the 4-province Maguindanaoan region of central Mindanao and then back to Davao. An ambitious goal for our "Peace Caravan" of 21 vehicles plastered with banners saying the likes of, "Save the Evacuees," and, "Ceasefire Now!"

The purpose of our trip was to affirm a massive community organizing effort in Maguindanao, one of the most conflict-affected area of Mindanao. Maguindanao is where a majority of the 300,000 mostly Muslim, internally displaced people (IDP's or "evacuees") live in make-shift shelters. They remain in refugee camps or living with relatives, waiting to return home in the midst of a 40 year liberation struggle that flared into open warfare 8 months ago. This happened after a negotiated settlement, called the Memorandum of Agreement on Ancestral Domain (or MOA AD), fell apart at the last minute, forcing over half a million people out of their communities.

As an American community organizer, I wonder how it is possible to get tens of thousands of people to rally over a 4-province area of underdeveloped Mindanao Island. Yet, there is a way to organize a massive demonstration among some of the poorest people in the world, many of them refugees, dispersed over miles of dirt roads, mountainous terrain and one of the largest marshes in southeast Asia. First, is to have a few large, central rallies at major cities where people can be transported to or live locally. The rest of the demonstrators then "converge" on the national highway at smaller villages and intersections timed to coincide with the passing of the peace caravan. This is all

coordinated through an extensive network of cellular text messages along the elaborate social and extended family networks of the Muslim community in Maguindanao. The result - 100,000 Muslim community members, joined by Christian Filipinos, vocalizing their desire for peace.



*Jeremy Simons was born and raised in the Philippines and has been living in Mindanao since 2008 as a restorative practices consultant and peace worker.*

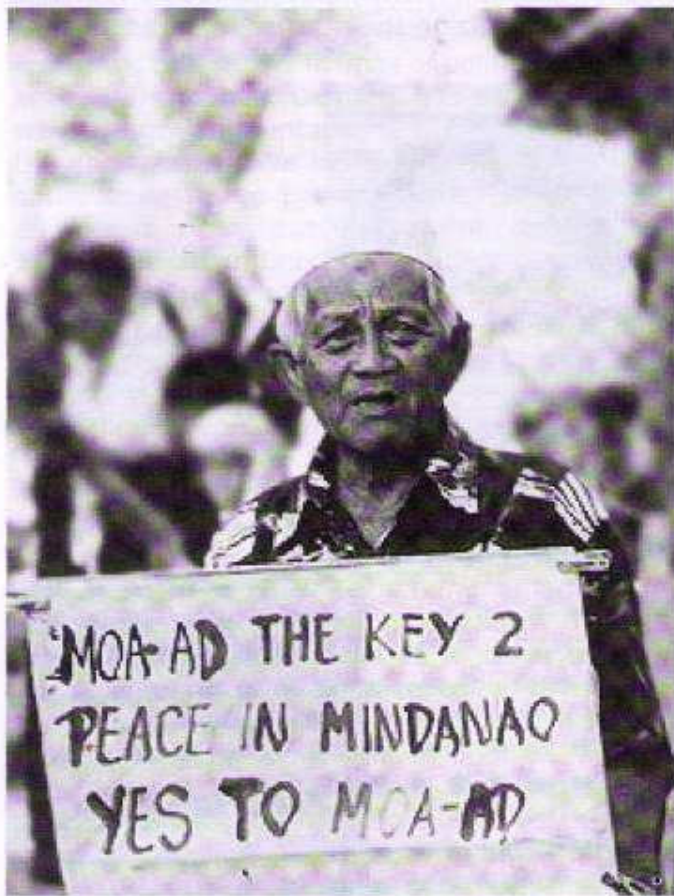


*Datu Kharis  
Matalam Baraguir*

I am riding the peace caravan with Datu Assib Ibrahim and Datu Kharis Matalam Baraguir, the direct descendant of Sultan Kudarat. Sultan Kudarat was a beloved leader in the early 1600s who fought off Christian Spanish invaders of the



beautiful Magindanaoan region we're traveling through. Though the Moro's (Muslim) continue their struggle to reclaim just the portion of land they currently live on, Datus Assib and Datu Kharis tell me that they want to occupy the hearts of non-Moro's first. The land that was taken away from them through years of oppression, exploitation and violence is, in some ways, incidental. Underneath the desire for a piece of earth is a desire for a home community of respect, "Bangsa-moro," - a "Bangsa" ("Nation") of Moro ("Muslim"). This is a place where the voice of the Moro is heard, and everyone's voice is heard and valued in the heart. If this reality could be understood, that hearing precedes peace making, then we will have "occupied" each other's hearts and would be able to find a way to a less violent future.



*An old man holds a poster that expresses his and the Bangsamoro's stance on the issue of MOA-AD.*

So, in the days following the peace caravan, I comb local and international news periodicals to see if peaceful rallies by 100,000 Muslims have found a way into the news, from which mainstream Filipinos might start to see the non-violent side of the Moro struggle. Though I don't expect to find anything beyond a paragraph tucked away in the international news section, I assume Peace Power

Day will be carried in the Philippine news. I am not too surprised that there is no mention of it in the international news, but I am stunned that none of the major news periodicals in the Philippines carry even a sentence about the tens of thousands of people rallying peacefully for change in a war-torn society. Since there is no repressive state news blackout hiding the emerging reality of a peaceful option in Mindanao, how can this be?

As we pass through rolling agricultural and forest land and the sun sets over Ligawasan marsh, hundreds of children stream out of the blue tarp covered refugee shelters lining the road. They come to shake our hands and help us hear their desire for a place of safety and nurture. I want to explain that though I am one of only a dozen and a half foreigners in the peace caravan, I represent a much larger community of people who also believe in the creation of a listening space for justice, peace and reconciliation. While an international member in the solidarity caravan notes that the presence of so many Moro demonstrators reveals the sustainability of the violent struggle for self determination, another participant hears their voices representing the cry of Muslims everywhere. While I cannot determine who is right, (and they both may in fact be right), it seems only the violent voice is heard. And that is a reality that the supposedly dynamic peace constituency in Mindanao, myself included, has yet to effectively address.

Though most of my global constituency knows nothing about the details of the Bangsamoro struggle and suffering I see here, they also affirm the fundamental importance of listening as a sign of respect and a starting place for building peace. If they were here, they would also be extending their hand in solidarity. But since they are not, while my left arm is feeling sunburned from exposure to wind and hundreds of clasping greetings, I roll down the window as we approach another group of demonstrators convening along the road. I open my hand in blessing, "Asalaam Alaikum," I say, which means, 'Peace to you.' "Alaikum Asalaam," they respond, 'peace to you in return.'

But is anyone else listening?



# Identity politics

## and the struggle for peace in Mindanao

By **MACARIO D. TIU**

**W**hile in Manila for a conference two years ago, my writer friends and I talked about sundry things when the Mindanao issue cropped up. At that time, the terms Bangsamoro Juridical Entity (BJE) and Memorandum of Agreement on Ancestral Domain (MOA-AD) were just being floated around. But my Ilocano writer friend already had a definite position on it.

Said he: "For the first time in my life, I'm going to volunteer to serve our country. I've never done this before. Not even during the Second World War. But now, I'm going to do it."

"Volunteer to do what?" I asked.

He said he was going to volunteer to become a soldier and defend the Republic of the Philippines. The Moros, he said, want to dismember the country, and he will never allow it.

I asked: "Why, what's your interest in Mindanao? Do you have relatives there? Are you doing any business there?"

He said: "What do you mean do I have interests in Mindanao. I'm a Filipino. I'm protecting my country."

"Protect it from whom?" I asked. "Who's invading us?"

My Zamboangueño writer friend chimed in. He said: "We Zamboangueños have always considered the Moros our enemy. For centuries they've been trying to get Zamboanga and for centuries we've been fighting them off. Zamboanga is ours. We will never give it to them."

"How about the Ilocanos? Do you consider any part of Mindanao, yours?" I asked the Ilocano.

"As a Filipino, I do," he answered without hesitation.



Further questioning showed my Ilocano friend had no personal stake in Mindanao. He had no relatives in Mindanao, he had no business concern in Mindanao, and he had no plans to settle in Mindanao. He was simply operating from the framework of being a Filipino citizen whose duty it is to defend the motherland from any threat.

But the Zamboangueño's reaction was gut level. Zamboanga was his home and he will not give it to anybody. He felt and knew deep in his bones that as a Zamboangueño, he owns Zamboanga.

So I asked, "What if the Moros don't include Zamboanga? What if they will claim only those that they own? That is, areas that have an all-Moro population, areas that have no other claimants except the Moros?"

He said that is difficult to determine, almost impossible. I cited Jolo Island, where the native population is Tausug Moro. "They're not stealing it from anybody, are they?" I asked. "If Zamboanga belongs to you, then Jolo belongs to the Tausugs. Agree or disagree?"

After some thinking, the Zamboangueño writer said: "Well, okay. That I will concede. The Tausugs do own Jolo."



But he resisted the idea of dividing the big island of Mindanao itself to give way to the Bangsamoro. He said the population is so mixed up it is impossible to separate the different tribes from each other, not to mention the settlers who have penetrated deep into the original tribal territories.

"You mean," I asked, "there are no areas that have Maguindanao or Maranao majority?"

He conceded that indeed there are still areas in Mindanao where the Moros constitute the absolute majority. But he feared they might demand more territory. What if, I followed up, they only want to get what is theirs? He said delineating the boundaries would be very difficult. To which I agreed. But I said, isn't it better to break our heads at the negotiating table rather than at the battlefield? And he said,

"Okay, I'm listening." So, at least he was now open to negotiate what is "theirs" and what is "his."

The Ilocano writer, meanwhile, merely listened as I probed into the Zamboangueño's positionality. I wondered what other framework, political theory, or social doctrine my Ilocano friend was going to cite to strengthen his resolve to bear arms and fight the Moros in Mindanao.



The Ilocos is too far away. The Moros are not claiming the Ilocos. But apparently the idea that he was a Filipino and that Mindanao is part of the Philippines was enough to stir up his nationalist sentiments, and so at age eighty or ninety he is ready to go to battle to save the territorial integrity of the country..

Not surprisingly, my students in Discourse Analysis had varied reactions to the text of the MOA-AD. One Davao-born student of mixed Lumad and settler parentage couldn't imagine dividing the Philippines, certainly not Mindanao! She wouldn't give an inch of territory to the Moros because, she was very sure, they would demand more. They might include Davao, where the Moros have an infinitesimal presence.

"Kung ayaw nila sa Pilipinas, paalisin sila, paalisin!" she said. When told that the Moros are natives of Mindanao, she seemed surprised. But her bottom line was that any arrangement with the Moros should be within the framework of the Republic of the Philippines, not outside it.

In that class I also had a mainland Chinese student whose position on the Moro issue mirrored his view on Tibet, which matched the view of the Chinese government — Tibet belongs to China, and the Tibetans are Chinese. I pointed out to him that the Tibetans do not consider themselves Chinese; they dress differently, they have a different language, and a different religion. "No, no," he said. "They are Chinese. They are not Han Chinese. They're a different kind of Chinese. But still Chinese."

I said, "Okay, the Tibetans say they are Tibetans and not Chinese. And you say, they are Chinese. Who decides their identity?" And my mainland Chinese student said, "Okay, you don't agree, then fight! Let's fight."

He didn't mean me and him, he meant the opposing parties — the Chinese government and the Tibetans. "Fighting decides identity issues?" I asked. "Of course," was his quick reply.

I was rather surprised by his hawkish stance and power talk, but on reflection, it's actually the same thinking that animates government policy on the Moro issue as expressed in the total war policy, all-out war policy, and what other war policy to defend such noble principles as constitutionality, territorial integrity, national sovereignty, etc. It's the same stance taken by my Ilocano friend.



But not all of my students had a statist, Filipinist position. Surprisingly a Manileño was all for giving the Moros their own territory. He didn't worry at all about the constitution and other legal complications, the problematic territorial division, the economic viability of a Bangsamoro republic. Or whether the new political entity should be merely autonomous, part of a federation, or completely independent. What he worried about is whether that will buy peace in Mindanao. "If they're not Filipinos, then they're not Filipinos," he said. "And if it's their territory, then it's their territory," he added.

My Manileño student's attitude reminded me of an interesting incident at an international conference I attended several years ago. A hefty woman in her brilliant sari suddenly stood up when a diminutive man who looked southeast Asian – he could pass for a Filipino, Indonesian, or Thai – introduced himself as a Naga to the entire body.

"What do you mean you are Naga. You are Indian!" the woman boomed indignantly.

"I am not Indian. I am Naga!" the Naga man said defiantly.

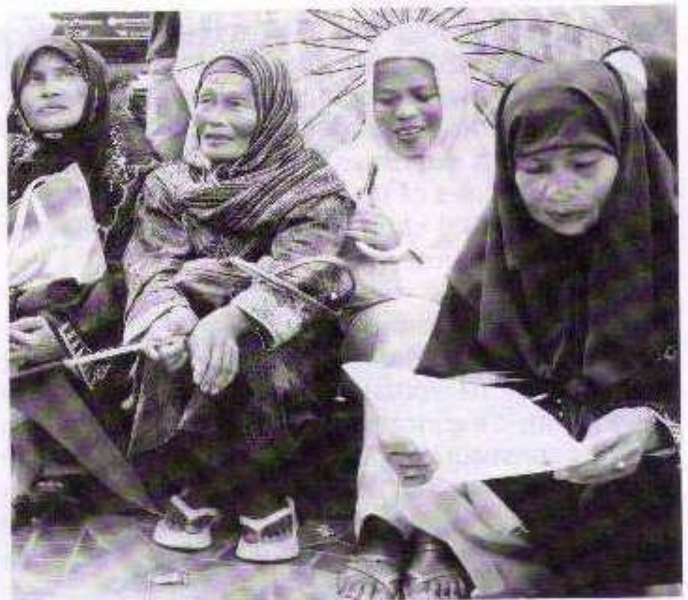
This exchange went for about a minute or so, with the tall Indian woman getting more agitated, and the short Naga man standing his ground. "I am Naga. I am not Indian," he insisted with his chin up.

So we had this curious spectacle of a tall mixed Aryan-Dravidian, typically Bombay-looking woman staring down at a small Tibeto-Burmese Naga man who proudly insisted he was not Indian but Naga.

Finally, the Indian woman said: "Okay, if you are Naga, show me your passport that proves you are Naga. Show me your passport."

The man, of course, could not show his Naga passport, and so the Indian woman sat down in triumph. But the Naga man said: "With or without a Naga passport, I am Naga."

Political scientists know the nature of the conflict between the Indian and the Naga. The Indian woman was working within a political framework – the framework of a legal, internationally recognized, citizenship identity as proven by her passport, while the Naga was operating within a social framework – his ethnic, minority nationality identity that has no legal, national, or state personality under international law.



Like the Nagas of northeastern India, the Moros have no passport to show they are Moros. But they insist they are Moros, not Filipinos. Who decides what their identity should be, and how is it to be decided? Do we insist that they are Filipinos because they live in a territory internationally recognized as part of the Philippine Republic? Do we want to go the way my mainland Chinese student has suggested? "You don't agree, then fight!"

In fact, our government has followed that route for a long, long time already, following a policy instituted by the Spanish and American colonial governments. For decades now, hundreds of thousands have been killed, and thousands upon thousands more have been displaced in pursuit of that policy, adding to the misery of people already burdened by poverty and underdevelopment.

Government is an impersonal, almost abstract entity, but at bottom it is still composed of people who are supposed to represent the will of the majority. I wonder, does the government position on the Moro demand represent the thinking of the majority of Filipinos? Do majority of the Filipinos insist that Moros are Filipinos?

If so, how do we explain the fact that a lot of Filipinos themselves do not want to be Filipinos? Indeed, thousands have resigned as Filipinos or are planning to resign as Filipinos and migrate abroad. Why do they want the Moros to become Filipinos? It seems to me many Moros do not want to be Filipinos, but they do not want to migrate, either. They just want to stay in their own homeland and have control over it.



That Mindanao continues to bleed reflects the fact that all approaches and solutions that have been tried so far have failed to solve the fundamental issue of the Moro's demand for a homeland of their own. This is a centuries-old dream that refuses to die, and those of us who struggle for peace in Mindanao should confront it squarely if we want peace in our country.

The conference theme counter-posing sovereignty and autonomy seems to do just that, but may I add another perspective? The term sovereignty carries with it a concatenation of weighty principles such as constitutionality, inviolability of territorial integrity, nationalism, etc. As we have seen, these principles are upheld not only by government, but also by a host of individuals who will volunteer to defend them.

Indeed, thousands have resigned as Filipinos or are planning to resign as Filipinos and migrate abroad. Why do they want the Moros to become Filipinos? It seems to me many Moros do not want to be Filipinos, but they do not want to migrate, either. They just want to stay in their own homeland and have control over it.

On the other hand, autonomy is only one option of another fundamental principle: the people's right to self-determination. The concept of people carries with it a concatenation of weighty principles such as identity, ethnicity, homeland, and nationhood. As we know these principles act as powerful motivators to many people to volunteer to fight, not only in Mindanao, but also all over the world. Furthermore, we know that when conditions are ripe, these people will push the right to self-determination to its logical conclusion: secession and the formation of a new, independent country.

Autonomy can be accommodated within sovereignty. But secession directly challenges an existing sovereignty because it seeks to become another sovereignty. As we know, that is the

reason why the map of the world keeps changing. It is identity politics at work.

There are a thousand and one issues that can be discussed and explored about the Mindanao conflict. But I suggest that we should begin with confronting our own individual position on the core issue of the identity assertions of the Moros. The first question is, do you accept that the Moros are not Filipinos, even if they are inhabitants of the Republic of the Philippines? The second question is, if they are not Filipinos, are they entitled to their own homeland?

Obviously a negative answer means maintaining the status quo. In effect, it is taking the position of my mainland Chinese student: fight. And like my Ilocano friend, it means willingness to volunteer to defend the constitution, national sovereignty, and the country's territorial boundaries. It means war.

I suggest that an affirmative answer, although fraught with many dangers, provides hope for genuine peace. Like my Zamboangueño friend, we must be willing to break our heads at the negotiating table to determine what is "theirs" and what is "mine." We must be willing to re-imagine a new Philippines. And we must be aware how difficult that is. For one, we have to ensure that the rights of the Lumad communities and settler communities in the affected areas are protected. Our Moro brothers must be made aware that if Moros do not want to be Filipinos, many Filipinos, including Lumads, do not want to be Moros too. Or to be precise, they do not want to acquire a Moro citizenship in a Bangsamoro Republic. If we respect each other's rights, there will be peace in our land and hopefully all of us can attend to the urgent tasks of eradicating poverty and breaking underdevelopment in our respective homelands.

*(The author, Macario D. Tiu, is a Palanca and National Book awardee, and a professor at Ateneo de Davao University. This article is also published in his column, "Bisag Unsa", at MindaViews, the opinion section of MindaNews.)*



# Mindanao's 600,000 IDPs in 2008 is biggest worldwide

By **CAROLYN O. ARGUILLAS**

**T**he internal displacement of 600,000 residents in Mindanao last year due to renewed skirmishes between government and Moro Islamic Liberation Front (MILF) guerrillas was "the biggest new displacement in the world" out of 4.2 million newly displaced in 2008, the Geneva-based Internal Displacement Monitoring Centre (IDMC) said in its April 2009 report launched May 1 in New York.

The number of Mindanao IDPs – 600,000 at the height of skirmishes last year — is higher than the "massive new displacements" in Sudan (550,000), Kenya (500,000), Democratic Republic of Congo (at least 400,000), Iraq (360,000), Pakistan (over 310,000), Somalia (300,000), Colombia (270,000 to June 2008), Sri Lanka (230,000) and India (over 220,000).

According to IDMC's report, "Internal Displacement: Global Overview of Trends and Developments in 2008," an estimated 26 million people were still displaced within their countries, the same number as in 2007 and the highest since the early 1990s.

The largest internally displaced populations as of yearend 2008 were found in Sudan (4.9 million), Colombia (up to 4.3 million) and Iraq (2.8 million).

By yearend, the Philippines' IDP population in Mindanao had gone down to 308,000. As of March 17, 2009, the last report of the National Disaster Coordinating Council's (NDCC) on the IDPs in Mindanao, the number of displaced had gone down to 209,320. But there have been additional reports of displacements since then.

## **Displaced by GRP-MILF conflict only**

The Philippine report in the IDMC "only includes people displaced as a result of the August 2008 upsurge in fighting between the MILF and government forces in Mindanao. It does not include people displaced in previous years and who have not been able to fund durable solutions, nor people displaced by clashes between government forces and communist NPA rebels in Mindanao and elsewhere."



*This evacuee peeks at what's inside the food relief bag distributed by some non-government organization (NGO).*

The IDMC was established by the Norwegian Refugee Council (NRC) following the request of the United Nations Inter-Agency Standing Committee to set up an IDP database in 1998. The Centre has since evolved into the leading international body monitoring internal displacement caused by conflict and violence in some 50 countries worldwide.

"We all share the responsibility to assist and show our solidarity with the world's IDPs", NRC Secretary-General Elisabeth Rasmussen said in a press statement dispatched by e-mail.

At the report's launch in New York, António Guterres, UN High Commissioner for Refugees said "in the context of conflict prevention, forced displacement remains a major challenge, as does the protection of IDPs."



The report says that countries with at least 200,000 people newly displaced in 2008 "in order of scale" are: "Philippines, Sudan, Kenya, Democratic Republic of the Congo (DRC), Iraq, Pakistan, Somalia, Colombia, Sri Lanka and India" while countries with at least 80,000 people returning during 2008 in order of scale are "DRC, Uganda, Sudan, Kenya, Philippines, Iraq, Sri Lanka, Georgia, Yemen, Côte d'Ivoire, Central African Republic (CAR) and Timor-Leste."

The National Disaster Coordinating Council (NDCC)'s last report on the IDP situation in Mindanao as of March 17, 2009, showed 209,320 displaced persons were still in evacuation centers and "house-based," of which 14,729 are in Datu Piang, Maguindanao.



*Evacuees gather as members of the CBCS-Kutawato Region and Tiyakap Kalilintad head the food aid distribution.*

At its height in October, Datu Piang hosted 8,194 families or 41,000 displaced residents from 16 of its 20 towns and from villages in neighboring towns.

While about half the number of evacuees had returned home, Musib Uy Tan, executive secretary to the mayor said they were still hosting 4,112 families or about 20,000 persons as of April 20. Between April 21 and 26, an additional 853 families were displaced, bringing the number to 4,965 families or about 25,000. Since April 27, 582 more families have been displaced.

According to the IDMC report, before the last upsurge in fighting, it was estimated that conflict had displaced more than two million people since 2000.

#### **Army: common agent of displacement**

"Most displacements have taken place in the southern region of Mindanao where the government has fought secessionist Moro (Muslim) groups for

the past 40 years. Although hopes of a formal peace agreement were raised in July 2008 as the government and the Moro Islamic Liberation Front (MILF) reached a consensus on the issue of autonomous Moro territory, strong opposition to the deal by Christian groups and growing Moro frustration led to intense fighting in August in North Cotabato Province, which spread to several other provinces," the report said.

"By the end of 2008 only low-level fighting persisted, but it continued to cause displacement and more than 300,000 people remained unable or unwilling to return to their homes," it added.

The report said the "common agent of displacement nationwide has been the army, operating across the country against communist New People's Army (NPA) rebels, and in Basilan and Sulu provinces against the Abu Sayyaf group and the Moro National Liberation Front (MNLF), as well as against the MILF throughout Mindanao and particularly in the Autonomous Region of Muslim Mindanao (ARMM)."

The report also noted that "development projects backed by military support and disproportionately affecting indigenous groups have also caused displacement" and that two groups have been particularly vulnerable to displacement: Moro people living in conflict-affected areas of Mindanao, and indigenous groups whose territory is rich in natural resources. Counter-insurgency operations against the NPA have often resulted in human rights violations against civilians suspected of supporting the insurgents and caused regular displacement although on a smaller scale."

The NDCC reported 276 dead and 138 injured in the affected areas in Mindanao since August; 3,763 houses damaged, 3,039 of that totally. Damage to property has reached P251.59 million, of which P152.56 million is agriculture and P99 million on infrastructure.

The NDCC also reported that the "overall cost of emergency relief assistance" has reached P251,502,751.85 of which P40.9 million is the "cost of early recovery and initial rehabilitation."

John Holmes, the UN's Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, said in the IDMC press statement that the number of IDPs "will rise significantly due to anticipated increases in the intensity and frequency of natural disasters. That is why we need to focus urgently on finding appropriate solutions for IDPs to end their displacement and their dependence on relief assistance."



# Demo**CRAZY** in the Philippines

By **ANWAR UPAHM**

**D**emocracy is a form of government in which the power is vested in the people. Basically, a democratic country is ruled by its people. The Constitution guarantees basic personal and political rights, fair and free elections and independent courts of law. It is an absolute opposite to monarchy and aristocracy. Stating what US President Abraham Lincoln (1861-1865) said on democracy, it is a government of the people, by the people and for the people.

In the Philippines, democracy is the ultimate aspiration of each and every citizen to become a system of the land. No wonder that the Filipino people are really devoted fan of the American. But let us refresh our mind if the Americans are the real champion of democracy. And let us make out how far the Philippines being a loyal admirer to US on her democratic activities and promotion.

From US President Ronald Reagan (1981-1989) up to the father-and-son Bush Presidency, the world is the most credible witness on how the war becomes policy of the state rather than democratic or peaceful resolutions. During the administration of young Bush, despite the world's protest on 'Iraq war', he still instigated the senseless war with his allies. War on Iraq is considered most brutal war that in the end justified what really the intention is.

The Obama-McCain election that brought Obama into power is a great manifestation of how the American people felt difficult with their policies and agenda. Most of the American realized that change is badly needed. The high hope on Obama has really been expressed that is why the people in the grassroots have worked hard just to change the worst things happening.

In one of the meeting with politician very close to the Philippine President, he mentioned about the 3-meeting held both in New York and Washington. It was an Arroyo-McCain meeting just to help ensure McCain gets elected for presidency. It only manifests here how some Filipino people especially the President works harder just to bring back the puppet of Bush into power. Are the Filipino people really a fan of America on its war policy or its democratic charisma?

We know that the law says that a person is presumed innocent until proven guilty by the court of law. But in most cases, innocent persons are already guilty the way when the police or military treat them. Recently, the very concrete example is the family of well-known TV broadcaster Ted Failon. Failon and his family were arrested like guilty of the case. If it happens to well-known personalities, it could happen to ordinary people too.



George  
Bush Sr.

George  
Bush Jr.

The government is trying to show into public on how the law works. But in 2004 presidential election everybody was asking the whereabouts of Commissioner Virgilio Garcillano who was the man behind the maneuvering of the results of the election. The senate had find difficulties in pursuing the investigation on the results of the election because Garcillano was missing or hiding. And many believe that the one behind Garcillano are the police and the military. Is this is also an obstruction of justice?

Under a democratic country, you are free to hold peaceful rallies, submit your opinion to the media or to write down your ideas and to freely participate in various exercises of the country like the election, among others. But in many instances, people holding rallies are forcibly dispersed by the policemen like animals in the streets.

The government is very expert on its squid-tactics being applied to their political opponent that only signifies that they really don't want somebody to have opportunity to participate in the election exercise. Are we in the monarchical state?

So what democracy really is in the Philippines? Is it freedom to run *jueteng*, to kill someone and



freedom to trap others? Is it a freedom to impose oil price and other major commodities? Is it freedom to use government funds during election and bribe policymakers? Is democracy means total freedom to maneuver results of election and corruption?

In Mindanao, where most cases of election violence happened and maneuvering of the election results, democracy is totally unexercised. Even the technology perfectly works; the politicians are really genius and experts in maneuvering the elections. In one of the popular line in Mindanao, they said automated or computerized election can provide a result within 24 hours but in Mindanao, 24-hour before the orchestrated results are already made.

Political dynasty is prohibited in the Philippines but obviously it is a practice. After the three consecutive terms of local politician, each term has 3-year services, their successor are primarily either wife or son or daughter. So where is the democratic participation of the people?

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Cases of illegal arrest are undeniable and practiced in Mindanao. Right to be an innocent, right to have a lawyer and all the rest of civilian bill of rights are gravely violated. Arresting officer should present the warrant of arrest and he will properly inform the suspect on his case but all things happen is different. I thought Filipino people are really a fan of America on its democratic policy. It is a total opposite to what Lincoln said on democracy. The government 'OFF the people, BUY the people and POOR the people'.

The very concrete effect of the so-called democracy in the country is that our economy compared to other countries in Southeast Asian region is very lousy. Accordingly, Philippines' Growth National Products just grew 11 times from 1960-2000. In comparison to other countries, in the same year, GNP of Malaysia grew 39 times, Thailand 48 times and 172 times for Hongkong.

All of these are but a manifestation of why Moro people had been launching the struggle for freedom and right to self-determination. Equal rights are not guaranteed here in the supposed to be a democratic country. The controversial MOA-AD is a democratic way to resolve Bangsamoro problem but the government prefers to use her military than to democratically forge a so-called "binding agreement". The document substantially talks about democratic relationship between Moro people and the rest of the country. In the end of government democracy policy, children constitute, approximately, two-third (66%) of the more than half-a-million people inhumanly displaced by the continuing government police-military offensives. While in the deplorable evacuation centers, children acquired various sicknesses and had to survive the long period of hot, rainy and cold days and nights. These situations have been considered by the international and domestic institutions as worst humanitarian crisis that Mindanao ever had.

The IDPs are taking shelter in 146 evacuation centers, which are in severe condition, in makeshifts along the roads, under the trees and house-based with their relatives. Thousands of families with their children were forced to move from one shelter to another to find some food, relief and comfort. (2008 Displacement Data)

Finally, both the government and the Moro people should think more creative ways in addressing the problem. Moro people should add more patience in dealing with this problem and continuously hold fast to the positive conclusion. And for the government, problem with the Moro people is very simple and easily be understood. If the Moro people can only be guaranteed full equal rights in a country in which lands and resources are more democratically shared among its people, there will be no problem. If all the acts of injustices against the Moro people could be brought to justice and be assured of having a fair degree of control over the resources and their governance, there will be no need for "Moro struggle". And if Moro people would no longer be treated indiscriminately and second-class citizens of the country, there will be a happy co-existence among and between Filipinos and Moro people. Government should bear in mind that any constitution is not sacred as the bible. Constitution is handiwork of a man. If the constitution does not work for the welfare and co-existence of the people, one can change it. Changing the constitution is constitutional. The government should rethink the situation or learn to think more out of the box and stop relying on its military force.



# Yakans are Tired of Kidnappings in their community

Over five hundred Yakan community people participated in a multi-sectoral rally (composed of community leaders and civil society organizations) held at Tipo-Tipo municipal ground in Basilan province on May 12, 2009.

The activity was first in the history of Basilan that a group of community people ventured to stage a mass action against the inhuman actuations of the dreaded Abu Sayyaf Group (ASG) in the island despite threats posed to the lives of both the participants and invited speakers a night before the activity.

The demonstrators flooded the area with placards and streamers that said among others: "Release Umar Jaleel and other kidnap victims" (Jaleel is an abducted international peace worker), "Let's all unite in condemning kidnappings", and many more. They expressed sentiments over the seemingly unending spate of kidnapping in the area that put the lives of not only the victims and their families but also the innocent civilians in dangerous and difficult situation.

The mobilization was realized out of concerns by the local civilians on the kidnapping of Umar Jaleel, a Sri-Lankan Muslim working as an international peace worker for Nonviolent Peaceforce. Around a dozen victims have also been held captives by the notorious ASG for several months now, among them teachers and businesspeople. Jaleel was abducted by unidentified armed men, sporting military uniforms according to the caretaker of the Nonviolent Peaceforce office, located in Sitio Malo-ong, San Jose in Lamitan City. The abductors barged in forcibly by breaking the main door at around 2:30 in the morning of February 13, 2009.

Unlike other ASG-kidnapped local and international figures whose news and narratives of captivity had practically become the flavor of the day for the government, civil society groups, the military and the media all throughout their agony, the case of Jaleel had been different. In the first three months of his captivity, nothing had been heard of him and it had seemed as though no one was interested in his fate. Thus, among the triggering factors for the communities and the multi-sectoral groups of Basilan to conduct a demonstration to highlight

the status of the other kidnap victims who, like Jaleel, had seemed to have been forgotten by everyone.

Jan Ausal, chair of Tipo-Tipo municipal justice and of the steering committee for the multi-sectoral movement to free Jaleel and the other victims of kidnapping, delivered a strongly-worded opening message that the rally is only a start of their campaign against kidnappings in their area which they considered as "social evil" and therefore destroying the image of the peace-loving Yakan people as a whole.



Captain Cuto, representing Marine Brigade Commander Colonel Rustico Guerrero, delivered a short message and expressed commitment to support any future undertakings that concern peaceful resolution of the problems besetting the island province, such as the spate of kidnappings.

Other important figures who spoke and gave their positive support to the rally were Tipo-Tipo municipal administrator Artun Angeles, Philippine National Police chief Nasser Etto, Alim Bayan Marudin of Basilan Ulama Council, Lamitan municipal councilor Hadja Zubairah Saed and representatives from the municipalities of Al-Barka and Tuburan.

The leaderships of the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF) in the area were also invited to speak in the rally but for unknown reason the former failed to send any representative.



MILF's Boni Salih spoke in behalf of their group and extended gratitude to the initiators of the rally. He said that their organization is following Islamic lines which is peace and therefore abhors all conducts that will redound to discord, such as kidnapping of innocent civilians. He stressed that although their organization is espousing armed struggle, mainly they use it only in defense of their cause and give paramount value and safety to non-combatants or civilians in war.



For the civil society organization, Sammy Maulana, secretary general of the Consortium of Bangsamoro Civil Society (CBCS) conveyed a message of unity and sympathy to the Yakan people in their feeling of anxiety whenever kidnapping ensued followed by relentless pursuit operations by authorities that result to death and damaged to properties.

Nathan Insung, chair of CBCS- Basilan Regional Management Committee and executive director of Yakan Integrated Resources Development Foundation of Basilan, said he was "extremely affected" by the recent kidnapping of Umar Jaleel. He explained that, first and foremost, their group was the "host organization" for the deployment in Basilan by international peace workers such as the Nonviolent Peaceforce, for whom Jaleel works. He emphasized that due to the spate of kidnapping in their area, the Yakan people have lost many opportunities from both local and international

donor agencies that would have uplifted their living condition. Many agencies had backed out and withdrawn all their programs and projects from Basilan when abductions recurred last year.



In larger context, in search for lasting peace in Mindanao, Insung urged his fellow Yakans to unite and support the peace processes, especially the controversial Memorandum of Agreement on Ancestral Domain (MOA-AD). He clarified that despite the scrapping by the Supreme Court and the abandonment by the Philippine government of this product of eleven years painstaking negotiation between the government and MILF, he still believes that it is still the best framework crafted in pursuit of real peace in Mindanao.



# Constitutional Challenges of Philippine Peace Negotiations

(Paper for the **Academic Symposium on Peace Process and National Development**, 15 April 2009, Ateneo de Manila University, Loyola Heights, Quezon City, sponsored by the *Ateneo Law Journal* and the University for Peace.)

By **ATTY. SOLIMAN M. SANTOS, JR.**

**A**s a Filipino lawyer invited by the *Ateneo Law Journal* to speak on "Challenges of Peace Negotiations," allow me focus, within the brief time given, on certain *constitutional* challenges of peace negotiations in the Philippines. I will deal here only with the two major pending peace negotiations of the Government of the Republic of the Philippines (GRP) with the country's two major rebel groups: the Moro Islamic Liberation Front (MILF) and the communist-led National Democratic Front of the Philippines (NDFP). At the outset, let me say that the constitutional challenges are not the biggest or most important challenges in these two peace negotiations. It goes almost without saying that the political challenges – in terms of political will, peace policy and a public constituency of support – are still the most important factors for a negotiated political settlement. But the two cases at bar, to use terms of court litigation, point to the ultimate necessity for such a settlement to also be a negotiated *constitutional* settlement.

## The Case of the GRP-MILF Peace Negotiations

Let us take first the case of the GRP-MILF Peace Negotiations, where the discussion of constitutional challenges is already very rich. Thanks and (for some) no thanks to the Supreme Decision (SC) of 14 October 2008 on the aborted GRP-MILF Memorandum of Agreement on Ancestral Domain (MOA-AD). This is the first Philippine jurisprudence on peace negotiations with rebel groups, one which ultimately has implications not only for the negotiations with the MILF, even as this was the context of the court litigation. The SC declared the initialed but unsigned final draft of the MOA-AD as "CONTRARY TO LAW AND THE CONSTITUTION." This SC Decision is now a reality which the GRP-MILF peace negotiations have to live with. The MILF may of course not feel bound



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by the SC Decision, but they are negotiating with a counterpart which is bound by it. Recently, the Presidential Adviser on the Peace Process (PAPP), Secretary Avelino I. Razon, Jr., indicated that for the resumption of the negotiations, "the GRP is now guided by the SC Decision and the outcome of our continuing consultations on the ground, in resolving the substantive issues at the negotiating table."

As far as the SC Decision is concerned, there are basically two ways to interpret it: one is conservatively or restrictively, and the other is



liberally or progressively, i.e. in pushing and exhausting the allowable limits of the Decision's "controlling principles" and parameters. The conservative approach is to be paralyzed by fear in pursuing the substantive issues lest the new peace panel be similarly struck down as the old panel was for unconstitutional acts of negotiation. This means not touching with a ten-foot pole anything that looks like the unconstitutional MOA-AD and its contents. This means taking the path of least resistance of merely enhancing the current Organic Act for the Autonomous Region in Muslim Mindanao (ARMM) which is circumscribed by the Constitution's existing provisions on autonomous regions. But the experience of 20 years of this model has proven that it has not solved the Bangsamoro problem. This in fact is what the MILF has been saying. But the SC Decision, which the MILF does not recognize, has made it even more wary of Philippine constitutional processes which it understandably sees as a quagmire or trap, not to mention its inherent revolutionary rejection of the Philippine constitutional framework.

A more thorough reading of the SC Decision will, however, show that its declaration of the MOA-AD as "CONTRARY TO LAW AND THE CONSTITUTION" actually hinged on two procedural matters, and not really on the contents *per se* of the MOA-AD. The two procedural matters are nonetheless substantive in that they involve constitutional and legal rights, duties, processes and powers. One has to do with the constitutional right of the people to information, the constitutional state policy of full public disclosure, and constitutional and statutory provisions on public consultations, all of which the SC (arguably) found the previous GRP Peace Panel to have violated and particularly the previous PAPP to have "committed grave abuse of discretion." The other has to do with constitutional processes and constituent powers for amendments or revisions of the Constitution, which the SC (arguably) found the previous GRP Peace Panel to have been a "usurpation" by "guaranteeing" to the MILF that constitutional changes will be made "to conform to the MOA-AD."

While it is true that the SC Decision found that "the MOA-AD cannot be reconciled with the present Constitution and laws," and that the MOA-AD's underlying concept of an associative relationship between the GRP and the Bangsamoro Juridical Entity (BJE) is "**unconstitutional**, for the concept presupposes that the associated entity is a state and implies that the same is on its way to independence," the SC Decision also stated

that this and other political options for Moro self-determination are really all ultimately up to the sovereign people: "The sovereign people may, if so desired, go to the extent of giving up a portion of its own territory to the Moros for the sake of peace, *for it can change the Constitution in any [way] it wants...*" (italics mine) The SC Decision in fact stated that "As the experience of nations which have similarly gone through internal armed conflict will show, however, peace is rarely attained by simply pursuing a military solution. Oftentimes, changes as far-reaching as a fundamental reconfiguration of the nation's constitutional structure is required."

...the constitutional challenges are not the biggest or most important challenges in these two peace negotiations. It goes almost without saying that the political challenges – in terms of political will, peace policy and a public constituency of support – are still the most important factors for a negotiated political settlement.

The SC Decision cited an American law journal article on post-conflict peace-building and constitution-making: "Constitution-making after conflict is an opportunity to create a common vision of the future of a state and a road map on how to get there. The constitution can be partly a peace agreement and partly a framework setting up the rules by which the new democracy will operate." And then it cited another American law journal article on the nature and legal status of peace agreements in saying that "the typical way that peace agreements establish or confirm mechanisms for demilitarization and demobilization [DDR advocates, take note!] is by linking them to **new constitutional structures** addressing governance, elections, and legal and human rights institutions."



Let us say, or assume for the sake of argument, that the key concepts in the MOA-AD, not necessarily the whole MOA-AD or how it is phrased, is indicative of a mutually acceptable level or degree of Moro self-determination, without prejudice to whatever renegotiation or further negotiations. Giving it effect "would require an amendment [of the Constitution], according to the SC Decision, because "the mere passage of legislation... would not suffice, since any new law that might vest in the BJE the powers found in the MOA-AD must, itself, comply with other provisions of the Constitution." This is really logical if any such new structural relationship (whether associative, federative, or otherwise) is to rise above the level or degree of self-determination under the Constitution's existing provisions on autonomous regions. Thus, the SC Decision actually gets it right in saying that: "If the President is to be expected to find means for bringing this conflict to an end and to achieve lasting peace in Mindanao, then she must be given the leeway to explore, in the course of peace negotiations, solutions that may require changes to the Constitution for their implementation." The only real caveat is for the President (or her agent, the GRP Peace Panel) not to usurp constituent powers but instead "she may submit proposals for constitutional change to Congress..." And of course, also the caveat on public information, disclosure and consultation.



*"Respect the MOA-AD" has been a popular appeal since it's initial signing on July 27, 2008.*

And while the SC Decision found the MOA-AD's underlying concept of associative relationship to be "**unconstitutional**, for the concept presupposes that the associated entity is a state and implies that the same is on its way to independence," even

this is *not precluded* because the SC Decision also says that the sovereign people "can change the Constitution in any way it wants." That would be, of course, a matter of sovereign political decision. The PAPP Secretary Razon has, however, stated that among the guidelines laid down for the new GRP Peace Panel is that "any future agreement with the MILF must be within Philippine citizenship. There shall be no talk of independence." This probably represents the upper limit or line which must not be crossed as far as the GRP side and political constituency are concerned. Conceivably, an associative relationship that is expressly *not* one "on its way to independence" would still be in the realm of mutually acceptable possibilities. Probabilities are another matter.

In any case, one implication, if not "controlling principle," of the SC Decision is that if the GRP-MILF peace negotiations are to arrive at a higher level or degree of Moro self-determination than that provided by the Constitution's existing provisions on autonomous regions, then these negotiations should be reframed to partake of the nature of constitutional negotiations. Since mutuality and bilateralism are part of the inherent character of negotiations and a negotiated settlement, both parties should recognize the need for such constitutional negotiations and accordingly engage in them with the best possible guiding lights. This is the *key-link* constitutional challenge to both sides now at this critical juncture of the third serious impasse in the GRP-MILF peace negotiations.

### **The Case of the GRP-NDFP Peace Negotiations**

If you think that the GRP-MILF peace negotiations are hard, wait till you reckon with the case of the GRP-NDFP Peace Negotiations, which we turn to now. One would have thought that the latter would be easier as a constitutional challenge, if we were to base it only on the negotiations framework agreement, The Hague Joint Declaration of 1 September 1992. Here, the GRP and NDFP agreed that the substantive agenda of the formal peace negotiations shall include, among others, "political and constitutional reforms, end of hostilities and disposition of forces" [so, DDR is on the agenda here, unlike in the several negotiations framework agreements with the MILF]. Constitutional reforms connote constitutional change. The GRP's "Six Paths to Peace" policy framework since 1993 in fact indicates the "first path" to be "PURSUIT OF SOCIAL, ECONOMIC AND POLITICAL REFORMS... aimed at addressing the root causes of internal armed conflict... [and] This may require



administrative action, new legislation, or even constitutional amendments."

Unfortunately, unlike the case of the GRP-MILF peace negotiations which are strategic in nature, the GRP-NDFP peace negotiations are only tactical in nature for both sides, subsumed to a more paramount war strategy – protracted people's war for the NDFP and counter-insurgency war for the GRP. This has taken the form of a different kind of constitutional challenge, that of a contest between two Filipino governments: the established official GRP and the NDFP's shadow underground "People's Democratic Government." They are competing against each other and for the allegiance, hearts and minds of the Filipino people. The NDFP asserts that "the people's revolutionary government has its own legal and judicial system," including its own constitutional framework which is opposed to that of the GRP. On the ground, this NDFP assertion is to be made along the line of recent Communist Party of the Philippines (CPP) directives to its New

This different kind of "two-state" dynamic has all the makings of "an irresistible force meeting an immovable object," in other words, an increase in the level of violence, both revolutionary and counter-revolutionary, on top of an already established long-time absence of a ceasefire (unlike with the MILF). In this scenario of human insecurity, perhaps the best case scenario is for the warring parties to substantially adhere to human rights and international humanitarian law (IHL). After all, not only do they already have a substantive Comprehensive Agreement on Respect for Human Rights and IHL (CARHRIHL), but they also actually have as common frames of reference the International Bill of Rights and IHL (e.g. the Geneva Conventions and their Protocols). And these common frames of reference are found in their respective, even if opposing, constitutional frameworks. The *minimum* constitutional challenge in the GRP-NDFP case, therefore, is to show better adherence in practice to those common frames of reference of human rights and IHL, and to make the most of this common ground by building on it. First, to build more of much needed confidence with each other. And second, to possibly build a *rights-based* substantive agenda for socio-economic, political and constitutional reforms – whether inside or outside the negotiations.

the SC Decision actually gets it right in saying that:  
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People's Army (NPA) "to build relatively stable base areas" by "suppressing and driving away the oppressors and exploiters and dismantling the reactionary organs of political power over extensive areas" in the countryside. Note that the latter directive is not just to "shadow" and compete with but no less than "dismantle" the official village and municipal government units – so that these can be effectively replaced by revolutionary organs of political power.



# Peace and Development Anchored on Human Rights and Justice

By **SAMMY P. MAULANA**

**A**ny individual, people or nation can only claim dignified humane existence when the human rights essentials such as life, dignity and development are fully realized. On top of this, the United Nations as super-international body could have been insignificant today had it not taken human rights as center stage so that any government that is signatory to the International Bill of Human Rights (IBHR) would have to adopt it and commit itself to human rights in its true form.

When the Philippine government became one of the signatories and a state party to the IBHR it could have immediately adopt human rights as base of its development framework. This could have been done by applying human rights standard in its development policies and strategy.

There are two issues often raised in relation to human rights as base of development framework which are worth noting.



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The first is the prevailing myth raised by some legal experts that economic, social and cultural rights (ESCR) are not justifiable. At the first glance, this seems to be valid. The Philippine legal system is so fixated in confining itself on the provisions of the penal code in interpreting and dispensing justice that is civil and political in character.

However, Article 3 of the Constitution under Bill of Rights stipulates the valuing of human dignity and respect of human rights. Thus, this should not be inferred and equated to the misconception that ESCR has no legal value; and therefore, a judicial recourse can be pursued when peoples' ESCR are violated.

This argument can be substantiated that the IBHR is a part of international law and it merits interpretation in the domestic court as the Philippine constitution adopts generally accepted principles of international law as part of the law of the land.

The second is the government's skewed viewpoint in understanding development. A decade after the International Convention on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) became in full force and effect in 1976, the government has still maintained its traditional outlook on human rights-based approach.

This government attitude can be attributed to the so-called Third World Myth—the so-called "development dictatorship", the "in" paradigm espoused by any despotic regime as it believes that democracy and human rights are obstacle to economic growth. There is indeed an obvious link between human rights and development and such articulation only reinforces the thought that development has evolved distinctly from human rights.

This explains why people become an object of development rather than the subject of their own development. This explains also why they become spectator to their development rather than key actors in their own development.

We need a development that is rooted from the peoples' aspiration and struggle; a development that is pro-God, pro-people and pro-environment; the one that is empowering, liberating and transforming. Any development that deviates from this is a development dictatorship and development aggression that has no place in a civilized and democratic society.



## Question of Muslims in Southern Philippines

**Adopted by the Senior Officials Meeting Preparatory to the Thirty-sixth Session of the Council of Foreign Ministers  
(For Enhancing Islamic Solidarity)  
Damascus – Arab Republic of Syria**

**From 28 Jumadal Awwal to 1 Jumadal Thani 1430H, (23-25 May, 2009)**

**Bearing** in mind the resolutions of the OIC and the recommendations of the Ministerial Committee of Eight on the question of Muslims in Southern Philippines;

**Recalling** the Tripoli Agreement signed on 23 December 1976, between the Government of the Republic of Philippines (GRP) and the Moro National Liberation Front (MNLF), under the aegis of the Organization of the Islamic Conference (OIC), which the signatory parties agreed to consider as the basis for a permanent, just, and comprehensive political solution to the question of Muslims in Southern Philippines within the framework of the national sovereignty and territorial integrity of the Republic of the Philippines;

**Paying tribute to** the role of the Great Socialist People's Libyan Arab Jamahiriya, under the wise leadership of H.E. Colonel Moammar Gaddafi, in achieving the Tripoli Agreement of 1976 and hosting the first preliminary talks in Tripoli on 3-4 October 1992 as well as the Unity and Solidarity Meeting of the MNLF leaders on 6 April 2003;

**Also paying tribute to** the role of the Government of the Republic of Indonesia in facilitating the peace process culminating in the signing of the Final Peace Agreement on 2 September 1996, and expressing satisfaction for the efforts of the Ministerial Committee of Eight in this regard;

**Recalling** that, in accordance with the two Memoranda of Understanding under which the GRP and the MNLF concluded two rounds of preliminary talks, held successively in Tripoli, Libyan Arab Jamahiriya, on 3-4 October 1992, and in Cipanas, Western Java, Republic of Indonesia, on 14-16 April, 1993, the two parties agreed to conduct official peace negotiations for the full implementation of the letter and spirit of the 1976 Tripoli Agreement;

**Recalling** also the results of the four rounds of formal peace talks held in Jakarta, Indonesia, including the subsidiary mechanisms, between the GRP and the MNLF, thanks to the facilities made available by the OIC Peace Committee;

**Noting** that the gains achieved by the Peace Agreement concluded between the GRP and the MNLF and existing cooperation between them need to be generalized and maximized in order to achieve comprehensive peace and development for the benefit of the people of Bangsamoro;

**Also paying tribute to** the role of the Republic of Indonesia and the Members of the OIC Peace Committee in Southern Philippines as well as the Secretary-General's efforts aimed at facilitating the peace process and helping both the GRP and the MNLF to reach a formula of joint proposals aimed at ensuring the full implementation of the 1996 Peace Agreement;

**Pays tribute to** the efforts made by the Custodian of the Two Holy Mosques, King Abdullah Ibn Abdulaziz, Sovereign of the Kingdom of Saudi Arabia, Colonel Moamar Kadafi, Leader of the Great 1st of September Revolution in the Great Socialist People's Libyan Arab Jamahiriya, and the OIC Secretary General to ensure the release of Prof. Nur Misuari, Chairman of the MNLF, and to support peace efforts in Southern Philippines; and commends H.E. Gloria Makabajal Arroyo, President of the Republic of the Philippine for responding to these efforts;

**Hails** the role of Gaddafi International Charity and Development Foundation, in the name of its President Saif Al-Islam Kaddifi through his visit in December 2007, and the visit a delegation from the Foundation in April, 2008,

**Reaffirming** Resolution No. 2/10-MM (IS) on the Question of Muslims in Southern Philippines adopted by the 10th Session of the Islamic Summit Conference held in Putrajaya, Malaysia, on 16-17



October 2003, as well as Resolution No. 2/11-MM (IS) adopted by the 11th Session of the Islamic Summit Conference;

**Recalling** ICFM Resolution No.26/52-P of 1999 and Resolution No.27/26-P of 2000;

**Reiterating** Resolutions adopted by the Conference of Foreign Ministers and No. 2/34-MM and 2/35-MM on the Question of Muslims in Southern Philippines.

**Having considered** the Report of the Secretary-General on the Question of Muslims in Southern Philippines (Document No. CFM/36- 2009/MM/SG.REP.2);

1. **Renews** its support for the Peace Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF), which was initialed on 30 August 1996 in Jakarta and officially signed on 2 September 1996 in Manila.
2. **Calls** on both the Government of the Republic of the Philippines and the Moro National Liberation Front to preserve the gains achieved since the signing of the Peace Agreement and encourages both sides to continue their efforts in finding further solution for their differences to ensure the full implementation of the 1996 Peace Agreement.
3. **Renews** the mandate of the OIC Peace Committee for Southern Philippines (PCSP) and requests the Committee and the Secretary-General to continue their efforts and make the necessary contacts with the GRP and the MNLF with a view to ensuring the full implementation of the 1996 Peace Agreement.
4. **Lauds** the progress made at the tripartite meeting held in Manila on 11- 13 March 2009 between the OIC, the Government of the Philippines and Moro National Liberation Front on the review of the implementation of 1996 Final Peace Agreement; and calls on the Government of Philippines to show the necessary flexibility to surmount the problems impeding full implementation of this Agreement.
5. **Reiterates** the importance of continuing to convene the Tripartite Meeting between the GRP, the MNLF, and the OIC in order to review progress on the implementation of the 1996 Peace Agreement, assess the steps taken and obstacles impeding its full implementation, and propose action to overcome such obstacles.

6. **Expresses** regrets that the plan of signing the already initialized Memorandum of Agreement on Ancestral Domain (MOA-AD) between the Government of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF), in Malaysia on 5 August 2008, did not materialize, takes note of the constitutional constrain which prevented the GRP to sign the MOA-AD, and expresses concern with the deterioration of the situation following it, and calls on both parties to resume negotiation and to build on previous achievement.

7. **Takes note** of the report of the Secretary General on the readiness of the Government the Philippines to return to the negotiating table with the MILF.

8. **Urges** the MNLF and the Moro Islamic Liberation Front (MILF) to unite their ranks so as to work together for the peace and development of the Bangsamoro people and requests the Secretary-General to continue to deploy his good offices to bring them closer and to enhance the coordination between them.

9. **Appeals** to the Government of the Republic of the Philippines to see to the early resolution of the reported environmental problems resulting from the failure on the part of power and electricity plants in Lake Lanao and its surroundings to observe environmental standards, which has had a serious and adverse environmental impact on the local population's health and economic and social conditions.

10. **Urges** OIC Member States, subsidiary organs, and specialized and affiliated institutions as well as benevolent Islamic organizations in the Member States to increase their medical, humanitarian, economic, financial, and technical assistance for the development of Southern Philippines with a view to accelerating the pace of the social and economic development process and urges the Philippine Government to agree to the General Secretariat's request to send a joint delegation of the OIC, IDB and other Islamic NGOs willing to offer assistance in order to assess the needs.

11. **Requests** the Secretary-General to follow up the implementation of this resolution and to report thereon to the Thirty-seventh Session of the Council of Foreign Ministers.



# Statement by Professor Ekmeleddin Ihsanoglu

Secretary-General,  
Organization of the Islamic Conference

DAMASCUS – SYRIAN ARAB REPUBLIC 28 JUMADA I 1430 H  
(23 MAY 2009)

Your Excellency President Bashar Al  
Assad,  
President of the Syrian Arab Republic  
Your Excellencies,  
Honorable Heads of Delegation,

It is an honor for me to welcome you all as we embark – with the help of Allah – on the Thirty-sixth Session of the Council of Foreign Ministers of the Organization of the Islamic Conference. It is also a distinct honor and privilege for me to address your august council in this centuries-old Arab Islamic city where Islam flowered in its early days, a city which has witnessed the great historical glories of Islam and has always been a hospitable host for its eternal heritage.

I have the pleasure to start with paying tribute to the great Syrian people and to their leader, His Excellency President Bashar Al Assad, and to extend my thanks and appreciation to him for his kind patronage of this important meeting. We look forward with great interest to his opening statement which will contain his invaluable directives that will guide our proceedings. I feel duty bound to extend to His Excellency and to his Government my sincere gratitude and appreciation for all the efforts and arrangements that have been made to ensure that this session is held in optimal conditions. I am equally thankful for the warm welcome and generous hospitality offered to all participants in this blessed meeting.

I should not forget to extend my thanks and appreciation to the Republic of Uganda, Chair of the previous session of the CFM, for the sincere efforts they have made to assume the chairmanship of the Council for one full year and



*Professor Ekmeleddin Ihsanoglu*

for their initiatives to consolidate joint Islamic action.

Your Excellency the President,  
Excellencies,  
Ladies and Gentlemen,

This is the first time we get together officially since I assumed my second term in office as OIC Secretary General, after my unanimous election at the Dakar Summit in 2008. I wish to take this opportunity to say how greatly honored I am to be offered this opportunity to continue to work in this important post in order to make every effort to serve the Member States and the Islamic Ummah and to advance its glory and progress, being fully aware of the tremendous responsibility placed upon our shoulders.



It is reassuring and comforting that the past four years have been an opportunity for us to test our capacity to achieve, to progress, and to get the world to listen to our views. Over this period, we have managed, with the grace of Allah, and thanks to your sincere support, cooperation and solidarity and with our unflinching perseverance, to reform this Organization in a practical and effective way. Thus, our actions have spoken louder than our words, and our efforts have been acknowledged internally and our voice heard and respected externally. We have thus made a quantum leap that has lifted the Organization from an organization whose sole exercise was to stage conferences and issue recommendations, to one with high interactive and ramified links and contacts with impactful regional and international organizations and governments and with civil society institutions.

As I look forward, I see that we still have a long way to go which must be kept vibrant with useful actions and real achievements. And this is indeed what I am fully determined to do.

Your Excellency the President,  
Excellencies,  
Ladies and Gentlemen,

If we review today the reality in the Islamic world amid the current global upheaval, the developments of international politics and the shift which took place in the balance of power among influential States in the past decade, we will find that the role of the Islamic world remains marginal and is not what it should be, taking into account its huge demographic weight, wide surface, strategic location, tremendous capacities, potentials and natural resources.

This age, as we see, is one of major groupings and unprecedented changes where powers move to the front that in the past were insignificant. At the same time, the very foundations of other international powers are shattered and they start to face crises and problems.

In the past two decades, on the other hand, some poor States have known how to take advantage of their poverty and scarce resources to turn their weakness into a driving force to

redress their economies and find their way toward progress, benefiting from their unity and using new economic methods such as focusing on leading sectors of modern technology as is the case today in India and previously in China.

The emergence of the role of these two great States has destabilized the global economic pattern, which has weakened the West's economic domination. On the other hand, it has qualified China and India to become in the near future two of the strongest economic powers heading towards sustainable growth.

This major development raises some legitimate questions relative to the standing of the Islamic world and its positions in the coming developments, and whether that would make us search for optimal policies that we should pursue in order to safeguard our interests. Reference should be made here to the G20 and the fact that three of its members are OIC Member States, namely Indonesia, Turkey and Saudi Arabia. We hope that more OIC Member States will become members of the G20 and that these States' economies will make progress and become part of the top ten world economies.

Your Excellency the President,  
Excellencies  
Ladies and Gentlemen,

In the midst of these developments, we may say that the Ten-Year Programme of Action has managed to set up a conception of a unified and mutually supportive Islamic World that is capable of facing up to the said challenges. We have indeed started implementing the provisions of this program, with the General Secretariat having on its part carried through most of what was requested of it in terms of institutional action, such as amending the charter, introducing substantive reforms on a number of OIC institutions, foremost of which the International Islamic Fiqh Academy and the International Islamic News Agency (IINA), and evolving a proposal for establishing an independent permanent human rights commission for the Islamic world in order to promote good governance. We have likewise



strengthened and supported the economic institutions active in the field of joint Islamic action, just as we have stimulated quality education and seen to the evolvement of joint initiatives in the field of science and technology. I have already submitted annual reports on the progress made in these issues.

What is regrettable, however, is that the pace of progress in the implementation of the provisions of the TYPOA, although it is the best tool for making a substantive change in the life of the Muslim Ummah, has remained rather sluggish with some States not according the program the interest it deserves. But it is encouraging to see some committed States support its programmes by providing the financing, establishing national committees, preparing plans and organizing meetings. I would like therefore to seize this opportunity to appeal to the Member States to demonstrate greater interest and firmer resolve in implementing the decisions of our Heads of State at the Makkah Summit, as this program is the track we need to follow if we are to achieve unity, progress and strength. In this connection, I would like to propose holding a mid-term review meeting in 2010 with regard to the progress made in implementing this programme during the meetings of COMIAC, COMCEC and COMSTECH, to which we extend our thanks and gratitude for the commendable efforts they are making in their respective fields of activity.

Excellencies

Ladies and Gentlemen,

The major issues which weigh heavily on the Islamic World continue unresolved. The Palestinian question has witnessed grave developments with the increasing aggressions against the Palestinian citizens as a result of the Israeli perpetrations in terms of killing, detention, construction of settlements in the occupied territories, demolition of homes and isolation of towns. The city of Al Quds and the Holy Mosque of Al Aqsa are also facing an unprecedented vicious attack with the aim of judaizing them and fully obliterating their Arab-Islamic identity. The Muslim Ummah is called upon today, more than ever before, to promptly extend political and financial support to the

Holy city's resistance and to its citizens and institutions. The humanitarian ordeal witnessed in the Gaza strip requires an Islamic action to counter it. I have recently visited Gaza and taken stock of the sheer scale of the devastation suffered by the Strip. I met with new groups of refugees and I witnessed the effects of the Israeli aggression which included characterized war crimes, and the use of internationally prohibited weapons. It has become incumbent upon us today to make a concerted effort to ensure that the perpetrators of those crimes are brought to justice before the relevant international courts, and to promptly start rebuilding the Gaza strip and alleviating the ordeal of our brothers there. We have recently dispatched many convoys of medicines and food to the population of Gaza. We also insist on the need for the international community to compel the Israeli Government to end its occupation of all the Arab territories occupied since 1967, namely Al-Quds, the West Bank, the Golan and Southern Lebanon. In this context, I wish to pay tribute to the praiseworthy efforts being made by the Arab Republic of Egypt to repair the chinks in the Palestinian edifice and to bring about unity of rank among the Palestinian factions and parties.

We have followed with great satisfaction the developments in Iraq and the anticipated pullout of foreign troops from its territory. We are also pleased with the steady improvement in the country's security situation, the entrenchment of its democratic experience and the progress made in the efforts to consolidate Iraq's national unity and territorial integrity, to restore its full sovereignty over all its territories and achieve its effective independence.

The OIC was one of the first organizations which sought to establish a permanent contact with the Iraqi authority in Baghdad through visits, the designation of an ambassador to Iraq, and by helping to curb the sectarian and religious fighting. We dispatched missions there to explore possibilities of cooperation in numerous fields. Recently, accompanied by a large delegation that included the various OIC economic and intellectual institutions, including the IDB, I paid a visit to Iraq to meet with officials and to consider possibilities of contributing to the



reconstruction and development programs there.

As for Somalia, conditions there have relatively improved at the political level in the past year, following the launch of the UN negotiations for peace in Somalia under the sponsorship of Djibouti. The peace process led to the formation of a government of national unity. As an observer member in the Djibouti Peace Agreement, the OIC has effectively contributed to all these efforts. We regret the resumption of hostilities among Somali factions, and we hope that the internal and international efforts being deployed will end the fighting and cause a return to dialogue so as to end the painful situation in Somalia.

The situation in Sudan is given serious attention by the OIC, as the international efforts to achieve progress in the Darfur peace negotiations continue. Not too long ago, I paid a visit to Sudan and met with a number of officials, foremost of whom is H.E. President Omar Hasan Al Bashir. I have informed His Excellency that the OIC rejects the International Criminal Court's decision and its double standards. However we also requested that the Sudanese judiciary should do all that is required by justice to prosecute those involved in criminal acts in Darfur.

I returned from another important visit to Sudan on the 18th of this month. The visit was in response to an invitation from the Sudanese president, Omar Hassan Al-Bashir with the aim of inspecting the totality of the security and humanitarian situation and the efforts of the Sudanese government to improve the situation in Darfur. On that visit I underscored the OIC's determination to continue to provide humanitarian and developmental assistance in Darfur and to embark on an ambitious project to build 120 model villages that can absorb more than 400,000 displaced persons from the 3 regions of Darfur at the cost of USD485 million. In this regard we praise the Qatar-sponsored Afro-Arab initiative.

As for the situation in Afghanistan, this brotherly country stands at a decisive juncture, being

faced with the challenges of peace, security and stability. The OIC has been active in supporting the efforts of many States members of the international community in favor of achieving a comprehensive peace there. I have in this respect recently attended a special meeting on Afghanistan which was held in Moscow. I also participated in an international conference on Afghanistan held in The Hague. We are not oblivious of the issues of development, rehabilitation and reconstruction in Afghanistan which continue to receive our attention.

Regarding the issue of Jammu and Kashmir, the tense situation there is still at a standstill due to the failure to implement the relevant UN Security Council resolutions. My special envoy to Jammu and Kashmir has paid a visit to both Islamabad and Muzaffarabad to discuss developments in this connection.

We have been encouraged by the new atmosphere that has prevailed in Cyprus recently between the Turkish and the Greek communities, and we hope this fresh openness will lead to such results as to pave the way towards a just solution to this crisis based on equality. We have continued our support to Azerbaijan against the illegitimate Armenian occupation of the Nagorno Karabakh region and we demand that the relevant UN resolutions be implemented in this respect. In another vein, I wish to make a particular mention of the situation in the Comoro Union where the current developmental and social situation is a source of concern for us. I feel duty-bound to appeal to the Member States to extend their urgent assistance to this member country.

Excellencies,  
Honorable Heads of Delegation,

The campaign against Islam rages on as hostile attacks targeted at Islam and Muslims continue at a growing pace. The contagion of this scourge is now gradually infecting some official institutions, after having spread among civil society institutions, political parties and others.



We have made and continue to make multiple efforts at varied and diverse levels to raise public awareness of the need to combat Islamophobia in all parts of the world and more particularly in the West. We have also held numerous meetings and conferences and exchanged views with officials in both regional and international organizations. To this effect we have concluded a number of bilateral agreements; most important of which was the Memorandum of Understanding with the Alliance of Civilizations initiative which has the UN support, so as to boost cooperation opportunities with them. Likewise, we organized a special session at the UN headquarters in Geneva in commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights. We also participated in the forum on "World Common Values" in Geneva and succeeded in issuing a recommendation of the UN General Assembly and the Human Rights Council that condemns the campaigns against religions and rejects associating Islam with terrorism. Besides, we played an active role at the Second Durban Conference against Racism, recently held in Geneva, where our work and stances gained the satisfaction and appreciation of the delegates for the level-headed views we proposed.

On this score, the activities of the OIC Observatory on Islamophobia have been effective. It was able to monitor an electronic game titled Faith Fighter on a website which depicted an assumed war involving the Prophet Muhammad (Prayer and peace be upon Him) and Jesus Christ (Peace be on them). Our quick intervention to condemn this game led to it being withdrawn from circulation. The Observatory has become an international reference for getting information on the occurrences and repercussions of this phenomenon.

We can say that these intense efforts have started bearing fruit. The second annual report of the OIC Observatory would be circulated to you during this session.

I have the pleasure to commend the great effort made by the ISESCO and IRCICA in this regard.

Within the framework of implementing the provisions of the TYPOA and the new OIC Charter, the OIC has prepared, in cooperation with a special group of experts from the Member States, a study on the establishment of an "Independent Permanent Commission on Human Rights" as one of the OIC organs. Upon completion of the study, the draft was submitted to a formal meeting of the Intergovernmental Expert Group from the Member States, for review. This Group met in Jeddah on 12 and 13 April 2009 and examined the document and the Commission's draft statute. It was decided at the last meeting of the senior officials to give more time to enable further consideration of and to deepen discussion on the matter.

Excellencies

Honorable Heads of Delegation,

The Muslim Communities and Minorities in non-OIC Member States represent one third of the world Muslim population, and number about 500 million people. Their numbers are constantly on the rise and most of them are suffering from violations of their rights. I have undertaken many initiatives aimed at solving their problems in the Philippines, Myanmar, Thailand, Western Thrace, the Caucasus, etc. Over the past years I dispatched envoys to many countries with Muslim communities to get a first-hand insight on the conditions of Muslims, to reach out to them and identify their needs. It may be said that our efforts in the Philippines have met with some success. However, we need to keep up these efforts to persuade both the Philippine Government and the MNLF to fully implement the 1996 Peace Agreement.

In another respect, we are fully aware of the strategic importance of engaging the media. This was well illustrated during the Eighth Session of the Conference of Information Ministers. From this forum, I wish to renew my invitation to the Muslim world entrepreneurs to pay greater attention to and invest in the information field. We have been successful in restructuring the International Islamic News Agency (IINA). Also, the Eighth Session of the Conference of Information Ministers approved the new strategic plan and new organizational



structure of the Islamic Broadcasting Union (IBU).

Excellencies,  
Honorable Heads of Delegation,

The OIC Member States are endowed with tremendous economic resources in different sectors, chief among which is energy, agriculture, mining and human resources, all of which qualify the Islamic world to become a weighty strategic entity at the world level.

It is our hope that the Ministerial Conference on Agriculture and Food Security that will be held shortly in Khartoum will develop strategies to combat hunger and poverty and reduce the number of Member States still suffering from problems relating to food security.

The Humanitarian Affairs Department in the General Secretariat is making great relief efforts in a number of Muslim States, including in particular Sierra Leone, Afghanistan, Indonesia, Gaza, Sudan, Somalia and Comoro.

The current global financial crisis is a source of grave concern for all Member States, the OIC General Secretariat and its institutions. In the coming months, the General Secretariat will organize, in collaboration with the COMCEC, an international forum on the global financial crisis. It has become necessary that the Member States reconsider their domestic and foreign policies and focus on their economic and social cooperation in order to enable their local markets to respond to the new circumstances imposed by the global economic crisis. I wish to indicate that the target of enhancing intra-OIC trade is moving forward at a satisfactory pace and has moved from the percentage of 14.5% in 2005 to about 17% in 2008. In another respect, the Framework Agreement on the Trade Preferential System has been signed by 31 Member States and ratified by 22. I would like to pay tribute to the COMCEC, the IDB, the ICDT, and the ICCI for the great efforts they are making towards the progress and development of the Member States.

In another vein, the OIC Cotton Development

Programme is also being implemented under the auspices of the Republic of Turkey. The OIC General Secretariat organized, in collaboration with the IDB, the first Project Committee Meeting on the Dakar-Port Sudan Railway project.

The holding of the 2nd Ministerial Conference of the Ministers In-Charge of Women's Affairs constituted a milestone event in the process of promoting the role of women in Islamic societies. The Conference adopted "the OIC Plan of Action for the Promotion of Women" also called: the "Cairo Plan of Action".

The International Islamic Fiqh Academy has made significant progress and achievements, especially in the area of rapprochement among different Islamic schools of thought and religious groups.

The Organization was successful in overhauling and developing a number of its organs, but reform was hindered for nonobjective reasons in one of its most important and oldest organs: the Islamic Solidarity Fund. It has become necessary to reconsider the Fund's working methods, modes of operation and reform so that it may keep pace with the reforms we have managed to make for other organizations.

In the domain of science and technology, the Plan of Action for cars and airplanes has been completed thanks to a financial support from the IDB, and so has the plan for supporting the peaceful transfer of technology. Similarly, the Islamic Chamber of Commerce and Industry has created a joint capital for science and technology to be added to the capital earmarked by the IDB to science and technology projects.

In the area of education, it is unfortunate that the OIC report on the ranking of universities has not been released yet due to insufficient information and data received from the Member States despite my insistence. I would like to renew my appeal to the Member States to provide us with the required information.

Ladies and Gentlemen,

The mandate of the current Assistant Secretaries



General will come to an end on 30 June 2009. The General Secretariat had sent a note to the Member States requesting them to send in their candidacies to these positions. We have received the names of many candidates which we communicated to the Member States. In accordance with the New Charter, I have started to make contacts with geographical groups. I will pursue these contacts and I will be presenting a report in this regard to the Ministers for a final decision.

In conclusion, I wish to inform you that the new Charter has been signed by thirty Member States and ratified by eight. In this context, I would like to appeal to those Member States that have not yet signed or ratified the Charter to do so as soon as possible. I am pleased on this occasion to welcome those Member States that will sign the Charter during this session: The Syrian Arab Republic, the Hashemite Kingdom of Jordan, the Islamic Republic of Mauritania, the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Tajikistan.

I would like also to note that this year 2009 coincides with the 40th Anniversary of our Organization, and the General Secretariat is planning to mark this event. Their Excellencies the Ministers of Information expressed their support for the commemoration of this event. A documentary film will be issued that would map out the major milestones of the Organization and our key achievements in the course of joint Islamic action. I wish to invite the Member States to kindly provide us with whatever documentary material available to them, be it visual, audio or in print, concerning the Organization and its activities, so that we may use it in the production of the said documentary film.

As the OIC is entering the fifth decade of its life, forging ahead towards cosmopolitanism, and becoming an indispensable interlocutor in large and influential international fora, we feel optimistic that we are moving forward this Organization, thanks to your directives and support, along a promising road to firmly establish joint Islamic action, which leads to unified ranks and positions. This is our effective weapon in the midst of the current international

changes, in order to ensure for the Islamic world an honourable place among States and lay for it the foundations of development, advancement and power as an effective influential block. We hope that your meeting will take us further steps towards the realization of this sublime objective.

I pray to Allah Almighty that He may guide you to success in your deliberations.

Wassalamu Alaykum Warahmatullahi Wabarakatuh.



# An Illustrious Son of Cotabato City

By **MIKE G. KULAT**

**T**he city of Cotabato marked its 50<sup>th</sup> Founding Anniversary themed "one at 50, moving forward" on June 20. It was for the joint efforts of Mayor Muslimin Sema, the First Lady and the city's Tourism Council Chairperson Bai Sandra Sema, and the others who helped that made the week-long festivity a huge success

Those who had closely kept an eye to the past events related to the yearly commemoration could bear out the improvements in manner and variety of activities. This year's celebration although less observed by the public was entirely new and unique part of which was the recognition and conferring of awards to fifty illustrious sons and daughters of Cotabato City.



*The Peoples Palace (Cotabato City Hall)*

The event could be considered as a fresh innovative addition and it instills significance to people who have devoted their lives and efforts for the betterment of Cotabato City and its environs. I have reasons to be astounded and glad because in my more than three decades of stay in the

city never a past administration did recognize the contributions of people who have given their fair share of efforts in building the city's future. No doubt this could be a potential legacy of the administration of Mayor Sema.

There is another reason for me to be interested in this affair because one of the recognized and conferred with the distinction as illustrious son of Cotabato City is no other than our friend, mentor and guardian Mr. Guiamel Mato Alim. He is the chairperson of the Consortium of Bangsamoro Civil Society (CBCS), a Moro network with over one hundred member organizations, and executive director of Kadtuntaya Foundation Inc. (KFI), a tri-people organization. Both of which are based in Cotabato City.

But what really ought to be illustrious sons and daughters of Cotabato City? I was not privy to the criteria used by the city government officials in selecting the people to be included in the unique event. Nevertheless, with our more than seven



*A billboard for the city's golden anniversary placed near the gate of the Peoples Palace.*

years of companionship, I am certain that Mr. Alim possesses exceptional character-traits that might have earned him or made him worth the title — to be called an illustrious son of Cotabato City.

Then again, for obvious reason, I didn't rely on my own comprehension but rather sought the opinion of other people who know him better. Among those I conferred with was an old friend of him



who had served long as a trainer at KFI and who now runs his own organization in Mindanao: Ed "Bebot" Soldevilla. He described him to be a man with "incessant character for searching for a true leader but refuses to be one."

"I've known him for so long. He possesses a perpetual character of unselfish desire to help the needy", Soldevilla added.

Few days ago, while waiting for our group members to come over for an important meeting, I had a long chat with Ustadz Rahib Kudto, the president of United Youth for Peace and Development



*CBCS Chairperson and KFI Executive Officer Guiamel M. Alim is one of the 50 illustrious sons and daughters of Cotabato City.*

(UNYPAD) and Chairman of the CBCS – Kutawato Regional Management Committee. Before ending our conversation, I asked him if he ever observed any above average traits of Mr. Alim. On this Mr. Kudto has a long portrayal of the man on the line. Nevertheless, in the end, he packaged it all as "a visionary man" with broad spectrum of yearnings.

The above conversations can give some eye-opener on the long-lingering question of how the CBCS — a network with more than one hundred civil society member organizations is able to sustain its existence. What binds them together? All I can remember are the words of the late Moro



*Cotabato City Mayor Muslimin G. Sema*

Islamic Liberation Front Chair Ustadz Salamat Hashim in one of his voice-recorded messages on the success of an organization.

He said, "There were poorly structured organizations [that] succeed because of good leaders and there were some excellently structured with poor leaders [that] also sometimes succeed. But the best organization is the one [that is] excellently structured with best leaders..."

Perhaps, this is one of the answers to the long-lingering unanswered query: the CBCS got a good leader in the person of its chairperson who has made it survive for the last eight years.

The irony is: several foreign partners doubted on sustaining the existence of the CBCS as a network. They deduced their conclusion on the basis of their world experiences that a network of civil society organizations usually lasts only for a period of one to three years (maximum) and meets its natural death afterwards. The fact is that a couple of years ago, CBCS had become a center of discussion in a civil society organization's conference in the Netherlands due to its continuing existence and becoming stronger rather than dying down in the passing of years.



# PAGKAKA conducts remedial classes, expands outreach activities

By **MOHAIYA SULANI-PUA**

**P**agdakayo Kasamahan Ma Kauman (PAGKAKA) or Unity of the Sama Tribe in the Community is a non-government organization formed on January 2005 in Campo Islam, Leon Kilat Street, San Pedro District, Pagadian City to forge unity among the Sama Kabingnaan people, to serve as a venue for upgrading their knowledge especially in the preservation of their own indigenous knowledge system and practices, and to uplift their economic status.

In 2006, the organization started its Literacy Program for Sama children who are either preschoolers or school dropouts due to poverty. The PAGKAKA Center for Indigenous Education is an alternative school that aims to: 1) improve the literacy skills of the Sama Kabingnaan children, 2) provide them a culture-sensitive education by developing a culture-based curriculum that is appropriate for their community, and 3) promote the positive aspects of the Sama culture.

In January 2008, Stiftung für Kinder (SFK), a foundation for children based in Germany started to support the school through the provision of monthly salary for the two hired teachers, school supplies, and feeding for the children.

To continue its commitment in serving the marginalized Sinama-speaking children, PAGKAKA conducted remedial classes to children who would be in grades 1 to 5 and who have a problem in reading. The classes were carried out from April 11 to May 30, every Saturday, from 8:00 am to 10:30 am. A total of thirty (30) children—11 boys and 19 girls—were enrolled in the classes. Feeding session was incorporated and was usually served after each class. Weekly attendance was around 98 percent. Based on assessment, the remedial classes have really helped the children improve their reading. The parents are very thankful to the initiative.

PAGKAKA has also expanded its membership and activities. It facilitated a Sama youth consultation last April 20 which aimed to consult the young people on their current situation and to formulate possible work of action for the challenges/problems they have encountered in the community. The consultation resulted to the formation of a Sama youth organization.



*These are some of the Sama children benefitting from the support of the Stiftung für Kinder to the PAGKAKA school.*

Many of the participants are in high school or college levels but have stopped schooling due to poverty. The group, if maximized, will be of great help in uplifting the level of knowledge and economic situation of the PAGKAKA members and the Sama people in general.

The group is also planning to conduct a weekly meeting for continuing education and plan of action that may include among others the cleaning of the community, conduct of seminars and trainings for knowledge upgrading.



# Stories of PEACEBUILDING

## Its Contextual Application Based on Experiences

By MIKE G. KULAT

### Simbughey "Bagkes" Covenant

**T**he name of Barangay Simbughey in Kabacan, North Cotabato is pronounced by its native inhabitants as "Simbughey". The barangay is 30 kilometers away from Poblacion Kabacan, and it is the last and remotest barangay to the north along the historical "Pulangi". "Pulangi", which is a Maguindanaon term for "river", has redundantly been referred to as "Pulangi river".

Simbughey is mostly mountainous with farming and carpentry as the major source of income. It has around 1,440 residents, composed of 67% Menuvo and 33% Maguindanaon. The area is noted to be populated by the two native tribes; however, 33% or around 480 individuals of them have been internally displaced due to tribal conflicts. The two tribes used to live in peaceful and harmonious co-existence but the harmonious bonds between them had been endangered by complexities of deepening biases and prejudices.

#### In-Depth Study

Most cases of tribal conflicts that occurred in Mindanao involved tri-people demographics (Moro, Lumad, and Settler). In the case of Barangay Simbughey, however, many were suspicious of the involvement of Settlers in the proliferation of tribal conflicts. This peculiar characteristic of Barangay Simbughey was among the reasons why it had been included in the areas of community peace intervention of the Consortium of Bangsamoro Civil Society (CBCS).

One peculiar finding during a year-long research study that included Barangay Simbughey was that the two native tribes (Menuvo and Maguindanaon) did not have a tribal conflict of their own and within themselves.

Nevertheless, in a series of Key Informants Interviews (KIIs), Community Focus Group Discussions (Community FGDs) and peace summits, they were able to trace that their internal displacement started at the time of the



*The Research Facilitators aboard "pumpboat" on the way to Brgy. Simbughey.*

ILAGA movement in the 1970s, some have come about due to intrusion of logging concessions, and others were implicated with the on-going ideological conflicts between the government and Moro fronts.

However, the residents of Simbughey had felt that although they have not experienced conflict between and among them, the above incidents made them susceptible to tribal conflict due to intervening rumors during displacements. These had motivated the leaders of Simbughey to be involved in community peace initiatives.

#### Key Leaders Peace Dialogue and Community FGDs

Having identified the problems existing in their community, the leaders agreed to continue their dialogues of timuays, datus and barangay officials to come up with an agreement to resolve their



problem and to avoid the possible eruption of a full-blown tribal conflict within their community.

In their succeeding dialogues they were able to surface the effects of the conflicts and displacements (although not of their own making), which included, as among others, burning of houses, lost of crops and properties and destruction schools and madrasah. This made the leaders more resolute in finding ways to patch up any impending tribal conflicts.

In the continuing dialogues between the timuays and datus from 2003 to 2006, they opted to use their indigenous system to forge an agreement that would embody their commitment for the renewal of their good relations that was stained by outside forces.

Related to this, the two tribes appointed a Drafting Committee that would also serve as a negotiating team, with equal number of Menuvo and Maguindanaon members.

The process continued until the team was able to finalize the content of the agreement and the commitments.



#### **Signing of "Simbughey 'Bagkes' Covenant"**

On June 4, 2006 the people of Simbughey signed their "Bagkes" covenant. "Bagkes", which literally means "bind together", is an indigenous traditional system of conflict resolution. It is a common term in the Menuvo and Maguindanaon dialect. A Bagkes ritual is usually done in situations where there is an impending conflict and/or danger that will loosen the bondage of the community.

The signing ceremony was simple but solemn. It was not well-attended by representatives from the military, local government units and other

stakeholders, due to the remoteness of the area and limited transportation means.

Nevertheless, the signing was a tripod scheme between the barangay officials, selected Menuvo timuays and Maguindanaon datus, and witnessed by leaders from adjacent communities.

#### **Peace Animators**

Immediately after the signing of the peace covenant, the leaders formed a Council of Elders tasked to supervise and monitor the implementation of the contents of their covenant. The Council is composed of equal number of Menuvo and Maguindanaon representatives taken evenly from all villages to ensure equal representation.

In addition to this, the Council has been tasked to resolve impending conflicts at the village or individual level. And to assure that the Council could perform effectively the assigned tasks, its members had been trained on monitoring, documentation and conflict resolution skills.

Other activities of the Council of Elders are to lobby in the Barangay Council of Simbughey for accreditation/recognition and subsequent installation of Peace Animators as part of the Barangay Peace and Order Committee. The institutionalization of the Peace Animators into the barangay governance is a means to sustain the community peace initiatives. This is the community's contribution to the barangay in the spirit of maintaining peace and good governance.

#### **Milestone of the Bagkes Covenant**

Since the signing of the Bagkes covenant, the established Council had already facilitated the resolution of two major armed conflicts involving Menuvo and Maguindanaon leaders. The conflict did not directly involve the residents of Simbughey but that of the adjacent barangays. However, their area had been affected and in some instances had become a battle ground.

Positive changes had been observed in the relations of the two tribes as manifested in their closer interactions. Before the signing of the covenant, the two tribes did not mingle during market days, but now they could be seen riding aboard the same pump boat, eat together and engage in conversations.

Since the signing of the Bagkes covenant, no major conflicts had occurred between the two tribes in the past three years.





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