



Linking the Moro People with the Rest of the World

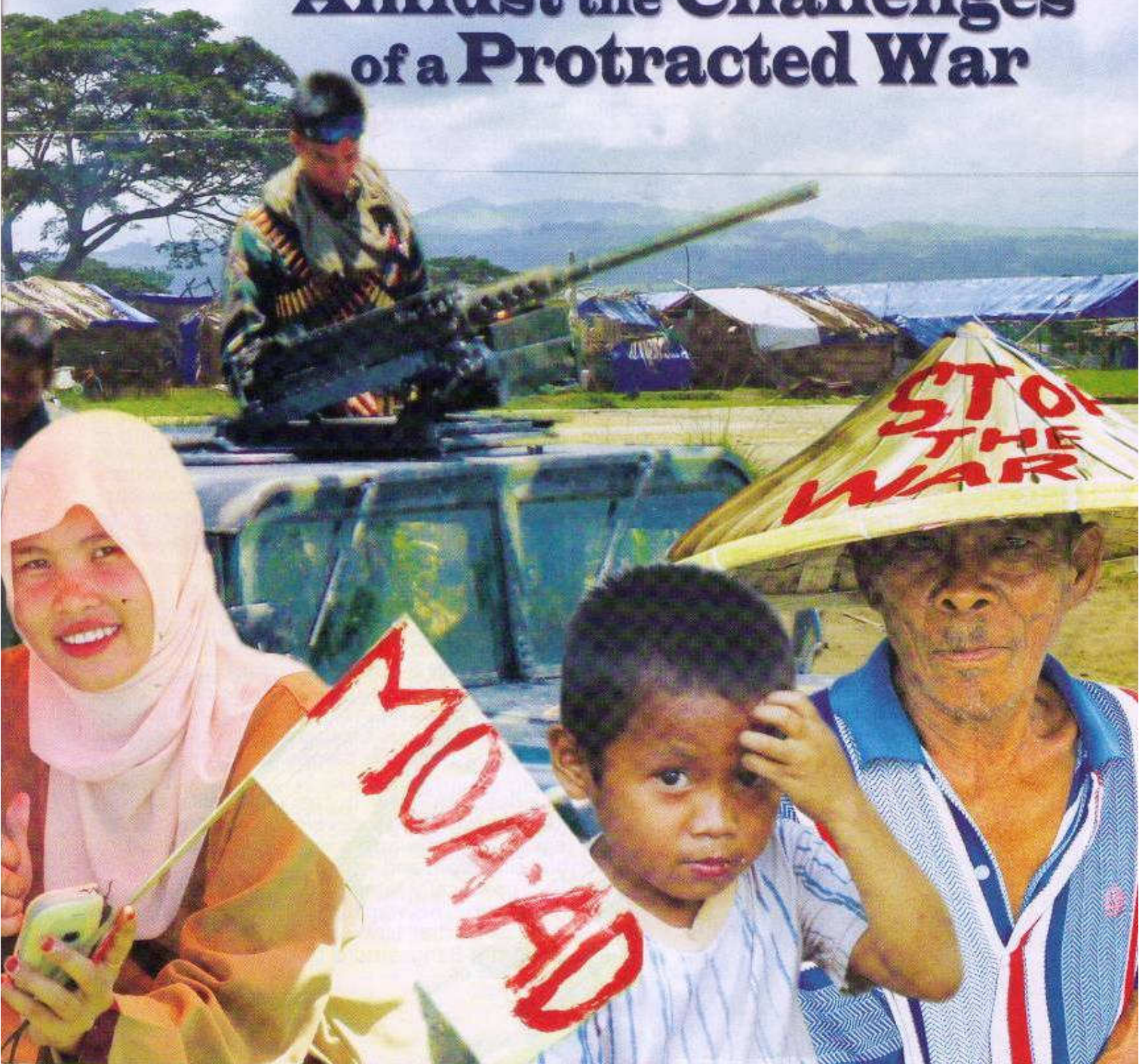
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Striving for Peace Amidst the Challenges of a Protracted War



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EDITORIAL

Did the Bangsamoro Gain and Learn from their 2 Peace Talks with the Philippine Government?

The age-old Mindanao conflict started to burst into armed confrontations between the government and the Moro resistance fronts from the 1970s and have been translated into a protracted war up to the present.

At first this was seen as a religious conflict that brought a fratricidal war between and among brethren who are struggling for survival and existence. Others attributed it to decades of deprivation, apathy, neglect and ineptness. However, the freedom fighters and the Moro intellectuals had asserted that the root cause of the Moro problem is the illegal and immoral annexation of their homeland in the Philippine territory and the usurpation of their right to self-determination or RSD.

When the Marcos regime unleashed its fury and witch-hunts in the 1970s, the Moro freedom fighters emerged with a capability to mount a counter-resistance and openly declared their desire to regain their lost freedom and independence as per manifested in their manifesto to wit:

" We the Bangsamoro people, wishing to free ourselves from terror, oppression and tyranny of Philippine colonialism which had caused us untold suffering and misery by criminally usurping our land, by threatening Islam through wholesale destruction and desecrating of its places of worship and its Holy Book and murdering our brothers, sisters, old-folks and children in a genocide campaign magnitude...."

There is indeed an irony in the state of condition of the Bangsamoro that developed in the 1970s. Their legitimate grievances virtually remained in a pitiable situation and stood out in the pang of agony that practically fanned the fire of the already volatile situation. This was further aggravated by the declaration of Martial Law on September 21, 1972 that pushed the Bangsamoro to the edges of active

resistance against continuing militarization and colonization.

While the government may have inflicted heavy casualties against the Moro resistance forces, this could not outbalance the gains attained in terms of political and economic impact involved in the popularization and advancing of the Bangsamoro agenda as this have already had positive accolades of serious national and international repercussions.

History tells us that aside from being too much resource-scouring, an iron-fist policy cannot solve Mindanao's centuries-old inherited colonial problem. This had prompted the late President Marcos to shift its strategy to all-out diplomatic offensive with the involvement of the Middle-eastern countries, especially those that are supportive to the Moro struggle. This scheme was followed by all his successors and to date the government has already engaged two peace negotiations with the Bangsamoro.

But what have we gained from these?

First, we have the GOP-MNLF Final Peace Agreement of 1996 that paved the way for the creation of the Autonomous Region in Muslim Mindanao (ARMM). However, after 13 years of signing, the MNLF is still demanding for the tripartite review and full implementation of the said peace accord. Worse, this has led to the split of the MNLF into two factions, the Nur Misuari wing and the 15-man Council.

Second, we have the GRP-MILF Peace Talks that ended with the Memorandum of Agreement on Ancestral Domain (MOA-AD). However, prior to its formal signing in Malaysia on August 5, 2008 the Philippine Supreme Court issued a Temporary Restraining Order (TRO) against it.

The government did not lift any finger to assert the legitimacy of MOA-AD. Before the Court has ruled it unconstitutional on October 14, the government dissolved its peace panel on September 3 and quickly announced that it will no longer engage in peace talks with the MILF. Instead, it commissioned the Bishop-Ulama Conference (BUC) to conduct the so-called "authentic community consultation". Whatever the purposes are, only the government itself knows.

So, what have we experienced and learned from the two peace negotiations?

First, there have been no stable peace and order, good governance and economic development whatsoever. Again, we are in the midst of war that started from Maguindanao and North Cotabato and have escalated in the two provinces of Lanao and some parts of Sarangani and Basilan provinces. While the government is denying that this is not a war but a mere surgical operations against the three "renegade" MILF commanders, why did it mobilize the Philippine Army and the Philippine Marine that are doing indiscriminate bombings and mortar shelling in the war-ravaged Moro communities?

Second, there have been more than half a million internally displaced persons (IDPs). The government also keeps on denying that there is a humanitarian crisis. But the truth is these IDPs continue to languish and live under inhuman conditions in various evacuation centers. A number of them have already succumbed to death while others have been bedridden since their evacuations.

Third, there have been rampant human rights violations (HRV) perpetrated by the Armed Forces of the Philippines, Philippine National Police and their paramilitary units, ranging from abductions, salvaging, extrajudicial killing, illegal search and detention, forced disappearances, burning of houses and looting of properties.

Fourth, there have been a food blockade and news blackout as the military and the PNP have denied the entry of media people and humanitarian organizations to various evacuation centers and war-ravaged communities.

While we believe in the primacy of peaceful and negotiated political solution to address this political problem, we also believe that this can only be successful with genuine sincerity and honesty of the negotiating parties. Their commitment and political will are also crucial in honoring and implementing agreements.

But what we have witnessed in the two peace talks of the government with the Moro fronts are zero sincerity, nil honesty, zilch commitment and nip political will in its part.

The Civil Society and the Peace Process in Mindanao

By **GUIAMEL M. ALIM**

Note: (This paper was presented during the Consolidation for Peace [COP3] for Mindanao organized by Research and Education for Peace Unit, Universiti Sains Malaysia, Southeast Asian Conflict Studies Network, and Japan International Cooperation Agency at Penang, Malaysia on January 12-15, 2009.)

The peace process in Mindanao is passing through rough times as the 11-year old peace talks between the MILF and the GRP collapsed after the Supreme Court ruled the MOA-AD as unconstitutional. The MNLFF-GRP-OIC tripartite review, on the other hand, is also in a difficult situation as scheduled meetings are either cancelled or postponed. While there are news on the resumption of the peace talks between the MILF and the GRP, nobody knows when this will ever materialise as both parties have their conditions for the resumption of the talks. Meantime, situation on the ground is not any better with still thousands of IDPs languishing in evacuation centers and military clashes expanding to other parts of Mindanao.

Talking about post-MOA-AD strategic plan which is the main concern of this conference, can we ask the following questions:

1. Is there life after the death of the MOA-AD?
2. Can it be resurrected or re-worked out?
3. If the MOA-AD is not the roadmap, what is it?

To para-phrase a congressman, he said, the MOA-AD can still be the basis of the talks provided that those provisions which are deemed unconstitutional are removed. On the other side, the MILF is also quoted to have said that it is the MOA-AD or nothing.

This conference shall be able to find the third way between these two seemingly immovable positions.

During all these years of the peace process, the CSOs, had always been there to contribute in more than one way towards a more sustained conflict management and peace building in Mindanao. To some extent, they have played crucial roles as an important pillar and as stakeholders of peace, albeit their voices are in some cases like ones in the wilderness. Are their efforts not enough or the peace process itself defective? The CSOs may have their own shortcomings.

This short presentation will talk about the roles played by the CSOs in the Mindanao peace process both as a sector and an intermediary group. Briefly, this paper will talk about:

1. The CSOs: who are they?
2. The ideal roles of CSOs
3. The Mindanao CSOs' roles in the peace process
4. Problems and challenges

At the outset, we need to refresh ourselves of our understanding of the CSOs.



(Guiamel M. Alim is the Chairperson of the Consortium of Bangsamoro Civil Society and the Executive Director of the Kaduntaya Foundation, Inc.)

These Bangsamoro women are among those who gather around the Cotabato City Plaza to show support for the implementation of the government and MILF's Memorandum of Agreement on Ancestral Domain (MOA-AD).



In this context, we define Civil Society as a sector of voluntary action within institutional forms that are distinct from those of the state, family, and market, keeping in mind that in practice the boundaries between these sectors are often complex and blurred.

The CSOs consist of a large and diverse set of voluntary organizations, often competing with each other and oriented to specific interests, are autonomously organized, and interact in the public sphere. Civil society acts independently from the state, but it is oriented towards and interacts closely with the state and the political sphere. So by this definition, civil society is composed of NGOs, POs, Church/Religious-based organizations, Women's group, Professional groups, Social movements, Networks, Civilian organizations, Academic institutions, The media (sometimes)? Private (non-profit) organizations.

The CSOs in Mindanao became more prominent after the signing of the 1996 final peace agreement (FPA) by the GRP and the MNLF. This is partly because of the demand for local service providers by international organizations which came in masse after the peace agreement. Manila-based NGOs even established their Mindanao branches to help in the development of MNLF peace and development communities. In fact, some staff of local NGOs have to resign to get new jobs from international organizations. The sudden growth of NGOs was mainly due to the call for

more aggressive "development" efforts that was to follow after the signing of the peace accord. Peace and Development Advocates (PDAs) from among MNLF cadres were trained to organize Peace and Development Communities (PDCs) who will pursue development work in MNLF areas. Efforts then were mainly focused on livelihood and infrastructure projects. Unfortunately, the NGOs were not concerned about monitoring the implementation of the peace agreement.

Taking cue from the 1996 peace agreement, more NGOs were "organized" as soon as the MILF-GRP peace process started. This time peace building became an important part of their concerns. Working with formal structures in overseeing the implementation of the ceasefire, civil society groups became involved in peace watch work. The BDA, as an economic arm of the MILF in rehabilitating and developing war-torn areas was organized.

Functions of CSOs

It is worthwhile to note the ideal functions of CSOs in various discourses. The functions of CSOs can be classified into three important areas. These are areas of democracy, development and peace building. These three areas are in many instances inter-related and inseparable. Democracy and Development discourses are important components of peace. Examples of work on democracy include democratization of resources, participatory and

accountable governance, human rights, autonomy, self-governance, minority-Majority relationship, Electoral Reforms, etc. Although democracy discourse does not provide immediate impact on the peace talks, it describes a paradigm that is important to sustain peace.

On the other hand, development work includes among others, advocacy for land reform, adequate social services, literacy, health, poverty reduction, gender, infrastructure, family planning, children, etc. These are important activities for peace but do not have immediate impact on the peace talks too. The effects and impact of these efforts are felt in the long-term. But development efforts are hardly sustained during a situation of violent conflict. They are at best stopgap or humanitarian in purpose. "Development" initiatives in the post 1996 peace accord did not appear to be as expected because of unresolved fundamental contradictions that generate violence and war.

CSO and Peace Building

Peace building on another end are the activities that have more direct and immediate impact in the peace talks. Peace talks is only one of the components of the peace process.

Peace building in this context includes protection of life and property, advocacy against war, monitoring and accountability, information, dialogues, negotiations, social cohesion, social capital, "service delivery, promoting the culture of peace, etc.

On the issue of priorities, some CSO groups are more concerned on the issue of democracy and good governance while others are engaged in livelihood, health, infrastructure and other forms of development work. Some NGOs work on conflict management and peace making.

These roles also work in parallel to the development of the peace talks. When the ceasefire was established (cessation of hostilities) and became an important milestone of the peace talks, some NGOs became involved in monitoring work. When development and rehabilitation was agreed and the OPPAP, BDA became important institutions to look into developing war-stricken areas, NGOs go into projects. When the talks are in limbo, they call for resumption of talks or call for cessation of hostilities and violence.

For the peace building work of CSOs in Mindanao and as an expression of appreciation, let me cite

networks and some of their concrete activities which can be our basis to evaluate whether we did enough or our efforts were lacking and what areas to improve.

In terms of social capital and peace constituency building, several networks for peace came about. Kusog Mindanaw became an important forum for intellectual discussions on many peace issues among politicians, academe, business, rebels, etc. The Mindanao Peaceweavers, a network of grassroots peace building organizations composed of interfaith groups working on the ground either as monitor for ceasefire, building community-based peace constituencies and engaging in dialogues with major peace stakeholders, was also established. The Mindanao Peacebuilding Institute (MPI) became an annual mecca for peace students not only in Mindanao but also in SEA and other European countries learning various arts of peace building work including the promotion of the so-called culture of peace.

Mindanao CSOs in its efforts to protect lives and properties, had organized human rights and ceasefire watch, zones of peace, and accompaniment. It engages in mass mobilization for peace negotiation and lobby against war.

“ Peace building on another end are the activities that have more direct and immediate impact in the peace talks. Peace talks is only one of the components of the peace process. ”

The OPPAP-organized Bishop-Ulama Forum spearheads the Mindanao Week of Peace campaign on certain themes every year since 5 years ago. It also sponsors interfaith dialogues among religious people and is now the leading figure in the conduct of community consultations as part of the government's new paradigm in talking to the MILF.

Many schools and universities have come up with "peace centers" in their programs engaging in peace education, exchange programs, peace

camps, etc.

CSOs' intermediate and facilitating role in the peace process has been manifested in bringing different groups in different levels of society for dialogues with the state. This even includes IDPs meeting with government leaders.

The direct provisions of services to the citizens although it is essentially an economic task of the state forms important part of the CS activities, e.g. self-help groups. This is because in the context of Mindanao, the state is weak in providing shelter, health or education including emergency relief assistance.

The CSOs are doing different things for peace building. They are even becoming more innovative in their roles as an intermediary and facilitating peace building activities. But it is also an important thing to note that, while NGOs or institutions are run by individuals, these are also individuals who have stake in Mindanao and they have their own biases and interest individually or collectively. These interests may run counter to each other. Indeed the CSOs are doing what they think are the right things to do. But still the question that we raise ourselves in the CSOs is whether we are doing enough in resolving the fundamental contradictions that breed violence? Or is it out of our concern as CSOs? How do we position ourselves as CSOs in the issue of the BM self-determination? Apparently, this is one issue that we need to look into.

The Gaps and Challenges

CSOs in Mindanao have a common aspiration for peace, but also with different paradigms for peace. They share different approaches to achieving peace. Some work in conflict (health, literacy, livelihood, infrastructure amidst war) while others work on conflict (conflict management, peace making).

In the work of democracy, CSOs share common concerns for democratic reform. They work for participatory and accountable governance, human rights, autonomy and self-governance, credible and clean elections, fight against corruption and democratization of resources;

On issues of development, the battle cry in Mindanao is economic development for the Bangsamoro areas to bring them at par with the rest of the economically advanced regions. Among others, livelihood programs and infrastructure

building are priorities. The irony however, is that in these development activities, BangsaMoro NGOs are only made as appendices by larger Manila-based NGOs. Programs and resources are controlled by big NGOs. Local NGOs serve as service providers by both international organizations and national NGOs for two important reasons, among them; they are familiar with the place and culture of the people. Thus the presence of big NGOs and funding donors is legitimized by the participation of local staff.

And for peace building, the CSOs are one in the call for protection of life and property, advocacy against war, monitoring of ceasefire, conduct of dialogues and negotiation and constituency and capability building.

Along these issues, the civil society organizations share a common stance. This is the bottom line for their unity and solidarity.

However, the issue of the MOA-AD had become an acid test for the unity and solidarity of the CSOs. As mentioned earlier on many networks of NGOs,

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including the so-called progressive organizations in Manila, made no statement while others openly opposed the MOA. Some bishops even came out openly and passionately campaigned against the MOA. Priests held thanksgiving masses with politicians. Conferences were held by some IP organizations to reject the MOA-AD.

Thus a student of Tri-people dialogues commented, “the more than decade-old tri-people dialogues found its initiation in the issue of the MOA-AD and it seems we need another decades to come to terms on peace”.

It appears that decades-old prejudices against the Moro people are still alive in the country and in Mindanao as shown by the mass of Filipinos who protested against the MOA-AD before it became a matured political document. Territories, resources and control have become very costly commodities in Mindanao that those who feel aggrieved or short-changed would fight to the end.

Among civil society groups in Mindanao, only a few raised support to the MOA-AD as a roadmap to a political settlement of the Mindanao problem.

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Lessons learned

There is a need even among the civil society groups to understand better the nuances of the Mindanao peace and security problems. The struggle of the BM for self-determination is almost always equated to a struggle that will dismember the Philippine republic. People in the Philippines including highly placed politicians do not know the Moro, their history, culture, struggle and aspirations.

This is partly the reason why they could not appreciate the MOA-AD. At the end of the day, the right of the Bangsamoro to self-determination is always at the mercy of the Filipinos. And the continuing assertion of this right is creating an ill-feeling or high level of prejudices against the Bangsamoro.

So the basic question remains: is there a way out? How can CSOs work together for peace when they share different views of peace? What are the areas for improvement in building solidarity among CSOs?

We look forward that these questions will find answers from this conference as we move into the post MOA-AD strategic plan.

Hundreds of Moro people gather at the public plaza of Palimbang, Sultan Kudarat on March 18 to urge the government to stop the “undeclared war” and to honor the Memorandum of Agreement on Ancestral Domain to end the age-old conflict in Mindanao and to fulfill the aspiration of the Bangsamoro people for self-determination. The event, spearheaded by Moro civil society groups in the town, was in support to the Mindanao Peace Power Day.



Shutdown of the MOA-AD: A Mockery of the Century

By **MIKE G. KULAT**

The recent squabbles within the whole instrumentalities of the government and the deplorable conditions of over half a million civilians brought about by the aborted signing of the Memorandum of Agreement on Ancestral Domain (MOA-AD) between the Moro Islamic Liberation Front (MILF) and the Government of Republic of the Philippines (GRP) scheduled on August 5, 2008 in Kuala Lumpur, Malaysia could be considered the greatest drama on the annals of history.

The whole drama intended to mock the centuries-old Bangsamoro problem only exposed the rotten system and complete ignorance of those holding the reign of this government. These defects no doubt rendered it inept to manage a complex problem such as that of the Bangsamoro problem. The matter only justifies doubt and clamor of the people of decaying system in the past decades. People had long been restive of ever deteriorating political, economic and socio-cultural condition under her different regimes. This social unrest was consequently manifested by the ouster of the dictator Ferdinand Marcos, the unaccounted numbers of failed coup attempts on the Aquino Administration, the ejection, conviction and imprisonment of Joseph Estrada of plunder case and the present shaky government of the Arroyo administration due to calls of anomalies ranging from illegitimacy, electoral fraud and human rights violations. On top of the above scenario, the problem in Mindanao surpassed all these regimes marred by sporadic peace and continuing war in Mindanao.

First, going back to the MOA-AD, or that "piece of paper" as "nothing more than an elaborate collection of wish-lists," as termed by veteran constitutionalist Fr. Joaquin Bernas; or "agreement of intent," said Archbishop Orlando Quevedo; that shook and brought about the exposure of ignorance and disorder that violated the doctrine of separation of powers between the three branches of the government – the executive, legislative and judiciary. Or the "MOA-AD: Build not Destroy," said Prof. Julkipli Wadi. But how all the mess started?

A brief review of how the branches of the government work under the principle of separation of powers and as taught to us by Fr. Joaquin Bernas is that: the MOA-AD is a "political question" which is under the prerogative and power of the executive branch. As quoted, the Supreme Court said in an earlier case: that "the doctrine of separation of powers calls for each branch of government to be left alone to discharge its duties as it sees fit."

After the executive should have done an act or, in the case of the MOA-AD, have signed an agreement, the legislative branch should now intervene by formulating enabling laws to implement that act or deal entered into by the executive branch.



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Only after the executive and legislative branches should have done the signing and formulated enabling laws, respectively, should the judicial branch interpose when "properly challenged in an appropriate legal proceeding."

Recalling back the mess, it started when the

legislative branch, represented by Senators Mar Roxas and Franklin Drilon acting with their local political interest groups led by North Cotabato Vice Governor Emmanuel Piñol, went on different media outlets raising hell of judgmental and irresponsible pronouncement on the unconstitutionality of the MOA-AD, a legislative action seen by laymen as overlying the function of executive and judicial departments.

Adding fuel to the fire of confusion and shocking to rightly guided intellectuals was when the Supreme Court issued the Temporary Restraining Order (TRO) on August 4, 2008 restraining the GRP negotiating panel from signing the MOA-AD – an act which is premature and pre-emption of a supposed separate duty of the executive branch. This happened despite the pronouncement of one of the justices in their oral arguments that: "... the Supreme Court is not a trier of facts." Is MOA-AD not considered as facts, since there was no act of signing yet nor a law passed related to it? The Supreme Court is interpreter of laws. And Solicitor General Agnes Devanadera, in one of her TV interviews, said: "How can the Supreme Court declare unconstitutional a matter which was not yet consummated?" Then what did they interpret in the MOA-AD?

“ The whole drama intended to mock the centuries-old Bangsamoro problem only exposed the rotten system and complete ignorance of those holding the reign of this government. ”

Completing the muddle is that after the Supreme Court decided to continue its hearing and conclude its decision on the MOA-AD, the executive branch announced that whatever is the decision of the court, it doesn't matter to them. They went on with the pronouncement that they will never pursue the signing of the MOA-AD in its present form or any other form. This is an act of total disregard and disrespect of the executive branch on the highest court of the land. Good enough for after all the Supreme Court started all the mess by pre-empting the acts of executive and legislative branches.

To sum up, the sham that shows the real character of this regime, the shameful picture of the Philippine government had been revealed in the backyard of a respected and proud capital city of Kuala Lumpur in Malaysia. For it was done at a time when all the diplomats, dignitaries of other countries, the representatives of the Organization of Islamic Conference, including the US Ambassador to the Philippines Kristie Kenny, and many more, were all set to witness a historic ending of centuries-old problem of the Bangsamoro, only to be informed that no signing will take place.

In other words, this shameful mockery of the Bangsamoro is all thrown back to the Philippine government and witnessed by the international community which could be considered a milestone of treachery of a rotten system.

The final consequence of the MOA-AD misfortune is to paraphrase a title of issue raised by Atty. Soliman Santos Jr. which says: "The MOA is dead! Long Live MOA!" Yes the MOA-AD for the government is already a dead issue; nevertheless the incident will forever live as trademark of disorder and weak government and a worse treachery of the Philippine government.

For the Bangsamoro, "Long Live the MOA", for it doesn't matter whether it is signed or not, but what is definite is that it already became a significant landmark in the centuries-old struggle for self determination of the Moro people. It will become a momentous rallying point in the continuance of their aspiration for recognition as unique and distinct people. The distressing event is a blessing in disguise for it gave the Bangsamoro a time to rethink and search for other options. It could also be a fresh opportunity to the MILF as armed revolutionary movement to choose other options if peaceful means is not possible, or shift their struggle to higher pedestal since solution within the ambit of Philippine context is seemingly impossible.

Of what use?

By **PATRICIO P. DIAZ**

The Philippine government had unilaterally asked the governments of Malaysia, Brunei, Libya and Japan to extend the tour of duty of their military and one civilian components of the International Monitoring Team they were manning in Muslim Mindanao. Following the agreed procedure, the request for such an extension should come as a joint request of the GRP and MILF peace panels.

The agreed procedure could no longer be followed; President Gloria Macapagal-Arroyo had already disbanded the GRP peace panel. The request was denied. The remaining 12-man Malaysia contingent left Cotabato City last December 1. Japan's lone civilian representative must have gone back to the Japanese Embassy in Manila, where he is first secretary. Those of Libya and Brunei, by the latest report, had not flown home.

Malaysia did right. Of what use had the depleted IMT been anyway?

As team leader, Malaysia agreed – on the joint request of the GRP and MILF peace panels – to extend the IMT tour of duty for three months, September 1 to November 30. But the government, instead of allowing the IMT to investigate raids of three MILF base commanders on Christian villages, launched a punitive military-police action, claiming that the raids were criminal acts not ceasefire violations.

See? Of what use would the continued IMT stay have been when ceasefire violations are criminal acts, not rebellion related should the government deem it so to justify its military campaign?

Obviously, the government had wanted the continued stay of the IMT to help prop up its show of seriousness in pursuing the peace process after abandoning the Memorandum of Agreement on the Ancestral Domain which the international community hailed as the solution to the centuries-old Moro problem in Mindanao.

Malaysia, in support of the peace process, gave an assurance to lead again the IMT if properly and formally requested to and "when there is progress in the peace process". The message is

“ Of what use would the continued IMT stay have been when ceasefire violations are criminal acts, not rebellion related should the government deem it so to justify its military campaign? ”

clear: Malaysia does not consider as "progress" the seemingly frantic efforts of the government to put back on track the derailed peace process.

How sincere is the assurance? Behind the diplomatic façade is the disappointment of the Kuala Lumpur and Manila government with each other over the MOA-AD fiasco. Malacañang, on several occasions, had wanted to ask other member countries of the Organization of Islamic Conference to facilitate the talks and head the IMT. Malaysia must have taken note of these. The "of-what-use" feeling between the two must be mutual.

Many Concerned

Many foreign governments and international aid agencies have expressed concern about the breakdown of the peace process and have urged the Arroyo government to resume negotiations with the Moro Islamic Liberation Front – some have, for many years, been extending socio-economic assistance to ARMM and Muslim communities in the area of the autonomy identified in the 1976 Tripoli Agreement.

The immediate concern of these countries and organizations is the cessation of the military operations against three MILF base commanders which have displaced more than 500,000 people, mostly Muslims, and wrought economic destructions. Some infrastructures constructed by these countries and agencies must have been damaged.

The United States has promised to increase financial assistance through the USAID; Great Britain has sent Members of the Parliament to help the two parties resume the talks and negotiate the DDR (disarmament, demobilization, reintegration) – a new mode proposed by the Arroyo government. DDR was part of the peace agreement between Protestant majority and militant Catholic minority rebels (IRA) in Northern Ireland.

Multiple Modes

By all signs, the Arroyo government is very eager, if not anxious, to resume the talks. In fact, with the very limited time left for it to deliver its promise of peace in Mindanao when its term expires on June 30, 2010, the effort may be described as “desperate”.

Within the week that the Supreme Court restrained last August 4 the GRP Panel from signing the MOA-AD, President Arroyo dispatched her peace adviser to Kuala Lumpur to assure the Malaysian government she was not abandoning the peace process and that the unsigned agreement would be among the references when the talks resumed.

However, in Manila, the Solicitor General manifested before the Supreme Court that the government would not sign the MOA-AD in its “present form or in other forms”. Then the President set a new peace policy focused on (a) direct talks with the communities and (b) DDR. Early in September, the GRP panel was dissolved.



The Bangsamoro does not believe that anything can be solved through “DDR” (disarmament, demobilization, reintegration).

Arroyo has tapped the Bishops-Ulama Conference to lead direct talks with communities. Details about the conduct of the dialogues are not yet clear. The BUC, however, has started making preparations.



Rafael Seguis will lead the new GRP peace panel.

Last December 2, Arroyo named Foreign Affairs Undersecretary Rafael Seguis as the chair of the new GRP panel being formed to negotiate with the MILF. The final composition will soon be known.

Thrusts Clear

The twin-thrust of Arroyo’s new peace policy has become clear – the BUC conducting the direct dialogues with communities and the GRP panel negotiating with the MILF. It, however, is not clear how the two approaches will juxtapose or interrelate.

Questions: What for is the direct dialogue with communities when there will be a GRP-MILF negotiation? Is the first the fall back should the GRP-MILF talks fail? But of what use is peace with the already peaceful communities without the peace with the MILF?

And as clear as the twin-thrust is how Arroyo and her men are muddling the prospects of the resumption of the GRP-MILF with statements that can mislead and conditions that, together with conditions from the MILF, scare the dove away. What do they really want to happen?

For instance, the Arroyo government is imposing the surrender by the MILF of the three base commanders as a must-condition for the resumption of the peace talks. The MILF will not and cannot. The government and the military are inconsistent; they deplore the MILF’s lack of control of its commanders. If so, how can they surrender those they have no control of?

In another instance, the MILF wants the talks to start from where it has stopped: the signing of the MOA-AD. Unless Arroyo changes her mind, this cannot happen. The new GRP panel may refuse to negotiate within the 2001 Tripoli Agreement.

There are more of their multi-modes and multi-moods.

As aptly stated by Fr. Eliseo "Jun" Mercado, O.M.I. in his Kusogmindanaw comment, it takes two to tango. He asked: Will the MILF dance with the government? The other end of the question is: Will the government tango with the MILF? Unless they harmonize their tunes, the music now is discordant and "undanceable".

Even if the talks were to resume starting with the Comprehensive Compact following the MOA-AD framework and the consensus points reserved for

the CC, it is unthinkable to finish the negotiation in 18 months, from January 1, 2009 to June 30, 2010. The more impossible if, with the new GRP panel, the already agreed talk agenda would be revised drastically?

Of what use is frantically trying to restart the talk? Why not just keep the ceasefire? That will allow hurt feelings from the MOA-AD fiasco to mellow. Resume the talks under a better atmosphere under a new government after the 2010 election.

(Patricio P. Diaz was honored by the Brandsma Media Awards in 2002 with a "Lifetime Achievement Award" for his "commitment to education and public information to Mindanawons as Journalist, Educator and Peace Advocate.)



Moro human rights groups demonstrating and calling for justice to the victims of extrajudicial killings and recent massacres believed to be perpetrated by government forces such as in Barangay Tee in Datu Piang, Maguindanao on September 8, 2008 and Maimbung, Sulu on February 4, 2008, which claimed the lives of 12 civilians including 2 pregnant women and 6 children.



(Photos by KAWAGIB)

Is There Hope?

By **ABHOUD SYED M LINGGA**

(This paper was presented during the Consolidation for Peace [COP3] for Mindanao organized by Research and Education for Peace Unit, Universiti Sains Malaysia, Southeast Asian Conflict Studies Network, and Japan International Cooperation Agency at Penang, Malaysia on January 12-15, 2009.)

The problem in Mindanao is sovereignty-based. The Bangsamoro people assert sovereign right over a territory where the Philippine Government is currently exercising sovereign power over and which it considers part of the national territory.

The foundation of the Philippine claim is that the territory was part of what the United States granted to the Philippine state when independence was proclaimed on July 4, 1946.

The Bangsamoro contend that the incorporation of their territory into the Philippines was without their plebiscitary consent, a blatant violation of their rights as guaranteed by various United Nations instruments guaranteeing peoples' right to determine their political status.

Conflicting Parties

- The Government of the Republic of the Philippines (GRP)
- The Bangsamoro People Representative organizations:
 - Moro National Liberation Front (MNLF)
 - Moro Islamic Liberation Front (MILF)



10 The Bangsamoro Journal

The Bangsamoro

The Muslims who traditionally inhabited Mindanao, the islands of Basilan and Palawan, and the Sulu and Tawi-Tawi archipelago in the south of the Philippines identify themselves as Bangsamoro.

The name Moro was given by the Spanish colonizers to the Muslims in Mindanao whom they found to have the same religion and way of life with the Muslims of North Africa who ruled the Iberian Peninsula for centuries.

The Malay word bangsa, which means nation, was prefixed to suggest distinct nationhood. The term has found place in official documents of the Organization of Islamic Conference and agreements between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF).

Drivers to the conflict

- Historical awareness of the Bangsamoro people that they constitute a separate nation
- Unpleasant experiences under

Triggers

- The organization of government-backed anti-Muslim militia, the Ilaga.
- Declaration of martial law

Costs of the Armed Conflict

- 50,000 deaths
- 2 million refugees
- 535 mosques destroyed
- 200 schools demolished
- 35 cities and towns destroyed
- Government spent P76 billion from 1970-1996
- In year 2000 all-out war against the MILF, Government spent no less than P6 billion
- Economic output lost directly – \$2 billion to \$3 billion from 1970-2001 (about P5 billion to P7.5 billion annually)



The author, *Abhoud Syed M. Lingga* is the Executive Director of the Institute of Bangsamoro Studies (IBS).



A civilian's house in a town in Maguindanao is still burning when the representatives from the Consortium of Bangsamoro Civil Society (CBCS) arrived to check on the areas affected by the war.

From August to December 2008 the costs of the renewed armed conflict:

Casualties: 163 dead; 123 injured
Displaced: 110,994 families (531,994 individuals)
Damages: 1,850 houses (1,584 totally; 266 partially)
P99,024,756.08 - Infrastructure
P152,566,236.00 - Agriculture

Negotiating Solution

1. GRP - MNLF Peace Talks (1975-1996)
2. GRP - MILF Negotiations (1997-present)

GRP - MNLF Peace Talks

- 1976 Tripoli Agreement - Framework for autonomous region for Muslims in Southern Philippines
- 1996 Final Peace Accord - Details of the 1976 Tripoli Agreement framework.
- Ceasefire agreements
- Disagreements on the implementation of the 1996 Peace Accord
 - No benchmark
 - No workable mechanism in monitoring implementation of agreement

GRP-MILF Negotiations

Major aspects:

- Security (ceasefire)
 - Ceasefire agreement
 - Ceasefire mechanism in place
- Humanitarian, rehabilitation and development
 - Commitment to observe international humanitarian laws and respect human rights
 - Rehabilitation and development of conflict affected areas
 - Establishment of Bangsamoro Development Agency

- Ancestral domain

Ancestral Domain

Discussions on the issue of ancestral domain resulted to a Memorandum of Agreement on Ancestral Domain which was initialed by the GRP and MILF peace panels on July 27, 2008 but the formal signing was cancelled when the Supreme Court issued a temporary restraining order upon petition of Christian political leaders (both local and national).

Supreme Court Decision:

On October 4, 2008, the Supreme Court promulgated the following decision –

“The Memorandum of Agreement on the Ancestral Domain Aspect of the GRP-MILF Tripoli Agreement on Peace of 2001 is declared contrary to law and the Constitution.”

Implications of SC Decisions:

- Any political arrangement (free association, federalism), other than the autonomy defined in the present constitution, is not possible.

“The MOA-AD cannot be reconciled with the present Constitution and laws. Not only its specific provisions but the very concept underlying them, namely, the associative relationship envisioned between the GRP and the BJE, are unconstitutional, for the concept presupposes that the associated entity is a state and implies that the same is on its way to independence.”



- The MOA-AD can be renegotiated in its present form or in another form but it has to comply with the guidelines set by the Supreme Court

- If the SC guidelines will be followed, there is no possibility for GRP to accept the MOA-AD framework as basis of resolving the conflict.

- Who can represent the GRP that can make the commitment?

“While the MOA-AD would not amount to an international agreement or unilateral declaration binding on the Philippines under international law, respondents’ act of guaranteeing amendments is, by itself, already a constitutional violation that renders the MOA-AD fatally defective.”

“Neither the GRP Peace Panel nor the President herself is authorized to make such a guarantee.”

What the GRP panel can commit to the MILF are those within the powers of the Office of the President.

The GRP panel cannot guarantee any political arrangement other than the present autonomy arrangement.

Observations

- The Supreme Court reduced the peace process into a zero-sum exercise

- The Supreme Court does not allow an agreement outside the framework of the constitution

- The present constitutional parameters deny the Bangsamoro their right to exercise even just the internal aspect of their right to self-determination

- The procedural obstacles to the resumption of the negotiations (like DDR, consultations, facilitation, international guarantee, etc.) are surmountable, but even if the GRPMILF negotiations will be resumed, there is no guarantee for a negotiated solution for the Supreme Court does not allow a political arrangement outside the existing political framework.

Is there hope?

Until the Philippine Government and the Filipino people will be able to dismantle the constitutional and legal obstacles to the exercise of the internal aspect of the Bangsamoro right to self-determination, the prospect for peace in Mindanao will remain uncertain.

Way Forward

The way forward is for the Philippine Government and the Filipino people to amend the Philippine constitution to allow a power-sharing arrangement between the central government and the Bangsamoro entity as contemplated in the MOA-AD.

A Preliminary Concept for **Moving on with the GRP-MILF Peace Negotiations** Post MOA-AD

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

Basic Proposal

Leap frog the MOA-AD signing; proceed to the negotiations for a Comprehensive Compact, reframe the negotiations as, among others, constitutional negotiations; and provide various guarantees – political, international and legal – to avoid a repeat of the abortion of the MOA-AD and to ensure completion of a settlement and key measures for its implementation. This whole process must also be carried out in a way which addresses and restores the shattered trust and confidence, particularly of the MILF in the GRP. One aspect of this moving on and trust rebuilding is to avoid the dynamics of a blame game and to return to a mode of mutual problem-solving.

Why Leap Frog the MOA-AD?

Because there is a "confrontation between two immovables:" the GRP is politically and legally (esp. judicially) committed not to sign the MOA-AD in any form; the MILF wants to premise resumption or restarting of negotiations on the signing of the MOA-AD. The non-signing of the MOA-AD is now a given political and legal reality on the GRP side which can no longer be moved (thus, "immovable") in the foreseeable future, and this reality must be acknowledged by the MILF even if it makes a principled objection to the GRP position. But if the negotiations are to move on, as they should, the MILF has to drop its insistence on the signing of the MOA-AD as a premise to resumption.

On the other hand, the MILF and the negotiations themselves should be presented with a better or more attractive alternative than the signing of the MOA-AD which is no longer politically and legally tenable for the GRP. The onus or burden now for such a better alternative, as well as addressing and restoring trust and confidence in the negotiations as far as the MILF is concerned, is on the GRP which has refused to sign the final draft MOA-AD which it had already initialed preparatory to signing.

What are the key elements of such a better alternative?

1. proceed to the negotiations for a Comprehensive Compact
2. reframe the negotiations as, among others, constitutional negotiations
3. provide various guarantees to avoid a repeat of the abortion of the MOA-AD



Is proceeding to the Comprehensive Compact desirable and possible without finishing first the Ancestral Domain Aspect?

Yes, and this is better in terms of avoiding backtracking on AD negotiations and avoiding the stalemate on the initialed final draft MOA-AD as a document that has to be signed. Proposals to go straight to a final peace agreement, notwithstanding previously agreed agenda headings and their sequencing, is nothing new in peace negotiations (both with the MILF and with the NDF) and must be kept open as an option for flexibility in the process. Note that the framework Tripoli Agreement on Peace of 2001 goes only up to the AD Aspect (after the Security Aspect and the Rehabilitation Aspect) and does not mention the Political (Solution) Aspect nor the Comprehensive Compact. Yet, the latter agenda aspect and form of final peace agreement emerged in the course of the AD negotiations.

After all, the end goal or desired end state of the peace negotiations is a negotiated political settlement of the Mindanao armed conflict and of the Bangsamoro problem, not just of the AD aspect. The AD aspect can and should be included in the Comprehensive Compact embodying the negotiated political settlement. That AD aspect as embodied in the proposed MOA-AD was supposed to have been carried over into and consolidated with other aspects, esp. the political solution, in the Comprehensive Compact. The consensus and learnings in the negotiations on the AD aspect up to the abortion by the GRP of the proposed MOA-AD are a resource that should not go to waste and that should be made the best use of, albeit factoring in certain given realities (mainly the MOA-AD political fallout and SC Decision) as well as new possibilities.

Why reframe the subsequent peace negotiations as constitutional negotiations? What does this mean or entail?

The proposed MOA-AD, even if aborted, has already shown that a negotiated political settlement of the Bangsamoro problem has to think and be "out of the box" of the existing constitutional and legal framework and provisions. This is logical if we are to go beyond the level of what is generally acknowledged as the largely failed ARMM, which is framed by the Constitution, Art. X, Secs. 15-21 on Autonomous Regions and by R.A. No. 9054 (the Second Organic Act of the ARMM). Otherwise, why still negotiate with the MILF when there is already the 1996 Final Peace Agreement with the MNLF which is framed by those same constitutional framework and provisions on Autonomous Regions?

“ The non-signing of the MOA-AD is now a given political and legal reality on the GRP side which can no longer be moved (thus, “immovable”) in the foreseeable future, and this reality must be acknowledged by the MILF even if it makes a principled objection to the GRP position.

The GRP has to realize by now that the MILF did not split from the MNLF in 1977, and continue to wage its own armed struggle, Islamic diplomacy and peace negotiations, only to end up with the mere enhancement of the ARMM, which would still be basically the same terms of settlement imposed earlier on the MNLF. It has to be qualitatively and substantially better than that, including in degree of self-determination (this term of reference cannot be avoided, as it is of the essence of the whole matter). It therefore cannot be just an enhanced RA 9054. That would be a non-(re)starter or deal breaker for the MILF, in the same way that independence would be a non-(re)starter or deal breaker for the GRP.

Peace worker Halima Abdula expresses support for the MOA-AD through the flaglets she holds during a peace rally in Cotabato City.



One real lesson from the SC Decision on the MOA-AD is that the GRP-MILF peace negotiations which “think out of the box” should be reframed as constitutional negotiations (i.e. negotiations that envision and result in, among others, constitutional amendments) in order to settle the relevant constitutional issues once and for all, otherwise the charge of unconstitutionality will always be raised whenever a better form of self-determination is sought for the Bangsamoro people in order to solve the Bangsamoro problem. A negotiated political settlement that is not also a negotiated constitutional settlement can only go so far and will not be insulated by constitutional entrenchment from the political vagaries with every change in political regime and situation.

The SC Decision, carefully read (esp. pp. 69-73), in fact actually itself recognizes most importantly that, in the context of peace negotiations with

rebel groups (not just the MILF) to resolve armed conflict, solutions thereto may require changes to the Constitution. In other words, peace negotiations can "think out of the box" as long as the constitutional processes (inc. the requisite public consultation and information) and constituent mechanisms for constitutional change are followed. And so, these will have to be factored in if the mode of constitutional negotiations is adopted, as it should, henceforth in the GRP-MILF peace negotiations. Properly done to its logical conclusion of necessary constitutional amendments that would implement key aspects of a Comprehensive Compact, this would in fact be one of several guarantees of implementation as well as of avoiding constant questions of constitutionality.

“ The GRP has to realize by now that the MILF did not split from the MNLF in 1977, and continue to wage its own armed struggle, Islamic diplomacy and peace negotiations, only to end up with the mere enhancement of the ARMM, which would still be basically the same terms of settlement imposed earlier on the MNLF. It has to be qualitatively and substantially better than that...

In this regard, note should be taken of the likely holding of a constitutional convention after the 2010 national elections (which could possibly include election of delegates to the convention), given multi-partisan consensus for such a convention, albeit with different constitutional amendments or revisions sought (mainly parliamentary shift, federal shift, and economic liberalization). The timing of this convention likely to be held and concluded early (e.g. 2011) in the 2010-16 term of the next President might be the best timing for necessary constitutional amendments that would implement key aspects of a Comprehensive Compact, assuming this can be agreed on in time.

What guarantees are there or can there be to avoid a repeat of the abortion of the MOA-AD? What about resolving the ongoing hostilities on the ground?

Well, we had just dealt with one, the legal guarantee provided by constitutional entrenchment. Of course, that cannot happen without a national political consensus that itself would be necessary for a negotiated political settlement. This is in fact one of the guarantees sought by the MILF such as when it says that a negotiated political settlement should become a national agenda. What this really means is national political consensus among the elite and the masses, the administration and the opposition, and the three main constitutional departments of government – in other words, the reverse of the anti-MOA-AD national political consensus or near-consensus. The lack of a national consensus or peace constituency, and even of a coherent peace policy, in support of the proposed MOA-AD is one of the biggest negative lessons from the MOA-AD controversy.

These lessons will have to be learned from and applied well when peace negotiations resume or, more precisely, even before they resume. This pertains mainly to the GRP side, particularly its planning, preparation and restructuring for further peace negotiations. But it should also pertain to the MILF side. The MILF can no longer treat everything on the GRP side as an "internal matter" of the GRP. Many things on the GRP side affect the MILF for better or for worse. The national political consensus on the GRP side definitely affects the MILF. If the MILF wants a negotiated political settlement to become a national agenda, it also has a necessary part in helping bring this about, even if its part may not be the most decisive for this purpose.



An HONOR THE MOA-AD banner.

For example, that a considerable percentage of Filipinos are biased against Muslims and that majority of Filipinos, including most of their leaders in the administration and the opposition, would never give an inch to Moro self-governance are political realities that bear on the lack of a national constituency for a substantial negotiated political settlement with the Moros. Given this reality, which however is not static both tactically and strategically, the MILF also bears on this reality by either doing something positive, doing nothing, or doing something negative.

A third level of guarantee, aside from the legal and political, is the international. This, like the political, is also understandably sought by the MILF. More than the legal and political which pertain to the GRP side, international involvement is less of an "internal matter" just of the GRP side. The MILF definitely has a say, as a negotiating party, when it comes to international involvement in facilitation, monitoring, assistance and guaranteeing, with the latter still to be conceptualized and threshed out. This is a matter of not only quantity but also quality of international involvement in the peace process. A lot of considerations, weighing and balancing of course have to be done when it comes to international involvement. The delineation, clarification and complementation of roles of international actors will be crucial. This cannot be done unilaterally lest we be condemned to repeat the mistakes of history.

“ ... a considerable percentage of Filipinos are biased against Muslims and that majority of Filipinos, including most of their leaders in the administration and the opposition, would never give an inch to Moro self-governance are political realities that bear on the lack of a national constituency for a substantial negotiated political settlement with the Moros. ”



Peace rallyists show "Resume Peace Talks" posters to the motorists passing by the Narciso Ramos Highway.

All told, there is no substitute for the warring parties to talk with each other soon enough, even if just to together size up the state of the peace process (the negotiations, the ceasefire/security aspect, and the humanitarian, rehabilitation and development aspect) and how to move on in a hopefully resumed mutual problem-solving mode that will gradually restore the necessary trust and confidence. The latter can still be considered among the guarantees for the process in the same vein as sincerity and good faith. At the same time, as the recent MOA-AD experience and many other experiences have shown, the best intentions are often not enough. Good planning/road-mapping, adequate preparations and even some restructuring are among the musts for any new phase of the negotiations, especially the coming most difficult one. But moving on substantively is imperative for both sides now. This may also be the key to collaterally resolving the hostilities on the ground, more than the other way around, even as a direct effort to resolve those hostilities might require its own formula acceptable to both sides, just like it would have to be with political formulas.

Malaysia's PM reiterates help for resumption of GRP-MILF peace talks

HUA HIN, Thailand — Outgoing Malaysian Prime Minister Abdullah Ahmad Badawi has committed to work for the immediate resumption of the formal peace negotiations between the the Philippine government and the Moro Islamic Liberation Front (MILF) as he reiterated Malaysia's willingness to help end the decades-old Moro rebellion in Mindanao.

Abdullah, however, has less than a month to fulfill his commitment. Following disastrous results in last year's general elections, he is scheduled to step aside on March 31, in favor of Deputy Prime Minister Najib Razak.

National Secretary Adviser Norberto Gonzales said Abdullah assured President Gloria Macapagal-Arroyo during a bilateral meeting here on Saturday that it will remain as the third-party facilitator for the peace talks as long as they are needed by both parties.

"The President asked Prime Minister Abdullah to continue to assist us for the peace talks and that she wants the two panels to start the formal talks again," he told reporters.

Gonzales said Abdullah, accompanied by Malaysian Foreign Minister Rais Yatim and Foreign Ministry Secretary-General Tan Sri Ahmad Fuzi, responded favorably to the President's request for Malaysia to begin discussions with the MILF for the immediate resumption of the peace talks.

"There was no timetable set but I assume it will be done as soon as possible," he said.

Gonzales said the President laid out to Abdullah the government's official stand on the aborted signing of the memorandum of agreement on ancestral domain (MOA-AD), a controversial pact that was opposed by several local government units in Mindanao.

The proposed agreement, was initialed on July 27, 2008 and was scheduled for formal signing on August 5 in Putrajaya, Malaysia but the Supreme Court late afternoon of August 4 issued a temporary restraining order barring the government peace panel chair and the Foreign Affairs Secretary from signing the document.

The Supreme Court on October 14 declared as unconstitutional the MOA-AD, which was supposed to have provided for an expanded Bangsamoro homeland in Mindanao.

"We mentioned it just to make our position clear. We stressed that since there was already a Supreme Court ruling against it, there's nothing we can do about it," he said.

Gonzales, who joined the meeting along with Foreign Affairs Secretary Alberto Romulo, Foreign Affairs Undersecretary and concurrent government chief negotiator Rafael Seguis and Philippine Ambassador to Malaysia Vic Lecaros, did not say whether two leaders discussed another tour of duty for Malaysian members of the International Monitoring Team (IMT) that pulled out from Mindanao on November 30 last year.

The government earlier formally informed the Malaysian government of its intention to begin the informal talks with the MILF to specifically discuss the revival and terms of reference for the IMT and the revival of the Ad Hoc Joint Action Group.

But last month, Malaysian Foreign Minister Rais announced that the government should first explain the ancestral domain issue before the peace talks can move forward.

The President disbanded the government peace panel on September 3 last year, while the MOA case was still deliberated upon by the Supreme Court and about two weeks after Moro rebels attacked civilian communities in Lanao del Norte and in North Cotabato.

Last December, the government appointed Undersecretary Seguis as the new chief negotiator in preparation for the reopening of the talks.

The members of the new panel are former General Santos City Mayor Adelbert Antonino, Agrarian Reforms Secretary Nasser Pangandaman, former Party-List Congressman Ronald Adamat and lawyer and businessman Tomas Cabili of Iligan City. (*Allen V. Estabillo/MindaNews/ 01 March 2009*)

Know Our History

Cast Away Illusions, Carry Out Our Urgent Tasks

By **SAMMY P. MAULANA**

Reading the golden pages of history would reveal how the Bangsamoro had faced certain situations and entities that challenged their existence both as a people and as a nation throughout the colonial period and in the post-colonial era. Yet they have never ceased to continually resist against the conquest of colonialism in their homeland.

The Bangsamoro's horrible centuries-long torment was effectively heightened when some thirty-five (35) young Tausugs who had been enlisted by the Armed Forces of the Philippines (AFP) for training in Corregidor ended in an extremely ruthless massacre on March 18, 1968 following their resistance to a mission to invade Sabah, Malaysia. This outrageous event has become known historically as the Jabidah Massacre.

The Jabidah Massacre is among the chief eye-openers for the Bangsamoro which evoke much disgust that reinvigorates old fears brought about by the long-endured colonial rule. This incident and the series of massacres of Muslims in Mindanao were the exceedingly exceptional circumstances that triggered the founding of the Mindanao Independence Movement (MIM) in 1968 which paved the way for the formation of the Moro National Liberation Front (MNLF).

However, it must be accentuated that the greatest of all injustices perpetrated by the Philippine Government against the Bangsamoro people is its invasion and annexation of their ancestral homeland and the consequent usurpation of their right to self-determination (RSD) to annihilate and reduce them into a mere segment of the Philippine society.



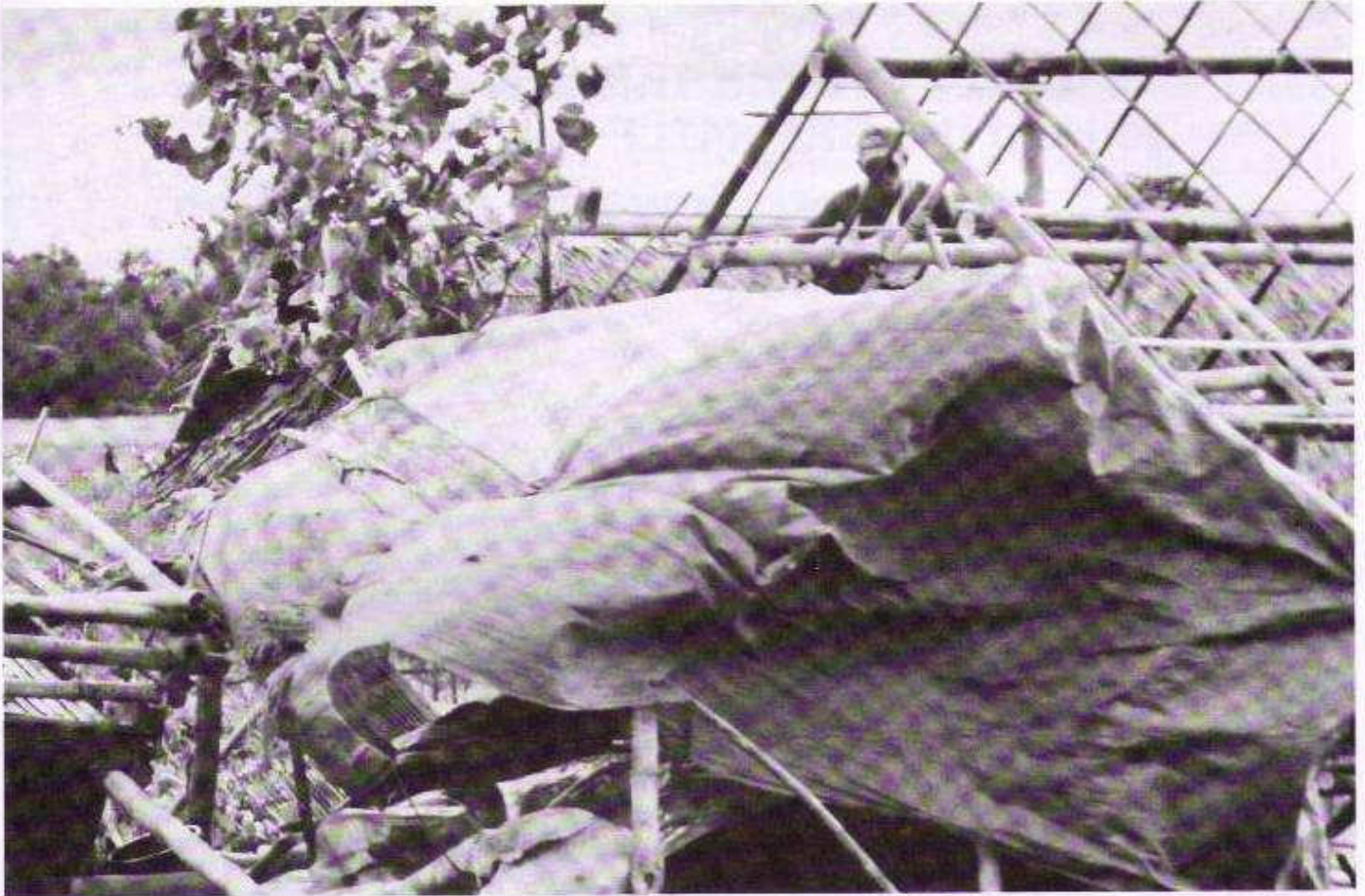
Jibin Arula is the lone survivor of the Jabidah Massacre.



The author, Sammy P. Maulana, is the Secretary-General and Human Rights Advocacy Program Coordinator of the Consortium of Bangsamoro Civil Society (CBCS).

As have been experienced, the government has no sincerity and political will at all to respect and abide with agreements. After the signing of the GOP (Government of the Philippines)-MNLF Final Peace Agreement more than decade ago, the MNLF has still been pressing for the full implementation of the accord as many of its integral provisions have been circumvented by the government.

The same fate has been suffered by the Moro Islamic Liberation Front (MILF). After a decade of grappling over major contentious issues, the GRP (Government of the Republic of the Philippines)-MILF Peace Panels wrapped up their work with the Memorandum of Agreement on Ancestral Domain



An evacuee builds a makeshift house for his family and some of their personal belongings they were able to take with them as they fled to the evacuation areas.

(MOA-AD) only to finish up in aborted signing due to maneuvers made by the government.

It must be well recalled that in these two peace talks, it was the government that initiated the first move under the disguise of sincerity on searching for a viable solution to address the centuries-old problem in Mindanao. With deep-rooted sincerity, the Bangsamoro heeded the call for peace talks to bring its agenda and issues at the negotiating table. With the GRP-MILF Peace Panels' creativity and resourcefulness, flexibility and open-mindedness, they have succeeded in designing and crafting the MOA-AD as a compromise scheme. But what has become obvious during the talks is the government's position to solve its own problem on the Bangsamoro, not the Bangsamoro problem itself.

The remains of the agony of injustice perpetrated to the Bangsamoro remind us to never cease in finding the path to true gist of peace in Mindanao. It was within the realm of this historical recollection that the Consortium of Bangsamoro Civil Society (CBCS) commemorated the 42nd anniversary

of the Jabidah Massacre simultaneously last March 18 in its eight (8) regional formations in Mindanao to carry the message of new hope for discerning or reckoning. On that day, we remembered and prayed for the eternal repose of the souls of the slain mujahideens who had shed their blood and sacrificed their lives to regain our ancestral homeland and restore our right to self-determination.

To paraphrase the words of the Amirul Mujahideen, the great Moro imam in his time, the late Chairman Salamat Hashim of the MILF: "I am growing old and soon I will pass but I am happy to go because I have already planted the seed of jihad in the hearts and minds of the Bangsamoro."

Being a Bangsamoro, this is a great challenge to us. Let us be among those to whom this seed had been planted. Let us nurture and nourish it so that it will bear many fruits — fruits that we may not be able to harvest during our lifetime but may be done so (even be planted and harvested again) by our next generations and their future posterities until total victory is at hand.

Proposal for a "5-IN-1" Ground Initiative Package to Help the GRP-MILF Peace Process Get Back on Track Towards Resumption

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

The Proposed "5-in-1" Ground Initiative Package (Initially February-March, Extendible)

1. **CEASEFIRE** — Full **ceasefire**/cessation of hostilities, with at least mutual Suspension of Offensive Military Operations (SOMOs) against and by the 102nd, 103rd & 105th MILF/BIAF base commands currently the announced targets of the AFP and PNP since August 2008 (*also in relation to the MILF position on AFP cessation of military offensives*)
2. **REHABILITATION** — Humanitarian relief and **rehabilitation** esp. for Internally Displaced Persons (IDPs) and other civilian victims of the armed conflict and hostilities (*also in relation to an earlier MILF call for all aid agencies to help the IDPs*)
3. **PROJECTS** — Safeguarding, re-starting and sustaining development **projects** on the ground (*also in relation to the GRP's "projects for peace" thrust*)
4. **INVESTIGATION** — Independent, competent and mutually acceptable **investigation**, preferably "composite," of human rights (HR), international humanitarian law (IHL) and ceasefire violations by both sides from July 1, 2008 up to the present, to help exact accountability, redress and non-repetition, including but not limited to the alleged violations by the three targeted MILF/BIAF base command(ers) (*also in relation to the MILF position on IMT investigation of all ceasefire violations, and its earlier call for the investigation of recent abuses and past HR violations by both sides*)

5. **CONSULTATIONS** — **Consultations** and dialogues with various stakeholders on the ground (*also in relation to the GRP's "peace for all" thrust*)



These Highschool students flash peace hand sign during the celebration of the Mindanao Peace Power Day on March 18, 2009.

Note: Component 1 is seen here as a necessary or optimal condition for Components 2 to 5. All 5 components should be taken together as 1 package, thus "5-in-1." At the same time, the absence of Component 1 does not mean that Components 2 to 5 can no longer be done or pursued – they should still be pursued as far as possible though they would perforce be limited by whatever continuing operations and hostilities from both sides in the areas of the targeted three MILF/BIAF base commands and beyond. Understandably, for the GRP, Components 1 and 4 might be the most contentious components of the package, and we shall deal with these more below. There should be no problems accepting Components 2, 3 and 5.

Need for Exploratory Talks

It goes without saying that for the above proposed "5-in-1" ground initiative package to be agreed on and worked out, a sixth component (or "path to peace") – an exploratory meeting (or more) between the GRP and MILF Peace Panels – will be necessary to (re-) start with. Being exploratory, this initial meeting can be agreed on "without conditions" (which is the GRP position for resumption, though this necessary initial exploratory meeting is not yet the resumption of peace negotiations proper). Whatever "conditions" or "requirements" there may be for resumption proper should be threshed out in the exploratory talks. Presumably the initial exploratory meeting would still have to be arranged through the incumbent third-party facilitator Malaysia. Exploratory talks are actually even more necessary for what should be its main agenda matter: the resumption of the peace negotiations after abortion of the signing of the MOA-AD. This agenda matter has both substantive and procedural aspects, including but not limited to the following:

- Status of the MOA-AD
- Next substantive agenda stage(s), e.g. political solution, DDR and Comprehensive Compact, inc. whatever possible "reframing"
- International and domestic guarantees
- The question of third-party facilitator(s)
- Renewal of the IMT mandate and its possible restructuring



Peace workers Edith Bayog and Daniel Ong are painting "STOP THE WAR" on a Maguindanaon hat locally called a "sayap".

The heaviness of this agenda, on top of the proposed "5-in-1" ground initiative package, will probably necessitate either one marathon exploratory meeting (which may be the most ideal in terms of saving time), or hopefully just a few (it should not be many) exploratory meetings.

Time Frame and Game Plan

The proposed February-March (2009) initial time frame for the "5-in-1" ground initiative package is highly optimistic since it is premised on at least one exploratory meeting to agree on and work out this package, which may not even be the main agenda matter for a first such meeting. But there is definitely the option of first agreeing on and implementing the "5-in-1" package for an initial two-month (the soonest being February-March) period, while the main agenda matter of resumption of the peace negotiations is still being threshed out in several more exploratory meetings during that period. Two months for both the ground initiative and the panel level talks should be sufficient, maybe a bit optimistic, for their purposes. Any necessary extension(s) is always an option.

The idea is that at the successful end of this two-track process at the ground and panel levels which should take no more than three or four months, the situation on the ground and in the negotiations would be much better, including in terms of restoring some trust and confidence, such that the whole GRP-MILF peace process can get back on track towards full resumption of substantive negotiations and that the SOMO/ceasefire in particular can be sustained in truly all-encompassing area coverage, with a possible resolution of the issue of the three targeted MILF/BIAF base commanders Kato, Bravo and Pangalian.

Objectives of the Proposed "5-in-1" Ground Initiative Package

1. To arrest the escalation and spillover of hostilities in/from the areas of the three targeted MILF/BIAF base commands, which continues to happen and which has the danger of creating its own negative

dynamic both for the ground situation and for the negotiating atmosphere. The latter function of the ceasefire is being negated, if not the whole ceasefire itself. This is, therefore, also a matter of preserving the gains of the 2001 "Implementing Guidelines on the Security Aspect..." and other related arrangements.

2. To alleviate the problem of IDPs, many of whom have not returned to normal life in their homes and farms because of the uncertainty with continuing and recurrent hostilities.
3. To allow rehabilitation and development projects to be set up or to continue to operate with some normalcy in the conflict-affected areas, which is where they are most needed. This is also a matter of preserving the gains of the 2002 "Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspect..." and other related arrangements. And this is important for a peace and development strategy.
4. To establish a standard as well as possible mechanisms of respect and accountability for HR, IHL and the ceasefire among the rank and file of the BIAF and the AFP, so that the violations are not repeated with every recurrence of hostilities. In particular, this envisions a possible resolution of the issue of the three targeted MILF/BIAF base commanders Kato, Bravo and Pangalian.
5. To generate support as well as inputs from the ground for getting the GRP-MILF peace process back on track. It should be noted that consultations and dialogues with various stakeholders, though particularly mandated to be conducted on the GRP side, can and should also be undertaken on the MILF side.

Component 1: Ceasefire/SOMO

The main sticking point for this key proposed component, particularly on the GRP side, is the matter of the so-called "law enforcement" or "police" operations against the three targeted MILF/BIAF base commanders Kato, Bravo and

Pangalian, which are however for all intents and purposes mainly military operations. But the GRP side must now weigh, five months or so into those operations, whether they are worth it, given their great overall costs, not only in terms of deaths and injuries, displacement, property destroyed, military spending, and economic disruption but also in aggravating the difficult situation of the peace negotiations which are of strategic value. The MILF official statement of December 26, 2008 on resuming the peace talks poses as one of five "requirements" or "conditions" the AFP's immediately ceasing military offensives against the MILF, including the three targeted MILF/BIAF base commanders. Whatever GRP matter of principle involved in the so-called "law enforcement" against them must also be weighed against the benefits of our proposed "5-in-1" ground initiative package based on the foregoing objectives. Even if the AFP eventually kills or captures them to "bring them to justice," this will likely just create new Moro martyrs and re-ignite the ground situation.



As stated earlier, the Component 1 Ceasefire/SOMO is seen here as a necessary or optimal condition for the rest, the four other Components 2 to 5, of the package. In other words, a ceasefire/SOMO which in practical terms means an initially time-bound (e.g. two months) cessation of the so-called "law enforcement" or "police" operations against the three targeted MILF/BIAF base commanders, can be justified as a measure to give way or breathing space to the four other Components 2 to 5 of the package which represents a higher cause or considerations, as already presented.

The cessation of the so-called "law enforcement" or "police" operations against the three targeted MILF/BIAF base commanders can be

calibrated by not only being initially time-bound but also framed in the nature of a mutual SOMO, which is of a lower level than a full-blown ceasefire. Eventually though, if things work out well enough on the ground and in the exploratory talks towards a resumption of peace negotiations, the mutual SOMO pertaining the three targeted MILF/BIAF base commanders can "graduate" to become an integral part of the full-blown ceasefire with a truly all-encompassing area coverage. Incidentally, in terms of procedural options for a SOMO/ceasefire, there is the precedent of the successful ceasefire arranged through phone and fax exchange between Ermita for the GRP and Murad for the MILF in July 2003 (and this held till August 2008), arranged even without an exploratory meeting.

Component 4: Investigation

This proposed component for an independent, competent and mutually acceptable investigation, preferably "composite," of human rights (HR), international humanitarian law (IHL) and ceasefire violations by both sides from July 1, 2008 up to the present, to help exact accountability, redress and non-repetition, including but not limited to the whatever violations by the three targeted MILF/BIAF base command(er)s, may be more acceptable to the MILF side than the GRP side. We noted the MILF position on IMT investigation of all ceasefire violations, and its earlier call for the investigation of recent abuses and past HR violations by both sides, without similar calls from the GRP. The latter has preferred to focus on framing the alleged violations by the three targeted MILF/BIAF base command(er)s as common crimes and possibly acts of terrorism which are subject to criminal investigation and prosecution.

The problem with the criminal law framework is that it is not mutually acceptable to both sides, particularly to the MILF. What is mutually acceptable are the frameworks of HR, IHL and ceasefire as embodied in a number of prior agreements of the parties, particularly the two "Implementing Guidelines..." of 2001 and 2002. It is important to establish a standard as well as possible mechanisms of respect and accountability for HR, IHL and the ceasefire among the rank



Agrarian Reform Secretary Nasser Pangandaman is one of the members of the new set of government peace panel to talk peace with the MILF.

and file of the BIAF and the AFP, so that the violations are not repeated with every recurrence of hostilities. While the ceasefire may be a matter more between the contending armed forces, HR and IHL (especially HR) are matters more between them and the civilian population and what are ultimately more important to the latter. Both sides should meet the challenge of showing to the people better respect for HR and IHL as these both have strategic implications for peace.

The MILF position on IMT investigation of all ceasefire violations, as one of five "requirements" or "conditions" posed in the MILF official statement of December 26, 2008 on resuming the peace talks, is handicapped by at least two things. First, investigation of all ceasefire violations is too limited a framework because HR and IHL violations must also be investigated with a view to accountability, redress and non-repetition. Second, the renewal of the IMT mandate and its possible restructuring are still unresolved issues for the exploratory talks. The necessary investigation need not even wait for this in order to start or prepare.

It goes without saying that the proposed investigation of HR, IHL and ceasefire violations refer to those committed by both sides, as an independent, neutral and impartial investigation cannot be one-sided. It cannot be limited to

whatever violations by the three targeted MILF/BIAF base command(er)s. At the same time, the MILF's earlier call for the investigation of all HR violations, including past massacres, must be time-bound to be practicable, otherwise this can go as far back to the 1968 Jabidah Massacre. This investigation should not be treated as a "continuation of war" by means of propaganda. A subject period to be investigated of "since July 1, 2008 up to the present," as proposed by the MILF, is fair and practicable enough since this period is most relevant to the MOA-AD-related hostilities.

At the same time, some particular attention has to be given to addressing the alleged HR, IHL and ceasefire violations by the three targeted MILF/BIAF base command(er)s not only for accountability, redress and non-repetition but also

independent fact-finding reports so far indicate, then a resolution with a satisfactory degree of accountability, disciplinary action and redress (including even possible compensation) may best have to be mutually agreed upon and even negotiated so that it is an assured basis for moving forward with important next steps, especially an eventual full-blown ceasefire (in other words, no more so-called "law enforcement" or "police" operations against them) and resumption of peace negotiations.

Our mention of "composite" refers not only to the tri-framework for investigation of HR, IHL and ceasefire violations but also to the possible "composite" composition of the investigating entity. The existing ceasefire mechanisms, esp. the Joint CCCH and of course the IMT when ready,



for resolving the issue of Commanders Kato, Bravo and Pangalian in a mutually acceptable way that "saves face," if possible, for both sides and allows for an eventual full-blown ceasefire with a truly all-encompassing area coverage. On the premise that they indeed committed certain violations, as most

can be availed of for this. Then there are also independent local civil society organizations and international organizations which should be part of this initiative. In fact, several such organizations and networks have already conducted their own fact-finding investigations with their respective

reports. To name just three notable ones:

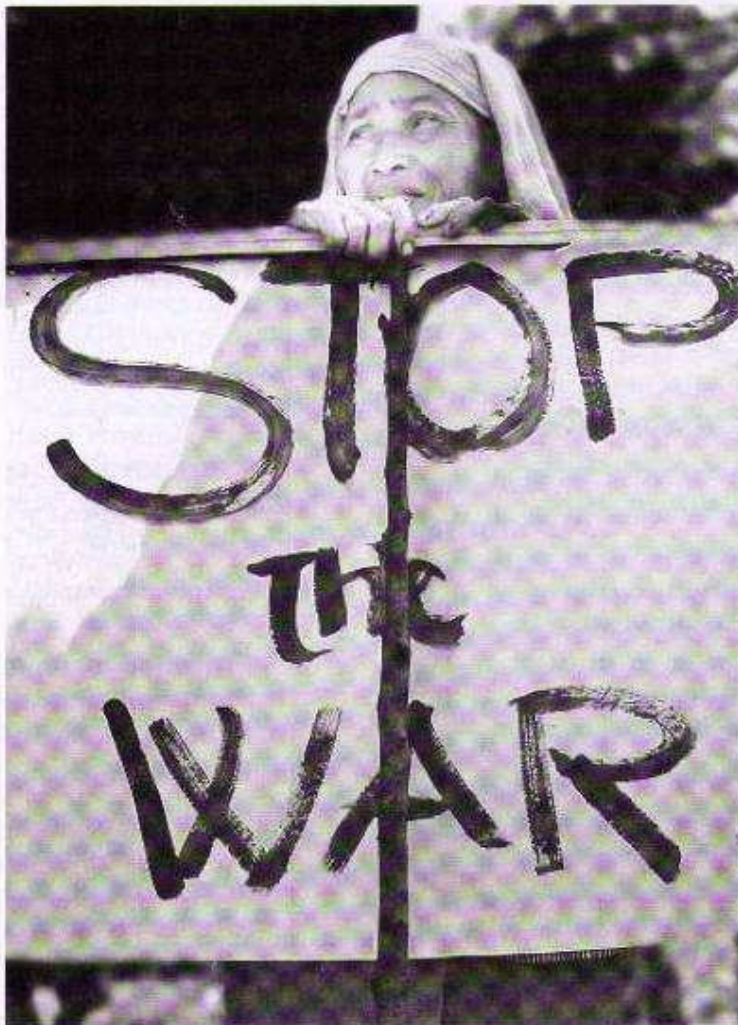
1. Bantay Ceasefire in July-August 2008
2. Amnesty International (with the help of some local organizations like Balay Rehabilitation Foundation and Bantay Ceasefire) covering August-October 2008
3. Task Force Civilian Protection (TFCP), Alyansa ng mga Mamamayan para sa Karapatang Pantao (AMKP), Mindanao Peoples' Peace Movement (MPPM), and Philippine Alliance of Human Rights Advocates (PAHRA), leading 52 participating organizations, in October 2008

These and other independent fact-finding investigation reports (and their respective lead

organizations) can be availed of (as in no need to "reinvent the wheel") and built on, including by filling in any gaps and getting the side of the alleged violating party. The said reports in fact admit the area access limitations posed by ongoing hostilities during their respective missions. Thus, the Component 1 Ceasefire/SOMO is, as we said, a necessary or optimal condition for Component 4 Investigation since there is no substitute for on-site verification, including of the data or leads from media, MILF, AFP and other government reports. But the sooner on-site verification can be done, the better because the lapse of time often results in the deterioration or loss of physical evidence as well as the memories of eye-witnesses.

Special attention can be given to availing if possible of the relevant internal investigation

reports of the MILF and the AFP regarding particular command(er)s and incidents. Of particular interest here would be not only the findings but also if there is any exaction of accountability and disciplinary action. As indicated earlier, this may be relevant to a mutually acceptable resolution of the issue of MILF/BIAF Commanders Kato, Bravo and Pangalian. The challenge to both sides is to show not only openness to independent outside investigation of their own violations but also capacity for internal disciplinary investigation that does not result in a whitewash or in mere "push-ups" for serious violations of HR and IHL. Stated otherwise to both sides, is your side any better than the other side when it comes to this matter? To continue to keep and coddle real rogues in your rank and file who are serious violators of HR and IHL can only be counter-productive to your side in the final analysis.



A dreamy Bangsamoro woman, who is only one of the hundreds of thousands of evacuees hold a sign that says "STOP THE WAR."

Kenny says Obama will continue supporting Mindanao peace process

GENERAL SANTOS CITY — The United States government will continue to support the Mindanao peace process when President-elect Barack Obama takes over from outgoing President George Bush on January 20, US Ambassador to Manila Kristie Kenny said.

Obama, a Democrat, was elected the 44th US president in November, the first ever African-American to achieve such feat.

"No matter who is president of the United States, we are very interested in helping Mindanao achieve its economic potentials and become a peaceful place," Kenny said in a New Year's Day radio interview.

She said her country's policies for the Philippines, especially for Mindanao, will not change with the takeover of a new administration.

Kenny said the US government will continue with its development works in Mindanao by providing health care and building roads, wells and bridges in impoverished, conflict-affected areas across the island.

US troops stationed in Mindanao will also continue providing intelligence information to the Philippine military as they are needed in line with the global fight against terrorism, she assured.

US troops have been staying in Mindanao cities like Zamboanga and Cotabato, providing intelligence assistance to troops going after the Abu Sayyaf,

which is classified by the US as a terrorist group, and other lawless armed elements.

Kenny said the US government has "no intentions ever" of setting up a military base in Mindanao, claiming that US soldiers deployed in Mindanao come and go on a routine basis.

In 1991, the Senate rejected the extension of the US-RP Military Bases Treaty but the presence of American troops resurfaced with the ratification of the Visiting Forces Agreement in 1999.



US President Barack Hussein Obama

Kenny said that Mindanao is crucial for the development of the Philippines, apparently referring to massive mineral resources still sitting untapped in the south.

"My wish this year for Mindanao is to become peaceful so it can achieve its extraordinary economic potentials...Mindanao is crucial for the Philippines," she said.

Mindanao's underdevelopment has been blamed on the decades-old conflict waged by the Moro Islamic Liberation Front (MILF) in the central part of Mindanao. In the island provinces of Basilan and Sulu, the military is going after the Abu Sayyaf while in several areas in Mindanao, the military is fighting the New Peoples' Army.

Peace talks between the MILF and the government was stalled in August when the Supreme Court stopped the government from formally signing the already initialed Memorandum of Agreement on Ancestral Domain which would have given them an area for governance that would be bigger than the six-province, two-city Autonomous Region in Muslim Mindanao.

Kenny's pronouncement of the US government's continued support to the Mindanao peace process followed recent calls from diplomats from the European Union, who visited Mindanao last month, for the parties in conflict to resume the talks.

The two parties have yet to resume talks. (MindaNews/04 January 2009)

European Parliament Resolution of 12 March 2009 on the Philippines

The European Parliament,

- having regard to the Declaration of 15 September 2008 by the Presidency on behalf of the EU on the situation in Mindanao,
 - having regard to the appeal issued by the Ambassadors of the European Union and the United States of America and the Australian Embassy's deputy head of mission on 29 January 2009,
 - having regard to the third session of the Tripartite Review of the implementation of the 1996 Peace Agreement between the Moro National Liberation Front (MNLF) and the Government of the Republic of the Philippines (GRP) from 11 to 13 March 2009,
 - having regard to the Hague Joint Declaration by the GRP and the National Democratic Front of the Philippines (NDFP) of 1 September 1992 and the First and Second Oslo Joint Statements of 14 February and of 3 April 2004,
 - having regard to the Commission's Country Strategy Paper 2007-2013 for the Philippines, the programme of support to the Peace Process under the Stability Instrument and the negotiations for a Partnership and Cooperation Agreement between the EU and the Philippines,
 - having regard to its previous resolutions on the Philippines, notably that of 26 April 2007⁽¹⁾, and reaffirming its support for the peace negotiations between the GRP and NDFP as expressed in its resolutions of 17 July 1997⁽²⁾ and 14 January 1999⁽³⁾,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. Whereas several armed groups, notably the Moro Islamic Liberation Front (MILF), have been combating government troops in the southern part of the Philippines since 1969, in one of Asia's longest-running insurgencies,
 - B. Whereas the conflict between the GRP and the insurgents of the NDFP has claimed more than 40 000 lives and sporadic violence has continued despite the 2003 ceasefire and peace talks,
 - C. Whereas hostilities between government forces and the MILF in Mindanao resumed in August 2008 after the Supreme Court of the Philippines declared unconstitutional the Memorandum of Agreement between the MILF and the GRP on the Ancestral Domain, which would have given substantial autonomy to the Bangsamoro nation,
 - D. Whereas the renewed fighting has killed over one hundred and displaced approximately 300 000 people, many of whom are still in evacuation centres,
 - E. Whereas Malaysia, the peace facilitator, withdrew its ceasefire monitors from Mindanao in April 2008 due to the lack of progress in the peace process, but is willing to reconsider its role if the GRP clarifies its negotiating position,
 - F. Whereas peace talks between the GRP and the NDFP have stalled since 2004 and whereas the Norwegian Government has made great efforts to encourage both sides to resume formal talks,
 - G. Whereas hundreds of activists, trade unionists, journalists and religious leaders in the Philippines have been killed or abducted since 2001 and the GRP denies any involvement of the security forces and the army in these political killings, despite ample evidence to the contrary,
 - H. Whereas there were several cases in 2008 in which local courts found the arrest and detention of activists to be unlawful and ordered their release, but where those same people were subsequently rearrested and charged with rebellion or murder,
 - I. Whereas the judiciary in the Philippines is not independent, while lawyers and judges are also subject to harassment and killings; whereas witness vulnerability makes it impossible to effectively investigate criminal offences and prosecute those responsible for them,
 - J. Whereas, in the case of most of these extrajudicial killings, no formal criminal investigation has been opened and the perpetrators remain unpunished despite many government claims that it has adopted measures to stop the killings and bring their perpetrators to justice,

- K. Whereas in April 2008 the UN Human Rights Council examined the situation in the Philippines and stressed the impunity of those responsible for extrajudicial killings and enforced disappearances, but the GRP rejected recommendations for a follow-up report,
- L. Whereas in order to put an end to abductions and extrajudicial killings it is necessary to address the economic, social and cultural root causes of violence in the Philippines,
1. Expresses its grave concern about the hundreds of thousands of internally displaced people in Mindanao, calls on the GRP and the MILF to do all in their power to bring about a situation which allows people to return home, and calls for enhanced national and international action to protect and to work towards the rehabilitation of the displaced persons;
 2. Believes strongly that the conflict can only be resolved through dialogue, and that the resolution of this long-standing insurgency is essential for the sake of the overall development of the Philippines;
 3. Calls on the GRP to urgently resume peace negotiations with the MILF and to clarify the status and future of the Memorandum of Agreement after the above-mentioned Supreme Court ruling; welcomes the GRP's announcement that it intends to drop preconditions for the resumption of talks;
 4. Welcomes the talks, facilitated by Norway, between the GRP and the NDFP in Oslo in November 2008 and hopes, in this case also, that formal negotiations can rapidly resume; calls on the parties to comply with their bilateral agreements for the JMC, to meet in accordance with the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and to allow joint investigations of human rights violations;
 5. Calls on the Council and the Commission to provide and facilitate support and assistance to the parties in implementing the CARHRIHL, notably through development, relief and rehabilitation programmes;
 6. Calls on the European Council and the Commission to support the GRP in its efforts to advance the peace negotiations, including by means of facilitation if requested, as well as through support for the International Monitoring Team responsible for overseeing the ceasefire between the military and the MILF;
 7. Suggests that the role of the International Monitoring Team could be enhanced through a stronger mandate for investigations and through an agreed policy of making its findings public;
 8. Calls on the GRP to increase development aid to Mindanao in order to improve the desperate living conditions of the local population and welcomes the financial support of more than EUR 13 million in food and non-food aid which the EU has given to Mindanao since fighting restarted in August 2008;
 9. Expresses its grave concern at the hundreds of cases of extrajudicial killings of political activists and journalists that have occurred in recent years in the Philippines, and the role that the security forces have played in orchestrating and perpetrating those murders;
 10. Calls on the GRP to investigate cases of extrajudicial executions and enforced disappearances; calls at the same time on the GRP to put into place an independent monitoring mechanism to oversee the investigation and prosecution of perpetrators of such acts;
 11. Calls on the GRP to adopt measures to end the systematic intimidation and harassment of political and human rights activists, members of civil society, journalists and witnesses in criminal prosecutions, and to ensure truly effective witness protection;
 12. Reiterates its request to the Philippine authorities to allow the UN special bodies dealing with human rights protection unrestricted access to the country; urges, also, the authorities to swiftly adopt and implement laws to incorporate the international human rights instruments (e.g. against torture and enforced disappearances) which have been ratified into national law;
 13. Calls on the Council and the Commission to ensure that the EU's financial assistance towards economic development in the Philippines is accompanied by scrutiny of possible violations of economic, social and cultural rights, with special attention being paid to encouraging dialogue and inclusion of all groups in society;
 14. Instructs its President to forward this resolution to the Council, the Commission, the President and Government of the Republic of the Philippines, the MILF, the NDFP, the UN High Commissioner for Human Rights and the governments of the ASEAN Member States.

(1) OJ C 74 E, 20.3.2008, p. 788.

(2) OJ C 286, 22.9.1997, p. 245.

(3) OJ C 104, 14.4.1999, p. 116.

EO No. 777

MALACAÑANG
Manila

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 777

CREATING A NATIONAL PREPARATORY COMMITTEE FOR THE AMENDMENT OF REPUBLIC ACT NO. 9054

WHEREAS, Republic Act No. 9054 (RA 9054) was passed, creating the expanded Autonomous Region in Muslim Mindanao (ARMM) as provided under Article X, Section 15 of the 1987 Constitution, and paving the way for the implementation of the second phase of the 1996 Final Peace Agreement between the Government of the Philippines and the Moro National Liberation Front (MNLF);

WHEREAS, there is a need to amend RA 9054 to achieve full autonomy in cognizance of the Filipino Muslims' aspirations for self-determination;

WHEREAS, the amendments to RA 9054 shall be determined with the participation of all stakeholders through authentic dialogues and consultation to ensure that the output is truly reflective of the aspirations of Filipino Muslims;

WHEREAS, the consultative process toward the amendment of RA 9054 will require a mechanism composed of credible representatives from various stakeholders who shall be primarily responsible in capturing the interest of Muslim Filipinos within the constitutional framework;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested upon me by law, do hereby order:

Section 1. Creation and Mandate. There is hereby created a National Preparatory Committee (PrepCom) for the Amendment of RA 9054 with the following functions:

- a. Formulate and recommend to the President, within six (6) months from the issuance of this Executive Order, a package of amendments to RA 9054 that will serve as basis for the crafting of a new Organic Act that is reflective of the Moro interest;
- b. Conduct dialogues and consultations with various stakeholders to solicit their views and recommendations on the proposed amendments to the existing Organic Act;
- c. Perform other functions that are necessary in the performance of its mandate.

Section 2. Composition. The National PrepCom shall be composed of a Chairperson and fourteen (14) members as follows:

- a. One (1) representative of the ARMM Regional Government
- b. One (1) representative of Lanao del Sur
- c. One (1) representative of Maguindanao
- d. One (1) representative of Sulu
- e. One (1) representative of Basilan
- f. One (1) representative of Tawi-Tawi
- g. One (1) representative of the Regional Legislative Assembly
- h. One (1) representative of the Presidential Legislative Liaison Office (PLLO)

- i. One (1) representative from the Lumads
- j. One (1) representative from the Christians
- k. Two (2) representatives from the Academe
- l. Two (2) representatives from civil society organizations

The Chairperson and members of the PrepCom shall be appointed by the President upon the recommendation of the Presidential Adviser on the Peace Process (PAPP).

Section 3. Technical Support. The Office of the Presidential Adviser on the Peace Process (OPAPP) shall serve as the Secretariat of the National PrepCom and shall provide the necessary technical and administrative support. It shall also serve as the repository of all documents and records of the National PrepCom.

The National PrepCom may tap the assistance of legal advisers and may call upon representatives of any government agency, government-owned and controlled corporation and civil society organization to serve as resource persons to assist it in the performance of its mandate.

Section 4. Funding. The Department of Budget and Management (DBM) is hereby directed to release, through the Office of the Presidential Adviser on the Peace Process (OPAPP), the amount of Twenty Million Pesos (PHP20,000,000.00) from the President's Contingent Fund to cover the operational expenses of the National PrepCom.

Section 5. Effectivity. This Executive Order shall take effect immediately upon its publication in a national newspaper of general circulation.

Done in the City of Manila, this 19th day of January, in the year of our Lord Two Thousand and Nine.



By the President:



EDUARDO R. ERMITA
Executive-Secretary

OIC Sec Gen's message for the 3rd session of the tripartite meeting in Manila

Message of Professor Ekmeleddin Ihsanoglu, Secretary – General of the Organization of the Islamic Conference, to the Third Session of the Tripartite Meeting Between the Government of the Republic of the Philippines, The Organization of the Islamic Conference, and The Moro National Liberation Front

MANILA, 11-13 MARCH, 2009.

Excellencies, Ladies and Gentlemen,

It gives me great pleasure to address this honorable gathering of the Third Session of the Tripartite Meeting. We are all filled with hope that this meeting will achieve the aspired goal of reaching compromise solutions based on the concept of a full and comprehensive implementation of the 1996 Peace Agreement.

The five working groups have completed their work in Manila and presented their recommendations along with certain proposals and suggested solutions for a number of existing problems, and the gap between the two sides has been narrowed. The discussions were marked by a climate of frankness and openness. We do appreciate that the results of these meetings should form a stepping stone towards achieving decisive and fundamental results for a just and lasting solutions that will be definitive and acceptable to the Bangsamoro people who have been looking to us over so many years to help them achieve their aspiration for peace, security and development.

As you may recall, during the opening of the Tripartite Meeting in Jeddah as well as in Istanbul, I expressed my hope that these meetings would herald a good beginning and open great prospects for both sides to achieve prosperity and progress for the Bangsamoro people of southern Philippines. Let me repeat again that advancing the peace process will bring about security, prosperity, and development for all the Philippine people, and not just in the south.

I wish here to express my deep appreciation to the Government of the Philippines under the leadership of President Gloria Macapagal Arroyo for their laudable efforts in favour of the achievement of our common aspired goals. My deep appreciation also goes to the MNLF under the leadership of Prof. Nur Misuari, as well as to the Philippine Ministry of Foreign Affairs and the office of the Presidential Advisor for Peace in Southern Philippines.

I should also like to avail myself of this opportunity to express my thanks and appreciation for the efforts deployed, since the Tripartite Meeting in Jeddah under the able Chairmanship of Ambassador Rezlan and members of the OIC Committee for Peace in Southern Philippines, and for their valuable assistance to both sides thus far, to facilitate their mission throughout the proceedings of the working groups in Manila. I am fully confident that the present meeting will be a continuation of those contributions to ensure our success in the implementation of the Peace Agreement as an effective means to help towards the establishment of peace in the province of Mindanao in Southern Philippines.

Four years now has passed since the OIC Council of Foreign Minister (CFM) called for the convening of the Tripartite Talks, thirteen years after the signing of the Final Peace Agreement and thirty three years since the Tripoli agreement, that is a very long time by any standards, and a very long wait for the Bangsamoro people who put their confidence in their leaders and the promise of long awaited peace that we give them hope for a better life and a prosperous future.

So, we cannot allow this process to go on forever. We cannot continue to participate in a process that will give the people false hopes. We have to put a time frame for this process and a bench mark to measure its success or failure.

I would like to conclude by expressing the hope that I will have the pleasure to communicate to the leaders of the OIC Member States at their next meeting due to be held this coming month of May, in Damascus, Arab Republic of Syria, the results achieved in your meeting here today, as a continuation of the OIC dedicated efforts in contribution towards safeguarding peace and stability in the world.

Excellencies,

Allow me, once again, to assure you that we shall spare no effort in working to attain the desired objectives. I wish your deliberations total success and I pray to Almighty God that the work we are pursuing today will yield the fruits of peace, stability, and prosperity for the benefit of both present and future generations of the entire people of the Philippines.

Thank you for your attention. Wassalamu Alaikum Warahmatullah Wabarakatuh.

Speech of Nur Misuari

during the 3rd Session of the OIC-GRP-MNLF Tripartite Meeting

March 11-13, 2009

Bismillahir Rahmanir Rahim

Excellency Ambassador Rezlan Jenie, the presiding officer of this 3rd Session of the OIC-GRP-MNLF Tripartite Meeting, His Excellency Dr. Adel Merdad, vice chairman of this peace talks and Head of the delegation from the Royal Kingdom of Saudi Arabia, His Excellency Ambassador Sayyid Kassim Al-Masry, the Special Envoy of the OIC for Southern Philippines for Peace, His Excellency Ambassador Mohammedou Al-Doudou of Senegal, His Excellency Ambassador Talal Al-Daus, Director of Muslim Minorities & Communities of the OIC, distinguished representatives of the Ministerial Committee of the Twelve, the distinguished delegation from the Government of the Republic of the Philippines, my brothers and sisters in the MNLF delegation, brothers and sisters who are present here to witness this proceeding, Assalamu alaikum wa rahmatullahi taala wa barakatuhu.

When I came to this session, I came with a very heavy heart, aware as I am of what happened in the past. We have been hearing platitude after platitude about peace, but the sad experiences of our people are these: Every time we agreed on a peace agreement, all what we achieved were temporary peace, but finally we ended up in a bloodshed.

Second experience of our people: Every time we have peace talks like this, and we failed to achieve anything across the table, willy-nilly, there will be outbreak of war.

I came here to appeal to all of you to search your conscience and to make a resolution to break the cycle of terror and war in our Homeland. Since the time of Marcos, I was always at the head of my delegation. But sad to note despite the concessions we made, concession after concession, all what we got was tragedy, suffering and misery imposed on our people.

I negotiated and signed the Tripoli Agreement on the 23rd of December 1976, and we intended to declare ceasefire on the 20th of January 1977; a follow up peace talks occurred in August. But since we did not reach any agreement at all, what happened was — there was an outbreak of war. Remember the Tabuh Danag Incident on October 10, 1977! The whole leadership of the Tabak Division, the most equipped and the most powerful Division of the Armed Forces of the Philippines, were wiped out in a matter of minutes in the hands of the Moro National Liberation Front.

I was delivering my address at the Palaise de Nacion in Algiers when this incident occurred. I asked my brothers who have knowledge about this incident. I said what happened? Well, they told me, Marcos made an indiscretion to declare before the media ordering his commanders in the field to go out and search for MNLF leaders and members, and to talk to them—with or without Nur Misuari.

That stoked the war. We have just signed a peace agreement and declared the ceasefire but Marcos was so arbitrary. What happened later on, we decided to ask jurists from all over the world. Because so many lives, tens of thousands of lives, were wasted in this war despite the fact that we have already entered into peace agreement, still they decided to impose war on us.

What happened?

In Belgium, Marcos was tried by Tribunal and he was pronounced as having committed a heinous crime against humanity. Jurists from many parts of the globe went to Belgium at our invitation.

That was the first.

And then came Corazon Aquino. If we are only keen enough to understand, it was my decision in Madrid that put her to power. You ask Butz Aquino, you ask Norberto Gonzales, you ask their companions what happened in Madrid in the First week of January 1986, barely a month before the snap elections in the 7th of February the same year. They were pleading with me for help.

I asked why? There's going to be election. Cory is running. And she was facing heavy odds. Because according to the findings of all their campaign managers, Marcos was going to win a landslide victory. I said can you tell me why. Butz Aquino said that in Luzon and in Visayas the outcome will be almost even, but when the outcome of the snap election would come from Mindanao, it would be landslide victory for Marcos.

Corazon Aquino, before sending her brother-in-law to Madrid to see me there, had already made intimation to withdraw from the race but somebody told her: "Madame, don't make too fast a decision, let's wait for Nur Misuari. He can help us turn the tide against Marcos in Mindanao."

That's exactly what they did. They asked for my help and finally we decided. We helped her on condition that Corazon Aquino, once she would come to power, must comply with all the promises and commitments of her late husband. Ninoy Aquino had visited me in Damascus and Saudi Arabia, and promised: "Brother Nur, if we come to power, if the opposition would come to power, surely we will recognize and support the Bangsamoro people's right to self-determination and independence." This was published all over the world.

What happened after we supported her? There was a big problem. Marcos went to the University of the Philippines Law College and harangued the Lady. Marcos charged her of having committed heinous crime along with her brother-in-law for entering into agreement with Nur Misuari in Madrid to topple his government. But what was the reply of the Lady. After she had kept herself in Cebu to avoid arrest, she returned back to Manila and made statement in the media, "If I win in this coming snap elections, the first thing I'll do is to meet Nur Misuari in any part of the world, to extend my gratitude to him and his people."

Exactly that's what happened. On the 5th of September 1986, she flew, against the advice of the generals, to Jolo. We had a Summit Meeting with her and we launched the negotiations for peace. But what happened after we signed the Jeddah Accord in 1987, we came again to it. Why? I must tell you according to my information the Lady had entrusted the solution of the problem to the hands of the late Cardinal Sin.

Nothing happened after that despite the assistance we gave her to put her to power.

Then came Ramos. Our people were against him, and Ramos knows this. Because Ramos was known among us as the chief architect of the war in Mindanao. So once he becomes president, he would start making preparation for war, offensive war of course. But what happened instead Ramos sent his delegation to Tripoli, Libya headed by the present Executive Secretary Ermita; sought my cooperation and so we had a 3-day meeting and we signed an agreement to launch the peace talks.

It took us, Excellencies, four solid years starting in October 1992 until we signed in Manila the agreement called the 1996 Final Peace Agreement. Four solid years it took us just to complete the talks.

What happened after that?

After we signed agreement with Marcos, after we signed agreement with Aquino, after we signed agreement with Ramos, what came about were but a short period of peace. And then the flame of war overtook us. Hundreds of thousands of lives had been wasted in the process. That's for the sake of autonomy!

Originally we were demanding for independence. We declared in our Manifesto that there would be no any talks with the Philippine government. But the OIC filed that fateful Resolution in Kuala Lumpur in July 1974 during the 5th Islamic Conference of Foreign Ministers there, calling for the resolution of the problem on the basis of autonomy.

What happened?

Now, as His Excellency was saying earlier, it's 33 years gone since we signed the 1976 Peace Agreement, and so many years after that. We are again in the same predicament. We are in the crossroad. I mentioned all these antecedents just to awaken the conscience of our brothers because, to me, maybe this is the last chance.

This is our last chance. If we will not succeed in this peace talks, if we will not be able to produce anything positive, then it will leave us with no other choice but to take a departure from this Formula. And probably we will return back to our original intention of seeking independence for our people. This is the message I wanted to convey to you for your guidance so that you will not misunderstand us.

Now I ask you, dear brothers and sisters, please let us break this cycle of war. Let us break the cycle of tragedy and misery. The Philippine government has no right to impose this war on us and on our innocent people. You resort to all kinds of weapons of war to destroy us.

I am appealing to you, please let us work together. Let us produce good results here. And let us once again break this cycle of tragedy, of misery in our Homeland. Otherwise the MNLF will be left with no choice but to seek other means of resolving the problem.

Wa Billahi tawfiq wal hidayah ... Assalamu alaikum wa rahmatullahi taala wa barakatuhu.

*Transcribed by Professor Salic Amerodin
MNLF General Secretariat*

Papuans visit Moro Homeland

By MIKE G. KULAT



The MMP members pose with the officers and members of CBCS Sibugay Regional Management Committee.

Papua is located in the eastern part of Indonesia, with 421,918 square kilometers in width. It occupies the western part of the entire Papua Island while Papua New Guinea takes up the eastern part of the island. Its population is approximately 2.4 million people (according to 2000 census),

consisting of 250 native tribes, including immigrants from other parts of Indonesia.

The Muslims in Papua like the Bangsamoro are minority with the Protestants and Catholics being the majority. In many instances the Moro people and the Papuans share common

experiences, problems and aspirations historically, socially and politically. To this effect the Papuans formed organizations to advance their aspiration through legal and peaceful means, among them the Majelis Muslim Papua (MMP).

MMP was organized as an initiative to build solidarity among the Muslim minority within the indigenous Papuan community. It also seeks to promote human rights, peace and justice in Papua, in particular through the empowerment of Papuan Muslims and by building relations with other faiths and sectors of society.

MMP's visit to Mindanao was a part of an "exchange program" with the Consortium of Bangsamoro



Members of MMP team & CBCS Secretariat in a souvenir picture on their way to Pagadian City

Civil Society being supported by the Catholic Organization for Relief and Development Aid (CORDAID) based in The Netherlands, under its linking and learning program. The program aims to create opportunities for civil society organizations and faith-based organizations in the neighboring regions of Papua and Mindanao to learn from each other's experiences. The theory of change behind CORDAID's linking and learning program on the theme of "religion and identity, diversity and social cohesion in divisive and transformative societies" is that faith is both part of the problem and part of the solution to issues of social cohesion, injustice and conflict.

MMP's 10-member team was of diverse composition coming from religious, women, youth, professionals, activists and local government officials of Papua who were all members of their organization. The team stayed in Mindanao from February 19 to 26, 2009. During which they interacted and mingled with the member-organizations of CBCS and visited different communities: from the less war-affected like those in Dimataling and Dinas in Zamboanga del Sur to the most war-ravaged in Datu Piang, Datu Saudi Ampatuan of Maguindanao province and in the municipality of Butig in Lanao del Sur. They were also made to meet and discuss with diverse sectors: from local government officials to Moro Islamic Liberation Front (MILF) officials who lead the struggle of the Moro people for the attainment of their right to self-determination.

Most of all, the MMP members were able to mingle and relate with the Internally Displaced Persons (IDPs) of Poblacion Datu Piang, Pagatin and Dapiawan in Datu Saudi, Ampatuan in



The MMP members pose with community leaders of Poblacion Dimataling, Zamboanga del Sur.



The MMP members pose with the officers and members of CBCS Ranaw Regional Management Committee and leaders of Barangay Bayabao, Butig, Lanao del Sur.

Maguindanao province. With these interactions, they were able to learn the hardships, sufferings and the blow-by-blow accounts of life as evacuees directly from the victims of war themselves.

In summary, despite the problem of language barrier (as most of them were not very proficient in English), through the help of an interpreter (Sheikh Alimudin Migkampong) who was proficient in Bahasa Indonesia, the MMP visit was maximized and it is certain that they have lots of stories to tell in their own respective communities and people back in Papua.

Another gain of this exchange program is further internationalization of the Bangsamoro problem. As one of the most vocal MMP member vowed: "I'll try to share this experience with some of my colleagues in Europe, Asia, Africa and America. I will let them know and think of what is happening in Mindanao and why and what the Bangsamoro are fighting for. Perhaps they have something to do to support Bangsamoro struggle..."

Stories of PEACEBUILDING

Its Contextual Application Based on Experiences

By MIKE G. KULAT

The Omonay Bagkes Agreement

Its land area is 5,709 hectares with hilly-mountainous and forested agricultural fields with traditional farming as the major source of income. Some of its residents engage in timber production with the use of chainsaws.

At the time of intervention, 54% of the populace was intact while 46% or around 900 of the residents were evacuees. However, the displacement situation in the area is unique in the sense that the residents, which are composed of three major tribes, did not have any history of tribal conflict between and among themselves. All they had were stories of harmonious relations, cooperation and understanding. In fact in the first year of intervention, the barangay officials initially refused to include their barangay in peace dialogues reasoning that there has been no conflict in their area.

Research Study

In a one-year research study jointly undertaken by the Consortium of Bangsamoro Civil Society and NATABUK Federation, despite the absence of tribal conflict, it was found out that three of their villages; namely, Sitios Sarawagen, Basag and Turunan had all been abandoned.

It was established that the

The Community Leaders (Timuay, Datu and Tribal Leaders) Peace Dialogues.



residents had been affected every time troubles erupted in the nearby barangays. They abandoned their villages in order to avoid being implicated in armed conflicts.

The latest incident happened in 2001 when armed men belonging to the "Pentagon Kidnap for Ransom Group" attacked the purely-Menuvo village of Sarawagen. This resulted to killing of one Menuvo resident, burning down and destruction of houses, and evacuation of residents. The incident also caused the evacuation of the nearby Moro villages of Basag and Turunan due to fear of retaliation.

The danger in this displacement is that the Menuvo evacuees sought refuge at their Menuvo relatives, while the Moros at their respective relatives in Moro communities. With this separation, rumors had

emerged, which were crafted and propagated by what they termed as "third party" intruders sowing fears from both sides. The way both group treated each other was a vulnerable situation that could develop into a full-blown tribal conflict.

Community Peace Dialogues

When the result of the research study was presented to the barangay officials, they had been convinced that they needed to participate and involve their barangay in Community Peace Dialogues.



Barangay Chairman Rico Fernandez (4th from left) leading the barangay officials during the community FGD-Workshop.

The process adopted in the Peace Dialogues involved (one after the other, although sometimes in reverse order) tribal leaders, barangay officials and other stakeholder leaders. The outcome was validated in community Focus Group Discussion (FGD) and workshop. The process ended with a peace summit involving other communities with similar peace processes for an exchange of views and sharing and learning of experiences.

Under this process, the root causes of the problem, its dynamics, and the community alternatives and recommendations to resolve their own problem had been identified.

The Signing of "Omonay Bagkes Agreement"

After more than one year of series of dialogues and community focus discussions, the communities decided to consolidate the results of their activities as content of their principles and commitments that will guide them in their day-to-day co-existence. A local peace covenant was finalized and refined by a formed drafting committee with members selected equally from the Menuvo, Maguindanao and Settlers groups.

"Bagkes" is a local dialect common to both Menuvo and Maguindanao that literally means "bind together". In the larger context, the word is an indigenous traditional system of conflict resolution used in resolving minor conflicts but widely practiced as a ritual to prevent eruption of conflict and to strengthen the bonds of the community. The system was applied here in the context of strengthening community bonds.

In May 24, 2006, a Community Assembly was held at the barangay hall of Omonay, Damulog, Bukidnon participated by more than three hundred (300) residents; community

leaders from adjacent barangays; representatives of the Local Government Unit (LGU) of Damulog; Non-Government Organizations (NGO/PO) leaders; representatives from the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), Moro Islamic Liberation Front (MILF), Moro National Liberation Front (MNLF), International Monitoring Team (IMT); and other stakeholders who all signed

structure of the barangay's peace mechanism.

Significant Impact

The immediate result of the community peace initiatives is the return of around nine hundred (900) evacuees to the three abandoned villages. The communities as stipulated in their peace covenant started to change attitudes. Each tribe has shifted from biases and



Col. Jul Jublee, from the International Monitoring Team, signs witness to the covenant.



The barangay officials with LGU and other representatives during the signing of the Omonay Local Peace Covenant.

as witnesses to the local peace covenant and gave commitments to respect and support the barangay's peace initiatives.

Establishment of Sustaining Peace Mechanism

Shortly after the signing of the peace agreement, the principal signatories were convened to establish a sustaining mechanism that will oversee the implementation of the agreement. This led to the creation of the "Council of Elders" composed of key leaders from barangay officials, tribal leaders and other community leaders of Barangay Omonay.

The distinctive character of the "Council of Elders" as peace animator of the barangay is that its formation was timed with the regular Barangay Session and was made an official agendum in the session. Consequently, it was automatically recognized by the Barangay Council as an official

prejudices to respect of each other's culture and values. Trust and confidence have also been built wherein one tribe could now visit another tribe's community with less fear and apprehension of retaliation.

Before the signing of the covenant, community perceptions had existed that the barangay officials were selective and favoring certain groups. Now, they are careful in the prioritization of certain groups and areas where barangay programs are most needed.

The people in the different communities in the barangay have started rebuilding their lives not only economically, but also socially and politically. Several incidents have occurred that are potential sources of full-blown conflict but because of the established peace covenant and peace mechanism all are resolved before they reached at the barangay level.

Developing Best Practices the CBCS Way

Connecting CBCS to the Moro Communities

By **AHMED HARRIS R. PANGCOGA**

Like any other civil society organization, the Consortium of Bangsamoro Civil Society strives to make the best kind and most lasting impacts possible as it works to attain its vision for society, where it is governed by justice where all peoples are respected of their inalienable rights to exercise self-determination, co-exist harmoniously and live with honor, prosperity and dignity, as well as its vision for itself, where as a network of Moro civil society organizations, it is able to collectively assert its influence in helping transform social and structural changes in Muslim Mindanao and be able to sustain working together to achieve peace, justice and human development in the context of pluralistic society.

CBCS works towards these visions by developing and implementing what it believes as creative and innovative approaches in capacitating the Moro civil society gathered under its membership and empowering the Moro communities of Mindanao, which are being served by its member-organizations.

In the process of implementing these creative and innovative approaches, CBCS seeks to eventually make what are called "best practices" out of these. Best practices can be defined as those practices done by any single civil society entity which has made a great and lasting positive impact on the people who are intended to directly and indirectly benefit from it. This may not have been done yet by any other civil society organization before, or may have been done with some similarities, but not in the exact same unique way.

The following are some of those approaches

which CBCS would like to develop, nurture and eventually maintain and allow others to replicate in the spirit of convergence and coordination as best practices:

A. THE REGIONAL FORMATIONS

Seeing the fast growth of CBCS in terms of membership, from 29 original member-organizations in 2002 to the 168 total member-organizations of today, spanning from the easternmost region of Davao to the westernmost region of Sulu, the "Regional Formation" concept was developed and incorporated into the overall CBCS structure. Since its time of inception and integration in 2004 up to the present, eight regions in all have already been formed, each having a membership of from ten to thirty CBCS member-organizations. Soon, two more new regions - one in Tawi-Tawi and one in the Lanao del Norte-Misamis Oriental area - may be formed, making the total number of CBCS regions to ten. Following the principle of "Centralized Management - Decentralized Operations", Regional Management Committees, or RMCs, were created to oversee the implementation of CBCS programs and services in these regional formations. Each RMC is composed of elected officers from the regional formation itself, and as such, biennial Regional Assemblies, as distinguished from the General Assemblies, are held to elect the RMC officers. The RMC also serves as the "think-tank" and local secretariat of CBCS in the region.

The Regional Formations of CBCS, their areas of coverage, and their respective chairpersons are as follows:

| REGION | AREAS OF COVERAGE | REGIONAL CHAIRPERSON |
|-----------------|--|---|
| Kutawato Region | Cotabato City, Maguindanao, North Cotabato | Rahib Kudto, National President, UNYPAD |
| Sibugay Region | Pagadian City, Dipolog City, Daguapan City, Zamboanga del Sur, Zamboanga del Norte (eastern half), Zamboanga de Sibugay (eastern half) | Maguid Maruhom Executive Director, Ummah Fi Salam |

| | | |
|---------------------|---|---|
| Ranaw Region | Marawi City, Iligan City, Lanao del Norte, Lanao del Sur | Salic Ibrahim Executive Director, MARADECA |
| Lupah Sug Region | Sulu Islands | Temogen "Cocoy" Tulawie President, Bawgbug |
| Rajah Buayan Region | General Santos City, Koronadal City, Tacurong City, Sarangani, South Cotabato, Sultan Kudarat | Oscar Sulaiman General Manager, MAGMOFFI |
| Basilan Region | Isabela City, Lamitan City, Basilan Islands | Nathan Insung Executive Director, YIRDFI |
| Dabaw Region | Davao City, Digos City, Tagum City, Davao del Sur, Davao del Norte, Davao Oriental, Compostela Valley | Samie Buat President, Salam - Davao Sur, Inc. |
| Samboangan Region | Zamboanga City, Zamboanga de Sibugay (western half), Zamboanga del Norte (western half) | Munib Kahal, President, Dawat |

B. THE CIVILIAN LOCAL HUMAN RIGHTS AND PEACEKEEPING TEAMS

Officially called the "Care for Peace", this formation of volunteer individuals from the grassroots level can be found in seven of the eight operational regions of CBCS. The "Care for Peace" formations serve as a mechanism to pursue the promotion of human rights, peacebuilding and emergency and relief responses within their respective areas of coverage. To go about this, they have such functions as:

1. Ensuring the faithful observance of the GRP-MILF General Agreement on the Cessation of Hostilities and the proper implementation of the GRP-MNLF 1996 Final Peace Agreement in areas covered by these two peace processes and monitor, document and report any violation committed thereat, including other related human rights violations;
2. Managing and settling community-based conflicts through indigenous and contemporary methods of negotiation, conciliation, mediation, dialogue;
3. Preparing for and protecting the safety and security of local residents during emergency situations or states of calamity;
4. Spearheading the documentation of damage to life and property due to natural calamity and the actual conduct of relief operations; and
5. Mobilizing the community to address issues or problems affecting them through collective action.

The members of the "Care for Peace" formations are selected on the basis of the following criteria:

1. Multi-sectoral leaders in the area who are credible and exert a degree of influence in the community, including heads of people's organizations and community-based NGOs;
2. Politically and emotionally matured and have a deep grasp and understanding of the Moro issue and the problems of their respective communities; and
3. Committed, dedicated and willing to spare the time and the resources to the cause, as well as be ready to assume tasks and responsibilities.

The "Care of Peace" formations have varying names in accordance with the vernacular of the CBCS-defined region where they operate. They are:

1. *Tiyakap Kalilintad* in the Kutawato, Rajah Buayan, Dabaw and Sibugay Regions;
2. *Inengka Ku Kalilintad* in the Ranaw Region;
3. *Bantey Basilan* in the Basilan Islands Region; and
4. *Jaga Lupah Sug* in the Sulu Islands Region.

Each of these civilian local human rights and peacekeeping teams has an average size of 50 members.

Since their establishment, the "Care for Peace" formations have been active and, to some extent, have excelled in carrying out their respective mandates. Foremost of their accomplishments are:

1. The conduct of major fact-finding missions during the recent wars in Sulu, Midsayap and Basilan.
2. The peaceful and nonviolent resolution of conflict in grassroots communities utilizing indigenous and contemporary methods.
3. The conduct of major relief operations during times of actual armed conflict and natural disasters such as the flooding of the Cotabato region and the ongoing war between the government and the MILF caused by the MOA-AD issue.
4. The consistent documentation of human rights violations in the height of extra judicial-killings and massacres, such as the Ipil, Maimbung Massacre of February 4, 2008, and the monitoring of the GRP-MILF General Agreement on the Cessation of Hostilities, such as the Basilan Crisis of June 2007.



Members of the Tiyakap Kalilintad are shown here having some conversation after a peace rally organized by Kaduntaya Foundation, Inc. (KFI) and the Consortium of Bangsamoro Civil Society (CBCS).

At present, the volunteer members of Jaga Lupah Sug and Bantey Basilan, the regional "Care for Peace" formations in Sulu and Basilan, respectively, are undergoing a series of trainings that would procedurally enhance their skills and capabilities on peacebuilding, human rights documentation and advocacy, and disaster management and analysis so that they may be able to respond efficiently to crisis situations in their respective areas. It is projected that the other "Care for Peace" formations in the other regions will also undergo this series of trainings within the period of 2009 to 2010.

C. CONVERGENCE OF LOCAL MORO & NON-MORO CIVIL SOCIETY ORGANIZATIONS FOR PEACE ADVOCACY.

This initiative was born out of the Basilan Crisis of June 2007, where 12,000 civilians were displaced as a result of a massive military operation waged against the MILF after a mis-encounter by the Philippine Marines had caused the deaths of fourteen of their men – ten of whom were beheaded allegedly by the Abu Sayyaf Group (ASG). CBCS saw the necessity and urgency of forming and operationalizing a local civil society-based peace advocacy mechanism in addressing the Basilan Crisis that would primarily work towards a "cessation of hostilities" and a "prevention of any future eruption of war" in Basilan.

Since there already is a regional formation of CBCS in Basilan that focused on peace, human rights and governance advocacies for the Moro populace of the area (the Yakan tribe primarily), which is composed of Moro civil society organizations, CBCS found it more effective if the composition of this peace advocacy mechanism would include in equal footing the Non-Moro civil society organizations that are operating or are based in Basilan. By doing so, peace advocacy would expand to cover the protection of the rights and welfare of ALL Basileños, whether Moro or non-Moro. Its second intended role such a mixed body of civil society organizations, which is that of an intermediary between the community and the stakeholders on matters of peace, human rights, and interfaith, would likewise be achieved.

The "Inter-CSO Care for Basilan Task Force" was, therefore, formed. It was established after thirty-five (35) local Moro and non-Moro civil society organization were invited to a forum and dialogue to discuss and assess the situation at that time and to identify ways in which the local civil society can engage local government and other stakeholders towards facilitating the cessation of hostilities and the prevention of any more war from happening.

Subsequent to the formation of the Inter-CSO Care for Basilan Task Force is the formation of the "Zamboanga Inter-CSO Convergence for Peace", which is based on the same Moro and non-Moro composition in terms of membership and on peace advocacy in terms of purpose and mission as a collective body. The Zamboanga counterpart was established based on the fact that Zamboanga City has a thriving civil society community and that socio-economic, political, and cultural life going in or out of Basilan, Sulu and Tawi-Tawi courses through Zamboanga City.

At present, both Inter-CSO bodies have accomplished the following:

1. Engaged the local stakeholders in their respective areas (both state and non-state actors);
2. Shared their purpose and objectives as a collective to them;
3. Exacted the commitment of the provincial government, the local PNP, the Marines, and even the local unit of the non-state actors to have and keep a critical partnership with them; and
4. Put forth their peace advocacy propositions and preliminary arrangements so that the impact of open armed conflicts upon civilians would considerably be lessened, if not eliminated altogether.

In Basilan, particularly, members of the Inter-CSO formation have gone to the extent of serving as mediators to community-based inter-group conflicts and have even negotiated the release of some victims of kidnapping.

With the future potentials that the "Inter-CSO formation" approach promises to make, it is planned that the other regions of CBCS would also initiate a similar move of engaging with the non-Moro civil society in their area and, together, facilitating the development of Inter-CSO groups that would focus on peace advocacy and, perhaps, other related endeavours.

D. INTER-SECTORAL MECHANISM FOR INTERFAITH AND INTERLIFE DIALOGUE AT THE LOCAL LEVEL.

Though primarily political in nature, the long-standing conflict in Mindanao has developed widespread instances of discrimination, prejudice and bias among the peoples of this part of the Philippines. Micro-conflicts that have been triggered by the larger Mindanao conflict usually carry undertones of socio-cultural and religious animosity. This may be hinged on the fact that there is very little effort towards mainstreaming an ongoing process of "interfaith dialoguing" at the community level.

As proven by a few noteworthy initiatives in the past, interfaith dialogue has helped bridge the gap of misunderstanding between people of different faiths. In much of these gatherings the intent was to correct long-carried misconceptions about each group, as well as gain equal understanding among one another about how followers of each faith practice their respective doctrines and teachings. However, for the most part, interfaith

dialogue activities have usually been initiated by non-Muslim groups. Muslim groups usually are the ones invited as participants. Additionally, the topics in these gatherings have already been pre-selected by the organizers in order to be "innocuous" and not as relevant to the current socio-political and cultural dynamics in Mindanao as would be desired.

Sultan Maguid Marohom, CBCS Sibugay RMC Chairman, gives a speech during an Interfaith Dialogue sponsored by the CBCS.



Participants to the Interfaith Dialogue implemented by the CBCS through the CBCS Sibugay RMC



Participants to the Interfaith Dialogue implemented by the CBCS in General Santos City through its CBCS Rajah Buayan Region

CBCS, therefore, saw it fit to encourage its regions to "turn the tables around" and be the ones to make the first move in engaging groups of other faiths in interfaith dialogue. In this way, the topics would be more relevant to the present Mindanao dynamics and more evocative and thought provoking.

Parallel to this act of "making the first move" in interfaith dialoguing, is the concept of forming "interfaith and interlife mechanisms" from among the participants of such interfaith dialogue activities. These mechanisms have the potential to re-echoing and propagating interfaith dialoguing at the very grassroots level and, thus, help in promoting interfaith and intercultural solidarity.

At present, all eight regions of CBCS have established and are maintaining "inter-sectoral mechanisms for interfaith and interlife dialogue".

E. FORMATION OF INTER-CULTURAL COUNCIL OF ELDERS AT THE COMMUNITY LEVEL

Inter-tribal conflicts, specifically between and among the Maguindanaon, the Menuvu, and the Cebuano and Ilonggo, in communities along the borders of Cotabato and Bukidnon provinces have been in existence for a long time. These conflicts have resulted to the loss of lives, the burning of homes, damage to other properties, cattle rustling, and most of all, displacement, the latter resulting to abandonment of farm lots, sickness, and hunger, to say the least.

In 2003, thirteen (13) communities within this area, having a combined population of 42,000, had witnessed 32% or 13,000 of their numbers becoming Internally Displaced Persons (IDPs).

In response to this problem, CBCS, in partnership with NATABUK Federation, designed a peace initiative that is centered on the formation of inter-cultural councils of elders in each affected community. This is to attempt to return the shattered relations and re-establish harmonious relationships and co-existence among the conflicting tribes, in general, and the facilitation of conflict resolution, which would lead to the signing of peace covenants, and finally the return of IDPs to their communities, in particular.

The affected barangays in the Cotabato-Bukidnon area are:

1. Carmen, Cotabato:
 - Liliongan, Malapag, Kimadzil, Cadiis, Tambad, Macabenban
2. Kabacan, Cotabato:
 - Simbuhay and Tamped
3. President Roxas, Cotabato:
 - Kisupa-an and Lebpas
4. Damulog, Bukidnon:
 - Omonay, Angga-an and Tangkulan

So far, peace covenants have been signed in the following barangays, with the help of the inter-cultural councils of elders formed therein:

1. Liliongan - May 22, 2004
2. Malapag - July 31, 2004
3. Kisupa-an - Jan. 20, 2005
4. Omonay - May 25, 2006
5. Simbuhay - June 4, 2006
6. Lebpas - Jan. 14, 2008

Meanwhile, peace covenants are expected to be signed soon in the following barangays:

1. Kimadzil
2. Tambad
3. Macabenban
4. Tamped
5. Cadiis

And dialogues are on-going in barangays Anggan and Tangkulan.

As a result of this peace initiative, an estimated 9,000 out of the total of 13,000 IDPs have already returned to their communities. The different tribes that were in conflict have also renewed their harmonious relations with one another and are starting to rebuild their lives.

Meanwhile, the inter-cultural councils of elders have remained operational, swiftly going into action at every instance that the peace that was worked so hard for and had attained is threatened. Recently, six of these inter-cultural councils of elders have undergone capability build-up on conflict documentation, conflict analysis and conflict resolution to further enhance their capacities of addressing community-based conflicts in their respective areas.

This initiative has the potential to be replicated in the other regions of CBCS that have a mixed population in terms of cultural backgrounds, such as the Lanao del Norte portion of the Ranaw Region, the whole of the Rajah Buayan Region, and some pocket communities of the Dabaw, Samboangan, Basilan and Sibugay Regions

It is hoped that these inter-cultural council of elders would be institutionalized soon and recognized by their respective LGUs and that they be federated so that they may have a stronger collective voice when engaging with higher stakeholders.

PAGKAKA and the Community it Serves

By **MOHAIYA SULANI-PUA**
Program Coordinator, PAGKAKA

PAGKAKA is a Sama term for knocking (on the door) or waking up (someone). It is the acronym for the name of the organization *Pagdakayo Kasamahan Ma Kauman* or Unity of the Sama Tribe in the Community. The group was organized in January 2005. Its office is located at Campo Islam, Leon Kilat Street, San Pedro District, Pagadian City.

The organization was formed to forge unity among the Sama Kabingnaan people of Campo Islam and to be a venue for upgrading their knowledge, especially in the preservation of their own indigenous knowledge system and practices and to uplift their economic situation.

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 positive aspects of the Sama culture.

At the start, the program was sustained through the support of the parents, friends, and some non-government organizations. However in January 2008, the organization was blessed when it has started to receive financial support from Stiftung für Kinder, a foundation for children based in Germany. SFK provides for the monthly salaries of the two hired teachers, school supplies and feeding for the children.



Actual remedial class at PAGKAKA Learning Center.

Classes at the learning center are conducted from Mondays through Fridays. The children are taught how to write, read, count, and above all, lessons on values transformation. Feeding (mostly heavy meals) is conducted every Wednesday.

The PAGKAKA Literacy Program is now on its second year. It has successfully conducted its first graduation exercises last March 23, 2009 with the theme "Preserving the Sama Indigenous Knowledge System and Practices Thru Continuous Education and Commitment".



The First Graduation Exercises of the PAGKAKA Learning Center on March 23, 2009 in Campo Islam Elementary School with the theme "Preserving the Sama Indigenous Knowledge System and Practices Thru Continuous Education and Commitment."

Thirty (30) pupils graduated from the learning center; 12 of them are male and 18 are female. Hopefully, they will be in first grade come June 2009. The activity, with its unique all Sama style decoration, was attended and witnessed by community residents and heads of different government offices and non-government organizations.

The guest of honor during the graduation ceremony was Ms. Mary Jean C. Quinlat, the Project Manager of Stiftung für Kinder. Other invited guests also delivered inspirational messages for the graduates and appreciated the PAGKAKA initiative in implementing indigenous education program for the Sama children. Some guests also declared their willingness to extend their support for the program.



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