



Linking the Moro People with the rest of the world

THE BANGSAMORO JOURNAL

A quarterly publication of the Consortium of Bangsamoro Civil Society

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The
ARMM
Elections
2005

Is the
ARMM
worth the
BLOOD
of our martyrs?



MILF General Consultation 2005



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The Editorial Board
The Bangsamoro Journal
Consortium of Bangsamoro Civil Society
3F Demonteverde Bldg., Doña Pilar St.,
Pob. 4, Cotabato City 9600

Or e-mail: cbcs_04@yahoo.com

The Trends and Harbingers of Change

The year 2004 had shown no significant improvement in the lives of the common people especially the marginalized and impoverished sector. The year opened with hullabaloo of elections preparation. All candidates exerted their best efforts to assure themselves their most coveted political post and Ms. Gloria M. Arroyo is no exemption. After election she was given a "fresh mandate" for another 6 year amidst charges of massive electoral frauds and mass protests.

For Pres. Arroyo, a "fresh mandate" as chief executive of the country did not mean changes in policies and priorities; rather, it means a continuation of what she had started in 2001 after the ouster of Pres. Joseph Estrada. When she started assumed the national mantle of leadership via Peoples Power II, she declared her twin-goal of sustainable economic growth, political stability and lasting peace anchored on 4 core values of poverty eradication, new good governance with high moral and ethical standard in public office and leadership by example with no room for political patronage.

In October 2003, the government unveiled its Medium-Term Philippine Development Plan (MTPDP). This declared a basic task to wage war against poverty and promote prosperity of the common people.

Taken into consideration the 34% of the population living below the poverty threshold, the Medium-Term Philippine Development Plan (MTPDP) objective is laudable and a welcome move by the Arroyo Administration. However, a close scrutiny will prove that the poor are not placed at the center of the development plan. With the 8 major tax measures included in it, more people live in hardship and make it difficult to make "both-ends-meet." The focus on mining is threatening. All the areas applied for exploration and operations are ancestral lands and domains of the Indigenous People. Aside from plunder of our natural resources by the transnational corporations (TNCs), the mining exploration and operation in these areas will ultimately end with mass displacement and dislocation of the Indigenous People.

Further liberalization of agriculture is another issue. With the WTO Agreement on Agriculture, influx of huge amount of imported agricultural products had decreased the income of small farmers, especially those landless which aggravate their worsening condition. This pushed them into further marginalization and impoverishment.

Another concern is the anti-terrorism campaign. After the twin-tower attack on September 11, U.S. Pres. Bush declared a Global war on terror. Pres. Arroyo supported the campaign and joined the "coalition of the willing" to invade Iraq which U.N. Secretary-General Kofi Annan said is illegal as it did not conform with the U.N. Charter. She declared all-out war and promised to weed out terrorism in the country. To date, there are 5 anti-terrorism bills which are pending in the Congress for legislation. Being perceived as tool for stifling legitimate dissent and legitimizing state terrorism against the people, these bills had already met with stiff opposition from the public.

Despite the on-going peace talks, the AFP launched several military operation against alleged terrorists displacing of Moro Families. Indeed, civilians continue to be the collateral damage in the war against terrorists. Aside from economic displacement and political dislocation of some 400,000 innocent civilians, these internally displaced people (IDPs) are still recovering from the horror of the said war. The MILF denied link with any terrorist group both at the local and international levels and denounced terrorism. Hosted by the Malaysian Government with the International Monitoring Team (IMT) in forefront, the GRP-MILF Peace Talks renewed purposely to address the issue on Bangsamoro self-determination (RSD).

peace fora, Human Rights & Justice thru Human Rights Orientations and Muslim Leaders Consultative Fora under the program of Good Governance.

Meanwhile, as an implementation of their plans, DRMC conducted a peace forum entitled "Bangsamoro Peace Forum held at Taipan Palace, Anda St., Davao City on September 10, 2005 and attended by seventy four (74) Moro leaders coming from different districts of Davao City, Davao Del Sur and Digos City and Davao Del Norte. The forum was formally opened by reading of the verses from the Qur'an rendered by Ustadz Badrudin Latif.

Former Office on Muslim Affairs XI Director Jaime S. Casinto Sr. gave updates on Current GRP-MILF Peace Talks and Current Political Situations affecting the Bangsamoro and Mr. Samaon Buat who gave input on the topic, "The Bangsamoro People's Quest for a Just and Lasting Peace and Freedom". On the related issues, Sittie Haide Lumpapac from the Liga ng

Kabataang Moro representing the Moro youth sector and Evelyn Carias of Khadija Davao representing the women group gave their responses on the issues affecting Bangsamoro especially on youth and women perspective respectively. Alim Yusoph Pasigan Mufti from Darul-Iftah Davao representing the Ulama sector had also given their concise response and views on Peace in Islamic perspective.

This was followed by the Open Forum where lively and sometimes emotional interactions between and among the resource persons and the participants on issues and current situations affecting the Bangsamoro. Many of the traditional leaders expressed their gratitude and thanks to the DRMC management and staff for conducting the peace forum and even others revealed their surprise that Moro could freely expressed their views and sentiment in the midst of metro Davao center despite the fact that the city had been considered and perceived by many as an 'anti-Moro area' due to strict and bold policies being implemented by mayor Rodrigo Duterte. **BMM**

JOINT STATEMENT

The 9th Exploratory Talks between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) ended today with the Parties successfully concluding the most difficult hurdle in the ancestral domain agenda.

The Technical Working Groups (TWGs) on Governance together with the GRP and MILF Peace Panels met in Kuala Lumpur from 15 - 16 September 2005 to continue negotiations under the ancestral domain agenda. The meeting was conducted in a cordial atmosphere despite the complexity of the subject. The TWGs in consultation with their respective Peace Panels succeeded in resolving the unfinished contentious issues from the last meeting in Port Dickson. Both sides adopted the consensus points on the strand on governance.

With this breakthrough, the peace process is on track to complete the ancestral domain agenda before the end of the year. The addition of the ancestral domain accord to the two previous agreements already signed on Security (2001) and Rehabilitation and Development (2002) completes the requirement of the Tripoli Agreement⁵ on Peace of 2001.

The Malaysian Secretariat acknowledge the high level of trust and confidence between the Panels and their respective TWGs for their vital role in ensuring the successful conduct of discussions on the ancestral domain aspect.

Simultaneously the Peace Panels also met to discuss and address several issues of concern to both Parties.

The Parties recognize the efforts of the Ad Hoc Joint Action Group (AHJAG) relative to the ongoing operations against criminal groups in Maguindanao to wind up before the end of the month, and stress on the need for closer coordination to avoid the undue and prolonged displacement of local communities in affected areas. In this light, joint efforts to extend appropriate relief and livelihood assistance to affected communities will be undertaken.

The Parties will work towards strengthening the socio-economic monitoring function of the International Monitoring Team (IMT). Towards this end, other countries will be invited to participate in the monitoring process. Both parties thank Malaysia, Libya and Brunei for extending the IMT tour of duty in Mindanao.

The Parties express their gratitude to H.E. Prime Minister Dato' Seri Abdullah bin Haji Ahmad Badawi for the Malaysian Government's continued support to the GRP-MILF peace process. The parties likewise acknowledge H.E. President Gloria Macapagal-Arroyo's firm commitment to lasting and durable peace.

Done this 16th of September 2005 in Kuala Lumpur, Malaysia.

For the GRP:


SEC SILVESTRE C. AFABLE
Chairman, GRP Peace Panel

For the MILF:


MOHAGHERIQBAL
Chairman, MILF Peace Panel

MILF GENERAL CONSULTATION

A Historic Landmark of Clear Mandate of Moro Islamic Liberation

By ¹Jun Mantawil



The 2,934,065 participants to the MILF General Consultation reaffirmed support to the GRP-MILF Peace Talks under the New Leadership of Chairman Al Haj Murad Ebrahim of the Moro Islamic Liberation Front

In a resounding voice and overwhelming majority of the people, the Moro Islamic Liberation Front under the leadership of Al Haj Murad Ebrahim, *al Amir ul-Jihad* of the Bangsamoro People, was given a new and fresh mandate to lead the struggle of the Bangsamoro people during the MILF General Consultation Assembly held on May 29-31, 2005 at Camp Darapanan of the Bangsamoro Islamic Armed Forces (BIAF) in Sultan Kudarat, Maguindanao.

More than ever, the MILF General Consultation had reaffirmed the commitment of the Bangsamoro people to MILF Chairman Murad, whom the late *Amir ul-Jihad* Sheikh Salamat Hashim had referred to, when he said: "If I die I have already planted the seed of the Jihad in the hearts and minds of the Bangsamoro people" in order to assume the leadership of the Moro Islamic Liberation Front and continue the Bangsamoro struggle for freedom and self-determination. Significantly, during the 8th

Exploratory Talks held on June 20-21, 2005 at Kuala Lumpur, Malaysia, the Malaysian Secretariat joined hands with the GRP Panel in congratulating the successful holding of the MILF General Consultation at Darapanan, Sultan Kudarat, Maguindanao, a tribute to the leadership of the MILF and the reflection of its clear mandate from the Bangsamoro People to negotiate with the Philippine Government toward a peaceful, just, lasting and comprehensive political solution to the Bangsamoro problem.

Murad, born on September 2, 1948 - in Kabuntalan, Maguindanao, rose from the

rank. One of the foreign-trained MILF field commanders, he first saw action in 1973 with the advancing colonial armed forces of the Marcos regime in Central Mindanao. In fact he was wounded in defense of the Bangsamoro homeland and territory. In recognition of his heroic action in battles, he was voted to head the Kutawato Revolutionary Committee (KRC), which covered the then Cotabato Empire Province comprising Maguindanao, North Cotabato, South Cotabato and Sarangani all the cities and villages situated therein. Soon he was elected as the Vice Chairman for Military Affairs of the Central was the forging of the Tripoli Agreement on Peace of 2001, which became the mother and basis of the main agenda of the on going GRP-MILF Peace Talks.

Now, the MILF General Consultation, which he

see **HISTORIC...** next page

¹ Head of the MILF Peace Panel Secretariat of the current GRP-MILF Peace Talks under the auspices of the Government of Malaysia and the member states of the International Monitoring Team (IMT) in Mindanao.

HISTORIC...from page 5

convened, was held pursuant to the terms of the Tripoli Agreement on Peace signed between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) on June 22, 2001 at Tripoli, Libya, which stipulate, among others: "The negotiation and peaceful resolution of the conflict must involve consultation with the Bangsamoro people free of any imposition in order to provide chances of successes and open new formulas that permanently respond to the aspirations of the Bangsamoro people for freedom" and self-determination.

Speaking in alternate English and vernacular, Murad said today is a historic and memorable day to the Bangsamoro people and the Filipino people as well...it is the day we can tell the Bangsamoro and all peace-loving people of our homeland that just, honourable and lasting peace is partly at hand. In other words a peace deal is possible without mentioning independence as the only solution to the decades old armed conflict and the age-old Bangsamoro problem. Reaffirming the MILF's willingness to continue the peace talks with the GRP, Chairman Murad appealed to the Christians in the region and other parts of the country to cast aside mistrust of their Bangsamoro Muslim brothers and forget the unfounded fear that their legitimate rights will be trampled upon by a Bangsamoro-led governance. He assured them that here and now all peoples will have equal-footing, equal access to the rights and benefits the GRP-MILF peace process may offer, pledging that the dividends of peace will be shared by the whole constituency in our homeland regardless of tribal or religious considerations. In our ardent desire to see

peace and harmony reign between our neighbours, and us he said the MILF would respect the dignity and honor of peoples other than the Bangsamoro people. In like manner, he said, we expect them to respect the dignity and honor of the Bangsamoro people.

The MILF chief, pledging to exhaust peaceful means to solve the Bangsamoro problem, said let me assure you that all peoples will have equal-footing, equal access to the rights and benefits that the GRP-MILF peace process may offer, adding the dividends of peace will be shared by the whole constituency in our homeland regardless of tribal or religious considerations once peace is achieved in the Bangsamoro homeland and territory. On the other hand, Aleem Abdulaziz Mimbantas, vice chairman for military affairs, speaking in Arabic language on behalf of the Bangsamoro Islamic Armed Forces of the Moro Islamic Liberation Front, said on behalf of the Mujahideen who write with their noble blood the new history of the Bangsamoro Nation, and in the name of universal brotherhood, saying it is my great honor to extend to you our profound appreciation and heartfelt thanks for your presence and participation in this General Consultative Assembly of the members of the Front from different barangays, municipalities and provinces of the Bangsamoro Homeland. As he continued, he said perhaps it is not an exaggeration to say that this occasion today is one of its kinds in the long history of the Bangsamoro nation since it took the path of sacrifices and sacred Jihad centuries ago. He reminded, however, that this gathering is not a show of force but a collective expression of full support of the current peace process.

Mimbantas called on every body not to forget that

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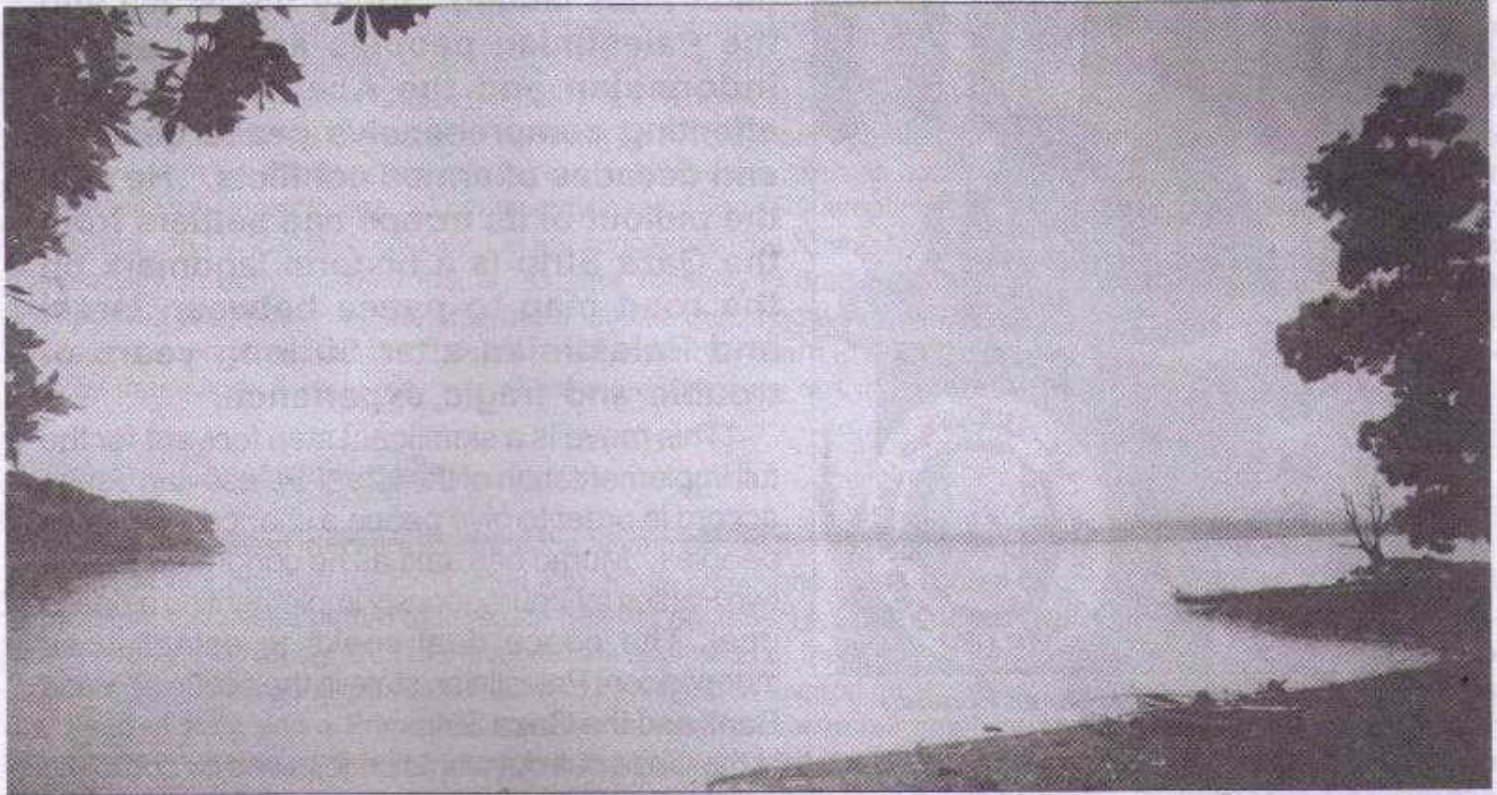


The MILF marshals man the flow of traffic to ensure safety and security of the participants during the three - day MILF General Consultation.

A work for development aggression

Pulangi Dam V

By: Mike G. Kulat



Part of the five barangays submerged due to the construction of Dam IV in Panantalan, Maramag, Bukidnon.

A consultation and planning meeting of the AdHoc Working Committee of a Movement Against Dam V Construction was done at Edlimar Farm and Spring Resort in Maramag, Bukidnon last August 21-22, 2005 and attended by different NGOs, POs, Menuvu Tribal Leaders, Media and DepEd representatives.

Spearheading the AdHoc Committee is NATABUK Federation Inc., an alliance of Menuvu Peoples Organization base in Kibawe Bukidnon with support from Legal Research and Policy Center (LRC) base in Cagayan De Oro City. Comprising the AdHoc Committee are the NATABUK Federation, some networks of the Consortium of Bangsamoro Civil Society (CBCS), different Menuvu POs from Bukidnon and North Cotabato, Menuvu Chieftains and Tribal leaders in the areas most likely to be affected by the Dam V construction and the already affected Indigenous People communities by the initial construction of Dam IV located at Barangay Panantalan, Maramag, Bukidnon.

Leading issues tackled in the consultation meeting

is strengthening of the AdHoc Committee membership and eventually transforming it to a more permanent body to sustain their advocacy campaign against the construction of the Pulangi Dam V to be constructed at Kulaman-Pulangi river in the tri-boundaries of Damulog, Bukidnon and the municipalities of President Roxas and Kabacan in North Cotabato. Dam V is a project of the National Power Corporation, which is believed to be the biggest and tallest Dam not only in Mindanao but in the entire country that will stand at one hundred twenty five (125) meters high.

Dam V is the second to the last structure to be built under the 'Pulangi Hydroelectric Dam System consists of six (6) dams, the first four (Dams 1-4) located in Bukidnon and the last two (Dams 5 – 6) in the province of North Cotabato. Once erected, Dam V is expected to displace 2, 280 families of the Indigenous Peoples of the area excluding non-IP residing in more or less 78,000 Hectares of lands of which more than 40,000 Hectares

See **PULANGI**...page 32

Murad lauds Israeli-Palestinian, Indonesian-Acehnese



MILF Chairman Al Haj Murad Ebrahim

Al Haj Murad Ebrahim, leader of the Moro Islamic Liberation Front (MILF) has lauded today the Israeli and the Palestinian peoples as well as the Indonesian and the Aceh peoples for effecting comprehensive peace deals to end decades of armed conflicts. He said the pullout of its troops and settlers from the Gaza Strip is a historic landmark on the road map to peace between Israel and Palestinian after 60 long years of trouble and tragic experience.

"This move is a significant step forward for the full implementation of the Israel-Palestinian peace accord in order to give peace a chance for the two peoples," Murad has said as he congratulates the two Parties for courageously implementing a peace deal. The peace deal seeks to establish an independent Palestinian state in the occupied West Bank and the Gaza Strip.

Murad, speaking in Bahasa Moro, hopes that the Gaza pull out would be followed by complete pull out from other occupied territories, while urging both Parties to hold fast on the peace process to settle differences. He added the complete pull out from the occupied territories would pave way for the establishment of the Palestinian state and to allow it live in peaceful co-existent with Israel.

This is in accord with the vision of and wisdom of former Prime Minister Shimon Peres saying, "It is better to have two states rather than be enemy for the rest of our lives". Peres is still with the government of Prime Minister Ariel Sharon holding a portfolio of Deputy Prime Minister saying "for the sake of the peace process".

The leadership of the MILF also commended the Government of Indonesia (GOI) for forging a peace deal with the Aceh people represented by the GAM on Monday, August 15, 2005. The GOI-GAM Peace Agreement seeks to establish a substantive self-governance for the People of Aceh from Indonesia.

Accordingly, the Aceh would receive 70% of local revenue on energy, which is known as oil-rich territory. The Indonesian troops have begun to pull out following the conclusion of the peace accord.

Murad, turning into the domestic affair, said this trend in the international communities would inspire both the GRP (Government of the Republic of the Philippines) and the MILF to double their efforts to come out with a comprehensive peace deal in order to end an equally long and tragic experience in South of the Philippines, stressing "for the good of both the Filipino people and the Bangsamoro people". **BMJ (Jun Mantawil)**

Federation as our option

By Datu Michael O. Mastura

[Presented at the Roundtable Discussions on "Federalism as an Alternative to Autonomy at Zamboanga City on March 26-27, 2001 under the auspices of the UP Institute of Islamic Studies, Kusog Mindanao, in cooperation with Konrad Adenauer Foundation]

Let us not be in a mood for denial. The movement for federalism is not a new idea. That it is an old idea, whose time has come - *first, with a question mark ? now, with an exclamation point !* - makes it symbolic of our progression from doubts to advocacies. Indeed, those visible diacritical marks did not come so easily as a consensus. At our many Kusog Mindanao forums, they were not justified without debate. Our experience tells us that movements do not come from the minds of any one person or few people such as ourselves, but out of interactions. That is why we are with you today to interact particularly in resolving your skepticism ? and firming up our collective advocacy for federalism ! in Zamboanga City. On my suggestion, the Kusog Mindanao Forum then tasked us to convene in Davao City, in early March 2001, an experts' meeting to draft the constitution of the Federal Republic of the Philippines. We have completed our broad outline that is now available for distribution. The task assigned to me was to conceptualize the constitutional arrangement in regard to federal restructuring of the executive-legislative-judicial framework. Simply put, federalism is the advocacy of a multi-tiered government.

General Considerations

The initial formulated quizzers illustrate the asymmetry of the relationships of the federation to the member units. The shape of ideas can be formulated into actual provisions in the course of our consultations. The five broad principles I discussed before the Senate hearing on June 14, 2000 are substantially embodied in this presentation. Namely; (1) Recognition of the legitimate aspiration of the Bangsamoro People, their basic rights, and state rights to ensure responsible citizenship and participation in good governance. (2) Retention of the Presidency as the head of state and a Prime Minister as the chief executive but empowering the governorship of a State or Region as a smaller presidency under the principles of subsidiarity. (3) Restoration of Congress/Parliament as a representative of the sovereign will of the people with political party seats to act as controlling forces in the democratic system. (4) Establishment of the principles of separation of authority and vesting the Supreme Court/Constitutional court with the power of judicial review on the constitutionality of acts. (5) Making provisions for the exploitations or utilization of the physical resources of regions return to these areas in terms of economic development under the principles of subsidiarity.

Questions and Answers

Q. On what basis is the constitutional arrangement formulated?

A. Constitutional democracy fundamentally describes the principle of political justice of the basic structure for governance. Its premise assumes an initial situation of equality in which each person or individual is represented. The principle of representation translated this idea from the original position (situation) to the Constitutional (form) as the highest order system of social rules for *rules making*. The constitutional delegates or constituent body will assemble, then, to represent the sovereign people in the charter amendment. The argument based on people's right to self-rule (determination) support the federal restructuring for regularity of representation (parliament or congress) to exercise control over their political destiny.

Q. What limits the scope of the principle of participation?

A. The traditional devises of a constitution are generally:

- Legislative body (unicameral or bicameral);
- Separation of powers mixed with checks and balances;
- (presidential or parliamentary);
- Bill of rights with judicial review;
- (supreme or separate constitutional court)

Continued next page

DISCUSSION POINTS No. 1

Here it is easy to confuse representative democracy with that of a republican state. The fundamental institutions of political life are the **state, government, and citizenship**. The image of the state can be visualized as *body politic*. There is a use of nation as synonymous with state, hence *nation-state*. The government of the day or administration is an alter ego sustaining a civic order to be enjoyed. One basic concept is that groups (read: people) occupy broader political spaces and those who see themselves as *a-forming* a distinct political community may constitute majorities in borders. In this characterization, political *community* seen as an organizing idea wider than the state, *din wa daulat*.

Questions and Answers

Q. What is the essence of a republican (state) system?

A. Simply, it is the regularity of change through election process. And it is a form of expression of a rule of majority. That it is why citizenship is not just voting and paying taxes only. The cardinal value of representation is best expressed in the concept that taxation without representation is unjust.

Q. Who personifies the unity of the nation into a duly constituted body politic?

A. The Head of State who symbolizes the sovereignty of the people is the moral leader of the country to be known as the *Federal* republic of the Philippines. The Head of State to be called the President represents the Federation in its international relations to include:

- Concluding treaties;
- Receiving envoys;
- Appointing first the prime minister;
- Appointing judges and civil servants;
- Granting pardons of individuals.

Q. How can the public moral leadership of the country be presented in the public life?

A. Upon election (options direct or indirect), the President *ipso facto* ceases to be a member of any political party and desist from engaging or participating in any partisan activity. The oath to uphold the constitution and with it normative values in a way resembles the *bay'ah* given after the nomination of the *khalifa* and his acceptance.

DISCUSSION POINTS No. 2

Here it is crucial to decide the manner of election of the President of the Federation. Dr. Jose V. Abueva argues that the people's experience in democratic governance in which they vote direct for the President will be a force unifying the nation. On the contrary, the chance for rotation of the presidency may further promote unity and diversity of the Federal Union. Succession to the presidency depends on whether to retain or not a vice president under the presidential system. In case a shift is made to the parliamentary system, in the event that the Federal President is unable to perform the duties of the Office, the Upper chamber of Parliament exercises the powers. In the *Shift*, Dr. Pablo Tangco proposes the retention of the unitary system, under his group's constitutional draft of a government dovetails with the non-partisan nature of the presidency.

Questions and Answers

Q. Who constitute the Federal Government? How does the Head of the State differ from the Head of the Government?

A. The Federal Government consists of the Prime Minister and the Federal Ministers who together make up the Cabinet. The Prime Minister acts as parliamentary leader and presides over the Cabinet (also known as Government of the day). It is the Prime Minister who is responsible for the general policy guidelines.

Q. How is the Government constituted? What long will its duration or term?

A. The Federal President appoints the first the Prime Minister from a member of a lower house (House of Representative) who can command the confidence of the majority of its members. Federal ministers are appointed and dismissed by the President on the recommendation of the Prime Minister, who can also appoints a minister as his or her Deputy Prime Minister.

The President of the Federation dissolves Parliament upon proposal of the Prime Minister. The term of office of the Prime Minister and the Ministers ends when a newly elected lower house (chamber) assembles. Normally, a shadow Cabinet is formed composed of the opposition party to prepare to take the reigns of government.

Q. What is the composition of the Parliament (legislative organ) of the Federal Republic?

A. The bicameral parliament consists of an upper house, the Senate, and the lower house, the House of Representatives.

The senate is composed of members elected by the State governments. Its basic function is to protect the interest of the constituent states or regions particularly on concurring or vetoing legislation. It elects a president and makes decision by a majority vote.

The House of Representatives is composed of members elected directly by district and party list system for a certain term of office. After every election, the Parliament elects a speaker of the house along with other officer and determine its own rules of procedure.

Q. How are the bills introduced in the Philippines?

A. As a rule, the Federal Government (Cabinet) will introduce parliamentary bills, or members of either house may initiate. The draft budget law is transmitted simultaneously to the House of Representatives and to the Senate.

After the lower house adopts a measure, the Speaker submits it to the upper house, and it becomes a law if the Senate consents to it. After enactment, it is countersigned by the Prime Minister or appropriate minister and then signed by the Federal President.

DISCUSSION POINTS No. 3

The Senate proposals differ in that the John Osmeña version calls for presidential system retaining direct voting, whereas, the Aquilino Pimentel, Jr. version favors indirect election of the President by a Conference of "Presidents" (or State/Regional Governors). The Pimentel version resembles the formula of Conference of Rulers or Electoral College models. The province as a true expression of civic freedom lies in township: the municipality. The functional key point: "Who runs the government is better than who governs?"

Certainly a need to redraw the boundaries of the constituent units to coincide better with the location of linguistic and ethnic groups must afford infra-regional minorities protection against possible oppression by regional majority. The approach to recognize variations precisely makes it possible for accommodating the Ruler (Sultanate) of the Muslim Regions (Bangsamoro States) and feasible to define its relationship to the State/Regional Governor. The pivotal issue: consolidation of the seventy-eight (78) provinces into more economically viable political units. Dr. Abueva's study recommends Ten Regions. The Pag-bago study reviewed three options: the Historic Division, Five Regions, Eight Regions, Twelve Regions, or Fifteen Regions. The old draft of PHILCONSA proposed five regions but our CONCON committee draft expanded it to fourteen regions.

Questions and Answers

Q. Are the features of the Federal System of Government compatible with a presidential or parliamentary democracy?

A. Yes. In the proposed Federal Republic, the State/Regional powers are divided between the central Government and the constituents states/regions of the Federation. In a parliamentary democracy, the Government (Cabinet) is accountable to Parliament as a body elected by and representing the people.

Q. Is the conventional separation of powers recognized in the proposed Federal Republic?

A. Unlike the present unitary presidential form, the separation of the executive, legislative, and judicial branches of government will not be clearly delineated with respect to Parliament and the Cabinet.

Q. Explain how is the division of powers divided between the federal and state governments worked out in the Constitutions.

A. Constitutional power is appropriated by means of enumeration of respective exclusive and concrete areas of jurisdiction, each having both executive and legislative powers. There are three types of legislative power:

- Matters within the exclusive legislative power of the Federation, such as foreign affairs, defense, currency and monetary matters;
- Matters listed in the Constitution concerning which the Federation has the right to legislative but the constituent states or regions may exercise concurrent legislation such as public welfare, prevention of abuse of economic power, civil law and criminal law, registration of births, deaths, and marriages;
- And, in some matters of intense regional planning or regulatory measures and distribution of financial burdens.

See **FEDERATION...page 14**

the peace the Bangsamoro nation is aspiring to achieve is the peace that brings freedom, justice, and honor to all. It is a lasting peace acceptable to our people who have been subjected to the worst forms of humiliation, oppression and exploitation for more than four centuries since Spain unleashed her colonial wars against our nation. Towards this end, he rallied on the Bangsamoro people to be awakened of this noble cause for freedom and self-determination. He said O, courageous brother Mujahideen! O, sister Mujahidat who yearn for truth! O, valiant Moro people! Take heed of the fact that we have reached the crucial stage of serious action and alertness, the state of fulfilment of commitments, obligations and responsibilities, the stage of being true to agreements and covenants, and the stage of obedience to the Leadership. If we are oblivious of this stage that we are in now, we will be asked before Allah and before the bar as to why we have failed to take heed.

On his part, Ghazali Jaafar, vice chairman for political affairs, had spelled out in his opening remarks that the main purpose and objective of the recent consultation was for the MILF to seek a new and fresh mandate from the Bangsamoro People in the peace negotiation with the GRP, in forging a new arrangement dealing with the totality of relationship in their homeland and in behalf of all people in Mindanao in the diversity of their identities and traditions. Also, the MILF had sought directly the mandate of the Bangsamoro people to represent them and in order to solicit their stand and consensus on a "new formula" that can respond to the Bangsamoro people's aspirations for freedom and self-determination based on the various legitimate options for self-governance under United Nations General Assembly Resolution NO. 1514 (XV) of December 30, 1960.

Though previous consultative assemblies of the Bangsamoro people were conducted by groups of the Bangsamoro civil society and peace advocate convenors where the MILF did not take a direct hand or participation, this General Consultation was designed to validate the consensus arrived at previous assemblies in the context of "new formulas" for the first time. Further, in consonance with the Tripoli Agreement on Peace of 2001, both the MILF and the GRP have agreed on "the observance of international humanitarian law and respect for internationally recognized human rights instruments and the protection of internally displaced persons evacuees in the conduct of their relations (to) reinforce the Bangsamoro people's fundamental right to determine their own future and political status." The respond of the Bangsamoro people to the General

Consultation was overwhelming giving new and fresh mandate to the MILF as the sole and legitimate revolutionary movement to lead the Bangsamoro people's struggle for freedom and self-determination in their ancestral homeland and territory.

Based on records from the registration and accommodation, the General Consultation had mustered a total of 2,934,065 million guests and participants coming from all walks of life travelling through land seas as far as Sulu, Tawi-Tawi, Palawan, Basilan, Davao Oriental, Davao del Norte, Davao del Sur, Sarangani and South Cotabato with Maguindanao, Lanao del Norte, Lanao del Sur and Sultan Kudarat serving as the main bulk of the delegations including all the cities situated thereat. The two Lanaos, alone, said Aleem Abdulaziz Mimbantas, vice chair for military affairs, went through with about 4,123 transport cars and trucks, which constituted the major participants of the MILF General Consultation.

But Muhammad Ameen, chair of the secretariat of the MILF General Consultation, said not included in this figure were tens of thousands of people who had failed to register due to the huge, huge mammoth of people converging into the site proper. Thus, a large number of people had to stay outside the Darapanan area, all along the Cotabato-Davao and Cotabato-Malabang national highway at the junction of Crossing Simuay, Sultan Kudarat, Maguindanao. It is unthinkable how the consultation's steering committee was able to manage such a big crowd, well arranged where the women were visibly separated from the male participants without untoward incidents whatsoever happened during the three-day affair.

Also to be given credence for the smooth and orderly conduct of the affair was the effort and effective



Millions of Moro people pooled at the MILF camp in Darapanan to show support to the MILF.

coordination of the Joint GRP-MILF Coordinating Committees on Cessation of Hostilities (CCCH), Ad Hoc Joint Action Group (AHJAG), Local Monitoring Teams (LMTs) and, above all, the Malaysian-led International Monitoring Team (IMT) with the police and military units as well as the units of the Bangsamoro Islamic Armed Forces (BIAF). In fact, the MILF General Consultation was duly registered with the two parties during the 27th Joint GRP-MILF CCCH Meeting held on May 4-5, 2005 at Puerto Princesa, Palawan. The GRP had offered its assistance in whatever capacity conducive to the success of the MILF General Consultation.

The message of Major General Dato' Zulkifeli bin Mohammad Zin, RMAF, Head of Mission of the IMT, was very encouraging, when he exhorted the huge assembly of renewal of hope for a better and brighter future of the Bangsamoro people for this region. He pointed out the challenging task of monitoring the ceasefire has certainly been made less difficult by the substantial support of the Bangsamoro people, who have shown commitment and dedication to help make efforts toward peace more effective.

Today's assembly, he said, is a very important episode in the road to peace, as we are witnessing a sense of renewal on hope for a better and brighter future for this region. He stressed for that reason, I wish to congratulate the MILF for realizing this consultation with the Bangsamoro people from all over Mindanao. I am sure this would be one of the proudest days for the Bangsamoro to be able to come together in the calm and serenity of Camp Darapanan.

"For that, we must also acknowledge the contributions and support of the Government of the Republic of the Philippines in making this huge assembly a reality," he pointed out. Without dismissing

the challenges on the road to peace, Zulkifeli is confident that the long and bitter conflict will come to a closure through peaceful means. He said challenges would continue to remain. There are tendencies, he continued, to be setbacks along the road to peace, adding, "However, these must not be seen as failures for they are mere challenges for the parties to make further painstaking efforts and sometimes painful compromises."

And because of the many positive developments since the deployment of the IMT in October last year, the Parties, during the 7th Exploratory Talks on April 18-20, 2005 in Port Dickson, Malaysia, have urged for the extension of the extension of the term of the IMT in order to continue the monitoring of the implementation and observance of the Tripoli Agreement on Peace of 2001 and its Implementing Guidelines on Security Aspect and Humanitarian, Rehabilitation and Development Aspects as well as its socio-economic development aspects. The IMT has been deployed throughout Mindanao since October 10, 2004, now composed of contingents from Malaysia, Brunei and Indonesia.

Significantly, foreign and national dignitaries graced the MILF general consultation to the heyday of national and foreign media as an international issue. President Gloria Macapagal Arroyo had sent Secretary Teresita Quintos-Deles, Presidential Assistant on Peace Process, who told the hundreds of thousands of assembly of the Bangsamoro people in the first place Secretary Deles conveys the message of the government in extending its heartfelt congratulations to the leadership of the MILF led by Chairman Al Haj Murad Ebrahim for a successful, orderly and peaceful affair at Darapanan to day (para sa matagumpay, maayos, at

mapayapang kaganapan dito sa Darapanan itong araw na ito). She emphasized, "We have always said that the most important element for any peace process to succeed is the broad ownership of the process among the people.

She told the big crowds that Our President, Her Excellency President Gloria Macapagal-Arroyo, believed that "We have no other choice, we could not afford to return to the warpath (Wala tayong magagawa. Hindi maaring bumalik sa mga pamaraan ng giyera)." It is catastrophic to everybody. With Secretary Deles: Secretary Silvestre C. Afable, Jr., Chair of



The Bangsamoro people coming from different parts of the country brave the heat of the sun in order to get to the venue of the MILF General Consultation.

FEDERATION...from page 11

Q. What is meant by the doctrine of state rights or residuary power?

A. Insofar as the Federal Constitution does not confer legislative power on the Federation, the constituent states or regions retain the right to legislate. This is referred to as the states rights theory or doctrine of residuary power.

DISCUSSION POINTS No. 4

Constitutional asymmetry has to specify the differences in the status or legislative and executive powers assigned by the constitution to the different regional units. The better approach in the case of the Philippines is in view of its current highly centralized structure increase from the norm regional authority. This has been applied as the concessions made to the Borneo states of Sabah and Sarawak such as indigenous customary (adat) laws, communications, shipping and fisheries were made exclusive or concurrent jurisdictions. Abolition of the existing provinces much depends on the intergovernmental relations and accommodation of varying pressures of regional autonomy.

Questions and Answers

Q. What can one say about the fear of shifting to the federal structure? Is it well founded that another tier would entail heavy financial costs?

A. A recent report states that it costs P8.6M to create a Barangay, P64M for a town and P225M for a province. No computation yet has been made as to how much it would cost to create a region, except in reference to ARMM current operational budget of P15.4M. The average public investment in other regions is P15.0B while ARMM gets a meager share of P4.37B only.

At bottom, the assumption in the various computations does take into consideration savings from the consolidation of provinces. The multi-level-tier argument overlooks that recent years saw a proliferation of provinces and cities which will reverse, once federalization starts.

Q. Are the constituent States or Regions permitted to have their own Organic Acts or States Constitutions?

A. Yes. There is an option, however. Each of the constituent geographic units may draw up their own State Constitution. Or a State/Region can merely rely on the Federal constitutional provisions and relevant expanded devolution codes.

The constitutional order in the constituent states or regions may require conformity to the principles of republican, democratic government based on the rule of law within the meaning the Federal Constitution.

see **FEDERATION ... next page**



The mere attendance of Million of Bangsamoro in the MILF General Consultation is a clear evidence of support to the struggle for self-determination.

FEDERATION...from page 14

Q. What is the basic political philosophy behind the design and operation of federation? Does federalism safeguard indigenous rights?

A. The current debate on democratic legitimacy for pluralistic society lies in understanding a concept based on individual rights and procedural mechanisms. The principle of equality in federalism extends the framework of the debate to "third generation rights" issue, specifically into how social developments impinge or influence the organization of power.

On this important point, federalism offers certain corrective measures for the lapses and gaps during the formative years of government institution building. The primary aim of indigenous people is to receive political recognition.

Q. On what principles will the constitutional structure of the Bangsamoro State be built around? Can it be accommodated in the republican system of governance?

A. Yes. The declaration of basic principles of Shari'ah-based norm integrating the essential features into contemporary form are summed up as follows:

- *Khalifa* or trusteeship of man
- *Adl* or justice tempered with mercy
- *Shura* or consultation as a method of governance
- *Ijama* or consensus as means of acquiring power

Shared space for political Islam and international Islam through the structure of power-sharing arrangements and sub-national (read: community) form of sovereignty compatible with federalism.

DISCUSSION POINTS No. 5

The recognition of the supremacy of the federal constitution will be retained. The legitimization of the Islamic state (and possibly the institutionalization of the *ulama*'s position in it) involves adjudicatory system. This is hardly within the contemplation of church-state separation. A novel constitutional approach is "the double-tier" separation of powers that only be possible under the federal structure. Thus in compliance with the requirement of distribution of powers the Sultan or Ruler of the Bangsamoro State is accountable to a Constitutional Court (as guardian of the constitution) and State/Regional Assembly.

The role of judicial review is a major issue for Muslim in the Philippines considering the demand for full implementation of Shari'ah-based law. In some jurisdictions, there is a separated constitutional court, specializing in constitutional interpretation. The Constitutional Court in which the *ulama* will be represented is clothed with authority to produce Shari'ah norm on matters or issues affecting the Muslim *ummah* (community). This results into rule by judges (jurists). In later case, the nuances of the Shari'ah-based ruling will help separate the "politically mind from a-political *ulama*."

Questions and Answers

Q. Explain how the Federal Constitutional Court's role in judicial review.

A. One approach is the Constitutional Court stands at the apex of the court system. The power of the constitutional reviews is explicitly provided where the validity of a law or statute is in question. Specific examples are the compatibility of both federal and state laws, the constitution, the rights and duties of the federal and state governments, Shari'ah-based questions.

Q. How does this differ from the present power of judicial reviews of the Supreme Court?

A. The other approach retains the Federal Supreme Court's power of judicial review (in parallel to the constitutional court, if we opt for it). The Supreme Court stands at the apex of the court system. But there will be Supreme Courts also at the State level. The Constitutional Court can decide, too, complaints by individuals of unconstitutionality, and complaints by the constituent States of constitutional infringement of the right of self-determination.

See **FEDERATION...page 35**

to flush out rebels from occupancy of the town of Jolo on February 7-10, 1974. Both navy and air force bombarded Jolo indiscriminately until the whole town is practically burning and very few infrastructures remained standing. Infantry soldiers and para-military troops responded too by first looting the town sans rebels and then subject the residents later on to the height of human rights abuses history in the Philippines.

Cases of broad daylight salvaging, tortures, warrant less arrests, food rationing, military-clearance seeking activities, etc. are too many to be documented. And up to now people are still nursing the wounds and scars of "disappearances" which total in thousands. For sometimes too, air force carries a regular aerial bombings of various places in Sulu resulting to burning of houses, orchards, farmlands; killing of a farm and domesticated animals; and maiming or a host of a skin diseases for the rural residents.

The brigade joins by firing the first two (2) 155 howitzers with regularity and precision trained on non-combatants, women, and children as its casualty. Infantry soldiers supported the fray by the process known as hamletting and establishment of military checkpoints primarily for soldiers free cigarettes, steady supply of fish, fruits, and vegetable and not to check on weapons and enemies of the state.

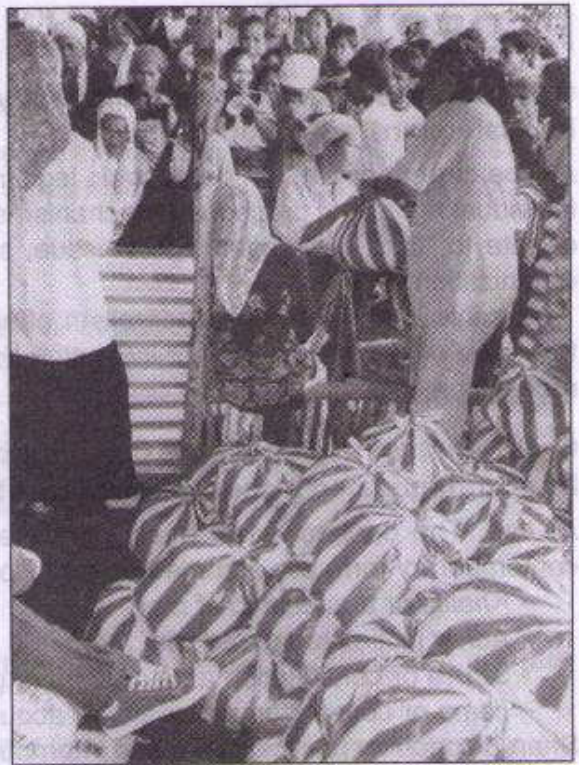
But all these maybe regular routines to a state of war, between the GRP and the MNLF culminating in the 1996 final Peace Agreement. In other words, said Agreement should not all be seen from the perspectives of compliance or non-compliance; but rather, as a living testimony to the cruelties of war. It should be seen more as a valuable tribute to those who fell - one hundred fifty thousand of them - in the name of territorial integrity for the GRP and right to self-determination to the Bangsamoro nation.

And this brings us to the present. Our peace dividends are being sacrificed in favor of an all-out war policy. Our peace dividends are devalued by the wrong notion that the *jihād* *fi* *sabilla* and right to self determination of the Moros are linked to the MNLF or Misuari. So keeping the MNLF divided or Misuari in Sta. Rosa is ergo, a strategic consideration for the GRP.

But that where the rub is. Both February 1974 and 2005 conventional wars happened when MNLF is already divided and Misuari not in anyway involved personally or otherwise. Those were acts of reprisals demanded by plain and simple civilian **Abduls** who suffered most to either military atrocities/abuses or as usual preys of war.

As a matter of fact, MNLF itself was created consequent to the March 1968, "Jabidah Massacre". The

tragedy that befell Jolo in February 7, 1974, is the culmination of various reported "massacres" in mainland Mindanao and in Sulu. The much reported attacks on the 104th Brigade in Jolo last November



The CBCS takes the lead in providing relief goods for the evacuees caused by war in what the government dubbed as an operation to pursue rebels in the areas of Mindanao.

19, 2001 was primarily triggered by "Tiis Talipao and Patikul Massacres". And the more current February 2005 war in Panamao/Parang/Mambung/Patikul municipalities was triggered by "Bawnuh ice, Kapuk Punggul Massacres".

Military's common practice of declaring some hotspots as "no man's land", is not only convenient as a scapegoat to running after Abu Sayyaf group but also pass becoming as haven for the commission of human rights abuses and possibly violation of International Humanitarian Laws (IHL). The declaration made by the Philippine Marines of about four (4) or five (5) barangays in Patikul as no man's land since year 2000 had already evolved into an instrument of food blockade, hidden war and massacres.

All Patikul male residents since year 2000 are required to disembark from PUVs upon reaching marines checkpoints, checked for clearance of rice purchased more than 25 kilos and sometimes with military assets who are ready to pinpoint any ASG suspects with but a slight provocation. Clearance fee of twenty pesos (P20.00) is collected without receipt given and accounting thereof. Middle of this year, a local imam and his nephew were pick-up for questioning and turned-out later as salvage victims. Only the timely interference of some relatives and friends that forced the marines to pay for blood money.

See **SULU** ... page 37

Is the **ARMM** Worth the **B L O O D** of our Martyrs?

A Response to the Manifesto of the Caucus on Muslim Mindanao Affairs [COMMA] Published in the Philippine Daily Inquirer, August 1, 2005, on Elections and Governance in the ARMM.

By **Maulana M. Alonto**

In the early morning of August 8, 2005, the day the elections were held in ARMM, six Muslim ladies went to the polling poll to cast their votes. When they arrived at their assigned precinct, they were told by poll officials to go home as their votes had already been cast in favor of the candidates anointed by the ruling regime in Manila. The ladies tried to protest but the town officials, who were also their relatives, prevailed upon them to accept 'what is reality' and just go home. To prevent further trouble, the Muslim ladies did go home gritting their teeth in anger and frustration.

Is this the ARMM that is worth the blood of our martyrs?

Also on the same election day, a group of Muslim professors and students went to their polling precinct to cast their votes. When they arrived, they were told that the precinct had already been closed as the voting was completed earlier. It was 12:00 noon. Polling precincts were supposed to close at 3:00 P.M. The Muslim professors and students argued that they were duly registered voters, they have not yet cast their votes and should therefore be allowed to vote. But, to no avail. Soldiers and armed men menacingly shooed them away. They vowed never again to participate in ARMM elections.

Is this the ARMM that is worth the blood of the martyrs?

Yet again on the same ARMM election day, a Muslim professional acting as poll watcher for a relative running as an independent candidate noticed during the counting that the name of his candidate which appeared on the ballots was not being read by the polling official; instead, the name of the official candidate of the ruling party was the one openly being read and the votes counted in the latter's favor. The Muslim professional cried foul whereupon the polling officials present ordered the soldiers guarding the counting to unceremoniously throw him off the premises.

Is this the ARMM that is worth the blood of our martyrs?

Let us travel back in time and review recent history.

Following the establishment of a 'revolutionary government' by President Corazon Aquino in 1986, a new Philippine Constitution was drafted and came into force on February 2, 1987. This 1987 Constitution

incorporated the so-called Organic Act for the Autonomous Region in Muslim Mindanao (R.A. 6734) or ARMM by virtue of a congressional fiat. The Organic Act was drafted by a select group – a Commission – majority of which were composed of representatives of Filipino settler-interests in Mindanao. The Muslim Moros who were appointed to the Commission were either politicians or academics who were easily overwhelmed by the manipulation and sheer number of the Filipino members of the Commission. Not one of them came from the ranks of the Moro liberation organizations. Ergo, those who died as martyrs for the Bangsamoro cause were never represented in that Commission that drafted the Organic Act for the ARMM.

Is this the ARMM that is worth the blood of our martyrs?

In 1996, almost ten years after the establishment of the ARMM, the 5 component provinces of the ARMM, together with Regions IX and XII which have sizable indigenous Moro populations, remained the poorest in the whole Philippine nation-state: an estimated 181,000 people per year became impoverished and fell below the poverty line. This meant 51% of the poorest people in Mindanao resided in the ARMM and in the two Regions mentioned. The data for that period also revealed that ARMM and these Regions had the least number of elementary and high schools compared to the six other regions in Mindanao. They also had the least number of banks and hospitals. In the rural areas, communities had no doctors or health care personnel. There were communities which were visited by doctors only once in every seven years. In Basilan for instance, now a component province of the ARMM, teachers were spending two days of the week (Monday and Friday)

See **MARTYRS** ... page 24

One thing that does not abide by majority rule is a person's conscience.

Harper Lee

MANIFESTO

On Elections and Governance in the Autonomous Region in Muslim Mindanao (ARMM) **IS THE ARMM WORTH THE BLOOD OF OUR MARTYRS?**

Once again, on August 8, 2005, the ARMM will hold an electoral exercise to choose leaders who will govern the region. It is in this regard that we, the Bangsamoro Civil Society, raise our voices.

The Sad State of the ARMM

The Moro People were told and promised that ARMM would herald an era of peace and prosperity in the region. But rather than improve, we have only seen and experienced the living conditions progressively deteriorate. A decade and a half since the inception of the ARMM:

- 2 out of 3 of our people in the region still live below the poverty line;
- Only 1 Out of 10 schoolchildren get to complete basic education,
- despite the Final Peace Agreement with the MNLF and on-going peace talks with the MILF, major outbreaks of fighting, including 2 all-out wars in 2000 and 2003 occurred;
- 1.3 Million Moros were uprooted by these two all-out wars,
- the ARMM comprise 4% of the national population, and yet it only contributes less than 1% of the country's Gross Domestic Product, despite the abundance of natural resources;
- the region's economy can only provide 4% of its annual budgetary requirements;

Is this the kind of Autonomous Government hundreds of thousands of our people have died for?

A Call to Those Who Aspire to be Our Leaders in the ARMM

The fourth Caliph, Ali ibn Abu Talib, instructed Malik ibn Ashtar Al-Nakha'I before dispatching him to Egypt as its governor:

"Know, O Malik that I am sending you to a country which has been subjected before you to both just and unjust rulers, and so the people who judged your predecessors will now judge you in the same way Therefore, let your good works be your true assets.

Discipline yourself and covet not that which is not rightfully yours.

Train your heart to fuel compassion for the people, to love them and be kind to them.

Do not behave like a ferocious beast towards them, snatching away their sustenance, for the people is of two categories: they are your brothers in religion and your fellow human beings."

We remind those who aspire to be our leaders that:

- the apathy of our people towards the ARMM is borne out of the inability of previous ARM leaderships to improve their lives.
- you will never enjoy our people's confidence unless you have a clear, coherent, and doable program of action and policy.
- the privilege and burden of governing us is imbued with Amanah (Trust)
- you are divinely accountable for your actions and inactions.

To the Bangsamoro People

The Bangsamoro People must stake their claim in ARMM governance, as a right and as a duty. Good Governance is an Islamic principle. The pursuit of Good Governance is an Islamic duty.

We understand the apathy towards autonomy and the regional government. But, we ask you to bear in mind that:

- The ARMM was established with the blood, sweat and tears of the Bangsamoro
- Apathy, cynicism and defeatist attitude towards ARMM governance and elections desecrates the sacrifice the Bangsamoro people have made and undermines our future as a people.

We owe it to those who have died in the struggle and those who continue to wallow in hunger and ignorance to make the ARMM work.

Our Agenda, Our Vision: Good Governance

AGENDA I - EFFECTIVE EXERCISE OF POWER

- A. Exercise and optimize the powers and functions of the ARMM.
- B. Strengthen Local Government in the component territories
- C. Enhance the ARMM Revenue Base
- D. Connect the Region

AGENDA II - EFFICIENT ADMINISTRATION

- A. Rationalize Fiscal Management
- B. Minimize, if not Eliminate. Corruption
- C. Generate Public Accountability

AGENDA III - DELIVERY OF SERVICES

- A. Enhance the Delivery of Education, Health and other Regional Government Services
- B. Recognition of the Role of Women in Peace Building, Good Governance and Sustainable Development
- C. Promote Minority Rights, Welfare and Protection
- D. Pursue Economic Development and Poverty Reduction Initiatives
- E. Assert its Stake in and Support the Peace Process
- F. Institute Indigenous/Alternative Modes of Local Conflict Resolution

These Agenda can be immediately undertaken under the present autonomous set-up to address the more pressing concerns of the Bangsamoro in the ARMM. It will arrest the deterioration of the quality of life of the Moros, at the very least.

Insha Allah, we pray to find the moral courage, resolve and fortitude to liberate ourselves from our present predicament.

Caucus on Muslim Mindanao Affairs (COMMA)

Al-Mujadillah Development Foundation, Inc. Bangsamoro Women's Solidarity Forum • Center for Bangsamoro Law and Policy Concerns • Consortium of Bangsamoro Civil Society - Institute for Strategic Initiatives • Indigenous Women's Solidarity Forum • Notre Dame University-Peace and Development Office • Saligan-Mindanao • Tarbilang Foundation, Inc.

Caring for the Children in the Third World



Attorney Ekkehard Arnsperger, program director of a Germany-based children's foundation, Stiftung Fuer Kinder (SFK), receiving a plaque of appreciation from Mr Gumbalia Gunsi, ARMM deputy governor for the Indigenous People, in a simple ceremony held at the latter's office on November 5, 2004. The plaque was in recognition of the efforts of the SFK in helping the children of Teduray tribe in Pandan, South Upi. The SFK provided pre-school building, school supplies, and allowance of teachers to operate literacy and other social services program through the Samahan ng mga Katutubo sa Pandan (Organization of Indigenous People in Pandan). SFK has been in Pandan, South Upi for the past few years.

It was fine day nearly 5 years ago when a kindhearted stranger, together with some local folks visited a humble yet inviting Barangay Pandan in the town of South Upi in Maguindanao Province.

Attorney Ekkehard Arnsperger, program director of the Stiftung fuer Kinder (SFK), after a visit to the SFK funded projects was invited to the home of an Indigenous People leader Gumbalia Gunsi where the warmth of Teduray tribe's hospitality was served.

The Stiftung fuer Kinder (or Foundation for Children) is a German Institution that puts in priority the eradication of misery caused by "the world-wide gap between the rich and the poor." Further, the foundation deems the children as the most vulnerable members of the society thus need furthest care.

With Stiftung fuer Kinder's intent to make the children living in the Third World live better by becoming better persons, the foundation reaches out to the Teduray children in Barangay Pandan.



The Plaque of Recognition awarded to the Stifting fuer Kinder by the SAKAPA thru the Office of the ARMM deputy Governor for Indigenous People.

In an assistance channeled thru the Samahan ng mga Katutubo sa Pandan (SAKAPA), a group of Indigenous People in Pandan, the Stifting fuer Kinder was able to build a pre-school in that barangay. But the kindness did not end there, the foundation also shouldered the schools supplies and the salary for the teachers to sustain the operation of the pre-school.

The Stifting fuer Kinder Program Director Atty. Ekkehard Arnsperger (3rd from left) together with two of his staff Thomas (2nd from right) and Uli (2nd from left); the Chairperson of the Consortium of Bangsamoro Civil Society Guiamel Alim (extreme right); ARMM Deputy Gov. for Indigenous Peoples Gumbalia Gunsí (3rd from right) and his wife Kalima (extreme left), and Kadtantaya Foundation, Inc. Board Member Mina Mohammad (4th from left).



Gunsí, who is also presently the Deputy Governor for the Indigenous People in the Autonomous Region in Muslim Mindanao, speaking in behalf of his fellow Tedurays said they could not express their gratitude for the Stifting fuer Kinder for the kind gestures it has been extending to them.

"The Indigenous People were long been marginalized and used," Gunsí said with a bitter note. "However," he added, "the foundation [Stifting fuer Kinder] has never given us this feeling of being used because we feel their sincerity in helping us and for providing some of the inadequacies especially for the Teduray children."

Gunsí expressed how his heart is filled with delight at the sight of the children in the SAKAPA pre-school and how these kids get enthused at every bit of learning they get from their studies.

Gunsí believes, as the Stifting fuer Kinder also does, that education is the trail to follow when one wants to get to a better place under the sun.

With these, The SAKAPA thru the office of the Deputy Governor for Indigenous People awarded a plaque of recognition to the Stifting fuer Kinder for the invaluable assistance that the foundation has imparted to the Indigenous People in Pandan. The simple awarding ceremony took place in Gunsí's office at the ORG Complex in Cotabato City on the 5th of November, 2004.

ARMM Polls

and its

Implications to MNLF and MILF

The Moro National Liberation Front (MNLF), whether it likes it or not, is in a state of dilemma.

This, as the Organization of Islamic Countries (OIC), which has persistently monitored and sponsored various Resolutions in support to the cause of the MNLF during its annual meetings, has sounded up its intention to wrap up its work on the MNLF problem. In fact, the OIC is seemed reluctant to listen to the reports of the MNLF of alleged infractions of its peace agreement with the government. What added insult to injuries was the recently concluded Regional Elections in the Autonomous Region in Muslim Mindanao (ARMM) last August 8, 2005. The government, instead of supporting the MNLF gubernatorial bets, unofficially pushed for non-MNLF members to the ARMM post, but which Malacañang had denied.

Despite its strong representation with the OIC during the last session of the Islamic Conference of Foreign Ministers (ICFM), reportedly it had failed to convince the powerful Islamic-bloc in support of its position. Governor Parouk Hussin and other MNLF members chorused in denouncing the government for violations of its commitments to the peace accord it signed with the MNLF. Its delegation urged the OIC to intervene for what it viewed as the violation of the spirit and letters of the GRP-MNLF Peace Agreement of 1996. It assailed the GRP for supporting non-MNLF members to the gubernatorial post. But reportedly, Malacañang declared the ARMM polls as "free zone". This means it's anybody's game.

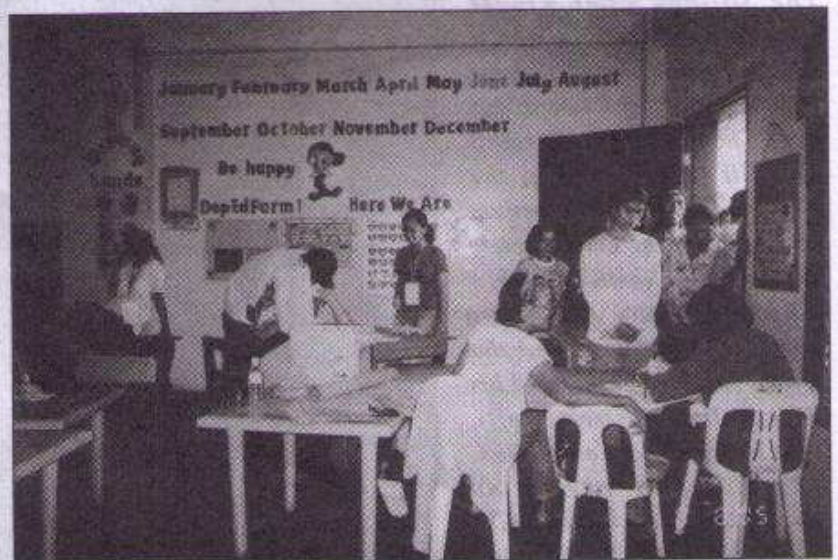
The winners, Datu Zaldy U. Ampatuan and Datu Hooky A. Adiong, both non-MNLF members, ran under the Lakas-NUCD banner, which is an administration ruling party. This followed a landslide victory for Lakas candidates throughout Muslim Mindanao. Only Assemblyman Hatimil Hasan, an MNLF, had survived from the sweeping victory of the Lakas candidates. Accordingly, the winners of the

ARMM elections would be sworn into office on September 30, 2005. Governor-elect Ampatuan and Vice Governor-elect Adiong have been reported to take oath of office before President Gloria Macapagal Arroyo in Malacañang, which is a glaring manifestation of palace wrest-control of the reins of the ARMM.

Observations run high that with the MNLF out from the ARMM, it would be back to square zero of the peace accord. The MNLF has always maintained that the ARMM pursuant to the provisions of the GRP-MNLF Peace Agreement and implemented by Republic Act 9054 is the fruit of the MNLF long years of bitter struggle way back in the 1979s. This developed, as there is a prevalent atmosphere in the OIC that, for its part, it has fulfilled its obligation to the MNLF problem and that it is about to wrap up its work with the MNLF as a resolved agenda.

This could be read with the ICFM Resolution on the Question of Muslims in Southern Philippines with the usual emphasis of the MNLF as the sole and legitimate representative of the Muslims in the Philippines. This

See ARMM POLLS ... next page



The 2005 ARMM elections yielded to various protests because of rampant irregularities.

time it has boldly struck out the emphatic recognition to the MNLF with an observer status to the annual session of the ICFM of the OIC, which is a big blow to the MNLF and the Mindanao Peace Pact of 1996: The Final Peace Agreement of the Implementation of the Tripoli Agreement of 1976. Is the MNLF finished too?

Hence, imminently losing its strong support from the OIC, the MNLF has even lost its hold to the ARMM, described many as its milking cow. What more can the MNLF do? Perhaps, the last thing it could do is to continue the struggle as what its leader Prof. Nur Misuari did in recent years. This is in order to pressure the OIC and government for more concessions of its peace agreement. But what can he do now that his leader is presently left in solitary confinement under the watchful eyes of the Philippine authority? Though, the MNLF still hopes to see its titular head at the forefront of its cavalry. The question is - How credible is the MNLF on the ground? This is a matter the rank and file has to prove. It's up to the MNLF to act in order to dispel the doubt. It must prove to the people that it has remained true to its cause. If the people reject them, we can't do otherwise. Over and above anything else, are they still prepare to undergo the long way to the difficult and arduous struggle for freedom and self-determination? If not, it's a great dilemma, *quo vadis!* Nonetheless, what has befallen the MNLF must be a lesson to the MILF in order to avoid the pitfall of the MNLF in its peace deal with the government. That, if they too listen to unsolicited opinions! In other words, as far as the GRP and the OIC are concerned, the MNLF agenda is settled, and they have done their best for the good of the MNLF.

This trend has far-reaching implication in the on going GRP-MILF Peace Talks. Since the MNLF problem is resolved in the lingo of the GRP and the OIC, it is high time for them to focus their attention to the MILF agenda without any apparent obstacle that may saddle on the



There were only few voters who went in to the polling precincts contrary to the high turnout of votes this 2005 ARMM elections.

way. Since the elected gubernatorial and vice gubernatorial candidates being non-MNLF members and who are perceived as Malacañang boys, it would undoubtedly give a breathing space for the GRP with a durable peace with the MILF. This scenario would also lend assurance for normal transition once a comprehensive peace agreement is achieved with the MILF, no doubt!

Thus, the GRP would find it no problem in paving way for the implementation of the would-be GRP-MILF peace deal considering the fact that the incumbent ARMM elected officials are considered as trusted men of Malacañang who could easily understand the wisdom of the Arroyo Government in forging a peace pact with the MILF. At any rate, many things would still happen before the much-awaited comprehensive peace deal with the MILF is reached in order to close the armed Mindanao conflict and the age-old so-called Bangsamoro problem. **BMJ**



Various forms of voters education was launched by the CBCS, with the help of its regional network members, in an aim for a clean and honest election in the ARMM.

traveling to and from their hometowns to their school assignments, thus leaving only three days for actual teaching. Worst still, "teachers combine and teach different grade levels at the same time".

This was the ARMM in 1996. Today nothing has changed. If there is change, it is a change for the worse.

Is this the ARMM that is worth the blood of our martyrs?

On September 2, 1996, the MNLF, under its chair Nur Misuari, and the Philippine Government signed the so-called Final Peace Agreement (FPA). Subsequently, Misuari was 'elected' ARMM governor. But far from addressing the root causes of the Bangsamoro-Filipino war in Mindanao, the ARMM remained a cosmetic 'autonomy' that ultimately became a milking cow for Filipino government officials and their local Moro lackeys. Political positions in the ARMM also became

"In 1996, almost ten years after the establishment of the ARMM, the 5 component provinces of the ARMM, together with Regions IX and XII which have sizable indigenous Moro populations, remained the poorest in the whole Philippine nation-state: an estimated 181,000 people per year became impoverished and fell below the poverty line."

plum prizes for rewarding the most subservient to Malacanang. According to official records, the Philippine government had allocated P41.9 billion to the ARMM and the so-called Southern Philippines Council for Peace and Development (SPCPD). But MNLF officials who joined the ARMM claimed that only P2 billion had been provided by the Philippine government from 1996 to 2000. We do not know who was telling the truth but what is certain is that the ARMM continues to wallow in abject poverty and experience the miseries of war.

Is this the ARMM that is worth the blood of our martyrs?

Parallel to the establishment of the SPCPD, which got its mandate from the MNLF-GRP 1996 Final Peace Agreement, the Philippine government had organized the Mindanao Coordinating Council (MCC) through Executive Order 3471, Series of 1996 as the arm of the Office of the Philippine President. The MCC was run by Filipinos whose vested interests were (and are) intertwined with settler-interests in Mindanao and the Bangsamoro homeland. MCC controlled the funds of the ARMM/SPCPD and practically usurped and duplicated the functions of the latter. No Bangsamoro Muslim, let alone an MNLF official, was appointed

member of the MCC. Through the MCC, the Philippine government maintained its colonial stranglehold over the ARMM/SPCPD. As such, the ARMM/SPCPD became a 'white elephant'; the only accomplishment it can boast of is that it acted as an employment agency of the Office of the Philippine President for Moros who betrayed the Bangsamoro struggle for freedom.

Is this the ARMM that is worth the blood of our martyrs?

On March 21, 2000 the regime of President Joseph E. Estrada declared all-out war against the MILF and the Bangsamoro people despite the on-going peace negotiations. The ARMM government stood helplessly and silently by while the Philippine military invaded, devastated and raped the Bangsamoro homeland. The Estrada all-out war brought conflagration to most, if not all, of the ARMM areas. An estimated 476 Moro communities were totally destroyed by aerial and land bombardment by the Armed Forces of the Philippines; fifty mosques were obliterated by bombs; thousands of homes were burned; 120,000 hectares of farmland owned by Moro Muslims were destroyed; in addition, madaris and Muslim religious articles, including copies of the Qur'an, were desecrated and taken as 'souvenirs' by the invading government troops. According to government statistics dated September 2000, 157,467 families or 827, 689 people, nearly 500,000 of which were children, were internally displaced and had to experience the unspeakable squalor, hunger, disease and fear that pervaded the refugee camps.

Is this the ARMM that is worth the blood of our martyrs?

Again, in December 2002, Philippine military forces, this time under the regime of President Gloria Macapagal-Arroyo, launched massive and unprovoked military operations against the MILF in the Muslim municipalities along the boundaries of the provinces of Lanao del Sur and Lanao del Norte. This was the month of Ramadhan and Muslims were observing the fast. As a result of these military operations, about 60,000 Moro Muslim civilians were displaced, and their properties were destroyed or looted by government troops. No word of protest, much more a condemnatory statement, was ever heard from the ARMM government. It is as if these horrors never happened.

Is this the ARMM that is worth the blood of our martyrs?

There is a more horrifying sequel to this episode. On February 11, 2003, three months after the December 2002 military operations in the Lanao Provinces, about twenty thousand troops suddenly attacked MILF encampments and the Islamic Center in Buliok along the Liguasan Marsh. This occurred

again on an Islamic religious holiday, the Id'l Adha, which was being celebrated worldwide by Muslims including the Bangsamoro people. This naked aggression marked the Arroyo regime's declaration of another all-out war against the Bangsamoro people and the MILF while peace negotiations were also under way. The ARMM government again stood by in helplessness and deafening silence as Philippine military forces vented their full fury on Moro civilian communities. These government figures should illustrate the scale of the horrors of war imposed upon the Bangsamoro people: 78,237 families or roughly 397,000 people were displaced and had to find shelter in 277 refugee camps scattered all over central and northwestern Mindanao; damaged homes totaled 6,043; five Mindanao regions, all of them inhabited by Bangsamoro Muslims, were detrimentally affected by the war – ARMM and Regions IX, X, XI, XII.

As one can see, the ARMM counts next to nothing when the Philippine government decides to wage its periodic wars of aggression within the ARMM's 'autonomous' areas. Even ARMM officials are not informed beforehand of, nor can they protest, the invasion of ARMM by Philippine combat troops in clear violation of the principle of 'regional autonomy'. For all the Philippine government's boastings of having granted constitutional mandate to 'Muslim autonomy' through the ARMM Organic Act, the ARMM exists only on paper and it is as worthless as a Philippine centavo.

Is this the ARMM that is worth the blood of our martyrs?

Toward the end of his term as ARMM governor in 2001, erstwhile MNLF chairman and ARMM Governor Nur Misuari exposed the bogusness of the ARMM and the betrayal of the MNLF-GRP 1996 FPA by the Philippine government. For this, charges of treason and rebellion were leveled against him. Subsequently, after having been extradited to the Philippines from Malaysia, he was arrested and detained. The very person himself who led the Moro armed struggle in the 70s and who later on signed the 1996 MNLF-GRP FPA as a result of which the ARMM was virtually handed to him in a silver platter, had repudiated the ARMM and is languishing in a military prison up to this day.

Think about it. Is this the ARMM that is worth the blood of our martyrs?

The litany of horrors does not end here. After the 9/11, the ARMM has been turned into a playground for live 'war games' by American and Filipino military forces

ostensibly out to eradicate "Islamic terrorism" pursuant to George W. Bush's "borderless war on terror." As a result, Moros have become the target of man hunts while Moro Muslim communities have to invariably suffer the indignity and excruciating agony of being subjected to human and civil rights abuses and never-ending surgical military operations. These do not only disrupt livelihood and therefore cause the further impoverishment of the Bangsamoro masses but are taking heavy tolls on innocent civilian lives. Most victims are citizens of the ARMM; yet, the ARMM government cannot even rise to defend the human and civil rights of many of its young Moro Muslim constituents who are falsely accused of being "terrorists" and are rotting in military and police jails. Indeed, ARMM cannot prevent even the transformation of the ARMM into one big military garrison saturated by military and police checkpoints; nor can it end the cycle of state-sponsored violence that has



MNLF Chairman Nur Misuari and the MNLF forces.

turned our people into perpetual refugees in their own homeland.

Is this the ARMM that is worth the blood of our martyrs?

On February 1, 2005 the island province of Sulu was the scene of renewed bloody battles between remnant forces of the MNLF and the Philippine military. These were the results of the human rights abuses committed on a massive scale by Filipino soldiers who invaded the island - which is a component province of the ARMM - in search of Abu Sayyaf terrorists. For more than a month, a news blackout and military cordon were set in place in Sulu virtually imprisoning the whole populace. Thousands of refugees fled to the island's capital of Jolo as battles raged in the countryside. The military

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REGIONAL

Renew

ARMM Election fraud

Marawi City— Anak Mindanao party-list Rep. Mujiv Hataman urged NGOs here Saturday to help cleanse the electoral process by exposing electoral fraud calling on the COMELEC to prosecute those involved in electoral fraud.

Election watchdogs here from the Movement of Muslim Multi-sectoral for Peace and Development responded by updating the solon that they have been holding massive rallies to condemn widespread cheating in Maguindanao, Basilan and Lanao Sur.

They also invited the solon to attend the rally Monday, where the effigy of COMELEC Chairman Benjamin Abalos is to be burnt. "Singilin natin sila," Hataman said referring to COMELEC's campaign to have peaceful, orderly and credible elections as he and Deputy Speaker for Mindanao Abdul Gani Salapuddin plan to hold a congressional inquiry regarding the recently concluded ARMM elections. This, he said, is despite acknowledging the problems of elections in ARMM to be "the whole electoral process" which includes the electorate. "We must also consider the influence of dynasties, warlordism and vote-buying." It is in Lanao del Sur where there is the most fraudulent elections such as in 2004," he said even as he referred to Marawi being an Islamic city.

Hataman also noted the influence of political leaders who might possibly be involved in drugs. "Religious leaders must look into this aspect of governance," The solon from Basilan, where widespread disenfranchisement occurred updated the groups that there will be a congressional hearing on Thursday regarding the recently-concluded elections in ARMM with international observers invited. He also said he is seriously considering proposing that electoral fraud be penalized with life imprisonment instead of death penalty.

He urged the NGOS to help ARMM by "strengthening it" towards real self-determination instead of abolishing it, though he expressed reservations about federalism. "I am more concerned with substance such as fiscal autonomy." The questions we must answer as Bangsamoro are, can we lead if we have self-government and are we ready? "The challenge is to overhaul the system towards good governance." **BMJ**



The CBCS Tiyakap Halalan volunteers with Parish Pastoral Council for Responsible Voting (PPCRV) National Chairman Antonio Ventosa queries a Board of Election Inspectors regarding the lost ballots in one precinct in Maguindanao province.

Sulu

FOOD BLOCKADE, HIDDEN WAR, ET AL

One of the customary and accepted norms of International Law (IL) is naval blockade. It is imposed from time to time as sanction against erring member. Such method is even pacific, in the sense that is to be imposed as humanely as possible and as a short of war alternative.

Naval blockade is occasionally used to give teeth to trade and commerce embargo as was the recent case on Libya for her alleged complication in the Locker jet bombing. The sanction is not only effective in creating a technical famine amidst plenty in Libya, but it pulled her down to virtual admission and subsequent payment for damages as a way out of that imbroglio.

In Sulu, however, something afoul with all known methods of pacific settlement of disputes. In the early 70's for instance - like two nations going to war - Philippines did not only use naval blockage as a strategy of denying the Moro National Liberation Front (MNLF) mobility and logistical supply; it is also used

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UPDATES

Zambas

CBCS forms Zamboanga-Basilan Regional Management Committee

The Zamboanga-Basilan (ZAMBAS) Regional Management Committee of the CBCS was formed last May 24, 2005. The formation of the ZAMBAS-RMC was held at the Yakan Integrated Rural Development Foundation Training Center in Malo-ong, San Jose in Lamitan, Basilan province attended by 23 heads and representatives of the different network member-organizations coming from Zamboanga City, Isabela City and Basilan province.

Elected to the Management Committee are: Mr. Nathan Insung – YRDFI as Chairperson, Jubaira Said – BWIF as Vice-Chair, Nulkaisa Alidain – LWC for secretary, Damona Sadhail – WEABI as treasurer, Galib Ahmad – YUADFA for Business Manager and Fauzuladzeem Juhur – BASFFARMCO as PRO. Appointed as Secretariat is Yakan Integrated Rural Development as working staff of the RMC and will serve as Office of the ZAMBAS Regional Management Committee of the CBCS.

The formation of the Regional Management Committee of CBCS is in accordance with its program of decentralizing operations to give more autonomy to network-members and fully developed each organization in the implementation of its thrusts and programs.

In relation to this formation, the ZAMBAS – RMC laid down its plan of activities for the next five months remaining for the year 2005. Among those identified priority programs this year are seminars and trainings on: (1) Basic Human Rights Orientation and Para-Legal trainings, (2) Peace-Building and Conflict Resolutions, (3) Good Governance and Voters Education Campaign on ARMM election and (4) Basic Gender Orientation Advocacy seminar. **BMJ**

CBCS Member-Networks Actively Campaign for ARMM Election

The CBCS through its network-member organizations in Zamboanga City and Basilan province spearheaded by the Zamboanga-Basilan Regional Management Committee (ZAMBAS – RMC) have actively engaged in campaign for honest, orderly and peaceful election in the ARMM areas both before, during and after the election period and would be continuing their advocacy for the next years.

The CBCS ZAMBAS – Regional Management Committee headed by Mr. Nathan Insung has undergone distribution of Primers about the ARMM election 2005 in the six municipalities of the province of Basilan in connection with their "Voters Education" campaign. A one month advocacy radio program was also conducted by the CBCS ZAMBAS – RMC over radio station DXXX – RPN in Zamboanga City where campaign for clean and honest elections including qualifications of good and responsible leadership are the main topics as part of its pre-election activities.

During the election period, ZAMBAS – RMC in partnership with the Parish Pastoral

see **CBCS...** next page



Protesters rallied at the plaza of Lamitan in Basilan province and pushed for the declaration of a failure of election due to massive election fraud in the ARMM.

CBCS...from page 27

Council for Responsible Voting (PPCRV) headed by Fr. Guillermo Grecius better known as Father Potpot, had successfully deployed more than forty Volunteers for election Poll Watching activities in around seventy five voting precincts and twenty seven voting centers or Barangays in the six municipalities of Basilan.

The CBCS – PPCRV Volunteers were able to observe and gather substantial documents on different faces of electoral fraud and electoral violations that happened before and after the actual voting day, counting and canvassing period. Foremost among these frauds are the massive vote buying that marred the entire election process in the province of Basilan allegedly by candidates belonging to administration candidates. On the eve of election day, reports from ZAMBAS – RMC Volunteers reached the center that a meeting of local government officials was conducted at undisclosed place in Lamitan, Basilan where distribution of money for vote-buying are done. This report was confirmed by some Barangay Chairmen in a conversation with the Roving Team of CBCS-PPCRV Volunteers.

In a related development, the Volunteers also reported that around 15 ballot Boxes and 5 Ballot Boxes were forcibly taken by unidentified armed men in the municipalities of Tuburan and Sumisip respectively. Actual visitation of some precincts in Tuburan shows that no actual voting ensued in majority of the voting precincts. The fact was further substantiated by Deputy Speaker for Mindanao and Chairman of the Committee on Electoral Reform in congress, Honorable congressman Gerry Salapudin for the lone district of Basilan and a voter of

Tuburan municipality failed to cast his vote as his precinct was nowhere to be found.

As an effect of this massive electoral fraud, a peoples' rally was conducted in front of the Provincial Capitol of Basilan where the canvassing of votes are being held on August 10, 2005. The protest rally was participated by more than a thousand ralliest spearheaded by Religious Groups, Political and Traditional Leaders and NGO/PO Leaders coming from different areas of Basilan. Among the demands of the ralliest are stoppage of the canvassing and investigate the electoral fraud, declare failure of election in Basilan, suspension of the proclamation of winning candidates and conduct special election.

Some analysts credited the mass reaction against electoral fraud by the people of Basilan as a result of the massive information and voters' education campaign conducted by the CBCS ZAMBAS Regional Management Committee. **BMU**

**Onward Bangsamoro People!
Let us support the Consortium
of Bangsamoro Civil Society
(CBCS) in its effort towards
genuine peace and development
in the Bangsamoro Homeland
comprising the Islands of
Mindanao, Sulu, Tawi-Tawi,
Basilan and Palawan!**

Kutawato

CBCS Kutawato Member Holds forum on Good Governance

Sammy Maulana, Desk Officer of Human Rights and Justice of the Consortium of Bangsamoro Civil Society, shares his views on the civil society organizations' perspective on the Mindanao peace process during the One-Day Forum on the Moro Political Situation Vis-A-Vis GRP-MNLF and MILF Peace Processes. The forum, with theme: Good Governance Towards Peace, was sponsored by the United Youth of the Philippines (UNYPHIL) in cooperation with the Office of the Presidential Adviser on the Peace Process (OPAPP). It was held at the El Marco Training and Convention Center, in Cotabato City last September 2 which also was the 9th anniversary of the MNLF-GOP Final Peace Agreement. Other speakers during the forum were MNLF Political Officer Romeo Sema and MILF

Secretariat to the on-going MILF-GRP Peace Talks Jun Mantawil.



CBCS organizes Tawi-Tawi Provincial Management Committee

Eleven civil society organizations attended the organizational meeting hosted by the Consortium of Bangsamoro Civil Society (CBCS) held at the capital town of Bongao in Tawi-Tawi province last July 29. The activity resulted to the formation of the Provincial Management Committee (PMC).

The participating organizations were MUFTI, SIGAW-SALAM, Honors Program Association, Linggisan Multi-Purpose Cooperative, Electoral Reform Advocates, Philippine Coast Guard Auxiliary, Professional Women's Association, Women's Clubb-ACLFCl, Students Women Club-TRAC, Supreme Student Council-TRAC, and the Mahardika Cooperative.

AdHoc Committee Officers elected in consensus were Bensali Hamsani as Chairman, Kuraiza Usman as Vice-Chairman, Kinli Aming as Secretary, Archelli Sevilla as Treasurer, Lajaalam Awwalan as Auditor and Jamar Abubakar was chosen as the Information Officer of the group.

On the planning meeting of the chosen officers attended by CBCS Secretariat member Bobby P. Taguntong held at Becky's Pension House in Bongao town of Tawi Tawi province last August 9, 2005, they come up with a propoised short plan for capability building from among its member organization to be implemented by last quarter of this year upon the availability of funds for the purpose.

Among those suggested capability building trainings were Project Management and Organizational Development, Financial Management and Project Proposal Making.

Catherine B. Hassan of the Federation of Civil



Heads and representatives of civil society organizations in Tawi-Tawi organized themselves as provincial management committee of the CBCS. The activity was facilitated by the CBCS project officer Norodin Manalao held at Bongao, Tawi-Tawi last July 29.

Society Organization in Tawi Tawi had committed herself to support the recruitment of other organization and the strengthening of the CBCS Provincial Management Committee.

In other related development, the CBCS-PMC had organized its Tiyakap Halalan 2005 who is actively involved in the voter's education through the radio program aired over Station DXGD-AM from 10:00 to 11:00am, Monday to Saturday and monitoring activities during the conduct of the August 8, 2005 election in the Autonomous Region in Muslim Mindanao (ARMM) whom they are a part of the Joint Task Force HOPE organized by the military and the Commission on Election (COMELEC).

Three election monitoring teams were deployed in the island municipality of Languyan and Simunol headed by Bensali Hamsani, Sibuto-Sitangkai led by Kuraiza Usman and in mainland Bongao led by Jamar Abubakar all in Tawi Tawi province.

Its works serve its objective. **BMJ**

Moro NGO-Network Embarks on Capability Building

The Consortium of Bangsamoro Civil Society recently approved the proposed program of activities by the CBCS Regional Management Committee (RMC) in Sibugay region to strengthen capability and coordination of CBCS-network members in this region.

The series of activities running from September 2005 to July 2006, which will be funded by CBCS, include a number of workshops, meetings and forum on Community Organizing and Advocacy; Basic Human Rights and Para-legal; Mining issues in Mindanao; Gender Sensitivity for

Muslims; Islamic and Good Governance; Orientation meetings; and Expansion of Membership for the whole region.

The Activities will be implemented by the RMC headed by Sultan Maguid Maruhom of UFS as Chairperson and 7 representatives from different network – member organizations, which include Candi Hawani, Ustadz Halil Salamat, Ustadz A. Raof Esmail, Mansor Tuansi, Bong Balimbingan, Ferrer Marcaban and Isah Salwang, and Bobby Booby Taguntong will directly assists the RMC – Sibugay Region. **BMJ**

Fire destroys Muslim Village anew

Just as works to rebuild a Muslim village in Lion KLilat razed by a fire six months ago, through the assistance of Christian Aid, London and the City Government of Pagadian, barely started, another fire destroys as urban poor Muslim community last July 29.

Some 300 families are now added to the list of homeless after a two-hour fire, the worst that ever hit the city of Pagadian, leveled the Muslim section of Santiago District.

The fire, of still undetermined cause, has spread so rapidly consuming practically most of the small houses crowding in the foreshore portion of the community. It took the assistance of other fire fighting units of neighboring municipalities to stop the burning.

Despite its massiveness, no casualty was reported. DSWD says, however, about 280 houses were totally damaged.

This was the third time a Muslim village was hit by a fire in just few years time. Three years ago, Purok Darusalam in Sta. Lucia was burned rendering over 100 Muslim families homeless.

Groups assisting the Santiago fire victims said, with this scale of damage, rebuilding the community can hardly be done without outside assistance. More than 70% of the victims were poor and unemployed.

Ummah Fi Salam (UFS), which coordinates effort at rebuilding the community can hardly be done without outside assistance in rebuilding the Santiago Muslim enclave.

UFS have met with Officials of the Association for Islamic Development (AID), in Banale, Pagadian City and representatives from the City Government and discussed the possibility of organizing a Coordinating Council that will plan and spearhead the rehabilitation of the community.

UFS have networked with the Consortium of Bangsamoro Civil society (CBCS) in Cotabato City, and coordinated with the Socio-Pastoral Institute, and the Christian Aid in Manila and has begun its contact with local NGOs in Pagadian City. The Diocese of Pagadian through Bishop Emmanuel Cabajar have already pledged its support to the effort at rebuilding the community. **BMJ**

"I am growing old and soon I will die but the struggle for the right to self-determination will continue as I have already planted the seed of jihad in the heart and mind of the Bangsamoro."

The late Great Imam of the Bangsamoro

CBCS Forms its Dabaw Regional Management Committee

The CBCS Dabaw Regional Management Committee (DRMC) was formally organized last June 19, 2005 at Serawan Elementary School in Toril District, Davao City. The organizational meeting was attended by 32 participants representing 20 organizations coming from Davao City, Davao Del Norte, Davao Del Sur and Garden Island City of Samal as the coverage and jurisdictional area of the Dabaw Regional Management Committee (DRMC).

DRMC formation is in line with the present decentralization program of the Consortium of Bangsamoro Civil Society (CBCS) in order to give more autonomy of operation to different network members as well as to empower the regional formations to implement various programs of the consortium. This is also aimed at strengthening and equitable

implementation of the programs and projects as well as easy communications and reach-out to all member networks.

Elected to the positions that composed the Executive Committee of DRMC are: Samaon Buat of SALAM as Chairperson, Montasier Lagunsay from BMJ as Secretary, Janet Lingas from SMIF as Treasurer, Emil Gonzales of LICANAN-IDC as Auditor and Robert Musa as PRO with MDFI-Davao Network headed by Alfredo "Rex" Morada as the Working Secretariat.

In consonance with their task, the CBCS - DRMC conducted regional consultative planning held last June 25, 2005 and has formulated and adopted the six months development program focused on organizational strengthening, peace advocacy thru

see **DABAW**...page 4

ANTI-TERROR ... from page 33

process.

It is not far-fetched to assume therefore, that the object and first casualty of the proposed bill were the members of the people's revolutionary or resistance

"terrorist groups." Rather, the bill will just be among the many existing instruments of the state to violate the people's right.

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"With its broad, vague and dangerously sweeping definition, the proposed bill will institutionalize and legitimize brazen violation of civil liberties and human rights."

forces. Bayan Muna Representatives, Satur Ocampo and Liza Masa were categorical in their views that the proposed bill is a grand design to pursue the CCP/NPA/NDF, the MNLF and the MILF in their respective covered territories.

The proposed Anti-Terrorism Bill (ATB) will not solve the so-called terrorism problem. Far from deterring terror, the bill itself be an instrument to inflict terror on the people which the Public Interest Law Center correctly described as a "legal monstrosity."

The failure of the government to address the problem terrorism stem not from the absence of law but from its own incompetence and the historical collision between the state forces and those that come to be known as

*The value of consistent player
is not that He will hear us,
but that are will hear
Him.*

*-William MC Gill
"Prayer Unceasing"*

EDITORIAL ... from page 3

The Charter Change (Cha Cha) is another field of concern. While there seems to be a unanimous view of amending the present constitution, the shifting of the government from presidential system to parliamentary or federal form of government is crucial for genuine change. The issue on economic and political reforms, as well as the issue on social justice and human rights must be ensured that it will be prioritized as top agenda.

We are still grappling with the challenge to make our political and public institutions work. These harbingers of change will not fast-track us to our desired destination. It requires a credible leadership with a moral fiber to reconcile and unify the nation with a political will to move forward to heal the wounds and rebuild the nation. **BMJ**

PULANGI...from page 7

are Ancestral Domain of the Menuvu Tribes due to inundation.

The Adhoc Committee against Pulangi Dam constructions further identified that the constructions will start in 2008 and expected to be fully operational by the year 2011. Other effects that motivated the group for a stronger campaign to oppose the project are ranging from; (1) submerging of their sacred values like hunting grounds and grave-yards including the burial ground of their **Apo Mamalu** and their descendants who will be forever lost; (2) economic and social dislocation; (3) lost of cultural, traditional and values due to permanent dislocation.

In a related development, the Pulangi Dam IV initially constructed located in Panantalan, Maramag, Bukidnon have partly submerged around five Barangays, submerging and completely displaced the Indigenous Peoples physically, economically and socially by the so-called development at the expense of the native inhabitants of Mindanao. Efforts will be exerted by the AdHoc Committee to document the whereabouts of the IPs residing on the above submerged communities. This is only one of the many ugly faces of the 'development aggression' that had been applied to the native peoples of Mindanao to further their marginalization and erased their identity through cultural and traditional destructions and driving them from their Ancestral Lands which form part of their lives.

In the closing part, the Adhoc Committee laid down their plans and strategies for continuing campaign against the Pulangi Dam constructions in the area. They ended in binding themselves together and call for other

concerned groups like government agencies national and local, NGOs and POs and all those have concern and sympathy for the plight not only of the Indigenous Peoples but of all those who will be greatly affected by the project to rally behind and solidify every resources and efforts to campaign for the stoppage of the above development aggression. **BMJ**

Know about...

The Consortium of Bangsamoro Civil Society

The Consortium is a solidarity conference of Non – Government Organizations and Peoples Organizations (NGOs/POs) in Mindanao. It was organized to respond the need of enhancing and capacitating the heads and leaders of its network – member's organization towards advocacy undertaking in Human Rights and Justice, Peace and Development and Good Governance and Right to Self – Determination of the Bangsamoro.

The Consortium serves as a mechanism of cooperation, coordination and sharing among the Bangsamoro civil society groups with operation mostly concentrated but not limited to ARMM areas or where the Bangsamoro are sizeable in terms of population and presence.

The Consortium was conceived after a series of consultations and fora with different Moro Civil Society Organizations coming from different parts of Mindanao. It was organized in February 2002.

VISION

The Consortium envisions a society governed by justice where all peoples exercise their inalienable Rights to Self – Determination co – exist harmoniously and live in prosperity with dignity.

MISSION

To empower the Bangsamoro towards peace based on justice and development that promotes human dignity.

Goals and Objectives

The primary goal of the Consortium is to unify and consolidate the Bangsamoro Civil Society Organizations for collective actions toward social and human transformation.



Analysts say that the anti-terrorism bill is rather than an instrument to security.

.....
Far from deterring terror, the bill itself be an instrument to inflict terror on the people which the Public Interest Law Center correctly described as a "legal monstrosity."

pursuit of one's political beliefs" are considered legitimate with due legal recognition and cannot as such be regarded, much less penalized as terrorist. With its broad, vague and dangerously sweeping definition, the proposed bill will institutionalize and legitimize brazen violation of civil liberties and human rights.

With the proposed bill, any individual, group or organization is prone and easy prey of "false labeling" become an instrument to silence political dissent. It allows warrantless arrest and indefinite period of detention without charges and the incursion of privacy by allowing wire-tapping and other form of electronic surveillance. It is also an attack on the right to organize and the freedom of association as any organization can be proscribed by the department of Justice as terrorist if any member/s openly and publicly declares, admits and acknowledge to have committed any of the acts punishable under the proposed bill. Any organization

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as terrorists but the Palestinians and the Bangsamoro who had been fighting for their for their survival as free people and the restoration of their homeland were branded as terrorists. Is there a difference between state terror and terrorism by non state actor? The systematic prosecution of minority groups within the nation-state can be cruel as conventional terrorism. Is not the Burmese military junta and the Philippine government committing "terrorist acts" against its own population? The magnitude of violence may vary but essentially, both situations are classical example of people fighting for national liberation and the right to self-determination (RSD).

For more than a hundred years, the United States has instigated massive suppression in the course of its economic and political expansion. Its war of aggression is matched by its rapacity for economic hegemony. This firmly demonstrated the capacity of the U.S. to engage terrorism. Some major events attested to this were the Philippine-American War in 1898, the Boxer Rebellion in China in 1900s, the Russian Revolution in 1918, the Hiroshima-Nagasaka Bombing in Japan in 1945, the

Who is more of a terrorist, a suicide bomber being pushed against the wall by continued colonial occupation of his homeland, or a colonial army?

can also be tagged as terrorist by the DOJ when any international organization listed it as such. Moreover, it is nowhere in the provisions of the proposed bill stipulated about "due process" afforded with the suspect/s.

Furthermore, the Anti-Terrorism Bill (ATB) did not distinguish terrorism from armed-struggle and the people' struggle for the right to self-determination (RSD). Rather, it created a suspicion that the proposed bill legalizes state terrorism in the bid of the government to crush the people's revolutionary or resistance forces. The proposed bill also adversely affects the state of certain group of people as it created implications on Muslim and against the Bangsamoro struggle, especially at this height of the so-called war on international terrorism. It was also labeled as formula for state repression and terror which may worsened the injustices which are the root of armed-conflict as will go beyond the rules of law and glosses over due

“ Does the struggle for national liberation and right to self-determination constitute an act of terrorism? ”

Afgan War in 2002 and the Iraq Invasion in 2003. Is this not act of international terrorism?

In accordance with the declaration of international humanitarian law, resolutions and conventions and judicial doctrine pertaining to the matter " an act in the

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imposed a food blockade to prevent the MNLF guerillas from getting supplies. It was the civilians, however, who were unable to flee the countryside because of the military cordon, which suffered the most from the food blockade. In the midst of this human tragedy, the ARMM government yet again stood helpless and inutile while Filipino soldiers raped Sulu with abandon.

Is this the ARMM that is worth the blood of our martyrs?

Today, as a result of the political circus they call elections in the ARMM, a new leadership will be taking over the ARMM. It has been an obnoxious political practice from the "autonomous governments" of the Marcos dictatorship to the present ARMM for leaders in the 'Muslim autonomous region' to be chosen and anointed by incumbent Filipino rulers and then subsequently 'elected' in sham political exercises. Hence, ARMM leadership has always been a leadership imposed upon the people of the Moro territories composing the ARMM. The new leaders of the ARMM are no exception. The irony of this new leadership in a post-Marcos era is that it has a long established record of opposing the Bangsamoro liberation movement whose 30-year-or-so revolutionary struggle for Bangsamoro right to self-determination has compelled the Philippine government to create the illusion of Bangsamoro self-rule - the ARMM. But with the 'election' of a new leadership beholden to the Filipino rulers and far removed from the struggle of the Bangsamoro nation, the truth is finally out. The illusion of self-rule ends. The ARMM, now shorn of its pretensions and its true purpose exposed, is expected to function and operate as a foil to the true aspiration of the Bangsamoro people for self-determination, freedom and justice.

Is this the ARMM that is worth the blood of our martyrs?

We cannot terminate this discourse without, however, attempting to reply to this question posed by COMMA.

We absolutely agree with COMMA that good governance is an Islamic principle and that the pursuit of good governance is an Islamic duty. Islamic principles of good governance, however, can never be implemented within the larger framework of a jahiliyyah political and social order, a political and social order that is inherently anti-Islamic, anti-Muslim, anti-people, elitist, corrupt, decadent, oppressive and repressive. If it were true that Islamic principles of governance can be applied in an existing

jahiliyyah political and social order, the Holy Prophet of Islam, Muhammad bin Abdullah, peace be upon him, who was offered the kingship of Makkah (among other things) by the jahili ruling elite of Quraish, would not have left Makkah and gone on hijrah (emigration) to Madina where he established the first Islamic state and government.

Contrary to the wishful thinking of our friends in COMMA, the ARMM will never work. It will never work because it has been deliberately designed to fail in order to demonstrate that the Bangsamoro people are not capable of governing themselves and therefore undeserving of the right of self-determination and freedom. This truth, however painful it is to some people, should by now have ended any lingering illusion about the ARMM.

So is the ARMM worth the blood of our martyrs?

No. To say so would be doing a great injustice to the shuhada (martyrs) of the Bangsamoro who sacrificed and offered their lives in the Way of Allah so that the Moro nation will regain its long-lost freedoms; to say so would be desecrating the memory of late MILF Chairman Sheikh Salamat Hashim, may Allah be pleased with him, who died in the mountains of Moroland while in a state of jihad; to say so would be grossly insulting the intelligence of the men, women and youth of the Bangsamoro who are today engaged in self-sacrificing struggle for liberation.

To borrow some words from COMMA's motherhood statement in its Manifesto: We owe it to those who died in the struggle and to those who continue to wallow in hunger and ignorance to completely dismantle this political deception called the ARMM and replace it with a just political and social order in the Bangsamoro homeland that truly reflects the Islamic aspirations of the Bangsamoro nation: a political and social order that fulfills the requirement of decolonization in accordance with international laws, ensures and guarantees the full restoration and exercise of the Moro nation's right to self-determination and freedom, establishes a truly representative governance based on Islamic principles, protects the rights and security of all its citizens whether Muslim or non-Muslim, eschews all forms of aggression and bans war as an instrument of state policy, and thus brings to fruition the Bangsamoro people's yearning for a future of peace, political stability and economic progress firmly anchored on justice and fraternity with all peoples and nations of the world.

With this, we rest our case. **BMJ**

FEDERATION...from page 15

Q. Who exercises the power of impeachment of the President?

A. The House of Representatives or the Senate may impeach the Federal President before the Constitutional Court for willful violations (other grounds may be provided) of the constitution.

The ConCon Records

The first complete PHILCONSA study (1968-1971) led by the late Dr. Salvador Araneta touched on a very important principle of Federal system: the principle of subsidiarity. Under its draft constitution of the Federal Republic of the Philippines proposed at that time, Art. 6 states two broad provisions:

"In conformity with the principle of subsidiarity, functions that may be well-performed by an individual or a family shall not be entrusted the government; in general functions that may be well-performed by a lower level of government shall not be vested in a higher level."

"In interpreting conflicts of jurisdiction, the principle of subsidiarity will carry weight if the wording of the law does not provide for an interpretation."

We were the early proponents of Federalism during the 1971 Constitutional Convention. The Jesuit Francisco Araneta was strong supporter of federalism outside members of the ConCon. It makes interesting comment to say that now Governor Nur Misuari ran on the platform of federal state for the MINSUPALA region. My aide memoir has listed down former senator Domocao Alonto among the Muslim delegates who was very enthused, and so we prepared separate formal position papers. A most significant fact to recall is that our Islamic Scholars from Cairo headed by Chair Salamat Hashim sent a message dated December 12, 1971.

see **FEDERATION** ... next page

[Note: The principle of separation of church and state should not be interpreted as a denial of the supremacy of the Almighty over the State. This is conceded in the old draft constitution of PHILCONSA. Our early religious dialogue was conducted between delegates Salvador Araneta, Raul Manglapus, Jose Faria and Bonifacio Gellego including some members of CSM (or Christian Social Movement) and delegates Ahmad Domocao Alonto, Michael O. Mastura, Tocod Macaraya, and Sandiale Sambalawan (including some members of the Ansar el Islam). In this breakthrough, we issued the Manlapus-Mastura Manifesto of 1972 but martial intervened.]

DEVELOPMENT IN MINDANAO: Who Got Developed in the Process?

Prior to the coming of foreign powers, people in Mindanao had been living in peace, progress and prosperity. However, owing to colonialism, their lives started to deteriorate which resultant to their marginalization and impoverishment. War and conflict had been also raging their lives and aggravated their "already dehumanizing" situation and live in abject poverty. Worse, often than not, they are considered as mere collateral damage in times of war and conflict and the violation of their human rights merely treated as a consequence of preserving peace and order.

Growing concern over this social reality had seen from the government, development institutions and private sectors. In bringing development, each utilizes their own key mode to bring social change base on their own perspectives on what the people ought to be. Despite of these efforts, no tangible long term and sustainable results had been seen as it failed to take into account the long years of animosities of its diverse that created a deep prejudices in coming up with a holistic development framework.

Like, human rights, peace and justice, development is also a most abused word. From Merriam Webster to Thesaurus, various meaning of development had been offered with varying connotations. Development per se is not neutral. For it to be genuine, it must be rooted from people struggle and be reflective of their aspiration. Furthermore, for development to be emancipative, it must empower the people with social infrastructure to liberate them from the bondage of poverty and ignorance and free themselves from the yoke of oppression and exploitation. Finally, for development to be meaningful, people as stakeholder regained self-respect, self-confidence, can live harmoniously and peacefully co-exist with other people and ultimately assume the role in pursuing their chosen course of development.

These are the basic characteristics of a genuine and meaningful development. Any development initiative deviate from this is a development aggression and bound to fail.

They defined the duties and obligations of a Muslim vis-à-vis the Constitution Convention. In part, the document reads:

"It is our duty and obligation to demand the following which equally conforms to Islam and relevant to our democratic form of government. That the Republic of the Philippines must adopt a Federal form of Government and that the state where the Muslim populace are consolidated be founded on the Islamic tenets."

The message ends with an "earnest and full-hearted appeal to the Muslim delegates to exhaust their utmost efforts, energy and capability to fight for a Federal system in the Convention." It finally appeals to all Muslim leaders, Ulama, Muslim organizations, associations, and fraternities, and Muslim students "to play your role and unselfishly volunteer assistance in any manner."

Our group of elected Constitutional Convention delegates included current PHILCONSA president Emilio Sabio. Also, federalism got the support of the Manobo delegate from Agusan Vicente De Guzman and those from the Cordillera (Mountain Provinces). More, we found now Senate President Aquilino Pimentel among those delegates who consistently lend support. The report on Federal Structure of Government was calendared for sponsorship on July 30, 1972. Although I was on the sponsorship council, we agreed that a very prominent delegate Antonio De las Alas would allay fears of secession. Muslim delegates would be reserved for the rebuttal period.

Since no new argument has been presented as anticipated two questions were raised: First, a query was made if it would be possible for the proposed states to declare their own independence. Second, a query was posed if the choice between the federal and the unitary system of government should be voted upon simultaneously with the parliamentary, presidential and mixed forms of government. On the first issue delegate replied in the negative, stating that the proposal would perpetually ban any secessionist move. The second point was answered affirmatively with the explanation that these were not incompatible.

Meeting the Obstacles

There are a number of obstacles to be overcome. The resistance to charter change is promoted itself by those who wrote the 1987 without direct mandate from the people. But a realistic assessment is what a constitutionalist

author Jesuit Joaquin G. Bernas refers to as "the arithmetic of federalism." The two Houses voting separately must reach a two-thirds or majority vote. To meet as a constituent assembly to propose amendments



Thru fora, consultations and group discussions, the CBCS tries to explore whether or not a new formula, other than autonomy, may work for the Bangsamoro towards self-rule.

a vote of three-fourths of all the members is required.

Dr. Jose V. Abueva also raised the reluctance on the part of the President Gloria Macapagal-Arroyo to call a ConCon with election of delegates taking place before the end of her term in May 2004. True, by past experience, it took the 1971-72 ConCon almost a year and a half before it could come out with a final document. There is no substitute to wholesale federalization. We find the Organic Act of ARMM too problematic (almost a failed autonomy set up) perhaps because it is tied to the 1996 Peace Agreement timeframe. Phase I (1996-1997) to repeal R.6734 has already lapsed. SPCPD is just a monitoring mechanism, not an additional tier to the units of governments. The national infrastructure budget/program implemented by line agencies excludes ARMM. To sum up, this situation far from being an argument against a federative solution illustrates the logic of an excessive centralizing authority.

Strategy for Coordination

As a background, we have recognized recent past, current and parallel initiatives of various groups, including personalities and advocates of federalism through the movement known as Lihok-Pideral Mindanaw (LPM). It has kept its own version of federalism advocacy since 1991, Balay Mindanaw, which is based at Cagayan de Oro, coordinates for LPM in that part of the region. Kusog Mindanaw convenors/ principally Rey Teves and Lito Monico Lorenzana have gathered background materials to keep running the occasional papers on federalism.

The Sultan Kudarat Islamic Academy (SKIA)'s Foundation College proposes to coordinate for the Autonomous Region in cooperation with the UP Institute of Islamic Studies in Diliman, Quezon City and other interested parties.

Without firm understanding of the idea of federalism we cannot market it to the other parts of the country.

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FEDERATION...from page 36

Cebu and Bacolod are natural allies because they already have the right attitude toward federalism, if not predisposition to open political bargaining. The focus on "what is provincial" proactively promotes the very idea of federalism. Its seminal seed is the strategy of reliance in competition against burgeoning Manila-centric growth areas. To lead a political life away from central government crutches makes a lot of sense simply because it is common sense. The same thing can be said of the northern part of Luzon.

Those regions and provinces close to the Metro Manila hub of development are still not aware of the shared "benefits and burdens" (BAB) recognized as "systematic mutual reliance" (SMR) in being less dependent on the Capital Region. How can we reach out to the social sectors or civil society in imperial Manila is of strategic importance?

Summary Argument

It pains both learned Muslim and Christians to see that vanguards of those who want to deny us the principle of subsidiarity are the staunch supporters of the unitary status quo. The principle of subsidiarity was first enunciated in *Quadragesima Anno* (which we know was initially met with polite derision.) Can there be correspondence of ideas between *subsidiarity* and *rubuyiyah* ('unselfconscious' argument) put in practice? It is one that invites our ulama and Islamist activists to make use of the discipline in *da'wah bil hal*. Can we recognize in it the principle of *maslaha wal mursala*, i.e. of the 'common good'?

At the root of federalism is democracy and organization of economic life along functional representation. One used to hear the argument: If this country wants democracy, we must have two things. First, we must have social organization and second, we must link this with political decision-making. Thus the social organization has to be linked to the political structure — organic units accommodating sectors. Today we must talk much about civil society or social sector but we forgot all about the organic structure of federalism. Let us mind ourselves that short sightedness comes from short memory. **BMJ**

SULU ... from page 16

Likewise, rebels are back to their old deadly form as full time guerilla-freedom fighters who ambushed, mined, and engaged the enemy in conventional way or otherwise. Today, even their former comrades in arms or those integrated to the AFP pursuant to the 1996 Peace Agreement had to be reclassified as "new kaffirs", specifically those who are not really MNLF but who managed to grease or sweet talk their enlistment just

the same.

The perennial colonial policy of dividing and controlling the MNLF starting with the so-called Magic Eight (8), MILF, Reformist, ICC, and the EC15 had for a time yield a windfall for the government. But time and again it is proven also that the rebel movements is gaining the upper ground not due to lapse in policy, but more because of injustices committed against innocent civilian populace from where steady supply of rebels come from.

So whether the injustice is committed unconsciously in town sites due to traffic violations or simply military display of arrogance or in country sides consciously committed during so-called military operations against ASG — all redounds to the benefits of the rebel movements since the populace is more inclined to identify with it.

Thus notwithstanding local and foreign governments interventions during natural calamities, such good faith did not dismantle anything except momentary smiles and misleading display of emotions. And that explains the seemingly high rate of approval on the US humanitarian efforts or on various foreign aids and assistants channeled through either government agencies or non-governmental organizations (NGOs).

People and rebels of Sulu are actually selective on the interveners in their communities even if it means being bias to some Mindanao born NGOs/POs/Civil Society. The Mindanao Peace Weavers (MPW) and the Consortium of Bangsamoro Civil Society (CBCS) for instance had to pass a very strict scrutiny before confidence were reposed on them.

Therefore, there is much to be said of Sulu not because it is special, but because it is favorite playground for the commission of high crimes, atrocities, abuses, etc. But for lack of space we will continue next issue. **BMJ**



HISTORIC ... from page 13

the GRP Negotiating Panel for the GRP-MILF Peace Talks and GRP Peace Panel members Prof. Rudy B. Rodil and Lt General Rodolfo C. Garcia (Retired).

For his part, Secretary Afael, in his brief message, said President Arroyo is our champion for peace, democracy and freedom – political and economic freedom. She is committed to build you a homeland for your culture, a homeland for your dreams and aspirations and a homeland for your prosperity. We will fulfil her promise through the peace negotiations. The United States, Libya, Japan, Brunei, Malaysia, Indonesia, the international donor community under the World Bank are all with us in bold quest.

Libya, a staunch supporter of the Bangsamoro people's quest for freedom in their homeland, Libyan Ambassador Salem Adem assured that Libya would continue to support the peace process, while urging both the GRP and the MILF to fast track the peace negotiations until a just, lasting and comprehensive peace agreement is reached. A representative from the World Bank (WB) was also present to witness the historic occasion as gesture of the international donor community to assist in the socio-economic development of conflict affected communities in Mindanao.

The foreign dignitaries also included Ahmad Faris of the Embassy of Malaysia in Manila and Taeko Takahashi, a political adviser of the Japanese Embassy in Manila, who said that peace and development in Mindanao is very crucial to the peace process, which is one of the most important neighbour countries of Japan in Southeast Asia. Negara Brunei embassy had also sent its representative to witness the MILF General Consultation Assembly.

Also present were Brigadier General Ramon Santos, chair of the GRP CCCH, and Brigadier Benjamin Dolorfino, chair of the GRP AHJAG, who both expressed their continued support to the GRP-MILF peace process, even as they lauded the positive development on the current peace negotiations under the auspices of the Government of Malaysia. To date, it can be observed that the cessation of hostilities under their able stewardship is creating confidence on the ground conducive to the on going peace talks for a negotiated political solution to the problem in Mindanao. In other words, the light is in sight at the end of the tunnel.

Moro National Liberation Front (MNLF), Christian civil society, and other indigenous inhabitants of Mindanao had also sent their respective delegations in order to observe and be with the historic MILF General Consultation. This prompted Murad to announce, "After decades of unrelenting struggle, our flickering hope for a just and comprehensive political solution to the

Bangsamoro problem is rekindled. Our legitimate aspiration for a rightful place in our society has once again assumed its proper shape. Our life-long dream to establish and develop our homeland as a permanent legacy to the next generation of Bangsamoro people, and the generation after that, which they can call their own will soon *Insha'Allah* become a reality.

The MILF General Consultation was true to its purpose and objective as an exercise of free and democratic process, as what Vice Chairman Ghazali Jaafar had pointed out that in that consultation everybody would be allowed to speak out to express and bring out their sentiments and what is in their hearts and minds. The provincial, municipal and barangay delegations of the MILF political committees through their respective chairmen were allotted time to speak out in their behalf of the real situation and problems obtaining in their areas of responsibilities.

And finally Murad, chair of the MILF General Consultative Assembly, thanked everybody for their efforts and sacrifices to be able to participate in the historic assembly of the Bangsamoro people, and all those who had in one way or other helped to make the affair a successful one. Moreover, he lost no time in acknowledging the commendable effort of the Arroyo Government during this historic event for having succeeded to pierce the thick protective shield of the conflict in Mindanao and the Bangsamoro problem, as he lauded President Gloria Macapagal Arroyo for her political will and decisiveness to negotiate and submit to international arbitration, through the good offices of the governments of Malaysia and Libya playing the lead role in the peace process supported by the Organization of the Islamic Conference (OIC).

He concluded once peace will be rightfully in place, the Bangsamoro and Muslim *Ummah* would remember Pres. GMA as a leader who is instrumental in the fulfilment of the Bangsamoro aspirations to have their homeland.

Before adjourning at the end of the third-day, the delegates and representatives of the MILF from the different provincial, city, municipal and barangay committees all over Mindanao, Sulu, Tawi, Basilan and Palawan signed a resolution unanimously giving new and fresh mandate to the MILF to lead the Bangsamoro struggle for freedom and self-determination, and giving full support to the MILF leadership to continue the negotiation with the GRP until a just, lasting and comprehensive political solution is achieved that would permanently respond to the aspirations of the Bangsamoro people for freedom in consonance with the fundamental right of the Bangsamoro to determine their own future and political status as a people. **BMJ**

When the Purported Cure is Worse than the DISEASE

From The CBCS Desk
Human Rights and Justice Program

Anti-Terrorism Bill: An Act defining Terrorism, Establishing Institutional Mechanisms to Prevent and Suppress its Commission, Providing Penalties Therefore and for Other Purposes.

The proposed Anti-Terrorism Bill defines terrorism as "premeditated, threatened, actual use of violence, force or by any other means of destruction perpetrated against person/s, property/ies or the environment, with the intention of creating or sowing a state of danger, panic, fear or chaos to general public, group of persons or particular person, or of coercing intimidating the government to do or abstain from doing an act." This definition is broad, vague and dangerously sweeping. It did not also provide a clear parameter of what constitutes a state of terror, danger, panic or fear and automatically exclude the concept of "state terrorism."

With this definition, any action that endangers or threaten anything or anyone can be construed as an act of terror. In a time when civil liberties are threatened in all fronts and the state agents resort labeling government critics as "enemies of the state," an act of terror can be applied against them and can prone to abuse to stifle legitimate form of dissent. It is also superfluous as it merely listed down crimes which are already punishable under the Revised Penal Code and embellishes them with the definition of terrorism.

The Section 4 of the proposed bill stated that terrorism is committed when threatening or causing interference with or serious disruption of an essential service, facility, system whether public or private. Does this mean that a strike can be deemed a terrorist act

being explicit that the government is one of the target of the terrorist acts, it does not consider the possibility of the state committing acts of terrorism against the people. This is quiet disturbing and alarming given the historical experiences of the people against militarization, indiscriminate bombing, ham letting, mass evacuation and displacement and other form of violence committed by the AFP, PNP and the paramilitary units against the unarmed civilians.

The crime of "conspiracy or proposal to commit terrorism" embodied in the proposed bill is also broad and vague. It penalizes person for contemplating or proposing what the state considers an act of terror. Under this, the said person can already be charged even without actually committing the crime? Furthermore, Section 7 of the proposed bill states that a mere personal association with "suspected terrorist" can already be construed as facilitating, contributing and promoting terrorism, even without committed any offense.

In a time when civil liberties in all fronts, when the state agents resort to labeling critics as "enemies of state" and when the same critics are being harassed, abducted, detained or killed, the Anti-Terrorism Bill poses another serious threat to civil liberties and human rights. This is a case where the "purported cure is worse than the disease."

In a time when civil liberties in all fronts, when the state agents resort to labeling critics as "enemies of state" and when the same critics are being harassed, abducted, detained or killed, the Anti-Terrorism Bill poses another serious threat to civil liberties and human rights. This is a case where the "purported cure is worse than the disease."

when declared unlawful? In the case of environment destruction, will the illegal loggers both in large and small-scales can be classified as terrorists? Does a computer hacker who destroys and defaces government website considered a terrorist too? Does a street protest that caused a disruption of the traffic constitute an act of terror when declared illegal?

Worse, the proposed bill excludes the concept of "state terrorism." It implies that terrorist acts are committed only by those outside the government. While

Legal definition shall be categorical and explicit to be effective. Unfortunately, the proposed Anti-Terrorism Bill encompasses virtually anyone engaged in any form of violence and did not distinguish the difference between the combatants and non combatants and their respective properties as target of terrorism.

Is the struggle for national liberation and right to self-determination constitute an act of terrorism? Nobody had ever spoken of East Timorese freedom fighters

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Can the new ARMM leaders prove
our martyrs right that the ARMM
was worth fighting and dying for?



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