

# Failed MOA-AD: Not all is lost

BY SAMIRA GUTOC MORO TIMES EDITOR

**T**HREE decades of peace processes. Two failed peace agreements. Several all-out wars. More than a hundred thousand deaths. Millions displaced. And now the Memorandum of Agreement on Ancestral Domain (MOA-AD).

The 8-7 Supreme Court (SC) decision shooting down the MOA-AD drafted by the peace panels of the Government of the Republic of the Philippines (GRP) and Moro Islamic Liberation Front (MILF) may have failed to get the nod of the Judiciary but it may be an opportunity to "consolidate public support for the peace talks."

The High Court on October 14 declared "contrary to law and the Constitution" the MOA-AD which was supposed to have been signed by the negotiating panels in Kuala Lumpur on August 5. The signing was aborted by a Temporary Restraining Order (TRO) by the High Court granting the petition of the local government units of North Cotabato and Zamboanga City which feared inclusion in a proposed Bangsamoro territory. Days later, two MILF commanders attacked North Cotabato and Lanao del Norte. President Gloria Arroyo then dissolved the government

panel of negotiators and declared that her administration cannot be forced to sign a deal on an expanded Bangsamoro homeland at gunpoint.

Mindanao historian and government peace panel negotiator Rudy Rodil said the failed MOA-AD may give time for "Mindanawons to rally public support" for the GRP-MILF peace talks. "Not all is lost. It is important to see this moment of time in the context of the larger and longer history of Mindanao and the Philippines," said Ateneo School of Government Dean Antonio La Viña.

Unfortunately, Rodil says, the failed MOA-AD "reveals the deep-seated prejudices between the Christian majority and the Muslim minority. There is a pattern of prejudice by the majority against the minority." He cited historical examples where bias was manifest—1989 Organic Act which provided for a plebiscite in 13 provinces was opposed by Christian residents, the 1996 Final Peace Agreement whose

Southern Philippines Council for Peace and Development (SPCPD) was opposed by majority Christian residents in SPCPD territories and the aborted MOA-AD signing in Kuala Lumpur in August due to opposition by predominantly Christian-dominated provinces that would be covered by a proposed Bangsamoro Juridical Entity (BJE).

"The issue is not about the language contained in the MOA-AD. The issue is substance and sensitivity to the other side," Rodil said.

Lawyer Soliman Santos also welcomed the High Court's defining the parameters for future negotiations. "These guidelines do not necessarily preclude, but on the contrary inform, any subsequent effort to re-frame the GRP-MILF peace negotiations as constitutional negotiations—which they should be, in order to settle the relevant constitutional issues once and for all, otherwise the charge of unconstitutionality will always be raised when a better form of self-determination is sought for the Bangsamoro people in order to solve the Bangsamoro problem."

Santos questions the High Court view that "The MOA-AD cannot be reconciled with the present Constitution and laws." "This early shooting down preempts and prejudices the whole peace process effort," Santos said.

"For the Decision to say that 'the concept [of associative relationship



High Court's Prof. Rudy Rodil and Inday Santiago, peace negotiators.

between the Government and the BJE] presupposes that the associated entity is a state and implies that the same is on its way to independence" is again highly debatable. There are states, including constituent states in a federal republic and associated states. But these said states are not sovereign independent states. There is nothing in the MOA-AD about a grant of independence to the Bangsamoro—even if they have good grounds for this [and maybe the Decision has just reinforced those grounds]."

Santos affirms the need for constitutional amendments to accommodate a political arrangement with

the MILF. "Such needed constitutional amendments, as well as needed administrative action and new legislation, in pursuit of reforms aimed at addressing the root causes of the armed conflict, are well within the authority, mandate and parameters of the GRP Peace Panel to submit by way of recommendations to the Executive as a result of long discussions and eventual consensus at the negotiating table. Thereafter, the Executive may consider these for appropriate action by itself, or coordination with and referral to the Legislature which may then take the necessary legislative and constitutional processes," Santos added.

## They came, they saw, they shot

**COTABATO CITY:** This was what the 10 journalists from Thailand did on an overnight sojourn for a "Tour on Conflict-Reporting" in Cotabato City, an hour's flight from Manila, from October 15 to 16.

Both the Catholic-majority Philippines and Buddhist-majority Thailand are confronted by political resistance in their southern regions. Pattani, Thailand is a hotbed for secessionism. Pattani is a term that has been used to describe a region in South Thailand consisting of the province of Pattani proper along with the neighbouring Yala province, Narathiwat province, parts of Songkhla and Satun, and much of the northern part of modern Malaysia. The region is predominantly Muslim Malays.

Armed with the latest cameras, the group of media practitioners trained their lenses on the faces of Mindanawons, both Muslims and Christians, who were victims of a sporadic conflict between the Philippine Army and MILF rebels.

Organized by the German think tank Friedrich Ebert Stiftung (FES), the brief visit of six male and four female journalists proved to be a wealthy exchange of ideas with the local media counterparts. Selected local news reporters, a radio announcer and a stringer of a national TV station shared their experiences as media professionals who had covered the armed conflicts in Mindanao.

Though needing the help of a translator, the Thai journalists exuded keen interest, amusement and even sympathy for the personal stories told by the Cotabato City journalists. In their coverage of dangerous situations, journalists in Mindanao oftentimes face great risk to their lives. More essentially, the most common challenge to both Thai and Filipino local media was how to present "balanced" news and information.

Trite maybe, but from where they came from—the similarly troubled southern Thailand—balanced news was more of a wishful thinking. The Thai journalists conceded they had only one source of information as far as the conflict in Pattani was concerned—government. Separatists and perpetrators of armed attacks never speak to media or issue press releases to them. Thus, it is always government's media releases that the Thai media is forced to publish.

Besides the local media, the Thai journalists also interacted with members of academe, civil society, local government and the military. The media in central Mindanao was thought to be a battleground of competing perspectives and propaganda, and sometimes as confusing as the real battleground whose distance from here I have to reassuringly explain about by economic, political and social discrimination. We feel the pangs of war between rebels and the Armed Forces of the Philippines [AFP] in our island, the poverty of our people and its cost to human suffering."

"We affirm that peace is a way of life, denouncing violence, respecting diversity, promoting sustainable development. The way to peace is through a process of collaborative exchanges."

"National and local candidates must be peace-conscious," Dans said.

ABDULLAH CUSAIN

## Researches prove conflict violates human rights

TWENTY researches documenting experiences across the continent, where most of the world's bloody ethnic conflicts reside, were presented during the Asia Conference on Gender, Conflict and Development with the theme, "In Search for Peace and Development: Women Hold Half of the Ground" held at the Ateneo de Davao University, Davao City from October 22 to 24.

Organized by the Mindanao Working Group (MWG) composed of academics from different regions with support from Ford Foundation-Indonesia, the conference brought together social activists, researchers and civil society workers who have worked in conflict-affected areas.

"It is time we learn how to advocate using evidence-based analysis," said Luz Rodriguez of the United Nations Development Fund for Women (Unifem).

The United Nations (UN) security reports show that 90 percent of war casualties are civilians, among them, majority are women, children and old people. Women comprise 80 percent of the

world's refugees and internally displaced people.

The conference was timely as the southern part of country confronts ongoing clashes between government and MILF rebels.

The conference keynote speaker Representative Luz Ilagan (Gabriela) highlighted the breakdown of law in the midst of conflict. "Long-term displacement destroys the future of generations."

The all-out war declared by government in 2000 in Maguindanao "forced families to live in evacuation centers which was overcrowded, lacked facilities and made people vulnerable to disease such as measles and diarrhea. Services related to reproductive health and personal hygiene were the most neglected," said Dr. Norma Gomez in her research, "Reproductive Health Among Internally Displaced Persons in Pikit, Cotabato."

Some of the researches documented success stories of civil society, particularly women playing an active role in peace advocacy using radio broadcasting and building communities through women associations.

Muslim children in evacuation center.



## Mindanao women call for a peace vote

THIS early, a group of women leaders in Mindanao are calling for peace to be made a national agenda in the 2010 elections.

Former Isabela, Basilan Councilor Nida Dans, president of the Political Caucus of Women Leaders in Mindanao (PCWLM), said women are critical for any presidential campaign because they have the numbers.

Veteran election analyst Chit Asis confirms that women and youth comprise the largest voting demographic during the workshop, "Increasing Women Political Participation as Peacebuilders in the 2010 Elections" organized by the PCWLM with support from the National Democratic Institute (NDI) held at the Waterfront Hotel, Davao City from October 17 to 19.

The PCWLM is the political arm of the Mindanao Women Commission headed by Irene Santiago. It is composed of women politicians like former party-list representative Patricia Sarenas, former ARMM Secretary Bainon Karon and Lanao del Sur Vice Governor Nurmallah Lucman.

Nelia Agabon, Mindanao coordinator of NDI said it supports PCWLM because NDI is a "nonpartisan, nongovernmental organization that responds to the worldwide quest for popular civic participation, open and competitive political systems, and representative and accountable government."

Dans expressed the need to affirm the primacy of the peace process. "We call on the Government of the Republic Philippines [GRP] and the MILF

to stop armed hostilities, resumes peace talks and increase women representation in the peace talks."

A Davao-based NGO, Kalinaw Mindanao said that more than 500,000 individuals mostly from the three provinces of Central Mindanao—North Cotabato, Maguindanao and Shariff Kabunsuan are now considered internally displaced persons (IDPs).

The PCWLM organized a movement called WARMM which stands for Women for ARMM and Mindanao for Politics Through Empowerment and Collaborative Exchanges in Davao City on October 19 which will push for a peace vote this coming 2010 elections.

The group will "prepare women candidates for the election, assist women candidates to win in the election and support and assist

women leaders elected into office pursue and realize the peace and women's agenda."

In a statement issued to the media, WARMM said "We recognize the multidimensional challenges faced by Mindanao brought about by economic, political and social discrimination. We feel the pangs of war between rebels and the Armed Forces of the Philippines [AFP] in our island, the poverty of our people and its cost to human suffering."

"We affirm that peace is a way of life, denouncing violence, respecting diversity, promoting sustainable development. The way to peace is through a process of collaborative exchanges."

"National and local candidates must be peace-conscious," Dans said.

## Law to penalize discrimination against Muslims

A LAW that will punish discrimination against minorities will be up for third reading in a final deliberation in the plenary of the House of Representatives.

Party-list representative Mujiv Hataman (Anak Mindanao) and Lanao del Sur First District Representative Faysah Dumarpa have consolidated the versions of their respective bills now

entitled, "An Act Prohibiting Religious or Racial Discrimination."

The Philippines has more than a hundred ethnic groups. Christianity is the dominant faith but Islam is a considerable minority.

Muslims comprise 13 ethnolinguistic groups and are mostly concentrated in the Autonomous

Region in Muslim Mindanao (ARMM). But many Muslim traders and professionals have left Mindanao after the martial law period to reside in Luzon. They now account for an estimated one million in Luzon and the National Capital Region.

The bill defines discrimination to mean any "distinction, exclusion or

restriction made on the basis of ethnic origin or religious affiliation or beliefs, which has the effect or purpose of discriminating, impairing or nullifying the rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, especially including but not limited to, employment, livelihood, housing,

education and basic services."

Under the bill, violators are fined from P200 to P6,000 or with imprisonment of up to six years.

The bill seeks to penalize those discriminating a person in employment, education or business just because of his name, religion or ethnic background. Co-authors of the bill include Reps. Carlos Padilla (NP/Abante Vizcaya, Lone District, Nueva Vizcaya) and Solomun Chungalao (Lone District, Ifugao).

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