



More foreign rehab aid for Mindanao

MANILA —In a bid to uphold the gains achieved for peace and development in Mindanao, the United Nations Development Programme (UNDP) and the European Commission (EC) recently allotted more funding for conflict-affected areas in the island.

During the 7th Mindanao Working Group meeting

[*MORE*p.10]



MILF FOUNDER --- *The late Ustadz Salamat Hashim, the founder of the Moro Islamic Liberation Front.*

MILF wants int'l guarantee before peace talks resume

Appeals to foreign entities to help ensure negotiation's integrity

Should the collapsed peace process between the Philippine government and the separatist Moro Islamic Liberation Front (MILF) get a new lease on life, the rebels would demand an international guarantee to ensure the integrity and implementation of any agreement that might be reached.

This was stressed by Mohagher Iqbal, chairman of the Moro rebel group's information committee and chief negotiator, in a mobile phone interview with the Manila Bulletin yesterday.

"We have lost our trust on the Arroyo government after it reneged on the Memorandum of Agreement on Ancestral Domain (MoA-AD). So, in case the negotiation comes to life we will ask for an international guarantee so the Philippine government cannot renege on its commitment," Iqbal said.

The MILF official, who chairs the still intact MILF peace panel, said it is very important to have more international presence since the government has practically zero

[*MILF*p.11]

MILF probes Kato, Bravo roles in August attacks

For violations of human rights

Moro Islamic Liberation Front (MILF) Chairman Al-Hajj Murad Ebrahim, whose group is being accused of human rights violations, has revealed that his group has put rebel Commanders Ameril Umbra Kato and Bravo (Abdullah Macapaar) under investigation for their roles in the attacks and killing of civilians in North Cotabato and Lanao del Norte, respectively.

However, Murad said he still prefers a joint government-MILF probe as the best way to uncover the truth. Kato and Bravo are now being pursued by the military for the attacks that they launched after the Supreme Court on August 4 stopped the signing of the controversial memorandum of agreement on ancestral domain (MoA-AD) in Putrajaya, Malaysia.

The MoA-AD envisions a an expanded homeland for the Bangsamoro people in parts of Mindanao, with the

[*PROBES*p.11]

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IN THE NEIGHBORHOOD: Telltale on BDA

By Ayesah Abubakar (published by www.mindanews.com, October 19, 2008)

PENANG, Malaysia (MindaNews/27 Aug) — The forging of the 1996 Final Peace Agreement between the Philippine government and the Moro National Liberation Front (MNLF) opened the path for the international donor community to help in conducting postconflict development in Mindanao. They had to, because even with a peace agreement, the government was not even prepared with its own resources to fulfill this obligation in developing the conflict affected areas. Since then, we have seen the influx of various programs by international NGOs, government agencies, local NGOs — all of which funded by the donor community. Some of these programs have had some positive impact in Mindanao. However, many of the conflict communities continue to be puzzled with the press releases stating that millions of US dollars continue to be poured in Mindanao while they continue asking themselves where do these millions go to anyway.

With the long peace negotiations between the government and the Moro Islamic Liberation Front

[IN/p.7]

COMMENT: Right, But Wrong!

GENERAL SANTOS CITY (MindaNews/18 October) — The Supreme Court has ruled the Memorandum of Agreement on Ancestral Domain between the Philippine Government and the Moro Islamic Liberation Front as unconstitutional, finding that the specific provisions and concepts of the MOA-AD cannot be reconciled with the present Constitution and laws. On legal grounds, the Court *may be* right; but, on the import of the MOA-AD, the Court **IS** wrong.

The primary issue or concern is not the constitutionality of the MOA-AD but its import on the peace process in Mindanao. ***Is it an effective solution to the centuries-old Mindanao Problem?***

Import

The MOA-AD is a creative and innovative political solution crafted by the GRP and MILF negotiation panels in three years and eight months of diligent, exhaustive deliberation. They have explored the history of the Mindanao Problem, its roots, and the proper political solution according to the history and roots of the problem.

The peace panels may have overstepped constitutional bounds. However, constitutionality becomes a secondary issue or concern to the urgency of the peace process. ***Can whatever unconstitutionality the MOA-AD suffers not be remedied so as*** — as Cotabato Archbishop Orlando B. Quevedo, O.M.I. said — ***to essentially balance “Moro self-determination and the territorial integrity and sovereignty of the Philippines”?*** This is the key to the solution of the Mindanao Problem, the most efficient vehicle on the path of the peace process.

There have been proposals to amend the 1987 Constitution to attract more foreign investments by doing away with investor-unfriendly provisions like portions of Article XII, Section 2. The bottom line is: ***The Constitution may be amended if it blocks the interest of the country and the people contrary to its primary purpose.***

Is the resolution of the Mindanao Problem to bring peace in Mindanao not for paramount national interest? But the Constitution stands in the way? Can the same bottom line not be applicable to the MOA-AD issue?

Not Inclined

It appears that the Supreme Court was not inclined to consider this bottom line for the sake of peace in Mindanao as it surely would should the amendment be to encourage foreign investors to come, notably to Mindanao. Chief Justice Reynato Puno said that peace negotiations should not violate “the parameters of powers marked in the Constitution.” This means the negotiators are not allowed to agree on matters that would need the amendment of the Constitution.

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Archaeologists want end to illicit trading of our cultural heritage

DAVAO CITY (MindaNews/16 October) – An association of archaeologists wants an end to alleged illicit trading of our cultural heritage as it commended the local government of Maitum in Sarangani province for vigilance in protecting artifacts whose origin, sale and transport were highly questionable.

The Katipunan Arkeologist ng Pilipinas, Inc. (KAPI) Board of Trustees, said the recent news regarding the seized anthropomorphic jars in Maitum, Sarangani “highlights a critical issue concerning the illicit trade of antiquities in the Philippines.”

“The existing laws protecting cultural heritage are good; however, they are not enforced. The seized Maitum artifacts reveal that treasure hunting continues at a brazenly large scale,” the group said.

Twenty-two bags of shards similar to artifacts from the Metal Age anthropomorphic secondary burial jars discovered in Pinol cave here in 1991 were seized by the police in Maitum on August 19.

The bags, seven of them sacks and 15 plastic, were loaded on a tricycle at Barangay Kawa, a coastal area, from a banca allegedly from Maguid in neighboring Palembang, Sultan Kudarat province.

Mayor Elsie Lucille Perrett told MindaNews on September 2 that Maguid, where the artifacts were supposed to have been taken, “has no cave.” She said the artifacts may have come from the same cave in Pinol, Maitum.

Five of the 22 sacks of cultural artifacts seized were transported to the National Museum in mid-September as initial inspection by archaeologist Dr. Eusebio Dizon showed the shards were different from the now-famous “faces from Maitum” discovered in 1991.

“They’re a different people. They’re a bit different from the Maitum collection that’s why it’s good to know how different they really are,” Dizon told MindaNews when he passed by the provincial police headquarters in Alabel, Sarangani from Balut Island on September 11, on his way to Manila, to check on the artifacts as directed by the National Museum.

The Maitum anthropomorphic secondary burial jars are about 2,000 years old.

“They’re really different,” Dizon said, of the seized artifacts, adding that the faces are different and the fingers on the hands of the Maitum jars are just lines, unlike the seized artifacts, whose fingers are separate.

“The more important thing is to find out the location, the origin of these shards,” Dizon said.

SPO2 Reginald Delfin, one of the policemen in Maitum who intercepted the cargo, told MindaNews a resident

[ARCHAEOLOGIST/p.8]

Resume Mindanao peace talks—ACRP

MANILA, Philippines—World religious leaders converging in Manila to attend the seventh general assembly of the Asian Conference of Religions for Peace (ACRP) are urging Manila and the Moro Islamic Liberation Front (MILF) to return to the negotiating table and forge a new peace agreement.

“We reach out to government officials and the people who have a stake in the peace process to return to dialogue,” said Sunggon Kim, a member of parliament of South Korea and the secretary general of the ACRP, in a press conference at the Pontifical University of Santo Tomas (UST), which has been hosting the conference with the Catholic Bishops’ Conference of the Philippines (CBCP).

“We offer ACRP as a partner in the peace-building process,” Kim, a Buddhist, added.

The call came after the Supreme Court declared illegal and unconstitutional the memorandum of agreement on ancestral domain signed by Manila and the MILF. The agreement sought to create an expanded Bangsa Moro homeland in Mindanao by turning over ancestral lands occupied by Christians and lumads to the Muslims.

Lourdes Mastura, president of ACRP Philippines and the wife of former congressman Michael Mastura, now a member of the MILF negotiating panel, deplored the Supreme Court decision.

“I feel the Supreme Court was very hasty in making the ruling,” she said. “It should not have ruled because there was no question of law. The memorandum of agreement was just a roadmap to peace. The court should not have heeded the rabble-rousers.”

Emphasizing that her sentiment is personal and not “a conjugal statement” with her husband, Mastura urged another go at peace.

“We cannot afford another war,” she said. “We hope to realize peace in this lifetime.”

Former Miss Universe Margie Moran of the Mindanao Commission on Women also called on a new peace initiative in Mindanao.

“We should always push for peace,” she told the ACRP women’s assembly at UST. “The alternative is bloodshed.”

President Gloria Macapagal-Arroyo will address the ACRP in its inaugural ceremony on Friday at the UST Medicine Auditorium.

Also to address the ACRP through video messages are Pope Benedict XVI, UN Secretary General Ban Ki Moon and former Iranian president Mohammad Khatami.

Some 300 leaders from the world’s various religions are attending the 7th general assembly of the ACRP, which was established in the Catholic University of Louvain in Belgium in 1976 to gather religious leaders and make the traditions of religious communities as a force for peace.

Theme of this year’s conference is “Peacemaking in Asia.” Nearly all of the world’s religions, many of which were founded in Asia, are represented in 2008’s general assembly. In the Manila conference are leaders of such religions as Christianity, Islam, Buddhism, Hinduism, Shinto, Zoroastrianism, Sikh, Tamil, Shinto, Confucianism, Jainism, and others.

Even North Korea is represented by three religious leaders, according to Kim.

[RESUME/p.5]

RP cites EU support for Mindanao peace

The Philippines has thanked the European Union for its valuable support in the Mindanao peace process, citing the 27-member regional bloc as the country's "key international partner for development."

Foreign Affairs Secretary Alberto Romulo expressed the Philippine government's gratitude to the EU for continuously providing aid to strife-torn southern Philippines.

"We thank the European Union for its support in the peace process in Mindanao," he said, shortly before the signing of two financing agreements worth about 13 million euros (P840 million) aimed at further enhancing RP-EU trade relations, as well as to promote local governance in the country.

EU officials based in Brussels, Belgium affirmed EU's "substantial" support for Mindanao, urging the Philippine government and Muslim rebels to go back to the peace negotiating table.

EU is "trying very much to support health and education" in Mindanao, a senior EU official said.

"I know for the moment the peace process is under negotiation, but it's the nature of the peace process. You've been given quite level of assurance here in the Commission that we should support in a significant way in the reconstruction efforts and the consolidation of the process," said the EC official, who spoke with the Manila Bulletin in Brussels, Belgium during the EC-backed journalists' training for Southeast Asian journalists.

Recently, the EC's Humanitarian Aid Department (ECHO) earmarked up to 4 million euros (P270 million) to help those affected by the recent flare of violence in Mindanao.

In terms of longer-term rehabilitation assistance, the Commission also approved a grant of up to 3 million euros (P200 million) for displaced persons and host communities affected by the Mindanao conflict over the past several years.

Meanwhile, Romulo described the Sept. 16 signing of two financing agreements to cover the Trade-Related Technical Assistance 2 (TRTA 2) and the Dialogue on Governance: Strategic Projects Facility 2 (SPF 2) as affirmation of "valued friendship" between the EU and RP.

"Through the years, the Philippines and Europe have always nurtured a cordial and fruitful partnership. Time and distance have not been a hindrance for us to share intertwined histories, values and aspirations.

"We continue to foster our relations through cooperation in various fields," the foreign affairs secretary said. (By CHARISSA M. LUCI, Manila Bulletin, October 18, 2008)

Arroyo eyes new talks with MILF

COTABATO CITY, Philippines—President Gloria Macapagal-Arroyo has asked Governor Zaldy Ampatuan of the Autonomous Region in Muslim Mindanao (ARMM) and his father, Maguindanao Governor Datu Andal Ampatuan, to find ways to broach with the Moro Islamic Liberation Front (MILF) a possible resumption of peace talks with the government.

Pike Mentang, speaker of the ARMM's Regional Legislative Assembly (RLA), told the Philippine Daily Inquirer that Arroyo would be in this city Saturday to talk with military officials and to reiterate her directive to the Ampatuans.

Mentang, the third highest-ranking official of the ARMM, said he learned that the Ampatuans were keen on linking with the MILF in the hope of reviving peace talks, which stalled over the issue of ancestral domain.

"They are open to a peace dialogue with the MILF hierarchy anytime," he said.

Mentang said he had always supported the idea of settling the dispute with the MILF in a peaceful way because violence always adversely affected civilians.

Since July, more than 60 civilians had been killed and about 600,000 more displaced amid the skirmishes between government soldiers and MILF rebels in North Cotabato and in the ARMM provinces of Shariff Kabunsuan, Sarangani, Maguindanao and Lanao del Norte.

The military continues to run after MILF leaders blamed for armed incursions in the areas.

On Thursday alone, military officers said that 13 rebels and a soldier were killed in fresh air strikes and skirmishes in Aleosan, North Cotabato and in Maguindanao.

In Kidapawan City, State Prosecutor Al Calica said more charges had been filed against Ameril Ombra Kato, an MILF leader who led attacks in North Cotabato.

"We have strong evidence to prove that Kato and his men committed acts of terrorism," Calica said.

Peace advocates had always said that the police should be used to hunt down Kato instead of the military, whose operations the advocates claimed tended also to wreak havoc on how civilians.

Deputy Speaker Simeon Datumanong admitted that military actions against Kato had already caused untold sufferings to civilians and that operations should be suspended.

Guiamel Alim, executive director of the Kaduntaya Foundation Inc., said that the organization learned that the Cabinet Cluster E on National Security Concerns had already convened to tackle calls for the suspension of the operations.

But he said as of Friday, military operations were still under way.

Alim said the organization was also urging the government and the MILF to resume negotiations for the sake of civilians.

But Mohagher Iqbal, MILF chief negotiator, said rebels could no longer trust the government.

"The government is not sincere. We don't trust the government anymore," Iqbal told reporters in Davao City.

Iqbal said despite this position, the MILF wanted the situation in Mindanao resolved in a peaceful way. (*Charlie C. Señase, Germalina Lacorte, Edwin O. Fernandez, Jeffrey Maitem, Nash Maulana and Richel V. Umel Inquirer Mindanao*)

Gov't negotiators disregarded Charter

MANILA, Philippines—The presidential peace adviser and the government negotiating panel “played fast and loose with the do’s and don’t’s of the Constitution” when they crafted the agreement with the Moro Islamic Liberation Front (MILF) expanding the Bangsamoro homeland, according to Chief Justice Reynato Puno.

In his opinion concurring with the Supreme Court majority decision rejecting the memorandum of agreement on ancestral domain (MOA-AD), Puno said: “During the whole process, the government peace negotiators conducted themselves free from the strictures of the Constitution.”

The Supreme Court on Tuesday voted 8-7 to find the MOA-AD “contrary to law and the Constitution” with its provisions on the creation of the Bangsamoro Juridical Entity (BJE).

“[Under the agreement) the BJE is granted powers of governance which it can exercise without need of amendments to be made to the Constitution or existing law or without imposing any condition whatsoever,” Puno said.

He added: “No one can claim he has a blank check to violate the Constitution in advance and the privilege to cure the violation later through an amendment of its provisions.

“Respondents’ thesis of violate now, validate later makes a burlesque of the Constitution.”

Justice Antonio Carpio, in his own separate concurring opinion, said the executive branch took on the powers of Congress and the people when it committed the constitutional amendments to pave the way for the agreement’s implementation.

“[Any] peace agreement that calls for amendments to the Constitution—whatever the amendments may be, including the creation of the BJE—must be subject to the constitutional and legal processes of the Philippines,” Carpio said.

He said the constitutional power of the people to approve or disapprove such amendments “can never be disregarded.”

“The executive branch cannot usurp such discretionary sovereign powers of Congress and the people, as the executive branch did when it committed to amend the Constitution to conform to the MOA-AD,” he added.

Saying there was nothing to be ashamed of, Malacañang Wednesday said it would not ask the Supreme Court to reconsider its ruling.

Executive Secretary Eduardo Ermita said government lawyers would just file a manifestation stating that “the things contained in the decision [had been] actually happening already even before the decision was reached” by the high court.

He was referring to the government’s policy shift in dealing with insurgents, focusing now on community dialogue and the disarmament, demobilization and reintegration of rebels.

While all but conceding defeat over the MOA-AD, Ermita sought to insulate both Ms Arroyo and Presidential Peace Adviser Hermogenes Esperon from the unfavorable ruling.

If at all, he said, the decision should remind government negotiators in the future to “follow the instructions of the President.”

Ermita cited Ms Arroyo’s memoranda of instruction on March 1, 2001, and Sept. 8, 2003, which both stated: “Negotiations shall be conducted in accordance with the mandates of the Philippine Constitution, the Rule of Law, and the principles of the sovereignty and territorial integrity of the Republic of the Philippines.”

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The leaders will hold discussions on building peace amid the world’s hotspots and conflicts at the Manila Hotel.

Previous ACRP general assemblies, which are held every five years, were held in New Delhi, Seoul, Kathmandu in Nepal, Ayutthaya in Thailand, and Jogjakarta in Indonesia.

Kim said in every general assembly, the ACRP would set up a “post-assembly project” and this year, the group has been planning to put up a “Mindanao peace project” that would be financed by Korea, Japan and other member-countries.

But ACRP has been long involved in building peace in Mindanao, according to UST Graduate School dean Lilian Sison, an official of ACRP. In 2004, it held an interfaith dialogue for peace in Midsayap, North Cotabato.

An ACRP youth assembly was held early this week in Davao, she added.

The youth assembly issued a statement calling for a resumption of peace talks between the government and Muslim rebels.

“Using religion to label the conflict in Mindanao . . . must end,” said the ACRP youth statement. (By Lito Zulueta, Philippine Daily Inquirer, 10/16/2008)

He told reporters: “The Supreme Court correctly made the observation that the President had enough guidance as to how the talks should be done.”

And for all that, Esperon still enjoys the “trust and confidence” of Ms Arroyo, Ermita said, adding:

“The Presidential Adviser on the Peace Process acts in good faith, and he always has in his mind the need to find a final solution to the conflict in the South.”

On the phone from the United States, Sen. Joker Arroyo pointed out that the high court’s ruling practically rested on one vote, and that “a change of one vote changes the picture.”

Arroyo noted that the tribunal was “sharply divided” on the issue of an expanded Bangsamoro homeland.

“For a decision with such far-reaching consequences, the high court was sharply divided, 8-7, and it could pose more problems in the future,” he said.

“A change of one vote would make the minority opinion the majority decision, and conversely, the minority decision would become a dissenting opinion.”

“Rarely” has this happened, he added.

Arroyo also said the US government had implicitly supported the MOA-AD.

“It should be stated that the act that the Supreme Court has declared unconstitutional had the indirect encouragement and blessings of the US. This is attested to by the joint statement titled ‘Fixing Mindanao,’ released by the immediate seven former US ambassadors to the Philippines,” he said.

Arroyo was referring to the statement that appeared on the Sept. 30, 2008, issue of the Asian Wall Street Journal, which was in support of the MOA-AD.

The statement, which appeared as an opinion piece, was jointly written by former US Ambassadors Stephen Bosworth, Thomas Hubbard, Richard Murphy, Nicholas Platt, Francis Ricciardone, Richard Solomon and Frank Wisner, along with US officials Chester Crocker and Eugene Martin, and Astrid Tuminez, senior research associate of the US Institute of Peace Philippine Facilitation Project. (Norman Bordadora Christian V. Esguerra Michael Lim Ubac, Philippine Daily Inquirer)

COMMENT . . . from page 2

The Court considers the MOA-AD not a vehicle of the peace process but just “a significant part of a series of agreements necessary to carry out the GRP-MILF Tripoli Agreement on Peace” of June 2001. If not to clear the way of the peace process, amending the Constitution relative to the MOA-AD will be purposeless.

In reference to *Consensus No. 7 of Governance*, the Court rebuked the President and the GRP panel for virtually guaranteeing beyond their authority the eventual passage of the necessary amendments to the laws and the Constitution to suit the MOA-AD. That would usurp the powers vested only in Congress, a Constitutional Assembly or to the People’s Initiative. If *Consensus No. 7* is wrong, correct it. Don’t scuttle the entire MOA-AD.

Given No Weight

What does the pertinent agreement in *Consensus 7* say?

Paragraph 2 says: “Any provisions of the MOA-AD requiring amendments to the existing legal framework shall come into force upon signing of a Comprehensive Compact and upon affecting the necessary changes to the legal framework with due regard to non derogation of prior agreements and within the stipulated timeframe to be contained in the Comprehensive Compact.”

But *Consensus 7* must be related to *Consensus 8* which enumerates 10 institutions “necessary for developing a progressive Bangsamoro society”. The necessary amendments will concern these institutions. As the details of these institutions “shall be discussed in the negotiation of the Comprehensive Compact”, the specific details of any necessary amendment will not be known until taken up at that same time.

The unconstitutionality of some provisions of the MOA-AD as found by the Supreme Court we don’t dispute. But these are not yet implementable. *Consensus 7* provides, “The Parties agree that the mechanism and modalities for the actual implementation of this MOA-AD shall be spelt out in the Comprehensive Compact to mutually take such steps to enable it to occur effectively.”

Hence, the Comprehensive Compact is very vital. However, it appears that the Supreme Court has not given it any weight. The Court writes that “as the clause (*Consensus 7*) is worded” it – [despite the Comprehensive Compact] – “does not cure its (MOA-AD) defects” but will only guarantee the amendment of the Constitution to suit the MOA-AD.

How the Court can misjudge! Without the Comprehensive Compact, the MOA-AD is just an agreement in principle. Metaphorically, the MOA-AD is the soul; the CC is the living body – the final agreement to be implemented. Whatever unconstitutionality there is in the MOA-AD must be remedied during the CC negotiation to make the CC implementable. Congress will not enact into law a constitutionally infirmed CC.

The Court is unaware of the GRP-MILF desire to make the agreement implementable. Only through the negotiation of the Comprehensive Compact can they do this by ironing out the kinks of the MOA-AD. Trust that the MILF negotiators bargain hard but can reconsider to make a deal at a reasonable price.

So What?

The Court resolved: “*The Memorandum of Agreement on the Ancestral Domain Aspect of the GRP-MILF Tripoli Agreement on Peace of 2001 is declared CONTRARY TO LAW AND THE CONSTITUTION.*” We don’t dispute that. But what happens to the peace process?

The Court scuttled the MOA-AD on the road of the peace process to block it. What alternative course has it offered?

As stated at the outset, the primary issue or concern is the peace process; the MOA-AD is its vehicle. As such, its unconstitutionality has become a secondary issue or concern that must be remedied for the sake of the peace process.

The Court offers: “*The MOA-AD is a significant part of a series of agreements necessary to carry out the GRP-MILF Tripoli Agreement on Peace. . . . Hence, the present MOA-AD can be renegotiated or another one drawn up that could contain similar or significantly dissimilar provisions compared to the original.*”

The Government is ready to do this for the Solicitor General has already manifested before the Court that “*the Executive Department shall thoroughly review the MOA-AD and pursue further negotiations to address the issues hurled against it*”. Obviously, the intention is to do this without signing the MOA-AD.

Yet, this option is not reassuring. It is right; but confining the negotiation to the Constitution as the *Decision* decrees is wrong – is not conducive to the peace process that must balance the Moro self-determination and the territorial integrity and sovereignty of the Philippines.

Restricting the peace negotiation to the Constitution is not negotiation but dictation. Peace negotiation like that between the Government and the MILF which calls for political settlement should have the freedom or leeway to explore all possible options and alternatives including amendments to the Constitution. — www.mindanews.com, October 19, 2008. (“*Comment*” is Mr. Patricio P. Diaz’ column for *MindaViews*, the opinion section of *MindaNews*. Mr. Diaz is the recipient of a “Lifetime Achievement Award” from the Titus Brandsma for his “commitment to education and public information to Mindanawons as Journalist, Educator and Peace Advocate.”) [This e-mail address is being protected from spam bots, you need JavaScript enabled to view it.](#)

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that commenced in 1997, it was only in May 2002 that an implementing guideline on rehabilitation, reconstruction, and development of conflict affected areas had been agreed upon by both parties. The initiative came very timely and sensitive to the fact that while the peace talks could take longer, the humanitarian needs of the conflict affected areas have to be addressed somehow. This paved the way for the setting up of the Bangsamoro Development Agency (BDA).

In spite of the BDA being an entity jointly agreed upon, it was organized by private individuals appointed by the MILF and with an expectation that this, as a project, will be fully supported by the government through the Office of the Presidential Adviser on the Peace Process (OPAPP). Upon the request of the government, donor agencies like the World Bank, the Japan International Cooperation Agency, the United Nations World Food Programme, UNICEF, and other international organizations have slowly started to work with the BDA from 2006 onwards. Why work with BDA when the peace talks have not yet ended in a final agreement? As part of the peace process, the government most especially, had to build on the confidence of the MILF and the rest of the Bangsamoro communities. The peace process needed to show at least some incentives in the form of peace dividends such as the building up of BDA as a potential institution for postconflict development.

Anyhow, whatever projects that are being implemented by BDA today, together with local and international organizations, are not designed for full-blown postconflict development. Instead, these are only meant towards capacity building for BDA and the conflict affected areas. The goal then is for the communities especially, to learn how to implement small-scale projects with a completely new mind-set. For a change, the BDA is proving itself right by demonstrating to the donor communities that BDA-led development can result to corrupt-free projects fully participated by the communities and with a very high impact and meaning to the lives of every beneficiary. And this positive phenomenon is duly recognized by these donors.

In the last weeks, the people of Mindanao have been thrown into the frenzy of armed conflict as a result of several politicians' opposition to the MoA on Ancestral Domain and the government's indecisiveness and weak position on how to defend its own peace policy. The situation has drifted to worse as government officials start defending their case by putting an accusing finger on others. Among these surprising telltales is the spread of stories about the diversion of BDA funds to MILF

and use of these funds for the digging of trenches supposedly for war. An intelligent person should have the common sense to look no further but ask the donor agencies who know better how to make sure that their monies are spent well and honestly in Mindanao. But since the allegations are maliciously diverted on BDA, it shows that it is tainted with prejudice and bias and clearly pointed to escalating the conflict.

It is odd for any government official or agency to accuse BDA of any wrongdoing when it is founded on the GRP-MILF peace agreement and supported by OPAPP as part of its confidence building initiative. This spate of allegations on BDA leads us to think that the government has totally abandoned all its hard work in Mindanao, including the establishment of BDA. It appears that with all the provocative statements and the positioning for war as its means for peace, the government is acutely suffering from leadership.

It is indeed a blessing in disguise that throughout BDA's operations, no donor money has been directly given to BDA, but it is instead channeled through its partner implementing agencies—whether these are local NGOs or the donor agencies' own contractual entities and mechanisms. Every single cent has always been accounted for by the donors in their regular reporting and evaluation procedures. In many cases, the bureaucracy within donor agencies can even prove to be more challenging than any government audit when it comes to money. How then can BDA possibly do a magician's act of diverting funds?

BDA has always viewed donor funding with utmost caution. It maintains that no millions of dollars can make any difference to the Moro communities unless there is an awakening that it needs to change its own values system and that the Mindanao conflict has to be resolved. Therefore, it is unfair for BDA and many of its volunteers to be misjudged by some telltales. Especially that for a small office with very limited resources but challenged with very difficult tasks, it is proving to be gaining humble merits in the conflict affected areas, with its partner donor agencies and even with government officials who are directly involved with BDA projects.

But anyway, it looks like there is really no point explaining on BDA. At present, President Arroyo's leadership is leading us to more years of war and conflict in Mindanao. It has reneged its agreements with the MNLF, and now, with the MILF. And all these broken agreements right in front of the international donor community! (a reprint from www.mindanews.com, October 19, 2008) — "In the Neighborhood" is Ayesah Abubakar's column for MindaNews. Ayesah is the coordinator of the Mindanao Peace Program at the Research & Education for Peace Universiti Sains Malaysia or REPUSM in Penang, Malaysia.

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an agreement that is “both constitutional and equitable because that is the only way that long-lasting peace can be assured,” said it is “minded to render a decision on the merits in the present petitions to formulate controlling principles to guide the bench, the bar, the public and, most especially, the government in negotiating with the MILF regarding Ancestral Domain.”

Invoking the doctrine of “capable of repetition yet evading review,” the Supreme Court said there is “reasonable expectation that petitioners, particularly the provinces of North Cotabato, Zamboanga del Norte and Sultan Kudarat, the cities of Zamboanga, Iligan and Isabela, and the municipality of Linamon, will again be subjected to the same problem in the future as respondents’ actions are capable of repetition, in another or any form.”

The Solicitor-General had earlier argued that the issues raised by the petitioners were already “moot and academic” because of the non-signing of the MOA-AD, the announcement that government would not sign it in its “present form or any other form,” and the dissolution of the government peace panel.

The Supreme Court, however, said the petitions filed are an exception to the “moot and academic” principle because of the “grave violation of the Constitution;” the “exceptional character of the situation and paramount public interest;” the “need to formulate controlling principles to guide the bench, the bar, and the public;” and “the fact that the case is capable of repetition yet evading review.”

The Court said the people’s right to information on matters of public concern under Section 7, Article II of the Constitution is “in splendid symmetry with the state policy of full public disclosure of all its transactions involving public interest under Sec. 28, Article II of the Constitution.”

The right to information, it added, “guarantees the right of the people to demand information” while Section 28 recognizes the duty of officials “to give information even if nobody demands.”

“In sum,” the Court said, the Presidential Adviser on the Peace Process “committed grave abuse of discretion when he failed to carry out the pertinent consultation process, as mandated by Executive Order No. 3, Republic Act No. 7160 (Local Government Code of 1991) and Republic Act No. 8371 (Indigenous Peoples Rights Act),” it said.

The MOA-AD, it added, “cannot be reconciled with the present Constitution and laws.”

“Not only its specific provisions but the very concept underlying them, namely, the associative relationship between the GRP and BJE (Bangsamoro Juridical Entity)

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who was apparently aware of the priceless value of the cultural artifacts phoned the police about the “suspicious-looking” cargo.

Delfin said they were told the cargo was to be used as “dekorasyon sa bahay” (house decoration) by the owner. The police was shown a “permit to transport” number 00003803 from the National Museum authorizing “the bearer, Mr. Jimmy Tan,” proprietor/owner of JM Antiques at 115 CM Recto Avenue in Sta. Cruz, Manila, “to transport assorted pieces of cultural properties from General Santos City to the City of Manila for the purpose of authentication and registration with the National Museum from July 16 to August 16, 2008.”

General Santos is 108 kilometers away from Maitum.

The permit was issued on July 15, 2008 by Angel Bautista, Curator I, OIC of the Cultural Properties Division. The permit was no longer valid at the time the artifacts were seized.

Also, the bearer of the permit was not Tan himself but one Dominador Berdin of Mandaluyong City, who identified himself as Tan’s representative.

On August 28, Berdin returned to the police station showing another “permit to transport” number 0003845 from the National Museum, valid allegedly from August 17 to September 17. But the date of issuance of the permit was “26 August 2008.”

The permit was issued by Cecilio G. Salcedo, Acting Director III.

The “transport to permit” this time included Berdin’s name but it was apparently prepared hastily as Berdin is not identified as Tan’s representative but also “owner.”

The permit specified the number of bags to transport: “seven sacks and 10 plastic bags” and the “cultural properties” had now become “broken earthenware potteries from Sultan Kudarat.”

Bautista, who was dispatched by National Museum director Corazon Alvina to Sarangani on September 12, carried with him an undated narrative report signed by Alvina where she said she issued an order dated September 1, canceling the “permit to transport” issued by Salcedo.

“Archaeology has been losing this battle for decades now and will continue to do so if treasure hunting and illicit antiquity trade are not stopped. We cannot tell the public how much information has been lost. We are greatly handicapped by the trade in our role as professionals who study the past for the benefit of knowledge for all. We record every piece, every data, and the minutest detail, so we can add more to our knowledge about the history of the Philippines. Excavations and analyses entail huge labour, resources, money, and

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Ms Arroyo also handed out medals to more than 40 soldiers involved in the Maguindanao operation against Kato. To the families of slain soldiers, she gave each P250,000 in cash.

“My salute and congratulations to you, our soldiers. The government and Filipino people appreciate and recognize your sacrifices in the pursuit of justice for the victims of lawless MILF rebels,” she said.

Phone cards, sleeping bags

A few hours before the President arrived here, soldiers and MILF rebels clashed in Guindulungan, Maguindanao. A soldier, Pfc. Benjie Magallanes, was wounded in the incident, according to Maj. Randolph Cabangbang, deputy spokesperson of the Eastern Mindanao Command.

Aside from praising the soldiers for their gallantry, Ms Arroyo announced the release of P300-cellular phone cards to more than 7,000 of them in the region.

She also pledged to turn over P8.75 million to purchase sleeping bags.

“We thank the civic spirit of the citizens of Mindanao, particularly those in General Santos and Davao cities for their generous donations,” she said.

The President said she valued the sacrifices of the soldiers.

“Because of your sacrifices, I’m optimistic we will have lasting peace in Mindanao,” she said.

After her speech, the President held a closed-door meeting with military officials, who briefed her on the situation in Maguindanao.

Nothing new

Present at the meeting, which lasted about 20 minutes, were Defense Secretary Gilbert Teodoro, Social Welfare Secretary Esperanza Cabral and Autonomous Region in Muslim Mindanao (ARMM) Gov. Datu Zaldy Ampatuan.

Mohagher Iqbal, MILF chief negotiator, said there was nothing new in the President’s statement.

He said Ms Arroyo simply reinforced what the military has been doing since the resurgence of hostilities in August.

“Why do civilians have to suffer when they say they are only running after Kato? Soldiers are burning their houses,” Iqbal said.

While the MILF still wants a peaceful resolution of the conflict, “it no longer trusts the government,” he said. “After what they did to the ancestral domain deal, [they want to] resume negotiations? What are we going to talk about?”

Iqbal also said that if peace talks were to resume, a third party should be designated to guarantee that all agreements reached would be honored by the government (from the Philippine Daily Inquirer, as published by www.inquirer.net, October 19, 2008, Thanks to the PDI, Jeffrey Maitem, Edwin Fernandez)

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Mrs. Arroyo lamented the attacks perpetrated during the observance of the Ramadan.

Also present at the awarding were officials of the Autonomous Region in Muslim Mindanao (ARMM) led by Gov. Datu Zaldy Ampatuan, chairman of the region’s inter-agency regional peace and order council, and the auxiliary bishop of the Diocese of Cotabato, Msgr. Jose Colin Bagaforo, a staunch advocate of inter-faith dialogue among Central Mindanao’s Muslim and Christian residents.

“We remain committed to the peace process. There is no alternative to peace,” Mrs. Arroyo said.

The President emphasized that the military would have to continue isolating renegade guerrilla forces to maintain peace and order in areas vulnerable to their attacks.

The President, who was accompanied by Defense Secretary Gilbert Teodoro and Social Welfare and Development Secretary Esperanza Cabral, also handed over cash assistance to families of soldiers killed in encounters with MILF forces and to uniformed men who sustained injuries in recent clashes in the provinces of Maguindanao, Shariff Kabunsuan and North Cotabato.

Mrs. Arroyo also brought 7,000 sleeping bags for soldiers and promised to give each soldier P300 worth of mobile phone cards they can use to communicate with their families.

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sometimes even blood, sweat, and tears, and we take pride in this,” KAPI’s October 14 statement said.

KAPI is a non-stock, non-profit professional organization founded in June 1999 by

members of the archaeological community in the Philippines.

As part of its advocacy, KAPI “liaises with local government units and other governmental institutions for the protection, preservation and conservation of archaeological sites; actively participates in fora and other round-table discussions tackling archaeological and other heritage issues; takes part in policy-making and legislative agendas involving archaeological and other heritage concerns; and sets standards and establishes guidelines for the conduct of professional archaeology.”

“The illicit trade of antiquities must be stopped! Let us help the lead government body, the National Museum of the Philippines, protect the archaeological heritage of the Philippines,” it added. (Carolyn O. Arguillas/MindaNews)

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held at the Manila Pavilion on October 2, the United Nations Development Program (UNDP) pledged additional funds for the Action for Conflict Transformation (ACT) for Peace Programme, the fourth and final phase of the Government of the Philippines – United Nations Multi-Donor Programme (GoP-UNMDP) that started in 1997.

Chaired by the Mindanao Economic Development Council (MEDCo) and the World Bank, the meeting served as a forum for members of the MWG to discuss how to preserve the peace and development gains in Mindanao.

The MWG is a mechanism/sub-group under the Consultative Group-Philippines, composed of government and donor representatives, for facilitating coordination of all foreign-assisted programs and projects in Mindanao.

Similarly, the EC affirmed its commitment to aid the people of the Philippines who are affected by natural or man-made disasters, by allotting • 7 million (PhP 470 million) aid for both relief efforts, as well as longer-term assistance to address the plight of displaced persons and host communities affected by conflict over recent years

For relief efforts, the EC, through its European Commission's Humanitarian Aid Department (ECHO) specifically allotted • 4 million (approximately PhP 270 million) to help people affected by the recent violent incidents in Mindanao.

This decision to fund humanitarian efforts was based on a rapid assessment of the immediate needs of the civilian victims of the recent outbreak of conflict in Mindanao. Conducted from 04 August to 04 September, the study was done by a technical expert from the ECHO Regional Office in Bangkok, in coordination with the National Disaster Coordinating Council, the Philippine National Red Cross, and other government and non-government organizations providing emergency assistance to displaced persons in Mindanao.

This funding will be coursed through veteran partners in the field, such as UN agencies, the International Red Cross, and NGOs. It will be used to include cover agency food distribution, drinking water and additional sanitation facilities, non-food relief items, basic shelter assistance, health care and psycho-social support, emergency support to livelihood rehabilitation and protection.

As for its longer-term rehabilitation assistance, the Commission also approved a grant of up to • 3m (approximately PhP 200 million) for the Internally Displaced Persons (IDP) programme that will be coursed through the UNDP.

Other members of the donor community have similarly expressed their support to the government's relief and rehabilitation efforts, as well acknowledged the need to strengthen their coordination work for peace and development in the island. for Mindanao.

"For this meeting, 2 key points have been acknowledged. First, on MEDCo's end, that as the only

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are unconstitutional, for the concept presupposes that the associated entity is a state and implies that the same is on its way to independence," the Supreme Court said.

Soliman Santos, author of "The Moro Islamic Challenge: Constitutional Rethinking for the Mindanao Peace Process" and "Dynamics and Directions of the GRP-MILF Peace Negotiations," among others, wrote, "for the Decision to say that the concept (of associative relationship) presupposes that the associated entity is a state and implies that the same is on its way to independence" is "highly debatable."

"There are states and 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 wrote. (*Carolyn O. Arguillas/MindaNews*)

Mindanao-wide integrator and coordinator for Mindanao, there really is a need to protect the gains invested into by the different stakeholders of the island," stated MEDCo Chair Virgilio Leyretana, Sr.

Usec. Leyretana then pointed out how Mindanao's economy is likely to grow this year due to sustained growths in agricultural crop production, exports and investments. He also pointed out how production of agricultural products continues to be remarkable in its performance for the 1st Semester 2008 due to the fact that the island is within the typhoon-free zone.

He further pointed out how Mindanao's total export earnings during the first six months of 2008 grew by 26.38 percent. Moreover, the PhP 4.289 Billion worth of investments in Mindanao for the 1st Semester 2008 registered with the Board of Investments created at least 3,617 jobs.

Likewise, in the area of peacebuilding, various independent outcome evaluation missions of

different peacebuilding programs in Mindanao have specifically noted various contributions of ongoing peacebuilding initiatives to the reduction of violent conflict. Indications of personal transformations, community empowerment and institutional capacities for conflict management are just a few of the important and critical transformation that can be seen in Mindanao communities.

"Second, while government is the prime duty bearer, all stakeholders of Mindanao, including the donor community, have the responsibility to protect that the investments that have been made for the island," Usec. Leyretana pointed out. []

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credibility now as far as the Mindanao peace process is concerned.

Iqbal added that while a strong international presence is desired in the resumption of negotiations, Malaysia should remain the facilitator between the two sides.

“We are also willing to talk to fellow Moro community leaders in the Autonomous Region in Muslim Mindanao. But we will talk to them as brother Muslims, not as negotiators. If any Muslim government official wants to reach out to the MILF about the peace process, then they have to go through Malaysia first,” said Iqbal.

He stressed that when the peace process was still on, the government and the MILF were not talking to each other directly but through the Malaysian facilitator, Datuk Othman Bin Abdul Razzak, who is from the Office of Prime Minister Abdullah Badawi.

It may be recalled that Malaysian Ambassador to the Philippines Ahmad Rasidi Hazizi said in September during the Ramadan fasting month that his country will still facilitate the Mindanao peace process as long as the Philippine government needs its help.

Hazizi emphasized that Malaysia wants peace in Mindanao and that Kuala Lumpur did not enter the peace process on its own, but did so after President Arroyo sought the help of the then Prime Minister Mahathir Mohamad in 2001.

“A lot of things can be done if there is peace...a lot of interactions between the two countries,” the Malaysian envoy said, such as economic and investment activities.

Malaysia has likewise spent over P500 million for its military contingent in the International Monitoring Team (IMT), but Hazizi said achieving peace is more important than money.

“When we went to play the role (of facilitator), there were a lot of financial constraints...a lot of energy needed, but we don’t talk about money...relations between the Philippines and Malaysia is more important,” he said.

The Supreme Court last August 4 stopped the signing of the MoA-AD scheduled in Putrajaya, Malaysia, which triggered fighting between the Philippine military and the MILF rebels after Commander Ameril Umbra Kato and Commander Bravo (Abdullah Macapaar) launched raids against Christian communities in North Cotabato and Lanao del Norte.

Kato’s and Bravo’s raids resulted in the killing of civilians and the burning of civilian houses. The President ordered the military to hunt down the two “rogue MILF leaders” and their men, putting up bounties of P10 million each for the rebel commanders’ capture.

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Autonomous Region in Muslim Mindanao (ARMM) as the core territory. MILF leaders said then that Kato and Bravo, now with P10 million each on their heads, vented their frustrations after the aborted MoA-AD signing.

In an article in www.mindanews.com, Murad told some 50 leaders of civil society organizations about the unilateral investigation by the MILF of its own top commanders started unannounced two weeks ago.

Peace advocate lawyer Mary Ann Arnado, secretary general of the Mindanao People’s Coalition (MPC) led the civil society leaders in trooping to Camp Darapanan, Sultan Kudarat town, in Shariff Kabunsuan province for the meeting with the MILF chairman.

Camp Darapanan, an hour or two ride from Cotabato City, is headquarters of the MILF peace panel Secretariat.

The meeting with nine civil society groups led by MPC was convened “to discuss civil society’s plan to conduct an information campaign and community consultations” on the MoA-AD. On Friday, lawyer Zen Malang of the Bangsamoro Policy and Law Center (BPLC), relayed to the Manila Bulletin the October 9 meeting of the civil society groups with Murad.

Malang said the meeting was part of the effort to restart the collapsed Mindanao peace process.

Murad cited the reason for the unilateral probe of Kato and Bravo even as civilian victims of Bravo in Lanao del Norte are still crying for justice for the atrocities they suffered from the MILF raiders. “We appealed for non-government organizations and international groups to conduct an impartial investigation, but since we could not expect any investigation anymore, we unilaterally conducted our own,” the MILF chairman, who replaced the late Ustadhz Salamat Hashim as MILF chieftain. Murad also realized that any result of the investigation would be put under a cloud of doubt and would be slammed as “biased.” “We know our investigation will not solve the problem because people would still be saying it is biased, but at least we have to do something because we cannot judge a person on the basis of perception,” Murad said.

Whether to punish Kato and Bravo, the MILF said this would be known after the probe. (Edd K. Usman)

Fighting continued to this day, with more than 60 persons killed and over 600,000, particularly in the ARMM, forced to evacuate and stay in evacuation centers or with relatives.

Maguindanao suffered the most with nearly 1,000 houses, eight mosques and six school buildings torched to the ground. (Edd K. Usman, Manila Bulletin)

Arroyo: Gov't wants peace with MILF



CAPTURED ARMAMENTS --- President Gloria Macapagal Arroyo is flanked by ARMM Gov. Datu Zaldy Ampatuan, AFP chief Gen. Alexander Yano (left) and Gen. Loreto Rirao of the 6th Infantry Division (right) as she inspects firearms the military reportedly captured in recent encounters with MILF forces in Central Mindanao.[]

GMA says she's fully committed to peace process

CAMP SIONGCO, Shariff Kabunsuan (October 18, 2008) – President Arroyo reiterated her commitment to the southern peace process yesterday but ordered the military to continue isolating commanders of the Moro Islamic Liberation Front (MILF) to restore normalcy in Central Mindanao.

Mrs. Arroyo, who visited the Army's 6th Infantry Division headquarters yesterday, also pinned medals on more than 30 military officers and enlisted soldiers for their gallantry in recent encounters with the recalcitrant group of Ameril Ombra Kato, chief of the MILF's 105th Base Command.

Among those the President awarded with a Bronze Cross Medal was the former chief secretariat of the government's ceasefire committee, Lt. Col. Dickson Hermoso, commander of the Army's 7th Infantry Battalion, who played a key role in the liberation last August of more than a dozen villages in North Cotabato from occupation by Kato and his men.

The President described as "morale boosting" the bravery of soldiers in fighting lawless MILF groups.

[GMA/p.9]

CAMP SIONGCO, SHARIFF KABUNSUAN, Philippines—President Macapagal-Arroyo yesterday said the government was committed to pursuing peace with the Moro Islamic Liberation Front (MILF) even as punitive actions against rogue Moro rebels continued in the restive South.

"Even as we pursue these criminals, we remain committed to peace. We must all work to gain peace in Mindanao," said Ms Arroyo in a speech she delivered before soldiers here.

While urging the military to continue running after the forces of Ameril Ombra Kato in Maguindanao and Abdullah Macapaar, alias Commander Bravo, in Lanao, the President reminded the soldiers to respect human rights.

"In the performance of your mandate, the strict observance of the human rights of civilians is paramount," she said.

"There is no alternative to peace so I count on you soldiers to work to isolate the lawless Moro rebels as we listen to the local communities," she said.

[ARROYO /p.9]

SC says MOA-AD can be renegotiated or another one drawn up but...

DAVAO CITY (MindaNews/17 October) – By a vote of 8-7, the Supreme Court ruled as unconstitutional the Memorandum of Agreement on Ancestral Domain (MOA-AD) between the government and the Moro Islamic Liberation Front (MILF) but noted that "surely, the present MOA-AD can be renegotiated or another one will be drawn up to carry out the Ancestral Domain aspect of the Tripoli Agreement of 2001, in another or in any form, which could contain similar or significantly drastic provisions."

The MOA-AD, initialed by government peace panel chair Rodolfo Garcia and Presidential Adviser on the Peace Process Hermogenes Esperon and MILF peace panel chair Mohagher Iqbal on July 27 in Kuala Lumpur, was scheduled for formal signing on August 5 in Putrajaya, Malaysia, but the Supreme Court issued a temporary restraining order (TRO) preventing the executive department from signing the agreement, supposedly the last of three agenda items under the 2001 agreement, after security and relief and rehabilitation, prior to the discussion on the political settlement.

But the Supreme Court, citing the Executive Secretary's explanation that the government is committed to securing

[SC/p.8]