



Hawkish people' blamed for war

KIDAPAWAN CITY — Task Force Detainees of the Philippines (TFDP), a group documenting human rights violations, has blamed people whom, it said, have "narrow interests in politics and hawkish attitude towards the Moro issue in Mindanao" as the culprits behind the renewed hostilities.

In a statement, TFDP said the controversies brought about by the memorandum of agreement on the ancestral domain between the national government and the Moro Islamic Liberation Front (MILF) sparked the war in North Cotabato and other parts of Mindanao.

"The armed component of the MILF is now out of control, spreading terror among the civilians," TFDP said.

The situation, it said, has been aggravated by the retaliatory response of the Armed Forces of the Philippines, "as if everything is out of control and the condition for a prolonged war in Mindanao and renewed animosity among

[HAWKISH/p.11]



FROM THE AIR --- An airforce chopper hovers near a position of Moro Islamic Liberation Front fighters in Datu Piang, Maguindanao.]

GRP-MILF Peace Process: Quo Vadis?

August 23, 2008 Unedited, verbatim reprint from
MILF website www.luwaran.com

Cotabato City, "GRP-MILF Peace Process: Quo Vadis?" This was the brief reaction of a Moro scholar who styles himself as "Datu Pilandok sa-laya"! "Where, indeed, is the GRP-MILF Peace negotiation leading to?" He was interviewed by *Luwaran* and he gladly agreed to give his views.

Luwaran: What do you think of the view of MILF Peace Panel Chair Mohagher Iqbal that the initialed GRP-MILF MOA-Ad is a "done deal" and which Presidential Adviser on the Peace Process Secretary Hermogenes Esperon,Jr., disagress and responded that, it is not yet a "done deal."

Datu Pilandok sa-laya: In the first place, both are non-lawyers. But I understand that Brother Iqbal has consulted the lawyer members of the MILF Negotiating Peace Panel in the likes of Attys. Datu Michael O. Mastura, Musib M. Buat and Lanang Ali before he made that statement. Datu Mike or Kaka Mike (Atty. Mastura) as he is fondly addressed by his Moro colleagues in the MILF Panel has expressed the view that under the Vienna Convention

[GRP/p.11]

Palace: No signing of MOA in present form

MANILA, Philippines—Malacañang announced Thursday night that it would not sign a memorandum of agreement (MOA) on an expanded Bangsamoro homeland in its present form.

Press Secretary Jesus Dureza said that the Arroyo administration was reviewing the MOA on ancestral domain in the light of statements made by several justices during a hearing last week opposing the deal and the outbreak of violence in Mindanao.

"They committed terrorist activities there," Dureza said, referring to attacks mounted by guerrillas of the Moro Islamic Liberation Front (MILF) in at least five provinces in Central

[PALACE/p.10]

Supported by:



Institute for
Autonomy and
Governance

A firm statement of patriotism to adhere to the MOA-AD

By Chairman Al Haj Murad Ebrahim

Honoring our Written Agreements
CAMP DARAPANAN, Shariff Kabunsuan,
Aug.23, 2008)

It behooves upon the Moro Islamic Front (MILF) and the Government of the Republic of the Philippines (GRP) to keep on track the status of the peace process. None of us thinks the MOA-AD will end the life of the country. But it lets the Bangsamoro people feel a sense of purpose with new "associative ties" to the rest of the Philippines, redefining the relationships between the Filipino people and Bangsamoro people.

I believe that tracking our footprints on the negotiation path can help tread peacefully using the MOA-AD as a great motivation on the way forward. After four years and months of Exploratory Talks, the MILF wants to keep going and see if we can leave behind the imprints of past Moro wars, end the armed conflicts of recent decades and deal with the Comprehensive Compact.

The Bangsamoro Juridical Entity (BJE) is an abstract idea that is hard for ordinary people to connect to. It's good to build public confidence around this conceptual framework at basic level, with a written instrument, for the peaceful negotiated settlement of age-old 'Moro Problem' and armed conflict in Mindanao

As a revolutionary movement, the MILF takes the

controversy over the release of the contents of the MOA-AD a call to redefine patriotism. What defines us as patriots of our historic Bangsamoro homeland is a positive force in the country today.

What we, majuhideens, fights for now find open articulation in the MOA-AD: Our political sentiments and collective actions to pursue the right "to determine our own future political status free from imposition".

This Memorandum of Agreement has the ingredients of an "elegant formula" fulfilling one of the objects of negotiation to put an idea before the public. It does on paper equations of "trade-offs" instead of "sell-out". More importantly, it is a firm statement of patriotism on behalf of all the Bangsamoro who claim it a birthright right to assert their distinct identity. It makes a plausible public expression of what political moderates and peace advocates demand in common as well as human right activists march about en masse.

Let us not forget, too, our comrades-in-arms in the liberation movements who have been aspiring for what they progressively desire to accomplish a long time. Today we find one voice, one sentiment in our long struggle for self determination and freedom.

The track the GRP-MILF negotiation path, the aborted signing in the Malaysian capital is confirmation to wary investor and multi-donor countries on the incapability of the GRP of living up to its commitments and honoring its agreements. Certainly, no rhetoric of anti-Moro and anti-Muslim sentiments opposed to the MOA-AD can distort the bias of diplomacy towards settling the essence of the Bangsamoro problem with third party facilitation

For the sake of the primacy of the peace process, I want to caution people in the media to desist from fueling years of vengeful arrogance. Through opinion-editorials and spins in news coverage, your diatribe alienates many others—more than our revolutionary forces.

For the sake of evoking public response, the domestic scrutiny of the MOA-AD before the Supreme Court has done the way of media intrusion for full disclosure. The trouble is that it makes consensus and agreement very hard to achieve.

Attempts to stop the signing of the agreed text of the MOA-AD through petition for temporary restraining order are other forms of suppression of Bangsamoro parallel to domestic political decisions. Of what peaceable benefits is derived from the foreclosure of the negotiation for discretion of Government negotiation in subsequent stages for the details of how the Comprehensive Compact, if reached, is to be revealed.

Overall, the negotiation of the MOA-AD is a done deal
[STATEMENT/p.8]

EDITORIAL BOARD

BGen Rey Sealana AFP
Chief Executive Officer

Toks Ibrahim
Chief Editor

Capt Carlos T Sol Jr PA
Rashid Ladiasan
Associate Editors

Editors: Col Franklin Del Prado
Geraldine So
Josan Pacaldo

Rodolfo C. Garcia
Mohagher Iqbal
Counselors

Technical Staff:

Danny Pillo
Philip Villamar
Daniel Villasor
Ivan Escaño
Ricahard Bedua
Dadlen Corollo

Bobette Dimaukom
Sammy Usop
Toks Upam
Jonnel Develos
Dong Gag-uman
Esmael Lucas

The publication of this newsletter is made possible through the technical and financial assistance provided by the Institute for Autonomy and Governance and the Konrad Adenauer Stiftung. The IAG is at the Alumni Center, Notre Dame University, Cotabato City and the KAS is at ALPAP 1 Building, 140 Leviste Street, Salcedo Village, Makati City.

Government of the Republic of the Philippines –
Moro Islamic Liberation Front

**COORDINATING COMMITTEES
ON THE CESSATION OF
HOSTILITIES**

Cotabato City

JOINT RESOLUTION

WHEREAS, the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) signed the Agreement on the General Cessation of Hostilities (AGCH) in Cagayan de Oro City on July 18, 1997 with the primary intent of providing a conducive environment for the GRP – MILF peace process aimed ultimately at forging a negotiated political settlement of the conflict in Mindanao and the Bangsamoro problem.

WHEREAS, there has been an intermittent armed clashes and hostilities in some barangays in Aleosan, Cotabato between the armed local Civilian Volunteers Organizations (CVOs) and forces of the MILF which started on July 14, 2008, which can potentially affect the bordering barangays at the adjacent municipality of Midsayap, Cotabato.

WHEREAS, the prevailing situation had rendered adverse effects and repercussions to the civilians, good relationships, and the GRP-MILF peace process.

WHEREAS, there is an immediate need to stop the aforementioned armed clashes and hostilities between the two contending forces in order to sustain the truce, preclude unnecessary loss of lives, destruction of properties, displacements of civilians, effect restoration of normalcy in the area, and above all, uphold the primacy of the peace process.

THEREFORE BOTH PARTIES, resolve as it is hereby resolved:

- A. That both the warring forces must immediately cease and desist from firing each other and strictly adhere to the Agreement on the General Cessation of Hostilities signed in Cagayan de Oro City on July 18, 1997, particularly and especially on the movements and activities of respective forces.
- B. That a JOINT MONITORING and

[JOINT/p.8]

Mindanao bishops pray for peace

Mindanao bishops are praying for peace even as four of their priests and a seminarian were reported as among those abducted by Moro Islamic Liberation Front (MILF) rebels but later escaped last Monday in Kolambungan, Lanao del Norte.

Marbel, South Cotabato Bishop Dinualdo Gutierrez, speaking in a media forum yesterday, said that people should hope for peace in the whole region even if hostilities are ongoing in North Cotabato and Lanao del Norte.

“While violence elicits negativity, let us move forward,” said Bishop Gutierrez, whose diocese covers the Soccsargen (South Cotabato, Sarangani and General Santos) provinces.

Gutierrez, who has been assigned to the Diocese of Marbel since 1981, said the violence has toned down as compared to previous incidents of hostilities in Mindanao.

The 69-year-old prelate believes that peace can be attained if everyone, from the highest official to the ordinary Filipino, would work toward attaining this goal.

When asked what was his message to President Arroyo, he said, “First, pray hard, second forget politics and continue flooding the Autonomous Region in Muslim Mindanao (ARMM) with basic services, good governance and dialogue.”

Malacañang earlier asked the Bishops-Ulama Conference (BUC) to assist them in their peace efforts, but Gutierrez said they have been offering their services and assistance to the government for the past four years.

He said they are willing to act as advisers or consultants of the Chief Executive.

The Catholic Bishops’ Conference of the Philippines (CBCP) Permanent Council is also set to meet next month with the Mindanao situation and the efforts of the Arroyo government to revive Charter change would most likely be part of the discussions.

“Last month, a high government official told us in our meeting at the BUC that the MILF has lost the original paradigm which is the common good of the Muslims,” said Bishop Gutierrez.

This prompted the 75 members of the BUC to verify this information.

The BUC will hold its 35th general assembly on Nov. 18 to 21 in Jolo, Sulu, where they intend to discuss with leaders of the local Muslim community their intentions, needs, and desires.

They might not touch the issue on the MOA-AD since some of them might not have even heard of the memorandum. (By Evelyn Macairan, Thursday, August 21, 2008 – With Jess Diaz)

SC Spokesman, critics Gov't must prove MOA-AD won't be signed

MANILA, Philippines — The government will have to present proof that it is not signing the controversial memorandum of agreement on ancestral domain (MOA-AD) with the Moro Islamic Liberation Front (MILF), which critics have asked the Supreme Court to declare unconstitutional, the high court's spokesman said Thursday.

"If you read the manifestation of the solicitor general, there is no formal manifestation that the MOA will no longer be signed. The solicitor general has to convince the court that the MOA will no longer be signed," Supreme Court spokesman Jose Midas Marquez said.

Marquez said oral arguments scheduled on Friday will probably center on the motion filed by Solicitor General Agnes Devanadera asking the high court to dismiss petitions to have the MOA-AD unconstitutional.

"The issuance by the Honorable Court of a temporary restraining order, coupled by present condition in some areas in Mindanao, dictates that the MOA, in its present form, must undergo a thorough review. In fact, the Executive Department will pursue further negotiations with the MILF to address the issues hurled against the MOA," Devanadera's motion said.

"Further negotiations with MILF necessitate consultation with various stakeholders, including those who will be affected by the expansion of the present Autonomous Region in Muslim Mindanao," it added.

All five petitioners against the MOA-AD and the nine intervenors who joined their suit have been

[SC/p.8]

MILF silent on 'NGO-led peace talks'

COTABATO CITY, Philippines—Leaders of the Moro Islamic Liberation Front (MILF) were tight-lipped on Sunday on the pronouncement of President Gloria Macapagal-Arroyo for nongovernment peace advocates to lead in public discussions on the Mindanao peace process.

Mohaquer Iqbal, MILF chief negotiator, also refused to comment on a possible renegotiation or non-signing of the controversial memorandum of agreement on ancestral domain (MOA-AD) that would hand over parts of

[SILENT/p.7]

"Now everything's gone. Everything"

KAUSWAGAN, Lanao del Norte — (MindaNews/22 August) — Twenty-seven year old Lani Banglos did not mind the drone of Air Force helicopters flying overhead as she searched the ruins of her small sari-sari store in Barangay Lapayan.

Using a small stick, Lani poked under a burnt refrigerator and found a blackened coin underneath the ashes. She picked it up and showed her total find: seven coins in all.

Lani's savings, representing two years of hard work as domestic helper in Quatar, have been reduced into a small heap of ashes.

"Everything. All the hard work I did for two years," she said as the tears welled and her voice became hoarse. "Now everything's gone. Everything."

Lani was sleeping inside her store along with her father and brothers when the Moro Islamic Liberation Front rebels arrived in Barangay Lapayan, in Kauswagan town Monday dawn.

She said they were roused from sleep by the loud noise made by the rebels and the barking of the dogs.

Soon the rebels were banging on the door of her store. Sensing danger, Lani and her family decided to leave using a backdoor exit.

They joined other residents who fled to the beach.

The rebels took everything they could carry from Lani's store and set it on fire along with 19 other houses.

"I don't even know what they are fighting for. I don't even know what this BJE (Bangsa Moro Juridical Entity) is all about," she told Mindanews.

"All I know is that I am back to square one,"

Lani said she is thinking of going back to work in the Middle East and save money despite the hardships she will encounter there from abusive employers.

"I don't know... I don't know," Lani said as she continued looking for things to retrieve from the rubble.

Just weeks ago, a peace deal to end the decades-long insurgency in Mindanao had seemed within reach after government and rebel negotiators initialed a Memorandum of Agreement on Ancestral Domain (MOA-AD).

But politicians led by North Cotabato Vice Governor Emmanuel Pinol challenged the deal in the Supreme Court, which issued a temporary restraining order on the eve of the August 5 signing in Malaysia.

Abhoud Syed Lingga, Cotabato City-based executive director of the Institute of Bangsamoro Studies, said the Supreme Court's intervention triggered a reaction among the more radical MILF fighters.

"When the Supreme Court interferes in an issue that

[NOW/p.6]

Muslim religious leaders to GRP, MILF: exercise restraint

ALABEL, Sarangani Province (MindaNews/22 August) – Moro religious leaders and

scholars and Shariah lawyers who gathered in a consultation here appealed to the government and Moro Islamic Liberation Front (MILF) to exercise restraint as they called on the Supreme Court to lift the temporary restraining order to enable both parties to sign the Memorandum of Agreement on Ancestral Domain.

“Resorting to violence will just worsen, rather than resolve the problem,” the group said.

In their statement calling for peace and justice in Mindanao, 43 ulama (religious leaders) from Zamboanga del Sur, North and South Cotabato, General Santos City, Cotabato City, General Santos City and Sarangani Province, said they have been “alarmed by the fragile peace situation in Mindanao aggravated by the controversies surrounding the MOA-AD between the GRP and the MILF” and appealed to both government and the MILF to “exercise restraint and sobriety amidst heightening tensions in Mindanao and honor the agreement on the cessation of hostilities signed in 2004 and (to) avoid escalation of conflict.”

The Ulama gathered for a two-day consultative forum hosted by the Philippine Council for Islam and Democracy at Isla Parilla Resort here on August 18 and 19.

The group asked the Commission on Human Rights and other regional and international human rights organizations to “monitor the conflict and ensure that internationally accepted agreements on war are adhered to.”

They also appealed to officials and other personalities to “refrain from issuing irresponsible and inflammatory statements that may deepen the crisis and cause unnecessary conflict among the different religious and ethnic groups in Mindanao; further, the Muslim community will reject any attempts to hijack the peace process for political opportunism.”

The group expressed their opposition to plans to revisit or renegotiate the MOA and instead urged government to honor its commitments as stipulated in the agreement.

To the media, they appealed for “responsible reporting and not to exacerbate the already tense situation.”

Dr. Anzari Ali of the Mindanao State University said the Moro problem will remain a problem unless it is properly addressed. He added that the MOA-AD is an ideal solution to resolve the decades of conflict in Mindanao.

Bai Amira Kusin, a preacher and peace advocate from General Santos City, said the failure of the government to sign the MOA-AD shows “its insincerity to deal with

Dureza: MOA won't be signed, whatever SC decides on

DAVAO CITY (MindaNews/22 August) – “No matter what the decision of the Supreme Court will be, the Arroyo government will no longer sign the Memorandum of Agreement on Ancestral Domain (MOA-AD) in its present form,” the Office of the Press Secretary reported. The OPS quoted Press Secretary Jesus Dureza as saying in a radio interview Friday that “on the part of the executive department, meron ng desisyon na hindi natin pipirmahan iyan (there is already a decision not to sign the MOA-AD) whatever is the decision of the Supreme Court on that particular issue.”

The MOA-AD was initiated in Kuala Lumpur by government peace panel chair Rodolfo Garcia and Moro Islamic Liberation Front (MILF) peace panel chair Mohagher Iqbal. Presidential Adviser on the Peace Process Hermogenes Esperon also initiated the MOA-AD which was scheduled for formal signing in Putrajaya, Malaysia on August 5.

The Supreme Court, however, issued a temporary restraining order afternoon of August 4, preventing the executive department from signing the MOA.

Dureza said there are many things government has to attend to.

“Hindi ba may mga kuwestiyon nga tungkol sa Constitutionality at may mga insidente tayo sa Mindanao na parang dapat ang gobyerno ngayon, titingnan muna, ano ba ito, may mga grupo palang hindi kayang kontrolin ng MILF” (Don’t we have questions on Constitutionality and we have incidents in Mindanao so that government now should see, what’s this, so there are groups not under the control of the MILF.”

Last Monday, August 18, 33 civilians were killed in Lanao del Norte’s Kolambungan, Kauswagan and Maigo towns and two in Maasim, Sarangani, in attacks blamed on the MILF.

Malacanang’s response has been swift but confusing.

Morning of August 18, just hours after the attack in Lanao del Norte, President Arroyo appeared on television condemning the attack. “Because of this sneaky and treacherous attack, as your commander-in-chief, I have ordered the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) to defend every inch of Philippine territory against MILF forces, and immediately restore peace in the affected areas in Lanao de Norte. We will not tolerate — I will crush any attempt to disturb peace and development in Mindanao,” she said.

On August 19, Press Secretary Jesus Dureza said the MOA-AD would be renegotiated.

On August 20, Executive Secretary Eduardo Ermita told the Malacanang Press Corps that there “in its present form,” the MOA-AD “must undergo review” but “there’s no need to strike down the MOA-AD.”

Ermita said the Solicitor-General on Tuesday “presented a manifestation before the Supreme Court that there will be further review of the existing documents especially the MOA with the end in view of moving the negotiations that will lead to the crafting of the final peace agreement within the

NOW . . . from page 4

is mainly political, it's a drawback," Lingga says. "It's a disincentive to insurgents to stop fighting and come back to the negotiating table."

The attack on Kolambungan town and outlying villages by the MILF rebels under Abdul Rahman Macapaar alias Commander Bravo surprised everyone in Lanao del Norte because of its ferocity and wanton attacks against civilians—acts forbidden by the revolutionary organization.

At least 33 civilians including children as young as three-year-old Love-Love Socejo, were killed. Her body was found along with her father in Kolambungan town Tuesday.

The National Disaster Coordinating Council said at least 40,000 residents have been displaced by last Monday's raid.

The government has deployed some 3,000 soldiers backed by OV-10 Bronco bomber aircraft and helicopter gunships to run after Commander Bravo whom they described as a "rogue MILF commander."

"The MILF had attacked our towns in the past but last Monday's raid was the worst ever. This time, they went to the houses, dragged the occupants and killed them," Dr. Gemma Diano, municipal health officer of Linamon town said.

Diano said the rampage sent residents in Lanao del Norte's five towns of Linamon, Maigo, Kauswagan, Kolambungan and Bacolod, fleeing.

"Now we are facing a man-made disaster and I am running out of medicines to treat colds and coughs," she said.

Diano said many of the 3,900 evacuees at the Linamon Elementary School are suffering from colds, coughs and abdominal pains—symptoms of stress from fleeing the fighting.

"Many of the evacuees are still scared because of the tense situation in Lanao del Norte," she said.

Underscoring her point was last Monday's incident when text messages sent to panicky residents of a bogus MILF attack in Iligan City triggered mass hysteria resulting to the death of two persons who suffered heart seizures at the height of the commotion.

But for 70-year-old Sabelina Dial of Barangay Buski, Linamon town, her friendship with her Muslim neighbors is deeper than last Monday's rampage.

"I remembered how our Maranao friends helped us when we first came to settle in Barangay Buski in 1952. They were so helpful," Dial said. "We would even go together to fish in the shores of Linamon. They even allowed us to ride the logging trucks to go down to the beach."

Her niece, Baby Cube, also did not begrudge their

DUREZA . . . from page 5

context of our Constitution, as a matter of fact."

On August 21, President Gloria Macapagal-Arroyo herself announced a "shift" in the government's peace efforts.

Speaking at the opening of the 2nd Philippine International Motor Show at the World Trade Center in Pasay City, she said, "the focus of our talks shall shift from the armed groups to the communities. The parameters governing our negotiations shall be a balance between the constitutionality and public sentiment."

The President said the government's objective is to end all armed rebellion in the country, "thus any engagement with all armed groups from here on in will focus on disarmament, demobilization and rehabilitation (DDR)," the OPS reported.

"DDR is about the people and government telling armed groups to give up armed struggle. Change shall be defined primarily by the people and the government," she said.

"From negotiations, our focus shall shift to dialogues with the communities, or government conducting authentic conversations or dialogues with the people," she said.

"The President reiterated that all armed groups must account for their actions not only to the government but more

[DUREZA/p.7]

Maranao neighbors and said she still considers them her good friends.

"They are very good to us. My Muslim neighbors told me those who attacked Kolambungan were Maranaos from Lanao del Sur," she said.

Cube said she believed what her Muslim neighbors told her that the proposed Bangsamoro Juridical Entity (BJE) will not "hurt" the Christians.

She said they were even worried for her safety when she took her two children and fled to the town center in Linamon when she heard gunshots in Barangay Buski.

"I had only P80 with me but I was scared. I just left everything and took my children to Linamon," Cube narrated.

At a small corner in one of the classrooms in Linamon Elementary School, Adela Hinaya had opened a small sari-sari store selling coffee, cigarettes, junk food and candies.

"These items are the ones I took from my store in Bbarangay Buski. Since all of the people in the village are here, I decided to open the store here," Hinaya said as she fed her two-year-old child rice she got from aid agencies.

Hinaya said her father opened a small farm with the help of their Maranao friends in Barangay Buski in the 1950s and later, one of her nieces got married to a Maranao.

"Our Maranao friends always attend our family gatherings like they were of our blood. So why begrudge them now? Hinaya said. (MindaNews, Saturday, 23 August 2008)

MUSLIM . . . from page 5

the Moro people."

Ustadz Mohamad Taha Abdulgapor from South Cotabato said the MOA-AD is a key to resolving the Bangsamoro's clamor for self-determination which they have been fighting for.

"Why not give chance to the Moro people to run their affairs," he asked. He stressed that if Mindanao attains peace, "then the whole country will be developed."

In the statement, the Ulama believe that resorting to violence, will just worsen, rather than resolve the problem, that peace is the only way out of this current predicament; and that such peace must be just and comprehensive. (Gandhi C. Kinjiyo/MindaNews)

DUREZA . . . from page 6

importantly to the people," the OPS reported, quoting her as saying "the force of arms does not entitle any armed group to represent the people."

The OPS also reported that Ms Arroyo said the "change in the government's approach to end the Mindanao conflict" was "prompted by the atrocities committed recently by forces of the Moro Islamic Liberation Front (MILF) in North Cotabato, Lanao del Norte, Sarangani and Maguindanao."

Dureza on August 22 – or two days after Ermita talked about "further review," said government will no longer sign the MOA-AD, whatever the Supreme Court decides on.

"Mahirap namang pumirma tayo diyan (MOA-AD) kaagad na ganun pa rin, ginugulo pa rin tayo. Ang ibig pong sabihin niyan, na hindi tayo pipirma" (It's difficult for us to sign the MOA-AD. Immediately, we're being troubled. What this means is, we will no longer sign.)"

Dureza was former Presidential Adviser on the Peace Process (PAPP) and the Arroyo administration's peace panel chair in the negotiations with the MILF from early 2001 to May 2003.

MILF peace panel chair Mohagher Iqbal had earlier said the MILF "will not renegotiate" since the MOA-AD, he said, is already a "done deal."

"We will stick to it and we will assert," he said.

Datu Michael Mastura, lawyer and historian and senior member of the MILF peace panel, told MindaNews it is "wrong advice to PGMA to shift to DDR."

"In negotiations, this is normally done after a peace deal is sealed. DDR is a formula for humanitarian tragedy, and international intervention," he said.

"The peace process is dead," said lawyer Zainuddin Malang, executive director of the Bangsamoro Center for Law and Policy.

"How can you possibly engage in DDR when there's no peace agreement? That's very basic. Any conflict resolution specialist will tell you that," he told MindaNews.

Abdul Guiaplos, 65, a Maguindanaon Moro from

SILENT . . . from page 4

Mindanao to the MILF as the Bangsamoro homeland in an autonomous state setup.

The President said she wanted nongovernment organizations to "spearhead" the forming of a public consensus on how to win peace with the MILF.

"We will wait for the official communication from the Philippine government regarding that matter. I cannot just give you comments based on newspaper reports," Iqbal told the Philippine Daily Inquirer (parent company of INQUIRER.net) Sunday.

In a separate interview by phone, Ghadzali Jaafar, MILF's vice chair for political affairs, made the same pronouncement but he added that the MILF Central Committee would discuss the government's option upon receiving an official letter from government negotiators.

"Even the two non-government organizations mentioned to lead in the peace negotiation, I am not familiar with them. I have no idea if they exist here in Mindanao or in Manila," Jaafar said.

Executive Secretary Eduardo Ermita mentioned the two non-government organizations as the Christians-Muslims for Peace and the Philippine Council for Islam and Democracy.

Before the Supreme Court issued a temporary restraining order on the Aug. 5, the signing of the MOA-AD in Malaysia was to have paved the way for the resumption of formal peace talks between the government and the MILF.

In another development, Muhammad Ameen, MILF's chief secretariat, reminded senators opposed to the MOA-AD that right at the start of the peace talks in 1997 the negotiation was already extra-constitutional.

"When you talk to rebels, it is understood that you suspend your laws over them or they will not talk to you and let their guns speak," Ameen said in statement posted on their website, www.luwaran.com.

"It is regrettable that still many senators, who are supposed to be national leaders, are ignorant of these models of conflict resolutions around the globe. They showed their biases, prejudices, and hatred in recent days, and ganged up on the MILF and the Moro people as if they are toughies on the streets," he added. (August 17, 2008, Jeffrey Maitem, Mindanao Bureau)

Pamalian in Pikit, North Cotabato, one of thousands of displaced villagers presently seeking refuge in the Buisan warehouse, told MindaNews he hopes government and the MILF will return to the negotiating table "para mag-isitorya sa problema para gubot maundang" (to talk about the problem so the war will end) and they can return home.

It has been two weeks since they fled home.

Guiaplos, who was born in Pamalian and who says he's evacuated several times since the 1970s, said, in war "kaluoy man ang mga gagmay. Ang pobre mas ma-pobre" (the most pitiable are the poor. The poor become poorer). [Carolyn O. Arguillas/MindaNews]

STATEMENT . . . from page 2

in accordance with modern treaty law practice. As such, for the MILF side, there is none to agree to nay further as framework agreement except to honor the terms and stipulations in good faith. In as much as representatives of the parties duly initiated the MOA-AD thereto afterward they exchanged copies.

The original initiated copy of the agreed text in the English language together with maps annexed thereto as of 27 July 2008 was deposited with the Malaysian Secretariat.

The initialing took place in Kuala Lumpur to jibe with the formal signing ceremony dated 5 August 2008; on the part of the GRP negotiating panel chairman Rodolfo Garcia, and for the MILF negotiating panel chairman Mohaqher Iqbal.

Likewise, the Presidential Adviser on the Peace process Hermogenes Esperon affixed his initial on the agreed text. The Malaysian facilitator Datuk Othman Bib Abd Razak properly initiated as witness the copy of agreed text.

On a personal note, we do commend both the MILF and the Government negotiating panels and all those who took part in this great endeavor.

SC . . . from page 4

ordered to reply to the solicitor general's motion.

Three of the intervenors — Senator Manuel Roxas II, former Senate president Franklin Drilon, and lawyer Adel Tamano — said there was no legal basis to dismiss the anti-MOA-AD petitions notwithstanding government statements that the controversial accord would no longer be signed.

"A statement from [government] that it will undertake a review of the terms of the MOA or will renegotiate its terms is not tantamount to a commitment that they will not sign the same," their petition said.

"Let the court decide once and for all," Drilon said at a press conference of the Liberal Party on Thursday.

For his part, Roxas said it was important that the MOA-AD be finally junked so as not to leave the MILF some "negotiating points" they could use should peace talks resume in the future.

Roxas said the resolution of the issue by the high court would be important because "it would shape future talks [between the government and the MILF]."

Objecting to the government motion seeking the dismissal of the case, Drilon said the high court should decide "if [President Gloria Macapagal-Arroyo] can dismember the republic and [if she can] violate national sovereignty."

(By Tetch Torres, INQUIRER.net, 08/21/2008 Edson Tandoc Jr., Philippine Daily Inquirer)

JOINT . . . from page 3

ASSISTANCE TEAM (JMAT) composed of representatives from GRP CCCH, MILF CCCH, IMT and Bantay Ceasefire be established immediately in a strategic area, mutually agreed upon, in Aleosan to maintain and monitor the ongoing Ceasefire Agreement; and that to strengthen the existing JMAT-Rangeban in Midsayap in order to prevent spillover of the conflict.

- C. That the repositioning of warring forces be facilitated in order to preclude repetition of armed clashes and hostile acts that undermine the Ceasefire Agreement and the peace process.
- D. That a Fact-Finding Committee to be composed of the International Monitoring Team (IMT), GRP CCCH, MILF CCCH and Bantay Ceasefire be created in order to verify the proximate cause of the armed clashes and come up with a viable solution / recommendations leading to the normalization of the situation.
- E. That the return of the Internally Displaced Persons (IDPs) must be facilitated through concerted efforts of duly constituted and concerned entities.
- F. That relief and rehabilitation programs must be given priority for the affected areas / communities / families / individuals.
- G. That peace advocacy, dialogue and reconciliatory programs must be undertaken particularly in the municipalities of Aleosan and Midsayap, both of Cotabato Province.
- H. That advocacy and engagements, as far as practicable, with the concerned local government units must be initiated to ensure their support for the implementation of this resolution.

DONE THIS 30th day of July, 2008 in Cotabato City, Philippines.

BGEN REYNALDO D SEALANA AFP
Chairman, GRP CCCH

TOKS EBRAHIM
Chairman, MILF CCCH

ATTESTED BY:

FADM DATO' AMZAH PAHLAWAN BIN SULAIMAN
Head of Mission, IMT M-3

ARMED . . . from page 12

real peace, then the military operations has to cease," CWR executive director Jojo Guan said.

The CWR expressed concern over the effects of the intensified military operations against the Moro Islamic Liberation Front (MILF) in Mindanao to women and children who are vulnerable in situations of armed conflict.

Likewise, the group warned that the increasing hostilities between the military and the separatists in Mindanao not only disrupt lives and dislocate women and children from their community and livelihood sources, but also results to grave health risks.

The study showed that women suffer undue stress brought by armed conflict.

Likewise, women affected by armed conflicts incur stress-related illnesses due to distress, anxieties and frustrations and many experience sleeplessness and nightmares.

"Pregnant women, due to shock and fear, may lose their babies. In some cases, panic leads to premature birth," the study pointed out.

"Since evacuation centers are usually congested and unhygienic, recurring coughs, colds and fevers and the spread of scabies are common. In some instances, the condition in evacuation center even leads to infant deaths," it added.

Furthermore, there is an observed tendency toward longer term displacements as more civilians no longer want to return to the locations of their previous homes. (By ELLALYN B. DE VERA, Manila Bulletin news item, published August 21, 2008)

RELIGIOUS . . . from page 12

marking the history of Mindanao in the mid-70s and more recently in mid-90s and the early years of the present century," they added.

They asked both Muslims and Christians "to stay calm and remain true to their calling as created beings under the Almighty and most merciful God."

"First, we deplore the violence that has taken place in some municipalities of Lanao del Norte, the needless loss of human lives and properties," the bishops and ulama said. "We deeply sympathize with the victims and relatives and together with them, we ask that justice be meted out to those responsible for these crimes," they added.

The religious leaders, too are asking the government to look after the civilians caught in the crossfire and appealed for humanitarian assistance to "families that have been forced to evacuate and leave their homes and livelihood behind."

They said, too, that peace and development should be promoted throughout Mindanao. "We cannot allow the

MNLF . . . from page 12

At least 32 civilians and security officers were killed when the MILF rebels attacked five towns in Lanao del Norte on Monday, a week after military offensives dislodged the secessionist rebels who occupied 15 villages in the neighboring province of North Cotabato.

The attacks came after the Supreme Court temporarily stopped the government from signing an accord that would have given the MILF administrative and economic power over an expanded autonomous region in Mindanao.

Lorena said that based on his experience with the peace panel before, the memorandum of agreement on ancestral domain was just a "preliminary" document which would pave the way for further negotiations.

For instance, he said that MNLF's final agreement with the government took two preliminary agreements in 1994 and 1995 before it was finally signed in 1996.

Some provisions in the questioned homeland deal are also already provided for in the agreement between the government and the MNLF signed 12 years ago, he added.

For example, the provisions in the draft accord which allows the proposed Bangsamoro Juridical Entity to put up its own police and security force is already in place with the establishment of a regional command of the police and the military in the Autonomous Region in Muslim Mindanao, an offshoot of the 1996 agreement.

Lorena now serves as the consultant to the government in reviewing the 1996 agreement between the MNLF and the government. He said that while some provisions had been fully implemented, some "have not been sufficiently implemented" like the establishment of Shari'ah courts and provisions on the educational system in the ARMM.

Asked if the draft agreement with the MILF would have an effect on the coverage of the MNLF agreement, Lorena said there would be no effect yet since it was only a proposal.

The MILF had been the major Islamic group fighting for a separate Moro homeland in Mindanao since 1972 until the MILF broke away from it five years later over differences stemming from the 1976 peace accord. (By Edson C. Tandoc Jr., Philippine Daily Inquirer, 08/21/2008)

peace process to be held hostage by armed groups," they stressed.

"Lastly, we appeal to all to observe sobriety and to be careful in passing information and making uncritical remarks that could further inflame the already volatile situation," they said. (Violeta M. Gloria / MindaNews, Thursday, 21 August 2008)

PALACE . . . from page 1

Mindanao that had left scores of civilians dead, including women and children.

"The position of Malacañang is very clear. We will not yet sign that, whatever the ruling of the Supreme Court will be," Dureza said. "We will await the ruling of the Supreme Court, but the decision had been arrived at, we will not sign the MOA in its present form."

Asked if the government had informed Malaysia and the powerful Organization of the Islamic Conference, which brokered the accord, Dureza said that Presidential Peace Adviser Hermogenes Esperon Jr. had been tasked to do this.

Court spokesperson Jose Midas Marquez told reporters earlier Thursday that the high tribunal would resume its hearing on Friday on petitions to strike down the MOA unless the Arroyo administration made a categorical statement that the deal was off.

Marquez said that Tuesday's motion by Solicitor General Agnes Devanadera asking the tribunal to dismiss petitions against the MOA because "circumstances had changed" and the administration would renegotiate it anyway was not convincing enough.

Formal manifestation

"I think there has to be a formal manifestation of the intention to the court ... If you read the motion, there's really no categorical statement there. The solicitor general would have to convince the court that's really the intention of government, that the MOA in its present form will no longer be signed," Marquez told reporters.

He said that the court would also have to consider the views of the petitioners—Mindanao local officials who said they were not consulted in the inclusion of areas under their jurisdiction in the expanded Moro homeland.

Malacañang earlier said the MOA would end four decades of fighting that had claimed 120,000 lives and displaced 2 million in Mindanao. But the petitioners said the MOA amounted to a dismemberment of the Philippine republic and the creation of a new state.

The Supreme Court issued a temporary restraining order (TRO) on the signing in Malaysia on Aug. 5 of the MOA pending a hearing on the petitions.

The MILF had earlier said that the MOA had become a "done deal" after it was initialed in July in Malaysia during secret negotiations and whatever ruling the court comes out with was not binding on the group.

MILF leaders have blamed the attacks in Mindanao in the past two weeks on field commanders impatient at the delay in the implementation of what had been described by both sides as a preliminary accord.

'Patently illegal'

During the initial court hearing last week, several justices said that the document was "patently illegal" and that some of its provisions violated the Constitution.

Last week, Malacañang revived talk of amending the Constitution after the Supreme Court in 2006 dismissed

as a "grand deception" a similar move. Critics said that the MOA was a "Trojan horse" designed to change the Charter and prolong Ms Arroyo's stay in power beyond 2010, the mandatory expiration of her term.

Former Sen. Franklin Drilon, Sen. Manuel Roxas II and United Opposition spokesperson Adel Tamano Thursday filed a joint opposition to Devanadera's plea, asking the court to proceed with Friday's hearing and issue a ruling striking down the preliminary agreement.

"A statement from respondents that it will undertake a review of the terms of the MOA or will renegotiate its terms is not tantamount to a commitment that they will not sign the same," they said in a statement.

Possibility of revival

"The results of the intended review or renegotiation of the MOA include among its distinct possibilities a decision to adopt the exact or equivalent MOA in contention, thus leaving very much alive, ripe and intact for adjudication the claims and prayers of the petitions," the three said in their joint opposition.

Drilon, Roxas and Tamano said in a statement that Dureza's pronouncement that the MOA would not be signed had been contradicted by Executive Secretary Eduardo Ermita, pointing out that Ermita appeared to be saying that the deal was not flawed and that Malacañang would just have to wait for the court ruling before deciding what to do.

"Without such a categorical declaration made in writing, under oath to this Honorable Court, the distinct possibility of the signing of the same MOA or the negotiation or execution of an agreement with similar terms to the MOA will be ever present," the three said.

They also contested what they said was the government's posturing that blamed the high court's TRO on the MOA signing for the violence that has erupted in Mindanao provinces.

Blame peace panel

The three petitioners said what started the ball rolling was the government peace panel's "unlawful act ... in encouraging the MILF forces to claim by force what it considers as its moral and legal right to claim—the Bangsamoro territory."

According to them, it was "extremely disrespectful" for the government to blame the deaths on a lawful action, when it was its "reckless and wildly irresponsible acts of negotiating and initialing a MOA that they cannot defend in any court of law."

The petitioners also want the high court to decide the case on its merits so that any abuse of discretion or unconstitutional actions by the government peace panel would be known.

They said that Malacañang's move to render moot the petition should not stop the tribunal from ruling on the constitutional issues (from www.inquirer.net, By Michael Lim Ubac, Leila Salaverria, August 22, 2008)

LAWYER . . . from page 1

and the Law on Treaties a diplomatic document containing the summary or record of the understanding between two negotiating parties is a binding document or treaty, and therefore Brother Iqbal was perfectly correct in asserting that the MOA-AD after it has been initialed by the Parties on July 27, 2008 was a done deal. The change of heart on the part of the Philippine Government or President Gloria Macapagal-Arroyo from backing out of the initialed MOA-AD, is beside the point. If indeed, the initialing of the MOA-AD by Secretary Rodolfo Garcia, Chair of the GRP Peace Panel and Secretary Esperon, Jr., the alter-ego of the President as a cabinet secretary, together with Brother Iqbal, chair of the MILF Peace Panel, as well as the Malaysian Facilitator of the GRP-MILF Peace Talks, then it has become a binding international agreement.

Luwaran: Is this view of yours supported also by Philippine jurisprudence or case law?

Pilandok sa-laya: Yes, of course. Legal scholar Soliman Santos, Jr. in his book entitled, *The Moro Islamic Challenge – Constitutional Rethinking for the Mindanao Peace Process*, have cited Supreme Court decisions that supports this view. In the case of Abbas vs. Commission on Election (179 SCRA 287, 1989) where petitioners questioned the Organic Act, RA 6734, for being violative of both the Tripoli Agreement of 1976 and the 1987 Constitution, the High Court stated that, “Assuming for the sake of argument that the Tripoli Agreement is a binding treaty or international agreement,” it then be “in the same class” as an enactment of Congress like RA 6734 which “would be amendatory to the Tripoli Agreement, being a subsequent law.” In other words, a peace agreement such as the Tripoli Agreement falls, “in the same class” as an Act of Congress and therefore may be amended by a subsequent law passed by Congress. The legal implication of the Abbas rule are:

1) the international peace agreement is an international binding agreement but subject to an amendatory law passed by Congress; and 2) that before the peace treaty such as the Tripoli Agreement shall first be made part of the domestic law enacted by Congress or through an executive instrument by the executive department, it is not yet ripe and subject to judicial scrutiny. But this rule seems to have been modified in the subsequent Bayan case decided by the Supreme Court in 2000.

Luwaran: What is the rule in the Bayan case as held by the Supreme Court?

Pilandok sa-laya: In BAYAN vs. Executive Secretary (GR No. 138570, 10 October 2000), where petitioners challenged the constitutionality of the Visiting Forces Agreement (VFA) with the U.S. Among the issues raised was that, “Does the VFA constitute abdication of Philippine sovereignty?” The Supreme Court did not it directly. Instead, it pointed out that, “As an integral part of the community of nations, we are responsible to assure that our government, Constitution and laws will carry out our international obligation. Hence, we cannot readily plead the Constitution as a convenient excuse for non-compliance with our obligations, duties and responsibilities under international law.” Lawyer Santos advanced the view that the ruling in BAYAN “is closer to our notion of a peace agreement, especially with international mediation, as partaking of the nature of a treaty and of having quasi-constitutional status.” If I may add, we must recall that when the GRP-MILF peace talks at the domestic level was stalled as a consequence of the “all-out-war” launched by former President Joseph Estrada in March 2000, President Arroyo sought the intercession of the late MILF Chairman Salamat Hashim to return to the negotiating table.

Luwaran: What more relevant rule can we derive from the BAYAN with respect to the MOA-AD?

Pilandok sa-laya: Oh yes. Atty. Santos pointed out in his

HAWKISH . . . from page 1

the people has been established.”

The group said the renewed hostilities in Mindanao were orchestrated by people who have a narrow interest in politics and “hawks” or people inclined to warfare in resolving the separatist issue in Mindanao.

The group did not identify the individuals who have “hawkish” attitudes.

The recent armed fighting, data gathered by the TFDP showed, affected thousands of individuals, including Moros, natives, and Ilonggos, Cebuanos, and others settlers from Luzon.

“The affected communities, due to limited information and understanding, simply view the ongoing war more as a threat to their survival and co-existence than as a national issue,” the group said.

The TFDP expressed dismay that even the government-led Commission of Human Rights “cannot even exercise well its mandate and the welfare institutions and wheels of justice are also slow” in responding to the crisis.

The group was alarmed that civilians, most of them Christians, have started arming themselves against MILF rebels on prodding of some local officials.

In its statement, the group has called on Muslims and non-Muslims to exercise restraint and sobriety to avert “communal wars”.

“This is not the way to escape harm or backlash. We have to renew our commitment to peace and human rights — that is to depend largely on the seed of peace sowed in the past years and these should be nurtured at all times,” it said.

The TFDP said it “is convinced that peace and dialogue at the community level, remains the most effective solution, and it should be the guiding principle of the tri-people community in Mindanao.” (By MALUC. MANAR, Manila Bulletin, August 22, 2008)

book that, “A relevant sidelight of BAYAN is its enumeration of other terms used for a treaty or international agreement: ‘act, protocol, agreement, compromis d’arbitrage, concordant, convention, declaration, exchange of notes, pact, statute, charter and modus Vivendi.’ He further stated that, “To these, we may add ‘compact’ and ‘covenant’ as used in Cruz (Cruz vs. SENR, GR No. 135385, 6 December 2000) as synonymous for the Constitution.”

Luwaran: Do you have any news of any development with respect to the status of the case pending before the Supreme Court challenging the constitutionality of the MOA-AD?

Pilandok sa-laya: Not much. But a text message sent by Atty. Zen Malang, counsel for Muslaf (Muslim Legal Assistance Foundation) who has filed an intervention in support of the MOA-AD before the Supreme Court, together with other Moro lawyers which was forwarded to me by a friend who received it, states that: “Dean Agabin, counsel for Roxas, says MOA initialing already binding.” When asked what could be the probable theory of Dean Agabin in pointing out in open Court that the initialing of the MOA-AD made it already a binding agreement, Atty. Malang replied by text message that, “He wants the Supreme Court to nullify the MOA because the signing was ultra vires.” When the opinion of Atty. Mastura was sought, he text back and said, “That is correct (referring to the binding effect of the initialing of the MOA-AD) but until made part of municipal law, (the) Supreme Court cannot rule upon it. (The) Effect is to oblige (meaning the government) to comply (the creation of the) BJE, etc.”

MNLF views Mindanao fighting 'with grave concern' — Rasul

MANILA, Philippines—The Moro National Liberation Front (MNLF), which signed a peace accord with the government in 1996, is concerned about the ongoing violence in Mindanao, said former senator Santanina Rasul on Thursday.

"The MNLF views with grave and serious concern what is happening in Mindanao," Rasul, who said she had consulted with MNLF leaders, told reporters in a press conference.

Lawyer Jose Lorena, a member of the MNLF panel during the 1996 peace agreement with the government, also said that leaders of the MNLF have been meeting in Metro Manila and the violence in Lanao Del Sur "is one of their agenda."

But while they were "closely watching the developments on the ground," Lorena said that MNLF chair Nur Misuari and other leaders of the group were "distancing" themselves from the Moro Islamic Liberation (MILF).

[MNLF/p.9]

Armed conflicts disrupt lives of women, children — study

A United Nations Children's Fund (UNICEF)-commissioned study warned that the escalating hostilities in Mindanao could endanger the lives of mostly women and children in Mindanao due to the "inevitable spoils of war."

The study on the effects of militarization on women and children conducted by the Center for Women's Resources (CWR), a research and training institute for women, pointed out that women and children comprise 80 percent of internally displaced persons in the country.

Based on the government data, the total number of Filipinos displaced by armed conflict between 2000 and 2007 is estimated at 2.1 million.

In January to August 2008, an estimated 190,000 people were displaced, in addition to the 160,000 people recently displaced due to the ongoing conflict in Mindanao.

"The real picture of the military operations in Mindanao is of mothers and their children scurrying for safety, frightened, and crowded in evacuation centers. If the Arroyo administration is interested in

[ARMED/p.9]



CARED FOR ---- An Army medical staff attends to one of 10 soldiers wounded in three-week scattered encounters between GRP soldiers and members of the MILF's Bangsamoro Islamic Armed Forces in North Cotabato ad Maguindanao.[]

Religious leaders: we want peace but justice should be meted out

ILIGAN CITY (MindaNews/21 Aug) — Muslim and Catholic religious leaders from the cities of Cagayan de Oro, Marawi and Iligan and the two Lanao provinces expressed today their "desire for a permanent genuine and lasting peace" but at the same time sought that "justice be meted out to those responsible" for the attacks in Lanao del Norte. The open letter they issued was a result of a two-day meeting that ended today.

The Catholics were represented by Bishops Antonio Ledesma Cagayan de Oro, Edwin A. de la Peña of Marawi and Elenito Galido of Iligan. Muslim leaders present were Aleem Elias Macarandas, chairperson of the Ranao Muslim Christian Movement for Dialogue and Peace; and Aleem Lucman T. Alawi, chairperson of the Ulama League of the Philippines.

"The armed conflict and violence in the past few days in Lanao del Norte have deeply saddened us as religious leaders of Christian and Muslim communities," they said. "They open once more the wounds of inter-ethnic strife

[RELIGIOUS/p.9]