

Human rights and the struggle of the Moro people in Southern Philippines*

Reyvi Mariñas

Introduction

The Moro (Muslim Filipinos) struggle is perhaps the oldest and longest running campaign for self-determination in Asia. Up until now, there are ongoing peace negotiations between the government of the Republic of the Philippines and the Moro National Liberation Front (MNLF)¹ and the Moro Islamic Liberation Front (MILF). But the government's agreement with the US to deploy US military forces in Southern Philippines (Mindanao) not only has prejudiced peace, stability and the ongoing peace negotiations with rebel groups, but also has rationalised further aggression and abuse of human rights in the country.

This article aims to provide an overview of the current human rights situation of the Moro people in Mindanao. The article is divided in three parts. First, I will outline some recent evidences of massive human rights violations resulting from the joint US-Philippine military operations. Second, I will discuss that US military intervention is not the answer to the problem in Mindanao, and an 'all out war' policy will only produce fresh fighting fuelled precisely by the presence of the US military forces. Third, I will argue that one of the solutions to the problem in Mindanao actually lies on the recognition of basic human rights of the Moro people, one which creates 'a space for the Moro aspirations of self determination, social justice, economic well being and preservation of cultural rights'.

Massive human rights violations

The evidence of massive human rights violations on the Moro people cannot be conveniently and convincingly ignored. Despite the vehement denial of the Philippine government, overwhelming evidences actually point to the contrary.

US-Philippine military operations against Moro secessionist groups and kidnap gangs (the Abu Sayyaf group) in Mindanao have been accompanied by 'persistent reports of human rights violations'. A 2002 Report by the International Peace Mission to Basilan, Mindanao revealed that there were cases of torture, involuntary disappearances and even denial of visitation rights in prisons. The Report documented that 'of its 113 detainees, all squeezed within five small cells, 62 claimed they were arrested without warrants. Among the prisoners were children, a pregnant woman, and an old man above 65 years old'.

Recently, an investigation conducted by the Fact Finding Mission (FFM) to North Cotabato, Mindanao in February 2003 also illustrated similar findings. It showed that aside from forced evacuations due to indiscriminate bombings and strafing of civilian areas, other cases of human rights violations are also common including brutal killings, arbitrary arrests and detention, widespread looting and destruction of property and religious sites.

With the government's blanket denial policy, it is clear that the government has only turned a blind eye to the victims. It has done nothing to alleviate their condition and done nothing to prevent more violations perpetrated by the Philippine military ostensibly being trained by US forces in counter-terrorism. The government's active endorsement of the military's actions, by sending a tacit signal of approval, has only encouraged further human rights abuses of the Moro people in the South.

US military intervention is not the answer

Four months after the September 11 attack, the US had created a 'second front' in the anti-terrorist war by sending 1,200 troops to Basilan. On February 21, 2003, the US announced that it would send some 1,700 more troops to carry on the 'war against terror', this time, not only in Basilan, but also in other parts of the country.

There are several reasons why a US military intervention is not the answer to what the government claimed as the 'war against terrorism', and in particular, the war against the Abu Sayyaf 's 'kidnap for ransom' problem. Two of the most fundamental reasons will be outlined and discussed.

First, the Abu Sayyaf problem has already been resistant to any military solution. How can the joint US-Philippine military forces solve the Abu Sayyaf problem when they themselves could have been part of the problem? Testimonies from dozens of witnesses demonstrate that there is 'a clear tale of connivance between the military, the local government, and the Abu Sayyaf' (for example, supplying of guns, providing information on attack details, ignoring them at checkpoints, and escape tactics whenever they are cornered). Furthermore, it is also publicly known that the Abu Sayyaf group is actually a 'creation of the CIA'. The group was indeed founded by a Moro Afghan-war veteran, Ustadz Abdulrajak Janjalani, who was among those supposedly trained by the US to fight the Russians during its invasion of Afghanistan.

With this, the possibility of a military solution could be seen as counter-productive in resolving what appears to be an already complicated political problem. What is needed in Mindanao are not more troops; rather a determined political will to weed out corrupt elements in the military and the government.

Second, all the US' avowed reasons for deploying troops in Mindanao seemed baseless. It seems that they are not there to train soldiers that are more experienced in combat and more familiar with the terrain than them. It also appears that they are not there to exterminate a remaining Al Qaeda cell because the Abu Sayyaf's alleged links to Bin Laden have proven to be unsubstantiated. In other words, it looks as if the Americans are not there for any of the above reasons at all.

Instead, it is arguable that the US may be laying the groundwork for re-establishing and expanding a more direct military presence in Southern Philippines to ward off Muslim revivalist movements in Southeast Asia. It is also arguable that the Philippine sovereignty has been violated not only by relying on an external actor to solve its own domestic problems, but more so by allowing itself to be used in advancing 'national interests' that it does not share. The Filipino people are concerned with the increased possibility of fresh fighting fuelled by the presence of the Americans on the islands.

Human rights recognition as a solution

It is clear that an 'all out war' policy of the government is a sloppy measure to solve the Mindanao problem. In fact one solution to this has to be understood in relation to the socio-cultural and politico-historical question of Moro people's struggle. Revolt after revolt; struggle after struggle— the Moro people fought the Spanish, American and the present Filipino regimes. This struggle persists because their basic human rights are not being addressed, which have been neglected for so many years.

The recognition of human rights provides the general direction and main content of the present Moro people's struggle. Initial common ground on human rights recognition can be set forth that may encompass many aspects of Moro people's lives. Among the grounds main components are the struggles for the right to the ancestral domain (land) of the Moro people, the right to political self-determination, the right to development and the right to cultural heritage. Other components would also include the basic recognition of civil and political as well as economic, social and cultural rights such as the right to live in peace, to be treated with human dignity, and to be free from hunger and fear.

These are concrete and valid demands, for it stands squarely within the parameters of human rights norms and principles. Most of these rights are already within the realm of recognition by the international community. The Philippine State is also duty-bound by international human rights instruments as well as its own Constitution to recognise these rights.

But the truth is more than this. There are substantial questions to be asked including: How can a human rights dialogue be framed within the Moro people's struggle? How can it serve

the Moro people? What are its limitations? Indeed there are already debates among Filipino legal scholars regarding Constitutional accommodation of Moro people's rights: 'One which actually holds the nation-state together while creating a space for the Moro aspirations of self-determination, social justice, economic well being and preservation of cultural rights'. A discussion of this is beyond the scope of this article. Nevertheless these questions may provide a further dialogue and research on the issue.

It remains to be seen if the present Moro struggle, which is already happening at different levels, will lead to genuine recognition of human rights and the Moro people's aspirations. The task at hand for human rights defenders is to realize and promote the rights of the Moro people in all dimensions of their lives- political and civil as well as economic, social and cultural.

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End notes

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ⁱ The historic Peace Agreement between the government of the Republic of the Philippines and the MNLF was signed on 2 September 1996. But its status is now under question after the arrest of erstwhile MNLF Chairman Nur Misuari for launching armed attacks against government forces in 2001. The 1996 Peace Agreement was meant to solve the Mindanao problem or at least end the Moro rebellion of three decades. But the prospect of peace and stability in the region looks gloomy as long as the government embraces an 'all out war' policy against the Moro secessionist groups.