

Training Manual

WOMEN WORKING
for

NORMALIZATION

2014

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ACRONYMS AND ABBREVIATIONS

AFP	Armed Forces of the Philippines
ARMM	Autonomous Region of Muslim Mindanao
ASG	Abu Sayyaf Group
BBL	Bangsamoro Basic Law
BPE	Bangsamoro Political Entity
BPFA	Beijing Platform for Action
CAFF	Children Associated with Fighting Forces
CAFGU	Citizens Armed Forces Geographic Units
CARHRIHL	Comprehensive Agreement on the Respect for Human Rights and the International Humanitarian Law
CDF	Civil Defense Force
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CHR	Commission on Human Rights
CIAC	Children Involved in Armed Conflict
CMPL	Code of Muslim Personal Law
CPP-NPA-NDFP	Communist Party of the Philippines/New People's Army/ National Democratic Front of the Philippines
CSAC	Children in Situations of Armed Conflict
CSI	Civil Society Initiatives
CSO	Civil Society Organization
CVO	Civilian Volunteer Organization
CWC	Council for the Welfare of Children
DDR	Disarmament, Demobilization and Reintegration
DND	Department of National Defense
DOJ	Department of Justice

DSWD	Department of Social Welfare and Development
ERW	Explosive Remnants of War
EWER	Early Warning Early Response
FAB	Framework Agreement on the Bangsamoro
GAD	Gender and Development
GGD	Game and Group Discussion
GRP	Government of the Republic of the Philippines
HR	Human Rights
IAC-CIAC	Interagency Committee on Children Involved in Armed Conflict
ICBL	International Campaign to Ban Landmines
ICC	International Criminal Court
ICCs	Indigenous Cultural Communities
ICL	International Criminal Law
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IED	Improvised Explosive Device
IHL	International Humanitarian Law
ILO	International Labor Organization
INFp	IHL Network for Peace
INSTRAW	International Research and Training Institute for the Advancement of Women
IP	Indigenous People
IPRA	Indigenous Peoples Rights Act
IRL	International Refugee Law
JCCCH	Joint Coordinating Committees on Cessation of Hostilities
JMC	Joint Monitoring Committee
LGU	Local Government Unit

LOAC	Laws of Armed Conflict
LWI	Liberian Women’s Initiative
MILF	Moro Islamic Liberation Front
MLPP/RHB	Marxista-Leninistang Partido ng Pilipinas/Rebolusyonaryong Hukbo ng Bayan
MMAA 241	Muslim Mindanao Autonomy Act 241
NCIP	National Commission on Indigenous Peoples
NDFP	National Democratic Front of the Philippines
NDHS	National Demographic and Health Survey
NGO	Non-Government Organization
NIAC	Non-International Armed Conflict
NPA	New People’s Army
NSAGs	Non-State Armed Groups
OFWs	Overseas Filipino Workers
OPAPP	Office of the Presidential Adviser on the Peace Process
OSCC	Office for Southern and Cultural Communities
PCBL	Philippine Campaign to Ban Landmines
PCICC	Philippine Coalition for the International Criminal Court
PCSUCS	Then Philippine Coalition to Stop the Use of Children as Soldiers
PhilANCA	Philippine Action Network to Control Arms
PNP	Philippine National Police
PNRC	Philippine National Red Cross
POW	Prisoner-of-War
PSIHL	Philippine Society for International Humanitarian Law
PST CRRC	Psychosocial Support and Children’s Rights and Resource Center

RH	Reproductive Health
RP	Resource Person
RPM-M/RPA	Rebolusyonaryong Partido ng Manggagawa ng Mindanao/ Revolutionary People's Army
RPM-P/RPA-ABB	Rebolusyonaryong Partido ng Manggagawa ng Pilipinas/Revolutionary Proletarian Army-Alex Boncayao Brigade
SALW	Small Arms and Light Weapons
SC-CAACD	Sub-Committee on Children Affected by Armed Conflict and Displacement
SIPRI	Stockholm International Peace Research Institute
SLE	Structured Learning Exercise
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNGPID	United Nations Guiding Principles on Internal Displacement
UNSCR 1325	United Nations Security Council Resolution on 1325
UP IHR	University of the Philippines Institute of Human Rights.
UXO	Unexploded Ordnance
VAW	Violence against Women
WE Act 1325	Women Engaged in Action on 1325
WILPF	Women's International League for Peace and Freedom
WMD	Weapons of Mass Destruction

FOREWORD

The Australian Government, through the Department of Foreign Affairs and Trade (DFAT), is pleased to have provided support for this Training Manual on “Women Working for Normalization”, developed by Women Engaged in Action on 1325 (WE Act 1325).

Since 1980, almost half of the world’s poorest countries have experienced armed conflict, with most now taking place within states rather than between them. There has been a tremendous toll in terms of human suffering, economic loss and wasted development opportunities—and women often bear a disproportionate amount of the burden.

Yet women are not just victims. Women are often the key to preventing violence from reemerging, to resolving ongoing conflict and to rebuilding societies. By ensuring that both men and women are included in rebuilding communities and in making decisions, peace is more likely to be lasting. This approach is consistent with Australia’s strong support of the United Nations Security Council Resolution 1325 on women, peace and security, which recognizes the significant role women play in preventing, managing and resolving conflict.

In Mindanao, where instability and insecurity has continued to hamper development, women have played key roles in the peace negotiations between the Government of the Philippines and the Moro Islamic Liberation Front. The Philippines should be justifiably proud of the role that women played in the negotiations. Looking forward now is an opportune time to focus on normalization and the important role that women can play in this process.

This Training Manual will help provide the concepts and skills that will further enable women to take an active part in normalization in Mindanao. Building on women’s unique experience of armed conflict and perspectives of normalization, it is essential to empower women to contribute to a post-conflict environment that promotes equal human rights, livelihood opportunities for all and active political participation.

Australia will continue our commitment to promoting issues of concern to women, men, girls and boys and supporting the implementation of the peace agreement in Mindanao.

Warren Hoye
Australian Embassy, Manila

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INTRODUCTION

On October 15, 2012, the Government of the Republic of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF) signed the Framework Agreement on the Bangsamoro (FAB), a preliminary peace agreement that signaled the end of decades of armed conflict in the region which had reportedly killed more than 160, 000 people; displaced millions; and siphoned off resources that otherwise would have been spent for the delivery of basic social services.

The FAB paves the way for a just and lasting peace in Mindanao. It creates a new political entity, the Bangsamoro, which is hoped to lead in building a society that respects and promotes human rights and creates institutions that will improve peoples' economic situation and ensure their security.

This goal is fleshed out in the FAB's Section on Normalization described as a return to conditions where communities can achieve their desired quality of life; where sustainable livelihoods and political participation are pursued; where human rights are respected and promoted; and where people are free from fear of violence and crime.¹ The FAB identified several pathways to normalization. Among these are the establishment of a civilian policing structure, decommissioning of forces, control of firearms, disbandment of private armies and other armed groups, efforts at development, and transitional justice.²

It is in this context that the project "Women Working for Normalization" was conceived. It has two major components. One is an action research that will gather women's perspectives on normalization. The second is capacity-building on concepts and skills that will enable women to take active part in normalization.

Four consultation cum capacity building training workshops were conducted by members of the Women Engaged in Action on 1325 (WE Act 1325) done with support from the Australian Government. Consultations and training sessions were conducted from September 2013 to February 2014. Approximately 200 women from the provinces of Maguindanao, Lanao, Tawi-tawi, Basilan, Sulu and Zamboanga participated in the project.

¹ Framework Agreement on the Bangsamoro, Sec. VIII, Numbers 1 and 2.

² Framework Agreement on the Bangsamoro, Sec. VIII.

Women have always been on the margins in decision-making and political processes, including processes that relate to peace and security. Though often not involved in the conduct of war, they are affected disproportionately. Hence, the inclusion in the FAB of a provision recognizing the right of women to meaningful political participation and protection from all forms of violence³ is a provision welcomed by women who for decades have been stereotyped as vulnerable, or who have hardly been seen and heard in public spaces that decide on matters related to peace and security.

The Women Working for Normalization project which theme was “Ensuring Women’s Meaningful Participation in the Formulation of the Basic Law and in the Process of Normalization,” had two objectives. One was to consult women in conflict-affected areas in Mindanao on their perspectives on normalization and submit such perspectives to the members of the negotiating panels drafting the final peace agreement as well as to the Bangsamoro Transition Commission (BTC) which was tasked to draft the Bangsamoro Basic Law.

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Such consultations were meant to give community women the space to share their views on normalization-related issues as they have perspectives shaped by their unique experience of armed conflict. The peace panels and the BTC will likewise benefit from knowing how people, particularly women from communities, view important normalization components such as decommissioning, arms control, healing and reconciliation and transitional justice.

WE Act 1325 had submitted the results of consultations to both members of the GPH and MILF negotiating panels as well as to members of the BTC.

The project’s second objective was to capacitate women on concepts and skills related to normalization that they may actively participate in the process of return to normal and stable conditions after more than four decades of armed conflict.

By negotiating, the peace panels and the BTC have helped create “vertical security”. There is a need for people in communities to help build “horizontal security” or security in the communities. The WWN project gave a space for community women to learn and/or enhance knowledge as well as basic skills on conflict prevention, conflict resolution and mediation, human rights and international humanitarian

³ Framework Agreement on the Bangsamoro, Section 6, Number 1, Letter B

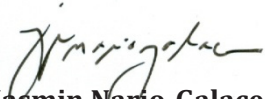
law and gender rights in the context of religion and culture – concepts and skills essential to help build peace and security on the ground. Learning or re-learning the latter is crucial to help dispel beliefs that women are home-bound and that peace and security are matters that are decided solely by men.

Who, then, is a woman working for normalization? She is that woman who will take the initiative to set up or join mechanisms where she can help settle disputes in communities peacefully and constructively. A woman working for normalization will engage the police, recommending appropriate policing in the Bangsamoro. She will engage the Joint Normalization Committee that will ensure the coordination between the government and remaining MILF Forces until decommissioning has been fully completed. She will help work for the reduction and control of firearms in the area and the disbandment of private armies and other armed groups.

The woman working for normalization will help prevent conflicts. She will help keep the peace in communities and mediate in disputes. She will educate for peace, nonviolence and respect for diversity.

This Training Manual contains lessons and handouts used by WE Act 1325 members in capacitating women to be agents of normalization.

It is hoped that this manual will be useful to women in the communities who intend to capacitate more women in these conflict-affected areas on the skills related to building peace and security on the ground.



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WE Act 1325

SESSION I: Human Rights and International Humanitarian Law

Prepared by: Marilyn Pintor

INTRODUCTION

In the Philippine context, human rights (HR) is a much more familiar and used concept than International Humanitarian Law (IHL), including in application to situations of armed conflict. But even elsewhere, IHL has sometimes been referred to as “human rights law for war situations.” They are thus quite closely related as international legal regimes, and often overlap. In the Philippines, they are often used together (as in “HR-IHL”). But they are really distinct in several aspects. (Primer on IHL in the Philippine Context by the Civil Society Initiatives on International Humanitarian Law (CSI-IHL), Quezon City, Philippines, June 2009)

The session will discuss human rights and international humanitarian law. Discussion on human rights will cover the different definitions of human rights, the principles of human rights, the international and domestic sources of human rights, its classification as well as the human rights cited in the Framework Agreement for the Bangsamoro (FAB). On the other hand, the discussion on IHL will focus on the different principles to be observed during armed conflict.

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OBJECTIVES

At the end of the session, the participants are expected to:

1. Understand the concepts, sources/bases and characteristics of HR and IHL;
2. Be aware of the basic rights of women guaranteed by international treaties and domestic laws;
3. Know how to better enforce HR and prevent violations of their rights even during armed conflict situations; and
4. Recognize that the enjoyment of HR by all citizens is a necessary pre-condition to a just and humane society.

TIME REQUIRED

2 hours and 30 minutes

MATERIALS NEEDED

Metacards, permanent marker, LCD projector and laptop

SESSION PROCEDURES

The first part will be allotted for the discussion on Human Rights and the remaining 1 hour will be used for discussion on International Humanitarian Law. The first part opens with a group dynamics activity where the facilitator posts on the board the phrase “Human Rights” and asks the participants to write on the meta cards their response to the question, “what comes to your mind when you see the phrase ‘human rights?’” They will also be asked if they have personally experienced violations of their rights or knew of somebody whose rights have been violated. If yes, they will be asked to write and/or share what had been done to address the violations. When ready they will be asked to post on the board the meta cards. The facilitator proceeds by processing those written on the meta cards, and if necessary, they will be asked to explain what they have written. This will be followed by a lecturette on “Human Rights”. (Refer to Annex 1, Basic HR Presentation)

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The second part of the session will focus on IHL. To set the tone, the facilitator will mention armed conflicts affecting the area. Then the facilitator will introduce the video presentation on the “Law of Armed Conflict”. After the film viewing, the facilitator will lead the participants into discussion by asking them to share if there was something that struck them while viewing the film.

To reinforce the learning, the facilitator presents a power point presentation on IHL. (Refer to Annex 2, Basic IHL Presentation)

Before closing the session, the participants will be asked to share their significant learnings or experience related to the topic discussed. Questions from the floor shall also be entertained if time will allow. During the focused group discussion, the participants will be led to identify the mechanism they think should be put in place to address violations of their human rights.

ACTIVITIES

1. Group dynamics
2. Film showing
3. Lecturette

DISCUSSION

Guide Questions:

1. What comes to your mind when you hear or see the phrase “human rights”?
2. How does HR relate to IHL? What are their distinctions?
3. What are some of the violations of HR and IHL that you have experienced or observed? How was the violation addressed and what was the result?
4. Can you cite HR/IHL related provisions in the FAB or in the annexes?

KEY LEARNING POINTS: Synthesis

1. Human rights are generally defined as those rights which are inherent in our nature and without which we cannot live as human beings.
2. International humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict.
3. Human Rights are held by all persons equally, universally and forever.
4. A person has the basic right to life, dignity and to self-development.
5. While the state has obligations to promote, protect and fulfill HR, individuals too have duties or responsibilities.
6. There are existing formal and informal remedies or mechanisms to address violations of HR and IHL.
7. The enactment or passage of IHL domestic law or RA 9851 seeks to comply with the Philippine government’s treaty obligation.
8. HR and IHL violations should have corresponding enforceable penalties.
9. There are existing agreements like CARHRIHL that creates mechanisms to address violations.
10. Knowledge of the law is important, but even more so the implementation by all parties.
11. Children and women’s rights are human rights.

CLOSING


Participants will be asked to share their significant learnings and/or experiences related to HR and IHL. Questions will also be entertained at this point if time will allow.

HR and IHL are not mere abstract concepts but are of significant potential for practical application in the field, by availing of the best of two (or more) protective international legal regimes – their norms, remedies, mechanisms, processes and bodies. The human rights regime, for one, must therefore also be observed in wartime, although certain derogations are permitted in exceptional circumstances. They are applicable simultaneously with IHL. In this way, the comprehensive legal protection of human dignity should be ensured in the extreme conditions of war. (Refer to Annex 3, Primer on IHL in the Philippine Context.)




Let us close this session by reciting: “Ang Karapatang Pantao ay para sa lahat, Panindigan natin ito”.

RECOMMENDED READING



Civil Society Initiatives on International Humanitarian Law (2009). Primer on IHL in the Philippine context. Quezon City: CSI-IHL.



• What comes to your mind when you hear or see the words "human rights"



Human Rights



Annex 1: Basic HR Presentation

DEFINITION OF HUMAN RIGHTS



UNITED NATIONS

HUMAN RIGHTS ARE GENERALLY
DEFINED AS THOSE RIGHTS WHICH
ARE INHERENT IN OUR NATURE
AND WITHOUT WHICH WE
CANNOT LIVE AS HUMAN BEINGS.



- Have you ever experience violation of your human rights and what did you do to address the same?



LATE SENATOR JOSE W. DIOKNO

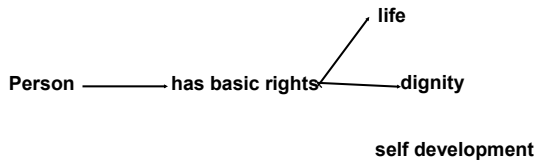
“NO CAUSE IS MORE WORTHY THAN THE CAUSE OF HUMAN RIGHTS. HUMAN RIGHTS ARE MORE THAN LEGAL CONCEPTS: THEY ARE THE ESSENCE OF MAN/WOMAN. THEY ARE WHAT MAKES MAN/WOMAN HUMAN. THAT IS WHY THEY ARE CALLED HUMAN RIGHTS: DENY THEM AND YOU DENY MAN’S/ WOMAN’S HUMANITY.”



COMMISSION ON HUMAN RIGHTS

HUMAN RIGHTS ARE THE SUPREME, INHERENT AND INALIENABLE RIGHTS TO LIFE, TO DIGNITY AND TO SELF DEVELOPMENT. IT IS THE ESSENCE OF THESE RIGHTS THAT MAKES MAN/WOMAN HUMAN

Basic Principles in Human Rights:



BASICS OF HUMAN RIGHTS

Fundamental Characteristics of Human Rights

- a. Universal – Human Rights are held by all persons equally, universally and forever.
- b. Indivisible – Refers to the equal importance of each human rights law. A person cannot be denied a right because someone decides it is “less important” or “non-essential.”
- c. Interrelated/Interdependent - All human rights are part of a complementary framework. For example, your ability to participate in your government is directly affected by your right to express yourself, to get an education and even to obtain the necessities of life.
- d. Inalienable – A person cannot lose these rights any more than you can cease being a human being. A person’s rights cannot be taken from a person under any circumstances.

ICGPR and ICESCR

Define in more detail the rights set out in the UDHR and they also provide additional rights.

In addition to the covenants in the International Bill of Human Rights, the UN has adopted more than 20 principal treaties further elaborating human rights. Among which are:

1. Convention on the Elimination of All Forms of Racial Discrimination
 2. Convention on the Elimination of All Forms of Discrimination Against Women
 3. Convention on the Rights of the Child
 4. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and others
 5. UN Convention on the Rights of Persons with Disabilities
 6. UN Declaration on the Rights of Indigenous Peoples
- Other UN Issuances, e.g. UNSCR 1325, 1820



Sources of HR laws:

Universal Declaration of Human Rights (UDHR)

- The first comprehensive human rights instrument to be proclaimed by a universal international organization.
- The purpose of the Declaration is to provide a common understanding of human rights and fundamental freedoms covered by the UN Charter and to serve as a common standard of achievement for all peoples and all nations... (Preamble).
- It proclaims two broad categories:



1. civil and political rights
2. economic, social and cultural right



CEDAW: The rights of women

- Equality before the law
- Equality of the sexes
- Equality of the spouses
- Right to protection from exploitation
- Right to vote and be eligible for election
- Right to own property
- Right to education
- Right to be protected from suffering, heavy losses, repression and treatment during armed conflict situations and ravages of war
- Right to equal employment opportunities
- Reproductive rights
- Right to equal remuneration
- Right to maternity leave of pregnant women
- Right to freedom from capital punishment of pregnant women
- Freedom from fear and violence





CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

- Human Rights Treaty
- Legally binding for States that ratify
- Covers political, civic, social, economic and cultural rights of women and girls








- **Comprehensive health services and health information and education**
- **Leave benefits** of two (2) months with full pay based on gross monthly compensation
 - **Equal rights in all matters relating to marriage and family relations.**




- **Equal access and elimination** of discrimination against women in education, scholarships and training
- **Equal participation in sports**
- **Non-discriminatory and non-derogatory portrayal of women in media and film**
- **Non-discrimination in employment in the field of military, police and other similar services**

- 
- **Protection from all forms of violence**, including those committed by the State
 - **Protection and security in times of disaster, calamities and other crisis situations**
 - in all phases of relief, recovery, rehabilitation and construction efforts, including protection from sexual exploitation and other sexual and gender-based violence.
 - **Participation and representation**
 - **Equal treatment before the law**
- 



What are the rights of women guaranteed under the Magna Carta of Women?



Sources of Phil. HR laws:

- Philippine Constitution (Malolos, 1935, 1987)
 - Bill of Rights
 - Declaration of Principles
 - Social Justice and Human Rights
- Special laws or legislations:
 - RA 9710
 - RA 7610
 - RA 9262
 - RA 9208 and RA 10364
 - others



CONVENTION ON THE RIGHTS OF THE CHILD

CATEGORIES OF RIGHTS



Protection of children:

- Convention on the Rights of the Child (CRC)
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict



CONVENTION ON THE RIGHTS OF THE CHILD

LIFE



SURVIVAL RIGHTS

ADEQUATE STANDARD of LIVING



PARENTAL CARE and SUPPORT



HEALTH and PHYSICAL DEVELOPMENT



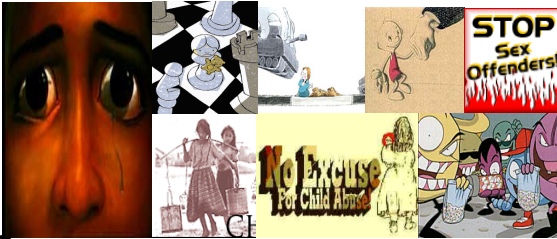
SOCIAL SECURITY



CONVENTION ON THE RIGHTS OF THE CHILD

PROTECTION RIGHTS

Right to a name, nationality and identity



Article 19 ... child abuse and maltreatment; child labor & economic exploitation; sexual abuse & exploitation; dangerous drugs; child prostitution, sale trafficking, illicit transfer & non-return, and; other forms of exploitation.

CONVENTION ON THE RIGHTS OF THE CHILD

PARTICIPATION RIGHTS

Right to opinion/ to have one's views taken into account

Right to freedom of thought conscience & religion

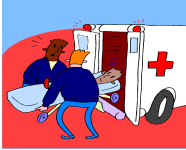


Right to freedom of expression/ to obtain and impart information

Article 12 Right to be heard in judicial & administrative proceedings

Right to freedom of association

"I have the right to be protected from war."



"I have the right to be protected by law from physical abuse and degrading treatment."

Special agreements on HR-IHL have there been between the Philippine government and different rebel groups?

- 1998 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) between the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP)
- 2002 Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of the GRP-MILF Tripoli Agreement on Peace of 2001, particularly its Article IV on Respect for Human Rights and Observance of IHL



- 2. Vested property rights shall be recognized and respected. With respect to the legitimate grievances of the Bangsamoro people arising from any unjust dispossession of their territorial and proprietary rights, customary land tenure or their marginalization shall be acknowledged. Whenever restoration is no longer possible, the Central Government and the Government of the Bangsamoro shall take effective measures for adequate reparation collectively beneficial to the Bangsamoro people in such quality, quantity and status to be determined mutually.
- 3. Indigenous peoples' rights shall be respected.
- 4. The Central Government shall ensure the protection of the rights of the Bangsamoro people residing outside the territory of the Bangsamoro and undertake programs for the rehabilitation and development of their communities. The Bangsamoro Government may provide assistance to their communities to enhance their economic, social and cultural development.



FAB # VI Basic Rights

1. In addition to basic rights already enjoyed, the following rights of all citizens residing in the Bangsamoro bind the legislature, executive and judiciary as directly enforceable law and are guaranteed:
 - a. Right to life and to inviolability of one's person and dignity;
 - b. Right to freedom and expression of religion and beliefs;
 - c. Right to privacy;
 - d. Right to freedom of speech;
 - e. Right to express political opinion and pursue democratically political aspiration;
 - f. Right to seek constitutional change by peaceful and legitimate means;
 - g. Right of women to meaningful political participation, and protection from all forms of violence;
 - h. Right to freely choose one's place of residence and the inviolability of the home;
 - i. Right to equal opportunity and non-discrimination in social and economic activity and the public service, regardless of class, creed, disability, gender and ethnicity;
 - j. Right to establish cultural and religious associations;
 - k. Right to freedom from religious, ethnic and sectarian harassment; and
 - l. Right to redress of grievances and due process of law.



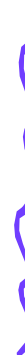
Protection of children:

- **R.A. No. 7610** (Special Child Protection Act), Article X on Children in Situations of Armed Conflict (CSAC), with provisions on Children as Peace Zones, Evacuation of Children During Armed Conflict, Family Life and Temporary Shelter, Rights of Children Arrested for Reasons Related to Armed Conflict, and Monitoring and Reporting of CSAC.
- R.A. 9208 amended by RA 10364 (Expanded Anti-trafficking in Persons Act)



Derogable and non-derogable rights:

- **DEROGABLE RIGHTS** - can be suspended or taken and maybe limited depending on circumstances
- **NON DEROGABLE RIGHTS** - or absolute rights cannot be suspended or taken away even on extreme emergency



CONVENTION ON THE RIGHTS OF THE CHILD

DEVELOPMENT RIGHTS



Information

Education

Play and Recreation

Participate in cultural activities

DUTIES OF INDIVIDUALS UNDER INTERNATIONAL HUMAN RIGHTS LAW

THREE TYPES OF INDIVIDUAL DUTIES

1. Duties of individuals vested with authority to respect, protect and promote human rights – duty of state authorities to act or not to act to give effect to a right.
2. Duties of individuals to exercise rights responsibility – duty of individuals to act responsibly so as not to exceed the limits of the right.
3. General duties of individuals towards others and community – independent of any particular human rights claim. Duties are to community (not to state) and include:



State Obligations

In the sphere of international relations, the obligation of each state to PROMOTE and PROTECT and FULFILL human rights and its obligations flows from two (2) sources:

- **from its membership in the UN**
- **from various human rights and humanitarian law agreements to which it is a state party.**



OVERVIEW

- IHL: what it is and how it works
- sources and application of IHL
- IHL and human rights law
- questions and answers



UNDERSTANDING THE BASICS OF INTERNATIONAL HUMANITARIAN LAW (IHL)

Annex 2: Basic IHL Presentation

HOW DOES IHL PROTECT?

- requires parties to distinguish between fighters and civilians
 - prohibits attacks on civilians
 - prohibits indiscriminate attacks and the use of weapons that do not distinguish
- requires care for wounded and sick and protects medical personnel
- aims to promote dignity of those affected by armed conflict
- prohibits or limits the use of weapons that are particularly cruel (cause unnecessary suffering)



WHO DOES IHL PROTECT?

- IHL protects those who are **not** or **no longer** fighting, such as:
 - civilians
 - medical and religious personnel (both military and civilian)
 - wounded and sick fighters
 - those deprived of liberty due to armed conflict
 - Red Cross and Red Crescent personnel



WHEN DOES IHL APPLY?

IHL CONCERNS:

- international armed conflicts between countries
- non-international armed conflicts that take place within one country

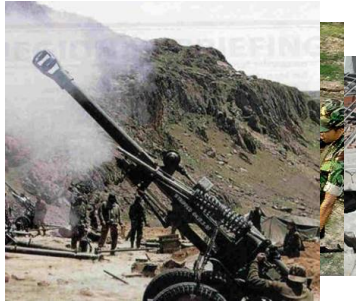


IHL applies to all parties to a conflict regardless of who started it and regardless of formal declarations on the existence of an armed conflict.

WHAT IS IHL?

INTERNATIONAL HUMANITARIAN LAW (IHL) LAW OF ARMED CONFLICT/ LAW OF WAR

- protects those **not** or **no longer** participating in hostilities
- restricts the use of weapons and methods of warfare
- aims to protect human dignity, reduce suffering



APPLICATION OF IHL

▶ International armed conflicts

▶ Non-international armed conflicts



All IHL norms



Article 3 common GCs
AP II of 1977
Customary IHL applicable in NIAC

Does not apply in situations of internal disturbances (situations of violence below the threshold of an armed conflict).

SOURCES OF IHL

- Four Geneva Conventions of 1949
- Additional Protocols 1 & 2 of 1977
- Additional Protocol 3 of 2005
- Other treaties, which restrict means and methods of warfare (Hague Conventions, Ottawa treaty, Convention on Cluster Munitions, etc.)
- Customary law



Over 30 treaties, conventions and other legal instruments nowadays.

Republic Act 9851

- **Implication of treaty ratifications:**
 - state responsibility to adopt national legislation for the punishment of serious violations of IHL
- **Individual responsibility:**
 - Individuals are criminally responsible for violations
- **RA 9851**
 - RA 9851, signed on 11 December 2009, penalizes Crimes Against IHL, Genocide & Other Crimes Against Humanity
 - Regional Trial Courts in the Philippines have the jurisdiction
 - State responsibility for training judges, prosecutors and investigators
- **The ICRC** acts as a point of reference on IHL, providing technical support to the legislators, but plays **NO ROLE** in the prosecution and punishment of crimes covered by RA 9851.

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IHL: A UNIVERSAL CODE

- **universal recognition:** all states are parties to the Geneva Conventions
- **fundamental rules:** spare civilians, spare wounded and sick, spare those deprived of liberty
- **even wars have limits:** restricting methods of waging war
- **knowledge** of law is important, but even more so the **implementation** by ALL parties
- **fighting impunity:** the law has to punish those who violate it

IHL and Human Rights

IHL

Only in times of armed conflict

Holds accountable **all parties to the conflict**, including states & non-state actors, as well as individuals

Protects human dignity & deals with **conduct of hostilities**

Use of lethal force permitted by military necessity

Absolutely **non-derogable**

IHRL

Both in times of **peace** & armed conflict

Holds accountable only **states** through their **governments**

Protects human dignity

Lethal force only if **absolutely necessary** (self-defense or defense of others, for example)

Permits derogation of some rights during public emergency

ARTICLE 3

Common to the four Geneva Conventions

- protects those affected by an armed conflict
- prohibits torture and ill-treatment, humiliating and degrading treatment
- prohibits hostage-taking
- prohibits passing of sentences and executions without essential elements of due process
- provides for the duty of the parties to collect and care for the sick and the wounded



EVEN WARS HAVE LIMITS



Annex 3: Primer on IHL in the Philippine Context

By the Civil Society Initiatives for International Humanitarian Law (CSI-IHL) Quezon City, Philippines, June 2009

A. IHL in General and Related Legal Regimes

What is international humanitarian law (IHL)?

It is the **international law of armed conflict** (LOAC), with two general objectives and areas of concern regarding armed conflict:

[1] as to **protection of its victims** (“Geneva Law” or “Red Cross Law”); and

[2] as to **limitation of its methods and means** (“Hague Law”).

The foremost examples of IHL are the modern Geneva Conventions I-IV of 12 August 1949 and its Additional Protocols I and II of 10 June 1977, and the largely superseded old Hague Convention IV respecting the laws and customs of war on land of 18 October 1907 with its Annex of Regulations.

What is armed conflict, when does it exist?

It exists whenever there is a resort to armed force or protracted armed violence:

- a. **between states, and between states and national liberation movements**

(= international armed conflict)

Ex. World War II; the armed conflict between Israel and the Palestinian Liberation Organization

- b. **between governmental authorities and organized armed groups**

(= non-international armed conflict, NIAC)

Ex. Armed Forces of the Philippines vs. New People’s Army

- c. **between organized armed groups within a state** (= NIAC)

Ex. New People’s Army vs. Rebolusyonaryong Hukbong Bayan

It is sometimes distinguished from “war,” which requires in international law some declaration of (a state of) war and involves only

states. However, in some related literature, NIACs have been referred to as “civil wars.”

Not considered armed conflict (and thus outside the scope of IHL) are:

- Internal disturbances and tensions such as riots, isolated and sporadic acts of violence -- Ex. “Edsa 3” siege of Malacanang Palace
- Banditry, unorganized and short-lived insurrections, or terroristic activities – Ex. (arguably) the case of the Abu Sayyaf Group

Are there levels or categories of armed conflict? What is the significance of this?

IHL provides for several levels or categories of armed conflict, each of which has a corresponding applicable IHL regime:

- a. **International armed conflict, including war of national liberation**
– apply the whole *Geneva Conventions I-IV and Additional Protocol I*

Ex. of national liberation movement - Palestinian Liberation Organization and African National Congress in the 1970s

- b. **Non-international armed conflict (NIAC) of “high intensity”**
– in the territory of a State Party between its armed forces and dissident armed forces or other organized armed groups which:

- > under responsible command,
- > exercise such control over a part of the national territory
- > as to enable them to carry out sustained and concerted military operations
- > and to implement *Additional Protocol II*

-- apply *Additional Protocol II* and Common Article 3 of the Geneva Conventions

Ex. armed conflicts with the New People’s Army and with the Moro Islamic Liberation Front (arguable by the government)

- c. **NIAC of “low intensity”** – all other internal armed conflicts below the threshold (conditions) applicable for *Additional*

Protocol II – apply Common Article 3 of the Geneva Conventions

Ex. armed conflicts with the *Rebolusyonyong Hukbong Bayan* and (arguably again) the Abu Sayyaf Group

The levels or categories of armed conflict most relevant to the Philippines for the past four decades or so have been those pertaining to NIAC. There is some new international thinking, however, to do away with the distinction between international and non-international armed conflicts when it comes to the application of the most protective humanitarian rules and standards, such as those in *Additional Protocol I*. As it is, parties to a NIAC are not prevented from adopting, whether unilaterally, mutually or bilaterally, the higher standards of IHL on international armed conflicts.

What are the main kinds of IHL? What is the significance of this?

There are two main kinds of IHL, just like international law in general:

[1] **Treaty law** – the treaties, conventions, protocols and similar international legal instruments, which are **binding only on their respective States Parties**, i.e. those states which ratify or accede to them. Certain national liberation movements of the 1970s were, however, allowed under *Additional Protocol I* to deposit unilateral declarations of an undertaking to the apply the *Geneva Conventions I-IV* and their *Additional Protocol I* in relation to armed conflicts they had with corresponding States Parties.

[2] **Customary law** – these are generally accepted principles and rules established by sufficient state practice and legal opinion, which are **binding on all**, particularly on all parties (**including non-state armed groups**) to armed conflicts in the case of customary IHL.

Some treaties – notably the *Geneva Conventions I-IV*, the *Hague Convention IV* with its Annex of Regulations, the 1948 *Genocide Convention*, and the 1945 *Nuremberg Charter* -- have already achieved the status of themselves becoming customary IHL.

The long-time custodian and guardian of IHL, the International Committee of the Red Cross (ICRC) published in 2005 its authoritative three-volume study on the rules and state practice titled *Customary International Humanitarian Law*. Here it found **161 rules within the scope of six general areas**, namely: The Principle of Distinction; Specifically Protected Persons and Objects; Specific Methods of Warfare;

Weapons; Treatment of Civilians and Persons Hors de Combat (Out of Combat); and Implementation. Perhaps the most significant finding or result of this study is that **146 of those rules apply to both international and non-international armed conflict, thus expanding significantly the rules applicable to NIAC, beyond *Additional Protocol II* for NIAC which is admittedly much weaker than *Additional Protocol I* for international armed conflict.**

What are other international legal regimes related to IHL?

The most relevant are the following:

- a. **International Human Rights (HR) Law** (“New York Law”) -- on the universally-recognized fundamental rights and freedoms of human beings. The foremost examples are the 1948 *Universal Declaration of Human Rights*, the 1966 *International Covenant on Civil and Political Rights*, and the 1966 *International Covenant on Economic, Social, and Cultural Rights* (collectively called the “International Bill of Rights”). Other HR treaties of particular relevance to IHL are the 1948 *Genocide Convention*, and the 1989 *Convention on the Rights of the Child* with its 2000 *Optional Protocol on the involvement of children in armed conflict*.
- b. **International Criminal Law (ICL)** – on the prosecution and trial for war crimes, crimes against humanity, genocide, and aggression (“the most serious crimes of concern to the international community”), thus in the realm of coercive enforcement of IHL and HR. The foremost examples are the 1945 *Nuremberg Charter* and the 1998 *Rome Statute of the International Criminal Court*.
- c. **International Refugee Law (IRL)** – on the displacement of persons across national borders; there is also more recently the emerging international legal regime on Internally Displaced Persons (IDPs). The foremost examples are the 1951 *Refugee Convention* and the 1998 *United Nations Guiding Principles on Internal Displacement*.
- d. **Arms Control and Disarmament** – on prohibitions and restrictions of weapons. Key examples for conventional weapons are: the 1980 *Conventional Weapons Convention* and its Protocols I-V, the 1997 *Anti-Personnel Mines Convention*, and the 2008 *Cluster Munitions Convention*. And for weapons of

mass destruction (WMD): the 1968 *Nuclear Weapons Non-Proliferation Treaty*, the 1972 *Biological Weapons Convention*, and the 1993 *Chemical Weapons Convention*. Then, there is now also the 2001 *UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*. In 2013, the UN also adopted an Arms Trade Treaty which aims to regulate the transfer of weapons. (*Note: Last sentence supplied by WE Act 1325 National Coordinator*)

- e. **Peaceful Settlement of Disputes** – on international dispute/conflict resolution. The foremost example is Chapter VI on “*Pacific settlement of disputes*” in the 1945 *Charter of the United Nations*.

How does IHL relate to human rights? What are their distinctions?

This is an important question in the Philippine context *where human rights (HR) is a much more familiar and used concept than is IHL*, including in application to situations of armed conflict. But even elsewhere, IHL has sometimes been referred to as “human rights law for civil war situations.” **They are thus quite closely related as international legal regimes, and often overlap. In the Philippines, they are often used together (as in “HR-IHL”). But they are really distinct in several aspects:**

1. Relations Governed

HR – mainly between the state and the individual, for protection of the *individual from state power and abuse* (though recent international legal trends have started to cover protection from non-state armed group abuse)

IHL – mainly between parties in armed conflict and between both/all of them and affected civilians or non-combatants, for their protection and, to some extent, also for the protection of combatants from certain methods and means (weapons) of warfare

2. Obligated Parties

HR – mainly the state, but more recently also non-state actors

IHL – both parties, whether state or non-state armed group

3. Time Applicability

HR – at all times, in peace and in war, but some derogation allowed in times of public emergency

IHL – in times of armed conflict, no derogation under any circumstances therein; some limited application, like promotion measures, in peace time

4. Place Applicability

HR – in all places globally

IHL – in areas of armed conflict

5. Main Treaty Sources

HR- HR treaties, see above-mentioned examples

IHR- IHL treaties, see above-mentioned examples

Some treaties may be said to be both HR and IHL treaties in different relative degrees, for ex. the 1948 Genocide Convention, the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the 1998 Rome Statute of the International Criminal Court, and the 1998 United Nations Guiding Principles on Internal Displacement.

What is the developing convergence between IHL and human rights?

We can initially outline the following:

- There is a trend of HR-IHL interface, like with the above-said treaties having both HR and IHL aspects.
- There has been an increasing influence of HR on IHL.

Exs. the 1966 *International Covenant on Civil and Political Rights* influence on *Additional Protocols I and II*; the 2007 Convention on the Rights of Persons with Disabilities influence on the 2008 Cluster Munitions Convention

- HR can help fill gaps in IHL, like in the crimes of torture and enforced disappearance.
- HR sometimes moves into an IHL matter.

Ex. the 1989 Convention on the Rights of the Child, followed by its 2000 Optional Protocol on the involvement of

children in armed conflict

- The two international legal regimes can be applied simultaneously and are not mutually exclusive in certain situations.
- The most common HR-IHL overlap is in domestic armed conflict, esp. “borderline” situations of non-peace/non-war, inc. internal disturbances and tensions

Ex. 1991 Turku Declaration of Minimum Humanitarian Standards

- It is possible to integrate HR and IHL’s common and shared principles and values, to promote reciprocal interdependence in providing better protection for the victims.

The foregoing points are not mere abstract concepts but are of significant potential for practical application in the field, by availing of the best of two (or more) protective international legal regimes – their norms, remedies, mechanisms, processes and bodies. The human rights regime, for one, must therefore also be observed in wartime, although certain derogations are permitted in exceptional circumstances. They are applicable simultaneously with IHL. In this way, the comprehensive legal protection of human dignity should be ensured in the extreme conditions of war.

B. IHL and the Philippine Legal System

Is IHL relevant to the Philippines?

Yes, very relevant because of the historical and current involvements of the Philippines in major armed conflicts, both international and non-international, especially since World War II and its aftermath when modern IHL started to develop. Among other international armed conflicts where the Philippines had been involved, both in combat and peacekeeping operations, are the Korean War, the Vietnam War, the Gulf War, and the Iraq War. But actually more problematic for the Philippines have been its internal armed conflicts like the Huk rebellion, the Kamlon rebellion, and the ongoing armed conflicts on the Communist and Moro fronts of the last four decades and counting. But no less than the incumbent Supreme Court Chief Justice Reynato S. Puno has referred to IHL as a “neglected aspect of international law in our jurisdiction.”

How does IHL become part of the Philippine legal system?

Through these several modes:

[1] Customary IHL, and the incorporation clause of the Philippine Constitution which provides that the Philippines adopts the generally accepted principles of international law as part of the law of the land.

[2] Treaty IHL, and the treaty clause of the Philippine Constitution which provides that no treaty or international agreement shall be valid and effective unless (its ratification by the President has been) concurred in by at least two-thirds of all the Members of the Senate.

[3] Implementing legislation and/or administrative action – where necessary for implementation, such as with ratified treaty provisions that are not self-executory, usually those requiring the imposition of penal sanctions.

[4] Special agreements on IHL between the Philippine government and different rebel groups – are technically not part of the legal system but are similar to civil contracts in the sense of being “the law between the parties.”

[5] Unilateral declarations of adherence to IHL by Philippine rebel groups – are more so technically not part of the legal system but can likewise be invoked with the rebel groups which issue them.

Has customary IHL been recognized by the Philippine Supreme Court?

Yes, in its very significant 1949 Decision in the post-World War II case of *Kuroda vs. Jalandoni* (83 Phil. 171), it ruled:

In accordance with the generally accepted principles of international law of the present day, including the Hague Convention, the Geneva Convention and significant precedents of international jurisprudence established by the United Nations, all those persons, military or civilian, who have been guilty of planning, preparing or waging a war of aggression and of the commission of crimes and offenses consequential and incidental thereto, in violation of the laws and customs of war, of humanity and civilization, are held accountable therefor. Consequently, in the promulgation and enforcement of Executive Order No. 68, the President of the Philippines has acted in conformity with the generally accepted principles and

policies of international law which are part of our Constitution.

X X X

Petitioner argues that respondent Military Commission has no justification to try petitioner for acts committed in violation of the Hague Convention and the Geneva Convention because the Philippines is not a signatory to the first and signed the second only in 1947. It cannot be denied that the rules and regulations of the Hague and Geneva Conventions form part of and are wholly based on the generally accepted principles of international law. In fact, these rules and principles were accepted by the two belligerent nations, the United States and Japan, who were signatories to the two Conventions. Such rules and principles, therefore, form part of the law of our nation even if the Philippines was not a signatory to the conventions embodying them, for our Constitution has been deliberately general and extensive in its scope and is not confined to the recognition of rules and principles of international law as contained in treaties to which our government may have been or shall be a signatory. (bold face supplied)

What IHL treaties have been ratified by and therefore bind the Philippines?

Already, quite a good number of post-World War II IHL treaties:

- the 1948 Genocide Convention
- the 1949 Geneva Conventions I-IV
- the 1968 Nuclear Weapons Non-Proliferation Treaty
- the 1968 Convention on Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity
- the 1972 Biological Weapons Convention
- the 1977 Additional Protocol II on Protection of Victims of Non-International Armed Conflicts
- the 1980 Conventional Weapons Convention and its Protocols I-IV, inc. its 1996 Amended Protocol II on Mines, Booby-traps and Other Devices
- the 1989 Convention on the Rights of the Child and its 2000 Optional Protocol on the involvement of children in armed conflict

- the 1993 Chemical Weapons Convention
- the 1997 Anti-Personnel Mines Convention
- the 2005 Additional Protocol III on the Adoption of an Additional Distinctive Emblem

What major IHL treaties have not yet been ratified by the Philippines?

So far, these following major post-World War II IHL treaties:

- the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and its 1999 Second Protocol
- the 1977 Additional Protocol I on Protection of Victims of International Armed Conflicts
- the 1998 Rome Statute of the International Criminal Court (WE Act 1325 Coordinator's Note: The Philippines deposited the Instrument of Ratification to the Rome Statute of the International Criminal Court (ICC) with the Secretary-General of the United Nations on August 30, 2011, making the Philippines the 117th state to join the Rome Statute system).

What national implementing legislation has the Philippines passed?
What legislative measures are pending?

So far, not much has been passed, and this is a clear weak area. Thus, we have only the following existing laws:

- Republic Act No. 95, as amended (Charter of the Philippine National Red Cross), mandating the PNRC as "the voluntary organization officially designated to assist the Republic of the Philippines in discharging its obligations set forth in the Geneva Conventions."

- R.A. No. 7160 (Special Child Protection Act), Article X on Children in Situations of Armed Conflict (CSAC), with provisions on Children as Peace Zones, Evacuation of Children During Armed Conflict, Family Life and Temporary Shelter, Rights of Children Arrested for Reasons Related to Armed Conflict, and Monitoring and Reporting of CSAC.

The more significant pending legislative measures, aside from the ratification of the above-said three major IHL treaties, are the following:

- > the “IHL Bill” – defining and penalizing crimes against IHL and other serious international crimes, specifically war crimes, genocide and crimes against humanity
- > the “Internal Displacement Bill” – bringing to the level of national law the 1998 United Nations Guiding Principles on Internal Displacement
- > the “Philippine Landmines Bill” -- to implement and reconcile the implementation of the two main international treaties on landmines, the 1997 Anti-Personnel Mines Convention and the 1996 Amended Protocol II on Mines, Booby-traps and Other Devices, towards a comprehensive law on landmines

What administrative measures have been taken to implement IHL?

Administrative measures to implement IHL are much more robust than the implementing legislation so far. It is not surprising that the strongest area of administrative action has to do with Children Involved in Armed Conflict (CIAC), followed by internal displacement. Article X of RA No. 7610, which implements relevant provisions of the 1989 Convention on the Rights of the Child, is in turn implemented administratively by more detailed “Rules and Regulations on Children in Situations of Armed Conflict” issued by the Department of Justice (DOJ) on 21 January 1994. There are already quite a number of administrative issuances and measures on CIAC coming from several executive agencies. The most significant of the recent ones is the “Memorandum of Agreement in the Handling and Treatment of Children Involved in Armed Conflict” dated 21 March 2000, which has developed into an “Inter-Agency Memorandum of Agreement on the Prevention and Reintegration of Children Involved in Armed Conflict (CIAC)” adopted on 21 October 2005. There is for this purpose the Interagency Committee on Children Involved in Armed Conflict (IAC-CIAC) anchored by the Office of the Presidential Adviser on the Peace Process (OPAPP). These are pursuant to the Comprehensive Program Framework for CIAC adopted and provided for under Executive Order No. 56 dated 26 November 2001. In addition to the IAC-CIAC, there is also the Sub-Committee on Children Affected by Armed Conflict and Displacement (SC-CAACD) under the Council for the Welfare of Children (CWC), which functions as an attached agency of the Department of Social Welfare and Development (DSWD).

The DSWD is also the lead agency when it comes to the problem of internal displacement and internally displaced persons (IDPs), or what it has for the most part referred to as evacuees, arising from armed conflict. Unlike the administrative issuances and measures on CIAC which have been strongly aligned with the 2000 Optional Protocol on the involvement of children in armed conflict, those on IDPs have not yet been fully aligned or updated with the 1998 United Nations Guiding Principles on Internal Displacement. This is also where an “Internal Displacement Act” could make a big difference, just as R.A. No. 7160 (Special Child Protection Act), Article X on Children in Situations of Armed Conflict, has had.

Many of the executive issuances and military/police directives for the protection of non-combatants were issued in 1988-91, during the peak of insurgency and counter-insurgency after the collapse of peace talks during the Aquino administration. One of the key issuances was the Office of the President’s short Memorandum Order No. 393 dated September 9, 1991 “Directing the Armed Forces of the Philippines and the Philippine National Police to Reaffirm their Adherence to the Principles of Humanitarian Law and Human Rights in the Conduct of Security/Police Operations.” Both the AFP and PNP have since fleshed this out through several implementing guidelines. There have also been specific directives on the safety of innocent civilians and treatment of the wounded and dead; on the protection of children in armed conflict; on the delivery of goods and services in the countryside; on evacuations; on visitation of detainees by private physicians and other personnel; and so on. There have also been more recent military/police directives, notably the AFP Standing Rules of Engagement dated 01 December 2005, the AFP Chief of Staff Directive on “Strict adherence to the doctrine of command responsibility” dated 4 February 2007, and the activation of more purposive Human Rights Offices (also covering IHL matters) in both the AFP and PNP in 2007.

A critical observation by a human rights institute had been made several years back that “Even with all of the Philippines’ laws and regulations, much (remains) to be desired in terms of the government’s efforts to make the principles of IHL a reality. For instance, the AFP and the PNP should be able to transcend their paper-advocacy and start following the provisions and directives expressed in the

documents which govern their behavior in armed conflicts and other similar situations.” The test of the pudding is in the continuing reports and complaints against HR and IHL violations committed by soldiers and policemen in the field, peaking with the spate of extra-judicial killings of political activists in recent years.

One government agency that has started to address such violations more effectively is the Commission on Human Rights (CHR), an independent constitutional body. In 2006, it created its own IHL Division, the only government unit specifically devoted to IHL, albeit of small size and resources and still more focused on education work. IHL education in the Philippines is usually integrated as one of a number of components of HR education. The CHR has perhaps the best potential, as a credible and competent national body with regional offices, to receive and more effectively address complaints of IHL violations committed both by the security forces and by the different rebel groups.

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What special agreements on IHL have there been between the Philippine government and different rebel groups?

These are the most notable ones:

>the 1998 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) between the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP)

> the 2002 Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of the GRP-MILF Tripoli Agreement on Peace of 2001, particularly its Article IV on Respect for Human Rights and Observance of IHL

These interim peace agreements provide for their own respective monitoring and related mechanisms, aside from making cooperative references to the ICRC pursuant to its humanitarian mandate. In the case of the CARHRIHL, there is the GRP-NDFP Joint Monitoring Committee (JMC) which, however, apparently has a built-in stalemate mechanism because of a consensus rule and a procedure whereby each party would investigate complaints against its own forces. In the case of the GRP-MILF peace process, there is an elaborate ceasefire mechanism centered on their Joint Coordinating Committees on Cessation of Hostilities (JCCCH). The work of both committees tends,

however, to be affected, whether for better or worse, by the regular ups and downs of the bigger peace negotiations of the peace panels above them.

What unilateral declarations of adherence to IHL have been issued by Philippine rebel groups?

The NDFP has issued at least two authoritative unilateral declarations of adherence to IHL: the first on 15 August 1991 specifying Common Article 3 of the Geneva Conventions and their Additional Protocol II; and the second on 5 July 1996 undertaking to apply the whole Geneva Conventions and their Additional Protocol I.

The Rebolusyonyong Partido ng Manggagawa ng Pilipinas/ Revolutionary Proletarian Army-Alex Boncayao Brigade (RPM-P/RPA-ABB) issued a unilateral “Declaration of Statement of the RPM-P/RPA-ABB on its Opposition of Using Children as Soldiers in Any Wars & Armed Conflicts” on 11 February 2005.

In 2008, the Rebolusyonyong Partido ng Manggagawa ng Mindanao/ Revolutionary People’s Army (RPM-M/RPA), the RPM-P/RPA-ABB Dela Cruz faction, the Marxista-Leninistang Partido ng Pilipinas/Rebolusyonyong Hukbong Bayan (MLPP/RHB), and the MILF successively signed on to separate but uniform texts of a “Declaration of Adherence to the International Humanitarian Law on Landmines.”

These several examples are of course not the only ones.

C. Fundamental Principles of IHL

What are the fundamental principles of IHL? What is their practical value?

These are the following principles, which can be considered the core of customary IHL. Again, these are not mere abstract concepts but are of valuable practical application to various situations in the field, when one does not have the more precise specific rules to refer to.

- Distinction
- Proportionality
- Limitation
- De Martens Clause

Note: From here on, we shall refer to certain customary IHL rules determined by the 2005 ICRC study by the Rule number given therein, thus “[Rule 1]” and so on. As mentioned already, most of those rules apply to both international and non-international armed conflict, though the latter is currently more relevant to the Philippines.

What is the principle of Distinction?

This is the most basic principle of IHL which is for parties to the conflict to distinguish between combatants and civilians [Rule 1], and between military objectives and civilian objects [Rule 7]. As a corollary to this principle, indiscriminate attacks are prohibited [Rule 11], and so are the use of weapons which are by nature indiscriminate [Rule 71]. This is the main principle for civilian protection.

Indiscriminate attacks are those which: (a) are not directed at a specific military objective; (b) employ a method or means of combat which cannot be directed at a specific military objective; and (c) employ a method or means of combat the effects of which cannot be limited as required by the rules of war.

Consequently, the following, for example, are prohibited:

-- Acts or threats of violence, the primary purpose of which is to spread terror among the civilian population [Rule 2] (this is very close to the concept of terrorism)

-- Attacks by bombardment which treats as a single military objective a number of clearly separated and distinct military objectives in a city, town, village, or other area containing a concentration of civilians or civilian objects [Rule 13]

What is the principle of Proportionality?

This poses the proper balancing of the conflicting interests between

military necessity and humanitarian considerations, which is at the heart of IHL. Thus, among several military objectives for obtaining a similar military advantage, the objective selected should be the one where the attack may be expected to cause the least danger to civilians and civilian objects.

It is prohibited to launch an attack which may be expected to cause incidental loss of [or “collateral damage” to] civilians and civilian objects which would be excessive in relation to the military advantage anticipated [Rule 14]. There must therefore be various precautions in attack [Rules 15-21] as well as against the effects of attacks [Rules 22-24].

The principle of proportionality is also reflected in two concepts. First, is the prohibition of causing Superfluous Injury or Unnecessary Suffering (SIrUS), especially as applied to means and methods of warfare [Rule 70]. Second is the weighing of not only humanitarian but also socio-economic and (natural) environmental consequences vis-a-vis military utility, much like the weighing of costs and benefits or of ends and means.

What is the principle of Limitation?

This is the basic principle or rule that the right of the parties to the conflict to choose methods or means of warfare is not unlimited. As the saying goes, “Even war has its limits.” IHL then provides both general and specific limitations or restraints.

What is the De Martens Clause?

This is what might be called a “fall back” principle, taken from the preamble of the 1907 Hague Convention IV: “in cases not covered by the Regulations...the inhabitants and belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.” Note not only civilized usages and a sense of humanity but also the public conscience (thus, public opinion to some extent) as guides or “fall backs” in the absence of specific rules.

D. Protection of Civilians and Civilian Objects

Who are civilians? Who are combatants?

Civilians are person who are not members of the armed forces of a party to an armed conflict [Rule 5], and are protected against attack, unless and for such time as they take a direct part in armed hostilities [Rule 6]. Usually or in international armed conflicts, all members of such armed forces are combatants, except medical and religious personnel [Rule 3]. Such armed forces consist of all organized armed forces, groups and units which are under a command responsible to a party to the conflict for the conduct of its subordinates [Rule 4]. These include engineering battalions composed of engineers who are full-time, uniformed members of the AFP. But civilian employees of the military establishment who are not members of the armed forces but assist them are still considered civilians though they assume the risk of death or injury incidental to attacks against legitimate military targets while they are in the immediate vicinity of them.

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Admittedly, there are still some grey or borderline areas between civilians and combatants, especially when it comes to direct participation in hostilities in non-international armed conflicts, where the dissident armed forces often operate with the support of a civilian mass base under the concept on a “people’s war.” Direct participation in hostilities means acts of war which by their nature and purpose are likely to cause actual harm to the personnel and equipment of enemy armed forces, and includes acts of defense like guard and patrol duties. It not only covers the time when the civilian actually makes use of a weapon but also the time that he is carrying it, as well as situations in which he undertakes hostile acts without using a weapon. It covers the time when he prepares for and returns from combat.

In the Philippine context, who are among legitimate military targets?

- Members of the AFP, the paramilitary Citizens Armed Forces Geographic Units (CAFGU), and other armed personnel assisting the defense of the Philippines, including PNP elements who have combat duties.
- Members of “self-defense” or vigilante groups, as long as they are

directly participating in hostilities.

- Civilian officials like barangay captains, if they are directly participating in hostilities.
- Members of dissident armed forces (e.g. NPA, MILF) and their part-time militia, while the latter are directly participating in hostilities.

In the Philippine context, who are among not legitimate military targets?

- PNP personnel without combat duties, inc. killing them solely to obtain weapons.
- Members of “self-defense” or vigilante groups while not directly participating in hostilities.
- Civilian officials like barangay captains not directly participating in hostilities. Persons with political roles, such as abusive mayors, are not proper targets.
- Persons refusing to pay “revolutionary taxes,” as well as their businesses.
- Dissident part-time militia while not directly participating in hostilities.

What are civilian objects? What are military objectives?

Civilian objects are all objects that are not military objectives [Rule 9], and are protected against attack, unless and for such time as they are military objectives [Rule 10]. Some examples of civilian objects are houses, schools, churches, farms, commercial buildings, industrial plants, power transmission towers, cell sites, public transport, other civilian infrastructure, and also cultural property.

Military objectives are limited to those objects which, by their nature, location, purpose or use, make for an effective contribution to military action and whose destruction, capture or neutralization, under the circumstances, offers a definite military advantage [Rule 8]. There is here a two-fold test to constitute a military objective. Some examples of military objectives are weapons, war materiel, military works and establishments, supplies, vehicles, camp sites, fortifications, and fuel; depots or stores used by any party to the conflict. Also

objects, that while not directly connected with combat operations, effectively contribute to the military effort, such as transportation and communication systems and facilities, airfields, ports and otherwise non-military industries of importance to the ability of a party to the conflict to conduct military operations.

Who is a person hors de combat?

He or she is a person “out of combat,” including a combatant who is no longer in a condition to engage in combat. More specifically, anyone who:

- is in the power (e.g. captive) of an adverse party;
- is defenseless because of unconsciousness, shipwreck, wounds, or sickness; or
- clearly expresses an intention to surrender;

provided he or she abstains from any hostile act and does not attempt to escape [Rule 47].

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What are the fundamental guarantees for the treatment of civilians and persons hors de combat?

- They must be treated humanely [Rule 87].
- The following are all prohibited:
 - Any form of adverse discrimination in the application of IHL [Rule 87]
 - Murder [Rule 89]
 - Torture, cruel or inhuman treatment, and outrages upon personal dignity, in particular humiliating and degrading treatment [Rule 90]
 - Corporal punishment [Rule 91]
 - Mutilation, medical or scientific experiments, or any other medical procedure not indicated by the state of health of the person concerned and not consistent with generally accepted medical standards [Rule 92]
 - Rape and other forms of sexual violence [Rule 93]
 - Slavery and the slave trade in all their forms [Rule

94]

- Uncompensated or abusive forced labor [Rule 95]
- Hostage-taking [Rule 96]
- Use of human shields [Rule 97]
- Enforced disappearance [Rule 98]
- Arbitrary deprivation of liberty [Rule 99]
- Collective punishments [Rule 103]

- Essential judicial guarantees that no one may be accused, convicted or sentenced:

- except pursuant to a fair trial [Rule 100]
- on account of any act or omission which did not constitute a criminal offense under national or international law at the time it was committed, nor for a heavier penalty be imposed than that which was applicable at the time the criminal offense was committed [Rule 101]

- except on the basis of individual criminal responsibility [Rule 102]

Other essential guarantees of independence and impartiality are contained in the 1977 Additional Protocol II, in so far as this is applicable. Other guarantees in the 1966 International Covenant on Civil and Political Rights also apply. Otherwise what obtains would be what is called a “kangaroo court.” The requirement of due process applies in all trials, including those of spies, informers, infiltrators or “deep-penetration agents,” who may not be convicted or sentenced without previous trial.

- The following must also be respected:

- Personal convictions (beliefs) and religious practices [Rule 104]
- Family life, as far as possible [Rule 105]

What are the basic rules for the protection of the wounded, sick and shipwrecked?

Whenever circumstances permit, and particularly after an engagement, each party to the conflict must, without delay, take all possible measures to search for, collect, and evacuate the wounded, sick, and shipwrecked without adverse distinction [Rule 109]. They must receive, to the fullest extent practicable and with the least delay possible, the medical care and attention required by their condition. No distinction may be made among them founded on any grounds other than medical ones [Rule 110].

What are the basic rules regarding the dead?

Whenever circumstances permit, and particularly after an engagement, each party to the conflict must, without delay, take all possible measures to search for, collect, and evacuate the dead without adverse distinction [Rule 112], and to prevent the dead from being despoiled. Mutilation of dead bodies is prohibited [Rule 113]. The dead must be disposed of in a respectful manner and their graves respected and properly maintained [Rule 115].

What is the basic rule regarding missing persons?

Each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate [Rule 117].

What are the basic rules for the protection of persons deprived of their liberty?

- They must be provided with adequate food, water, clothing, shelter, and medical attention [Rule 118].

- Women must be held in quarters separate from those of men, except where families are accommodated as family units, and must be under the immediate supervision of women [Rule 119].

- Children must be held in quarters separate from those of adults, except where families are accommodated as family units [Rule 120].

- They must be held in premises which are removed from the combat zone and which safeguard their health and hygiene [Rule 121].

- Pillage of their personal belongings is prohibited [Rule 122].
- Their personal details must be recorded [Rule 123].
- They must be allowed to correspond with their families, subject to reasonable conditions relating to frequency and the need for censorship by the authorities [Rule 125].
- They must be allowed to receive visitors, especially near relatives, to the degree practicable [Rule 126].

Further detailed rules are found in the 1977 Additional Protocol II, in so far as this is applicable.

What about the particular matter of treatment of captured combatants? Do they have the combatant's privilege and prisoner-of-war status?

Under present IHL, captured combatants have the right to prisoner-of-war (POW) status in international armed conflicts, but not in non-international armed conflicts (NIAC). POW status relates to what is called the combatant's privilege, immunizing them from criminal prosecution for their acts of combat that do not violate the laws of war. Without this privilege, they may be prosecuted and tried for crimes under domestic law like rebellion. There is nothing, however, which prevents a party to a NIAC from treating its captured enemy combatants as POWs, even as the other party does not recognize or accept this.

This is in fact the case with the CPP-NPA-NDFP treatment of its captured AFP and PNP personnel as POWs, while this is not the case the other way around with the GRP-AFP-PNP treatment of its captured NPA fighters. The ICRC has advocated a pragmatic solution that would be to treat captured rebels with the higher humanitarian standards for POWs, especially where they observe the rules of war, but without granting them that status. It is well-established that the application of IHL shall not affect the legal status of the parties to the conflict. The old but lingering notion of the so-called "status of belligerency" is already outmoded and obsolete in modern international law.

What are the rules for the protection of internally displaced persons?

See Chapter E of this Primer

What are the rules for children affected by armed conflict?

See Chapter F of this Primer

What is the basic rule for women affected by armed conflict?

Their specific protection, health, and assistance needs must be respected [Rule 134].

What is the basic rule for the protection of elderly, disabled and infirm affected by armed conflict?

They are entitled to special respect and protection [Rule 138].

Are there other specially protected persons and objects under IHL?

Yes, these are the following:

- Medical and religious personnel and objects [Rules 25-30]
- Humanitarian relief personnel and objects [Rules 31-32]
- Personnel and objects involved in a peacekeeping mission [Rule 33]
- Journalists [Rule 34]
- Protected zones, such as hospital and safety zones, neutralized zones, demilitarized zones, and non-defended localities [Rules 35-37]
- Cultural property, including buildings dedicated to religion, art, science, education, or charitable purposes and historic monuments, unless they are military objectives [Rules 38-41]
- Works and installations containing dangerous forces, such as dams, dykes, and nuclear electrical generating stations [Rule 42]
- The natural environment, unless it is a military objective [Rules 43-45]

Do the special agreements on IHL between the Philippine government and different rebel groups provide for any additional civilian protection?

Yes, particularly in the case of the GRP-NDF CARHRIHL, there are these examples of additional prohibitions on:

-- maintaining, supporting and tolerating paramilitary groups such as armed religious fanatical groups, vigilante groups, private

armed groups of businessmen, landlords and politicians, and private security agencies which are being used in land and labor disputes and the incursions from mining, real estate, logging, tourism or other similar projects or programs

-- allowing the participation of civilian or civilian officials in military field operations and campaigns

-- targeting of personnel and facilities of schools, voluntary evacuation centers, programs and projects of relief and development

E. Special Issue 1: Internal Displacement

What is the internal displacement problem in the Philippines?

Internally displaced persons (IDPs) are “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights and natural or human-made disasters, and who have not crossed international borders.” Internal displacement dwarfs any other immediate cost of armed conflict in the Philippines in terms of the number directly affected, making it the biggest humanitarian problem. During the “total war” against the NPA in 1987-91, some 1.2 million people were displaced. Over the entire period of the Mindanao conflict since the 1970s, as many as 2 million people may have experienced dislocation and that in 2000-04, on a flow basis, there may have been 1.4 million IDPs in Mindanao. And the biggest new internal displacement globally in 2008 was in the Philippines, particularly Central Mindanao, where the figures totaled more than 600,000. The largest increases in IDPs seem to occur when government forces launch major military offensives. To a much lesser extent, though, rebel groups such as the MILF and MNLF also directly cause internal displacement either by attacks on civilian communities or by ordering the evacuation of their own mass base in anticipation of hostilities.

What are the customary IHL rules on internal displacement?

Parties to a non-international armed conflict may not order the displacement of the civilian population for reasons related to the conflict, unless the security of civilians involved or imperative military

reasons so demand [Rule 129]. In case of displacement, all possible measures must be taken so that the civilians concerned are received under satisfactory conditions of shelter, hygiene, health, safety and nutrition, that members of the same family are not separated [Rule 131], and that their property rights are respected [Rule 133]. They have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist [Rule 132].

Displacement of civilians solely to deny a social base to the enemy clearly has nothing to do with “the security of civilians.” Nor is it justified in this instance by “imperative military reasons,” which require the most meticulous assessment of the circumstances because such reasons are so capable of abuse. Such base denial is considered a political, not military move. But criminal prosecution of those who provide material support for the rebellion is not precluded.

What is the 1998 United Nations Guiding Principles on Internal Displacement (UNGPID)?

It is so far the most comprehensive legal protection for IDPs. It is intended to serve as an international standard to guide governments as well as humanitarian and development agencies in providing protection and assistance to IDPs. While as “guiding principles” it is still considered non-binding international “soft law,” it will likely graduate in due time into becoming a legally binding full-fledged international “hard law” treaty. It provides four sets of principles relating to:

- Protection From Displacement
- Protection During Displacement
- Humanitarian Assistance
- Return, Resettlement and Reintegration

What are the UNGPID Principles relating to Protection From Displacement?

- Protection against arbitrary displacement is a fundamental human right.
- Displacement is prohibited, no matter what the circumstance,

when it seeks to alter ethnic, religious, or racial composition of particular areas.

- Protection against arbitrary displacement exists in times of war. As a general rule, parties in conflict are prohibited from forcing civilians to move.
- Displacement caused by large-scale development projects can be considered arbitrary if they cannot be justified by overriding public interest.
- In no case shall displacement be carried out in a manner that violates the right to life, dignity and security of those affected.
- If displacement is justified and must really occur, the affected communities must be consulted and properly compensated.
- Displacement should be temporary.
- Once civilians can return safely and in dignity, displacement should end.
- States are also under a particular obligation to protect against the displacement of indigenous peoples, minorities and other groups with a special dependency on and attachment to their (ancestral) lands.

What are the UNGPID Principles relating to Protection During Displacement?

- Protection from genocide, murder, summary or arbitrary executions and enforced disappearance
- Prohibition on attacks or other acts of violence against those who do not or no longer participate in hostilities
- Protection against rape, mutilation, torture, slavery and acts of violence intended to spread terror.
- No interment to a camp, unless absolutely necessary
- Prohibition on discriminatory arrest and detention or to be taken hostage
- Displaced children shall not be recruited to take part in hostilities
- Right to liberty of movement, residence and asylum
- Right to know missing relatives

- Access to essential food and water, basic shelter, clothing and medical services
- Recognition before the law
- Protection of property and possessions
- No discrimination on basic freedoms, right to vote, and to participate in governmental and public affairs

What are the UNGPID Principles relating to Humanitarian Assistance?

- Rights-based, impartial, non-discriminatory
- Not to be diverted for political or military reasons
- Assistance is the primary duty and responsibility of national authorities
- International humanitarian organizations and other appropriate actors have the right to offer their services in support of the IDPs

What are the UNGPID Principles relating to Return, Resettlement and Reintegration?

- Duty of authorities to establish conditions, as well as provide the means, for voluntary return or resettlement
- Recovery of property and possessions
- Right against forcible return to or resettlement in any place where life, safety, liberty and/or health would be at risk

F. Special Issue 2: Children Involved in Armed Conflict

What is the Children Involved in Armed Conflict (CIAC) problem in the Philippines?

Communities affected by armed conflict in the Philippines, whether displaced or not, naturally and inevitably involve the presence of children, who are the age group that is most vulnerable to the hostilities and their effects, both short- and long-term. In these situations, the conflicted-affected children are often subjected to the six Grave Child

Rights Violations:

1. Killing and maiming
2. Recruitment or use of children by armed forces and groups
3. Attacks on schools and hospitals
4. Rape or other grave sexual violence
5. Abduction of children
6. Denial of humanitarian access for children

CIAC is a more inclusive concept that is regardless of the degree of children's participation, whether direct or indirect, in hostilities. This concept adopts the operational definition of "children associated with armed forces or armed groups" or "children associated with fighting forces" (CAFF) – i.e. "any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes." They have oftentimes been referred to more popularly, though not more precisely, as "child soldiers." Their existence is a public concern in five aspects: as human rights issue, humanitarian issue, health issue, developmental issue, and peace issue.

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In the Philippines, there have been scores of documented cases of CIAC in both state and non-state armed groups, contrary to their respective commitments or policies of non-recruitment and use of children among their ranks. The state-sanctioned armed groups tend to be government paramilitary groups like the Citizens Armed Forces Geographical Units (CAFGU) and the Civilian Volunteer Organization (CVO), and military-backed vigilante groups. The non-state armed groups (NSAGs) tend to be the CPP-NPA, the MILF and the ASG. An accurate picture on the number of CIAC remains difficult to obtain because of the "invisible nature of the problem" and because of inconsistencies in reports by concerned agencies like the DND, AFP, PNP and DSWD.

What are the customary IHL rules on CIAC?

They are entitled to special respect and protection [Rule 135],

must not be recruited into armed forces or armed groups [Rule 136], and must not be allowed to take part in hostilities [Rule 137]. Note the same standards here for both (presumably state) armed forces and (presumably non-state) armed groups.

What are the key norms and obligations under the 2000 Optional Protocol on the involvement of children in armed conflict?

1. For States Parties --

a) “shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities”

Note: but it would seem from this that they can remain in the armed forces and still take an indirect part in hostilities

b) “shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces”

Note: thus allowing voluntary recruitment, as in fact confirmed by the next provision

c) “shall raise the minimum age for the voluntary recruitment of persons into their national armed forces”

2. For non-state armed groups (NSAGs) -- “should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years”

Note: there is clear disparity in that, unlike the state armed forces, NSAGs cannot recruit persons under the age of 18 years both compulsorily and voluntarily, and NSAGs cannot use in hostilities persons under the age of 18 years both directly and indirectly. On the other hand, the use of the persuasive “should” for NSAGs is of a lower degree of obligation than the mandatory “shall” for States Parties.

How might such disparity in the rules for state armed forces and NSAGs be handled?

One option would be to stick to the simpler customary IHL rules on CIAC with the same standards for state armed forces and NSAGs (see above).

G. Limitation of the Methods and Means of Warfare

What specific methods of warfare are prohibited under customary IHL?

- Denial of quarter (e.g. “death outside combat” or taking no survivors): ordering that no quarter will be given, threatening an adversary therewith, or conducting hostilities on this basis [Rule 46]
- Attacking persons hors de combat (e.g. defenseless survivors) [Rule 47]
- Destruction or seizure of the property of an adversary, unless required by imperative military necessity [Rule 50]. But in international armed conflict, the parties may seize military equipment of an adverse party as war booty [Rule 49].
- Pillage (forcible taking of private property for personal use, like looting) [Rule 52]
- The use of starvation of the civilian population as a method of warfare [Rule 53]
- Attacking, destroying, or rendering useless objects indispensable to the survival of the civilian population [Rule 54]. Examples of these objects: foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies, and irrigation works.
- Improper use of certain flags, emblems, insignia or uniforms: the white flag of truce [Rule 58]; the distinctive emblems of the Geneva Conventions (the Red Cross symbol) [Rule 59]; the United Nations emblem and uniform [Rule 60]; of other internationally recognized emblems [Rule 61]; the flags or military emblems, insignia, or uniforms of

the adversary [Rule 62]; or of neutral or other states not party to the conflict [Rule 63]

- Concluding an agreement to suspend combat with the intention of attacking by surprise the enemy relying on that agreement [Rule 64]
- Killing, injuring or capturing an adversary by resort to perfidy (treachery or betrayal of confidence) [Rule 65]. Examples are feigning an intent to negotiate, an incapacitation, and civilian status. But ruses of war (acts intended to confuse the enemy) are not prohibited as long as they do not infringe a rule of IHL [Rule 57]. Examples are use of camouflage, decoys, mock operations and misinformation.

This rule on perfidy prohibits the assassination of both civilians and combatants, recruitment of hired killers, placing a price on the head of an adversary, or the offer of a reward for his capture “dead or alive.”

What are basic rules regarding humanitarian relief for civilians?

The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control [Rule 55]. They must ensure the freedom of movement of authorized humanitarian relief personnel essential to the exercise of their functions, which movement may be temporarily restricted only in case of imperative military necessity [Rule 56].

What are the general prohibitions on the use of weapons?

Use of weapons which are of a nature to cause superfluous injury or unnecessary suffering [Rule 70], or are by nature indiscriminate [Rule 71], are prohibited.

What specific weapons the use of which are prohibited?

- Poison or poisoned weapons [Rule 72]
- Biological weapons [Rule 73]
- Chemical weapons [Rule 74], and of riot-control agents

[Rule 75] or of certain herbicides [Rule 76] as a method of warfare

- Bullets which expand or flatten easily (“dum-dum bullets”) [Rule 77] or explode [Rule 78] within the human body
- Weapons primarily injuring by non-detectable fragments in the human body [Rule 79]
- Booby-traps which are attached to or associated with objects or persons entitled to special protection under IHL or with objects that are likely to attract civilians [Rule 80]
- Anti-personnel use of incendiary weapons, unless it is not feasible to use a less harmful weapon to render a person hors de combat [Rule 85]
- Blinding laser weapons [Rule 86]

How about nuclear weapons, are they not prohibited?

Unfortunately, not yet under international law, which provides only for limiting the acquisition of nuclear weapons and banning all nuclear weapons test explosions. Fortunately though, under the Philippine Constitution, there is a policy of freedom from nuclear weapons in its territory.

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Is there allowable restricted use of incendiary weapons?

Yes, for other than anti-personnel use as a rule. If used, particular care must be taken to avoid, and in any event to minimize, incidental loss of life or injury to civilians, and damage to civilian objects [Rule 84].

What are the IHL rules on landmines?

See Chapter H.

H. Special Issue 3: Landmines

What is the landmines problem in the Philippines?

Landmines are munitions or explosives, normally encased, and designed to be placed under, on or near the ground or other surface area (like a path way or road) and to be exploded by the presence, proximity or contact of a person (anti-personnel) or a vehicle (anti-vehicle). It may be activated unknowingly by the victim himself usually by accidentally stepping on it or by tripping a trip-wire (victim-activated), or it may be detonated by usually electrical remote control command from a distance by a person observing it (command-detonated). Victim-activated anti-personnel mines have been the most destructive and heinous kind because of their widespread use, indiscriminate nature, and direct physical impact on the body of a human person.

Landmines of various kinds continue to be used by rebel groups in the several armed conflicts in the Philippines, particularly by the NPA, MILF, MNLF and ASG – with some use being in accordance with IHL, and some not. In the period 2000-06, total reported landmine and improvised explosive device (IED) casualties (killed and wounded) were 362, of which 299 were soldiers and policemen while 63 were civilians, some of them children. In addition to this is the problem of unexploded ordnance (UXO) or explosive remnants of war (ERW) left in the field of battle – rendering these fields and pathways unsafe for IDPs to return to their homes and farms in conflict-affected areas.

Other national concerns with the landmines problem are at the international level. One is the exposure of Filipino peacekeepers, deminers and migrant workers to the much graver danger of landmines and UXO in at least 79 countries and eight non-state areas. Because of the global proliferation of landmines, including in Southeast Asia, another danger is that of transfer through arms-smuggling of landmines into the Philippines.

What are the customary IHL rules on landmines?

When landmines are used, particular care must be taken to minimize their indiscriminate effects [Rule 81]. A party to the conflict using landmines must record their placement, as far as possible [Rule 82]. At the end of active hostilities, a party to the conflict which has used landmines must remove or otherwise render them harmless to civilians, or facilitate their removal [Rule 83].

What are the key norms, standards and undertakings of treaty IHL on landmines?

A. Under the 1997 Anti-Personnel Mines Convention (a.k.a. the “Ottawa Treaty”)

- A total ban or prohibition against victim-activated anti-personnel mines (APMs), i.e. a ban on their use, development, production, acquisition, stockpiling, retention and transfer under any circumstances; and

- An undertaking for the destruction of all such APMs.

B. Under the 1996 Amended Protocol II on Mines, Booby-traps and Other Devices

- A prohibition against directing all kinds of landmines and similar explosive devices on civilians or civilian objects in all circumstances;

- A prohibition against indiscriminate use of these weapons;

- The taking of all feasible precautions, including effective advance warning, and protective measures when using these weapons, so as to protect civilians or exclude them from the effects of these weapons;

- The recording and retaining of information on, especially on the location of, these weapons; and

- The clearing, removing or destroying of these weapons without delay after the cessation of active hostilities.

In case of conflict between those two IHL treaties when it comes to victim-activated anti-personnel mines, which should govern or be followed?

It should be the 1997 Anti-Personnel Mines Convention since this is specific to victim-activated anti-personnel mines, particularly as to the norm of its total ban or prohibition. But the 1996 Amended Protocol II, which applies to all landmines in general, should be considered supplementary as to other norms, standards and undertakings as may be applicable to victim-activated anti-personnel mines. This contemplates the scenario where a state ratified both IHL treaties, like the case of the Philippines. And as mentioned above, at least four rebel groups here have also unilaterally declared adherence to the norm of a total ban on victim-activated anti-personnel mines, among other norms of IHL on landmines.

I. Special Issue 4: Small Arms and Light Weapons

What is the Small Arms and Light Weapons (SALW) problem in the Philippines?

Small arms are revolvers and pistols, rifles and carbines, sub-machine guns, assault rifles, and light machine guns. Light weapons are heavy machine guns, hand-held grenade launchers, recoilless rifles, portable anti-tank and anti-aircraft guns, and mortars of calibers of less than 100 mm. SALW proliferate in the Philippines, with more than 1 million licensed firearms in the country and more than 2 million illegally acquired firearms in Mindanao alone. The Philippines is considered as one of the most heavily armed countries in Southeast Asia, and one of the 30 largest globally in terms of civilian firearm holdings, with a high estimate of 5 million. Loose firearms contribute to higher crime rates and a culture of violence and lawlessness. Globally, small arms kill hundreds of thousands of people each year. Majority of the people killed in wars, military coups and other armed conflicts are victims of small arms – tens of thousands of deaths each year, mostly civilians, women and children. Small arms also kill an additional 200,000 people each year even in relatively “peaceful nations” not at war, by way of homicides, suicides, accidental shootings and shootings by police. The proliferation of small arms actually also has a more strategic humanitarian impact in terms of forced migration, restricted basic needs and inhibited development.

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Is there a legally-binding international legal instrument to curb SALW proliferation?

None yet, but there are currently ongoing serious efforts to develop an Arms Trade Treaty that will bolster arms embargoes and help prevent human rights abuses by setting uniform worldwide standards for arms deals. Already, there is the “Global Principles for Arms Transfers” which provide the foundation for such a treaty:

1. Responsibilities of states
2. Express limitations
3. Limitations based on use or likely use
4. Factors to be taken into account
5. Transparency

6. Comprehensive controls

Particularly relevant to IHL are certain limitations under Principles 2 and 3. Under Principle 2, states shall not authorize international transfers of arms or ammunition that violate their expressed obligations under international law, such as:

-- Prohibitions on arms transfers that arise in particular treaties which a state is a party to, such as the 1980 Conventional Weapons Convention, its Protocols I-V, and the 1997 Anti-Personnel Mines Convention

-- Universally accepted principles of IHL, including:

- a. Prohibition on the use of arms that are of a nature to cause superfluous injury or unnecessary suffering;
- b. Prohibition on weapons or munitions incapable of distinguishing between combatants and civilians

And under Principle 3, states shall not authorize international transfers of arms or ammunition where they will be used or are likely to be used for violations of international law, including:

- a. Breaches of the UN Charter and customary law rules relating to the use of force;
- b. Gross violations of international human rights law;
- c. Serious violations of IHL;
- d. Acts of genocide or crimes against humanity.

(WE Act 1325 Coordinator's Note: On 2 April 2013, the General Assembly adopted the Arms Trade Treaty (ATT) regulating the international trade in conventional arms, including small arms and light weapons. Article 7 on Export and Export Assessment provides that each exporting State Party, prior to authorization of the export shall assess the potential that the conventional arms could be used to commit or facilitate a serious violation of international humanitarian law and of international human rights law. The treaty also provides that the exporting State Party shall take into account the risk of the conventional arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.)

J. Implementation of IHL: Compliance, Enforcement, Responsibility

and Reparation

What is the basic obligation of compliance with IHL by each party to the conflict?

It must respect and ensure respect for IHL by its armed forces and other persons or groups acting in fact on its instructions, or under its direction or control [Rule 139]. This does not depend on reciprocity, i.e. the other party's compliance [Rule 140].

What are the particular advisory and instructional obligations?

Each state must make legal advisers available, when necessary, to advise military commanders at the appropriate level on the application of IHL [Rule 141]. States and parties to the conflict must provide instruction on IHL to their armed forces [Rule 142]. States must encourage the teaching of IHL to the civilian population [Rule 143]. One particularly strategic effort is IHL education as part of the formal education system and curriculum at appropriate levels, starting with academic circles and law professors.

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What are the basic obligations of enforcement of IHL by states?

They may not encourage violations of IHL by parties to a conflict. On the contrary, they must exert their influence, to the degree possible, to stop violations of IHL [Rule 144].

What is the rule on belligerent reprisals in non-international armed conflicts?

Parties to such a conflict do not have the right to resort to belligerent reprisals (an enforcement measure in reaction to unlawful acts of an adversary, but often partaking of the nature of retaliation). Other countermeasures against persons who do not or who have ceased to take a direct part in hostilities are prohibited [Rule 148].

What violations of IHL is a state responsible for?

Those attributable to it, including violations committed by the following:

- its organs, including its armed forces;
- persons or entities it empowered to exercise elements of governmental authority;
- persons or groups acting in fact on its instructions, or under its direction or control; and
- private persons or groups which it acknowledges and adopts as its own. [Rule 149]

What is a state responsible for violations of IHL required to do?

To make full reparation for the loss or injury caused [Rule 150].

K. Implementation of IHL: Individual Responsibility and War Crimes

What is the basic rule on responsibility for serious violations of IHL?

Individuals are criminally responsible for war crimes they commit [Rule 151].

What is the rule on command responsibility?

Commanders and other superiors are criminally responsible for war crimes committed pursuant to their orders [Rule 152]. They are also criminally responsible for war crimes committed by their subordinates if they knew, or had reason to know, that the subordinates were about to commit or were committing such crimes and did not take all necessary and reasonable measures in their power to prevent their commission, or if such crimes had been committed, to punish the persons responsible [Rule 153].

What is the rule on unlawful superior orders?

Every combatant has a duty to disobey a manifestly unlawful order [Rule 154]. Obeying a superior order does not relieve a subordinate of criminal responsibility if the subordinate knew that the act ordered was unlawful or should have known because of the manifestly unlawful nature of the act ordered [Rule 155].

What are war crimes?

They are serious violations of IHL [Rule 156], including grave breaches of the Geneva Conventions as well as other serious violations of the laws and customs applicable in armed conflicts. The currently authoritative international legal definition of war crimes, in all its specifications for international and non-international armed conflicts, is found in Article 8 of the 1998 Rome Statute of the International Criminal Court.

What is universal jurisdiction over war crimes?

States have the right to vest universal jurisdiction in their national courts over war crimes [Rule 157]. In this way, a state can exercise its jurisdiction over those responsible for international crimes, including those committed outside its territory. This is the idea of “justice without borders” so that there are “no safe havens” for war criminals.

There is now an International Criminal Court (ICC) based in The Hague which is the first independent permanent international criminal court with universal jurisdiction over individual natural persons for the “most serious crimes of concern to the international community as a whole” – specifically, war crimes, crimes against humanity, genocide, and aggression -- but complementary with national criminal jurisdictions. Only when a state is unwilling or unable genuinely to carry out the corresponding investigation or prosecution, among other requirements, might the ICC exercise its jurisdiction.

What are the duties of states regarding the investigation and prosecution of war crimes and suspects?

States must investigate war crimes allegedly committed by their nationals or armed forces, or on their territory, and, if appropriate, prosecute the suspects. They must also investigate other war crimes over which they have jurisdiction and, if appropriate, prosecute the suspects [Rule 158]. States must make every effort to cooperate, to the extent possible, with each other in order to facilitate the investigation of war crimes and the prosecution of suspects [Rule 161].

What are the rules on amnesty and on statutes of limitation in so far

as war crimes are involved?

At the end of hostilities, the authorities in power must endeavor to grant the broadest amnesty to persons who have participated in non-international armed conflict, or those deprived of their liberty for reasons related to armed conflict, with the exception of persons suspected of, accused of or sentenced for war crimes [Rule 159]. Statutes of limitations (prescriptive periods) may not apply to war crimes [Rule 160].

How about war crimes committed in furtherance of rebellion, are those not absorbed in the latter under the political offense doctrine?

No, according to the weight of international legal opinion.

L. Civil Society Role in IHL

What is the civil society role in IHL, esp. in the Philippine context?

Civil society organizations (CSOs) or non-governmental organizations (NGOs) can be among the impartial humanitarian organizations recognized by IHL. Like most NGOs, humanitarian/IHL NGOs generally undertake any or all of three roles in society – watchdogs over the state, service-providers, and advocates of alternative policies. As NGOs, but more particularly or most especially as humanitarian/IHL NGOs, they generally have the impartiality, neutrality and capacity to engage with, and sometimes even intermediate between, the government and various rebel groups. The various roles and contributions of the NGO sector in promoting IHL in the Philippines can be presented along the following lines:

1. Shaping policy on IHL, including IHL legislation and treaty ratification
2. Addressing IHL concerns on the ground, including protection of victims of armed conflict
3. IHL consciousness-raising, including IHL dissemination, training and education

How have CSOs helped shaping policy on IHL? (Examples)

- Contributions to government policy formulation on general or special IHL concerns, inc. submission of policy inputs and participation in government

delegations for treaty negotiations. Ex. Philippine Campaign to Ban Landmines (PCBL) 1995 Policy Brief on the Landmines Issue and the Philippines whose “Proposed Philippine Position” was adopted and favorably endorsed by the AFP, and PCBL participation in the Philippine delegation to the 1996 Ottawa International Strategy Conference “Towards a Global Ban on Anti-Personnel Landmines.” That conference kicked off the Ottawa Process where the unprecedented high level of cooperation and involvement by NGOs was a defining feature.

- Lobbying for IHL treaty ratification, inc. litigation of IHL policy issues in the Supreme Court. Ex. Philippine Coalition for the International Criminal Court (PCICC) lobbying for the ratification of the 1998 Rome Statute of the International Criminal Court, and PCICC mandamus petition in the Supreme Court for such ratification.

- Drafting IHL legislation. Ex. Philippine National Red Cross (PNRC) IHL National Committee drafting of the “IHL Bill.”

- Lobbying for and making contributions to executive issuances and military/police directives on IHL, including participation in technical working groups. Ex. Then Philippine Coalition to Stop the Use of Children as Soldiers (PCSUCS) [now Philippine Coalition to Protect Children Involved in Armed Conflict (Protect CIAC)] participation in the Inter-Agency Committee on Children in Armed Conflict (IAC-CIAC), particularly for the preparation of modules to popularize the Memorandum of Agreement on the handling and treatment of children surrendered or captured.

How have CSOs helped address IHL concerns on the ground? (Examples)

- Relief, medical, mercy and psycho-social missions for victims of armed conflict. Ex. Those conducted by Balay Rehabilitation Center (BALAY) for IDPs in conflict-affected communities and evacuation centers in Central Mindanao.

- Psycho-social counseling and trauma relief. Ex. Balik Kalipay project in Pikit, North Cotabato to facilitate the psycho-social recovery process of primary school and daycare-age children and their families from the trauma of war.

- Monitoring, documentation and reporting of IHL violations, inc. quick reaction response. Ex. The work of Sulong CARHRIHL citizens’ network on violations of the GRP-NDFP CARHRIHL by both sides.

How have CSOs helped in IHL Consciousness-Raising? (Examples)

- Grassroots training on IHL. Ex. Those conducted by the defunct IHL Network for Peace (INFP) in the early 1990s which focused on IHL advocacy and monitoring based on a module with three phases: Creating IHL; Grasping IHL; and Resolving Specific Issues of Armed Conflict in the Philippines.
- Integration of IHL in the education system. Ex. Several years back, Philippine Society for International Humanitarian Law (PSIHL) seminars on IHL for university professors, esp. of Law, and PSIHL efforts to integrate an IHL component/topic in courses on human rights and public international law.
- IHL information dissemination materials. Ex. BALAY, Sulong CARHRIHL and Protect CIAC have published and distributed popular primers, comics and posters regarding their respective special issues, inc. in major Philippine languages such as Filipino, Bicol, Ilocano, Ilonggo, Bisaya and Maranao.
- IHL issue advocacy. Ex. Philippine Action Network on Small Arms (PhilANSA) has brought the issue of SALW to public attention such that it has become part of an IHL-related national agenda like IDPs, child soldiers, landmines, and the ICC.
- IHL research. Members of Protect CIAC, the Philippine Human Rights Information Center (PhilRights) and the Psychosocial Support and Children's Rights and Resource Center (PST CRRC) have been actively researching on CIAC. Notable is PhilRights' Deadly Playgrounds: The Phenomenon of Child Soldiers in the Philippines in 2005, based on a three-year child soldiers research project. Protect CIAC has also conducted research on the demobilization, rehabilitation and reintegration of CIAC.

What is the special flexibility of CSOs/NGOs?

The positive role of CSOs/NGOs in promoting IHL, especially in difficult situations of armed conflict, is enhanced by their special flexibility in going about their work, compared with official/state actors:

- NGOs are less threatening to rebel groups and find it easier to work flexibly, unofficially and off-the-record, and have less to be concerned about in terms of conveying official/legal recognition. Lacking geopolitical interests and stakes in the conflict, they are usually

more impartial, forming relationships with a wider variety of actors in the conflict, including local communities. They can talk to several parties at once without losing credibility.

- They often have access to sources of information that official actors do not, or even when talking with the same source, the source may be more open with an unofficial intermediary. They have increased access to areas inaccessible to official actors.

- They can deal directly with grassroots populations and operate without political or public scrutiny. They can more effectively build networks with other civil society representatives to focus on long-term perspectives.

- Certain IHL-related calls or proposals which may affect the military balance of power are sometimes better made by or coursed through credible NGOs.

- NGOs can also often make constructive criticisms and suggestions to the leadership of the official parties which their rank and file may have difficulty doing because of institutional/organizational culture.

Many NGOs, esp. of the human rights tradition, can engage in the traditional NGO advocacy mode of public or media denunciations (“shaming and naming”) of IHL violations which the ICRC tends to avoid because of its tried-and-tested mode of confidential and discreet private dialogue and quiet diplomacy. One might say that these two contrasting modes are nevertheless complementary or serve the same objective of checking IHL violations. Each to its own competence or effective style of work. While so d me compartmentalization is necessary, it might be good to have some coordination and exchanging of notes, experiences and lessons learned.

Can there be a new movement for IHL?

At least on the CSO/NGO front, if not also the whole societal front, it could already be time for a new movement for IHL to take its distinct place beside its older siblings that are the human rights and peace movements in the Philippines. This is long overdue, if we consider the number of major armed conflicts which the Philippines has been involved in for more than one century and especially the last four decades. The already significant role and contributions of NGOs to IHL promotion, and the potential for a greater role and contributions, call for it. In fine, the challenge is to have not just a Red Cross movement but an IHL movement in the Philippines.

References and Recommended Readings

Hans-Peter Gasser, International Humanitarian Law: An Introduction (1993) – this booklet distributed by the International Red Cross and Red Crescent Movement is the best concise overall presentation of IHL, even if dated.

Jean-Marie Henckaerts, “*Study on customary international humanitarian law: A contribution to the understanding and respect for the rule of law in armed conflict,*” *International Review of the Red Cross*, Vol. 87, No. 857, March 2005, pp. 175-212 -- a concise presentation of the authoritative ICRC study which determined 161 rules of customary IHL.

The Philippines: Violations of the Laws of War by Both Sides (An Asia Watch Report, August 1990) -- a good though dated example of the application of IHL to the analysis of various abuses in the AFP-NPA armed conflict.

Protection of Non-Combatants in the Philippines (adapted and reprinted by UNICEF Manila, 3rd ed., 1994) – a good though dated compilation of relevant IHL-related issuances and instruments in the Philippines.

Alberto T. Muyot and Vicente Pepito F. Yambao, “*Steps taken to ensure implementation of international humanitarian law in the Philippines,*” *International Review of the Red Cross*, No. 834, 1 June 1999, pp. 303-16 – a good survey of national implementation measures for IHL esp. at the administrative and military level.

Jhoel Raquedan and Vince Yambao, “*The Irony of War: International Humanitarian Law in the Philippines,*” *The Human Rights Agenda*, Vol. 2, No. 5, June 1997, pp. 6, 9, publication of the University of the Philippines (UP) Institute of Human Rights (IHR).

Soliman M. Santos, Jr., “*IHL in the Philippine Setting: Practices and Observations*” (Paper delivered at the Forum on International Humanitarian Law, 17 February 2000, Batasang Pambansa, Quezon City,

under the auspices of the House of Representatives Committee on Civil, Political and Human Rights).

Soliman M. Santos, Jr., *"The Role of the NGO Sector and IHL in the Philippines"*
(Paper prepared for the First IHL National Consultative Conference,
23-24 November 2005, Traders Hotel, Manila).

Primer prepared by:

Atty. Soliman M. Santos, Jr.

Human Rights & IHL Lawyer

Quezon City, 3 June 2009

SESSION II: Conflict Resolution and Mediation: Islamic and Mainstream Approaches

Prepared by: Jasmin Nario-Galace and Fatmawati Salappudin

INTRODUCTION

Conflict is an inescapable fact of life. There are conflicts because we sometimes fail to appreciate dissimilar perspectives, values, opinions, goals, interests and ideas. Personal and interpersonal tranquility may be strained in the face of incompatible goals. If not handled properly, conflict situations may produce negative results. Hence, the skill of conflict management must be learned if we want to live in peace with our relations (Castro, Galace and Lesaca, 2005).

This session will teach the participants basic ideas and skills on how to manage and mediate in conflicts constructively from mainstream, Islamic and indigenous perspectives.

OBJECTIVES

At the end of the session, the participants are expected to:

1. Identify causes and effects of conflicts in their respective communities;
2. Describe the different Islamic, indigenous and mainstream approaches of resolving and mediating conflicts; and
3. Narrate how women in their communities resolve and mediate in conflicts.

TIME REQUIRED

2 hours

MATERIALS NEEDED

Manila paper and permanent markers

SESSION PROCEDURES

1. Begin by grouping participants into four groups (roughly 10

- participants per group)
2. Ask them to choose a facilitator and a rapporteur
 3. Ask them to answer the following questions:
 - a) What are the types of conflict that you experience in your community?
 - b) What do you think are their causes? What factors sustain them?
 - c) How are these conflicts being resolved?
 - d) Do women take part in the resolution of these conflicts? If yes, what are the roles that they play? If no, what are the elements or factors that hinder women's participation?
 4. Ask rapporteurs to present their answers.
 5. Synthesize the presentation of the groups.
 6. Give an input on the mainstream, Islamic and indigenous approaches to conflict resolution and mediation (see annexes). Ideally, resource persons from the community (such as a Moro woman and IP woman) should be invited to share their perspectives and experiences in conflict resolution and mediation.

ACTIVITIES

- Group workshop
- Lecture

KEY LEARNING POINTS

1. Women have roles to play in conflict resolution and mediation.
2. There are different ways of resolving conflicts. The customary practices of resolving and mediating conflicts should be recognized.
3. Women should be involved in these alternative ways of resolving conflict.

4. Women should be involved in the process of mediating conflicts especially at the community level because of their unique perspectives and experience.
5. Cooperation is better than conflict.

RECOMMENDED READINGS

- Overview of Conflict Resolution Among Ethnic Muslim Filipinos/Moros (Refer to Annex 4)
- Conflict Resolution and Mediation: Mainstream Approaches (Refer to Annex 5)

Annex 4: Overview of Conflict Resolution Among Ethnic Muslim Filipinos/Moros

Muslim Filipinos

- There are 13 ethnic groups namely:
Maranao, Maguindanao, Iranun, Sangir, Kaagan, Tausug, Yakan, Sama, Kalibugan, Mapun, Molbog, Palawani (Palimusan), Badjao

Clan/Family Conflict

- “Rido” in Central Mindanao
- “Pagbanta” in the Sulu Archipelago
- Conflicts that can result in armed confrontations
- Acts of revenge
- Resolved by traditional methods and processes

Causes of Conflict

- Family/Marriage
- Land disputes
- Property disputes
- Electoral politics
- Dishonor

Rido in Central Mindanao

- A conflict or contention develops into a Rido when the offended party reacts with violence.
- When it leads into casualty or death or damage of property.
- This develops into a cycle of retaliation between the two parties

Pagbanta

- Among Tausugs, Sama and Yakan groups of the Sulu archipelago.
- Circumstances are similar to Rido.
- Starts with “lingug” or misunderstanding that develops into a cycle of retaliation.
- “Magdangaw” or measuring the closeness of relatives who then become part of the conflict

Other Characteristics

- Rido or Pagbanta is highlighted in Muslim areas where there is weakness of formal institutions.
- Weak formal justice system as well as weak security mechanisms (law enforcement)
- Muslim Filipinos will have to depend on traditional institutions

Layers of Tradition

- Customary Sources
- Shariah Law
- Formal systems of court and other institutions

Traditional Institutions

- Sources of Customs and Traditions for Conflict Resolution
 1. Sultanate of Sulu
 2. Sultanate of Buayan (Maguindanao)
 3. Pangampong A Ranao
 4. Iranun Adat Laws

Elements of Customary Processes

- Adat or indigenous culture
- Taritib
- Ijma or Consultation

- Shariah as determined by Kor-an and Hadith
- Quiyas

Methods Conflict Resolution

- Negotiations
- Arbitration
- Mediation
- Dialogue
- Conversations

Frameworks

- Formal Courts
- Mainstream Mediation
- Shariah Law
- Customary Law

Annex 5: Conflict Resolution and Mediation: Mainstream Approaches

Options in Dealing with Conflict

- Avoidance (Flight) – moving away or withdrawal from the situation of conflict
- Aggression (Fight) – moving against the opponent in order to overpower and force him or her to yield
- Problem-solving (Face) – moving towards the adversary with the goal of dialoging or negotiating for a mutually beneficial solution
- Accommodation (Give-up) – giving-up our goals to maintain harmony in the relationship, realizing that the other person is right, or conceding because there is a little chance of winning
- Compromise (Give half) – finding the middle ground

The Problem Solving Approach

Step 1: Storytelling – exchanging information about each other’s interests and needs

Step 2: Discussing – identifying issues that causes division and focusing on underlying needs

Step 3: Brainstorming – generating alternatives/options that will bridge opposing interests.

Step 5: Agreeing – agreeing on the best alternative/option.

Dialoguing Tips

1. Be specific. Avoid using global words such as “always” and “never”
2. Speak in a gentle, non-threatening manner.
3. Avoid using words that would elicit anger.
4. Use the I-message.
5. Admit your own responsibility to the conflict.
6. The person and his/her action are two different things. Thus,

- be tough on the problem, not on the person.
7. Be willing to tell the other person what is good about her/him.
 8. Listen with empathy. Try to stand in the shoe of the other.
 9. Show the other person that you are hearing his/her point of view.
 10. Show positive regard and respect.
 11. Be open to criticism of your ideas and behavior.
 12. Paraphrase and clarify when needed.
 13. Distinguish between your demands and true interests.

Mediation

- Mediation is an attempt to resolve the conflict between two or more people with the help of a neutral person.

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Purpose of Mediation

- To help disputants to a conflict reach an agreement that is mutually beneficial and workable.

Characteristics of a Good Mediator

- Understanding- shows consideration, kindness and support to disputants
- Impartial and neutral- aware that s/he should be unbiased
- Trustworthy - keeps private matters shared in the mediation process
- Imaginative - knows how to get out of sticky situations
- Analytical- can distinguish between relevant and irrelevant information and can recognize causal relationships
- Nonjudgmental – does not criticize disputants or matters shared by them
- Knowledgeable – is acquainted with the facts of the dispute and with the mediation process

- Respectful – shows positive regard and concern for the disputants' thoughts and feelings

Mediating Skills

- Active Listening
 - Face the person telling the story.
 - Show that you understand by words, facial expressions or body gestures.
 - Maintain eye contact.
- Clarifying – making a vague point clear
- Paraphrasing - restate the other person's ideas and feelings in your own words.
- Use of I-messages - personal statements of one's interests and feelings
 - Steps:
 - State feeling (I feel sad...)
 - State the action or situation that caused the feeling (...when you do not seem to hear each other out)
 - State the reason for your feeling (...because we will not be able to find a solution to this problem facing us)
- Art of Questioning
 - A. Direct questions (to ask for details):
 - What happened?
 - B. Open-ended questions (to stimulate discussions)
 - What will happen if we do not find a solution?
 - C. Clarifying questions (to clear up perceptions)
 - D. Probing questions (to help participants have a deeper understanding of the feelings involved in the conflict)

- Unhelpful Questions:
 - Which one of you is not telling the truth?
 - Why did you do that?
 - Don't you think that was a dumb idea?
- Changing Perspectives - to help disputants see the conflict from the other's point of view
- Broadening Perspectives - helps participants go beyond their viewpoints
 - Cite similar situations
 - Cite experts' views
- Staying Neutral
 - To show neutrality:
 - Use a nonjudgmental tone of voice
 - Show a neutral body position.
 - Show impartial body gestures and facial expressions.
 - Pay equal attention to disputants.
 - Use impartial words or questions.
- Separating Interests from Positions - go beyond disputants' positions and ask for true needs and interests
- Brainstorming - ask disputants to think of and suggest possible solutions.
- Finding Agreement - invite disputants to evaluate each suggested solution using the following criteria:
 - Is the proposal fair?
 - Is it mutually beneficial?
 - Is it realistic and workable?

SESSION III: Gender Sensitive and Responsive Early Warning and Early Response

Prepared By: Carmen Lauzon-Gatmaytan

INTRODUCTION

Early warning and early response (EWER) systems had its roots from “disaster preparedness, where the systematic collection of information was expected to shed light on the causes of natural calamities, and the gathering of military intelligence. In the 1950s a connection was made between the efforts to predict environmental disasters, such as drought and famine, and attempts to foresee crises arising out of political causes.” (GPPAC, Early Warning and Early Response: Conceptual and Empirical Dilemmas, p.9)

Over the years it has evolved into a discourse that has several components such as conflict monitoring and analysis and connecting early warning to early response measures.

The term early warning system as used in Berghof Handbook for Conflict Transformation means “any initiative that focuses on systematic data collection, analysis and /or formulation of recommendations, including risk assessment and information sharing. Early response will refer to any initiative that occurs in the latent stages of a perceived potential armed conflict with the aim of reduction, resolution or transformation” (GPPAC, Early Warning and Early Response: Conceptual and Empirical Dilemmas, p.9)

A gender-sensitive and gender-responsive EWER is an advocacy agenda advanced by women and peace as well as Gender and Development (GAD) advocates that assert the importance of having a gender lens in any early warning and early response system or mechanism. This position has been affirmed with the adoption of the UN Security Council Resolution 1325 in October 2000 that stated “Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security, Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation, Reaffirming the

important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution.” (UN Security Council Resolution 1325 on Women, Peace and Security, Adopted by the Security Council at its 4213th meeting, on 31 October 2000)

OBJECTIVES

At the end of the session, the participants are expected to:

1. Be aware of the discourse on early warning and early response and on gender responsive conflict prevention;
2. Know the existing early warning practices in the country
3. Understand the tools on early warning and the strategic actions for early response
4. Identify gaps in early warning-early response systems and develop recommendations to address these gaps

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TIME REQUIRED

2 hours

MATERIALS NEEDED

Cartolina, colored pens, meta cards, Manila paper, LCD projector and handouts

SESSION PROCEDURES

In this session the participants will take part in workshop activities and will be provided with inputs that will be shared during lecturettes through PowerPoint presentations to be led by a WE Act 1325 facilitator and a local co-facilitator. With the use of combined structured learning activities the participants will learn about early warning and early response (EWER) systems. Existing local practices or mechanisms on

EWER will also be surfaced and there will be a sharing on gender-sensitive early warning indicators. Early warning tools shall also be introduced and will be applied to conflict situations or contexts as experienced by the participants, along with a discussion on some proposed strategic actions for gender-responsive early response.

The participants of the session will be encouraged to identify what they think are the gaps in their local practices or mechanisms for early warning and early response and draw up plans for instituting an effective EWER system within their organizations or communities.

ACTIVITIES

1. Workshop on existing local practices/ mechanisms (COAT OF ARMS - 15 minutes). The guidelines or instructions for the workshop are - (a) Group the participants according to tribe or locality/geographical area (the idea is to have a homogenous group as much as possible); (b) Each group will be given one piece of cartolina. Divide the cartolina into 2 parts (vertical or horizontal); (c) in one section of the cartolina, the group members will draw their group description/identity and on the other section the group will illustrate by drawing an image/representation of their existing indigenous warning system (15 mins); (d) each group will present during the plenary their respective Coat-of-Arms.
2. Workshop on Tools Application (20 minutes). The Workshop Instructions for Applying Stakeholders Analysis Tool (refer to Annex 5) —(a) the same grouping (on coat-of-arms) will be used and each group will be given 1 piece of Manila paper and several meta cards; (b) Manila papers will be labeled with headings of the Matrix (6 columns); (C) the matrix/tool will be filled up using the meta cards; all data/information will be written in meta cards, one idea-one card; (d) plenary reporting will be done to share the group's stakeholders analysis.
3. Workshop on identifying gaps in existing EWER practices and recommendations for effective implementation. The workshop group participants will discuss among themselves how to ensure gender-sensitive local EWER systems or mechanism. They will be asked to develop a plan of action that they will undertake within their organization or community within 3-6 months.

WORKSHEETS

- Stakeholder's Analysis Tool
- Planning Matrix

DISCUSSION

Guide Questions:

1. What are the existing local practices on conflict early warning that the participants are aware of or take part in?
2. What are the gender-sensitive early warning indicators and gender-responsive conflict responses that are being applied in local EWER practices?
3. How can we do a stakeholders' analysis that will help prevent and resolve conflict?
4. What are the gaps in existing local EWER practices and how can these gaps be addressed to attain a more effective local EWER mechanism?

KEY LEARNING POINTS: Synthesis

1. The role women play in conflict prevention and resolution especially in early warning and early response mechanisms should be recognized.
2. There are already existing local practices on EWER which conflict-affected communities resort to for conflict prevention and mitigation.
3. Gender perspective or gender lens can be applied in conflict prevention and conflict resolution through the use of gender-sensitive early warning indicators and gender-responsive early response.
4. There are helpful tools that local organizations or conflict-affected communities can use as part of an EWER system to analyze the different stakeholders and their positions and potentials in order to prevent or mitigate the occurrence of conflict.

REINFORCEMENT

The participants will be provided with a checklist of examples of gender-sensitive early warning indicators and gender-responsive early response

RECOMMENDED READINGS

Global Partnership for the Prevention of Armed Conflict. (2006). Early Warning and Early Response: Conceptual and Empirical Dilemmas. Retrieved from <https://www.peaceportal.org/documents/127900679/127917167/Issue+paper+1+Early+Warning+and+Early+Response.pdf>

The World Bank (2007). *Building Partnerships for Gender-Responsive Peacebuilding Work: Toolkit 3 GAD in Conflict Prevention: Early Warning and Early Response*. Retrieved from http://webcache.googleusercontent.com/search?q=cache:6JM1SeRhKmcJ:media.wix.com/ugd/b50e6e-0b752421fa4c4c681379730bae.ugd%3Fdn%3D3%2520GAD%2520in%2520Conflict%2520Prevention.pdf+%amp;cd=2&hl=en&ct=clnk&gl=p&lr=lang_en%7Clang_tl

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Sikoska, T. & Solomon, J. (1999). *Introducing Gender in Conflict and Conflict Prevention: Conceptual and Policy Implications*. Retrieved from http://www.peacewomen.org/assets/file/Resources/UN/un-instraw_genderconflictprevpolicy_1999.pdf

HANDOUTS

- Stakeholders Analysis Tool (Annex 6)

- Gender Analysis Framework for Conflict Prevention (Annex 7)
- Checklist on Gender-Sensitive Early Warning Indicators and Gender-Responsive Early Response (Annex 8)

Annex 6: Stakeholders Analysis Tool

STAKE HOLDERS	POSITION ON THE ISSUE (demands/pro posed solutions or actions on the issue)	INTERESTS (reasons behind the position)	CAPACITY/ MOTIVATION TO PARTICIPATE IN JOINT PROBLEM-SOLVING PROCESS (high, moderate, low)	ACTUAL AND POTENTIAL COURSES OF ACTION OUTSIDE THE NEGOTIATION TABLE	SOURCES OF POWER*
Stakeholder 1					
Stakeholder 2					
Stakeholder 3					
Stakeholder 4					
Etc.					

*Sources of Power:

- Formal authority** - derived from having a formal position in a structure that confers certain decision-making prerogatives. This is the power of a Judge, an elected official, a chief executive officer, a parent, or a school principal
- Expert/information power** - derived from having an expertise in a particular area or information on a particular matter
- Associational power** (or referent power) – derived from association with other people with power
- Resource power – control over valued resources (money, materials, labor, or other goods and services). The negative version of this power is the ability to deny others needed resources or to force others to expend these.
- Procedural power** - control over decision-making procedures, separate from control over the decisions themselves (for instance, the of a judge in a jury trial)
- Sanction power** - power (or perceived ability) to inflict harm or to interfere with another party’s ability to realize his or her interests

Annex 7: Introducing Gender in Conflict and Conflict Prevention: Conceptual and Policy Implications^{1*}

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INSTRAW

Introduction

Rather than diminishing threats to world peace, the end of the Cold War has brought about new and complex ones. The number of conflicts inspired by ethnic, religious and civil strife has changed the very nature of the modern security system based on the nation-state as both an actor and a guarantor of peace and security. Increasingly, individual security, particularly which of groups traditionally considered excluded from combat both as participants and targets, such as women and children, has become threatened. Today, it is claimed that approximately 75 per cent of all war-deaths are civilian and in part this is because they have become targets of war activities.¹

The focus on threats to individuals compels us to also change our focus of the analysis of conflicts and the measures we use to prevent their violent eruptions. The changing conceptual and practical understanding of conflict - to include a variety of causes such as environmental degradation, violation of human rights, and bad governance - and consequently that of conflict prevention, management, and peacekeeping requires a change in perception of actors and instances of action. As the key issue in conflict becomes how to avoid and/or minimize its violent expression, many have suggested that new partnerships between traditional conflict prevention actors i.e., governments, and new conflict prevention actors i.e., civil society, would provide a more comprehensive and multi-layered framework for handling conflicts in their early stages.

Within this new approach to origins of conflict and conflict prevention, the importance of integrating women and gender in conflict and peace themes has risen, particularly after the Fourth World Conference on Women (Beijing, 1995), which called for increased access of women to conflict prevention and resolution² and raised the consciousness of the international academic and policy-making community about women's role in peace activism and in creating conditions of trust and confidence among conflicting parties.³ Resolution 1325 (2000) of the United

¹ *Paper presented at UNU / Norman Patterson School of International Relations Workshop "From Rhetoric to Policy: Towards Workable Conflict Prevention at Regional and Global Levels", Santo Domingo, 14-16 December 1999.

Nations Security Council reaffirmed that a gender perspective in conflict and conflict prevention and resolution would include measures that supported women's peace initiatives and indigenous processes for conflict resolution. It also stated that gender-sensitive initiatives should involve women in all the implementation mechanisms of peace agreements, and ensure the human rights of women and girls, particularly those related to constitutions, electoral systems, police and judiciaries.

As can be seen from the above, there has been both a shift and an interchangeable use of the terms "women" and "gender" theoretically and in practice in the analysis of conflicts and in prescriptions for their management and resolution. However, the implications of the distinction between "women" and "gender" are more than semantic ones; an analytical framework based on socially-assigned roles and identities to women and men is more useful in its application to given societal problems than the framework based on women alone. Hence, whenever gender is mainly relegated to women and to areas traditionally associated with women such as the household, children and community, the gender difference argument is neglected. As a result gender roles and identities are excluded from conflict analyses and conflict prevention strategizing and implementation.

We argue in this paper that while it is important to include women into the analysis of conflict and in conflict prevention strategies, it is equally important to understand the impact of the gender difference argument on the origins and the dynamics of conflict on the one hand, and on the conflict prevention strategies on the other. But for that to happen, as Zalewsky points out, "it is not enough rhetorically and theoretically to 'add women and stir' [but we need to change] the empirical focus ...[and] start questioning how belief and myths about gender play an important part in creating, maintaining and ending wars."⁴

This paper intends to explain why and how gender matters in the analysis of the origins of conflicts i.e., the analysis of the structural and the subjective causes of conflict, and in conflict prevention. It does so by proposing a framework for gender analysis that consists of three main components: causes of conflict; impact of conflict; and conflict prevention planning and implementation. But before elaborating on this, we will first briefly explain the conceptual and analytical aspects of gender and their implications for conflict prevention.

Why Gender in Conflict Matters?

Gender, as much as ethnicity, race, class or religion is an important determinant of individual and group identities. If conflicts are about different needs, interests and perceptions of needs and interests, then gender identity becomes an important determinant in creating, maintaining and ending violent conflicts and wars. But before we elaborate on some of the implications of introducing gender as analytical concept in conflict and conflict prevention, let us first briefly define gender. Gender is a concept that refers to a system of roles and relationships between women⁵ and men which are determined not by biology but by the social, political and economic context. Gender can be seen as a “process by which individuals who are born into [...] male or female become the social categories of women and men through the acquisition of locally defined attributes of masculinity and femininity”.⁶ To adopt a gender perspective is to distinguish between the naturally and socially constructed and in the process to renegotiate the boundaries between the natural-and hence relatively inflexible - and the social-and hence relatively transformable”.⁷

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As an analytical category, gender propels us to ask whether women and men as social and political agents are carriers of different and distinctive sets of values. And if so, how does this affect their role within society, their interests and needs, and their capacities to actively engage in diverse social, economic and political processes? It also propels us to adopt approaches that consider the factors rooted in the division of labor and power between women and men and inform us of their impact on the origins of conflict, on conflict dynamics as well as on conflict prevention. In practical terms, gender refers to patterns in which women are generally disadvantaged over men, which as we will see later, are very important for the analysis of root causes of conflicts.

Roughly, there are two major streams in feminist thinking that address these questions, each based on particular interpretation of the core determinants of gender identity. The essentialist gender theorists claim that behavior, attitudes and values of women and men are different by nature. “This interpretation suggests that, throughout history, men and women have tended to do what they are naturally good at. Gender difference thus becomes a matter of nature rather than nurture. Consequently, the essentialist position conceptualizes gender identity and gender differences as a static entity: all men are masculine and all women are feminine.”⁸ According to this line of thought, the issue of gender and conflict is looked at through a simple

dichotomy: men are the aggressors and perpetrators of conflict and women are victims, passive observers and bearers of the social burden of societies torn by conflict. Consequently, women's potential in conflict prevention is largely seen in terms of their mothering role i.e., educating and raising children with peaceful attitudes and creating conditions for their protection. As Kaplan argues, "women are morally superior to men because they are inherently more peaceful and globalistic than men."⁹

The constructionist position argues that gender and gender identities are constructed rather than naturally predetermined.¹⁰ Hence, gender identity is not fixed but constantly shaped by given historical and cultural processes and conditions. "It is very common, if not universal, in many contrasting social and cultural contexts, for the conceptualization of femininity to include some of the opposite qualities of masculinity: of seeking non-confrontational methods of conflict resolution; willingness to work for the good of the collective; and even passivity. Such qualities have clearly more potential for conflict resolution and peace-building, and there is a long tradition of identifying female qualities with a rejection of war and conflict".¹¹ On the other hand, men are socialized so as "egoistical [and] dominant behavior are common features of cultural definitions of masculinity, as is men's dominance over women at a general level".¹²

Within this stream of thought, the post-modernist feminist theories,¹³ for example, strongly contest the essentialist arguments and focus their analysis on the dynamics between the social construction of individuals and the individual's construction of them. They clearly argue for a distinction between the concepts of 'women' and 'gender', whereas "women have to be defined as women. We are the social opposite, not of a class, a caste, or of a majority, since we are a majority, but of a sex: men. We are a sex and categorization by gender no longer implies a mothering role and subordination to men, except¹⁴ as a social role and relation recognized as such, as socially constructed and socially imposed." The constructionist feminists claim that the difference in women's experiences from those of men, are due to the differences in access to material and symbolic resources resulting from patriarchy. This institutional system of oppression (the patriarchy) and the consequently developed inequalities between women and men create various conflicts at different social levels that invade all human and group interactions.¹⁵ This last argument, as we will see later, is extremely important where the effectiveness of conflict prevention is concerned.

A Framework for Analysis of Conflict and for Conflict Prevention from a Gender Perspective¹⁶

In order to study and analyze the origins of conflict and conflict prevention from a gender perspective, it is essential to consider the following:

- a) What are the roles, experiences, needs and capabilities of women and men in conflict;
- b) What are the gendered aspects of the causes of conflict, both structural or macro and subjective or micro; and
- c) What are the implications of these two perspectives for conflict prevention planning and implementation?

These three sets of interrogation will be addressed through a framework for gender analysis, which provides for:

- Analysis of the causes of conflict through profiling of gender aspects of access and control of material and symbolic resources, including those factors influencing access and control in the early stages of conflict;
- Analysis of the effects of conflict on traditional gender roles and identities; and
- Ensuring gender-sensitive conflict prevention policy planning by gender-specific risk and impact assessment.

Gender Analysis of the Causes of Conflict: A Gender-Sensitive Profile

Any conflict prevention policy and strategy should be directed at eliminating or reversing of the effects of the factors that cause violent and destructive conflict. But in order to devise gender-sensitive conflict prevention policies and strategies, we first need to understand or profile the particular conflict under examination from a gender perspective. To do so, we need to: analyze the specific relationships of women and men to those factors - material as well as symbolic - identified as causes of a particular conflict; to analyze the specific interests of women and men in that particular conflict situation as well as their perceptions of causes and opportunities for solution; and to identify the risks and opportunities for both women and men.

A brief overview of the most important modern theories of conflict and conflict prevention and resolution shows that they tend to neglect the importance of gender-specific relationships with and responses

to different conflict factors. The behaviorist or micro theories of conflict, for example, claim that the root causes of conflict are in human nature. Individuals react to an external stimulus, translating individual frustration into a group reaction. Although there are different schools within this theory, they all take as a starting point the frustration-stimulus- response hypothesis¹⁷ and use this as a paradigm for the analysis of the individual within the wider social environment.

Classical or macro conflict theories, to the contrary, tend to focus their analysis of the roots of conflict on the competition between groups for the pursuit of power and resources. They assume that humans are rational actors¹⁸ that make rational decisions, including ones related to engagement of human conflict. Schelling has developed a conflict model which views conflict in its interdependency with cooperation and competition among different actors. That is to say, conflict occurs when competing group goals, objectives, needs or values clash and aggression, although not necessarily violence, results. Horowitz,¹⁹ claims that “control of a state, and exemption of control by others are among the main goals of ethnic conflict.” In ethnically diverse societies, ethnic groups claim power over a variety of issues such as development, education, health, land policy, etc., and each of these issues therefore become potentially the central focus of power games and manipulation by the competing ethnic groups.

Both micro and macro theories of conflict as well as the combination theories such as the Enemy System Theory²⁰ and Human Needs Theory²¹ lack gender sensitivity in their analysis. Nowhere do they consider that human beings, apart from their ethnic, class, religious, etc., identities that determine their stake and action in particular conflict are also bound by their gender identity, and hence, have different stakes and activities in conflict and conflict prevention. That is to say that an entire dimension of analysis has been neglected by the non-recognition of the gender difference argument. The recognition of the gender difference i.e., different identities of women and men which are socially, culturally and historically constructed, would imply that their goals, objectives, needs and values are neither discounted nor assumed to be the same.²²

As stated earlier, in order to see what are the stakes of women and men in particular conflict situation, any serious conflict prevention policy-maker or practitioner needs to undertake analysis of the conflict that will identify: a) the core causes of the conflict; b) different stakeholder needs, interests, perceptions of causes and

solutions, etc.; and c) risks and opportunities. This could be done by applying the commonly used techniques in gender planning for development to the conflict situation. For example, when analyzing the causes of particular conflict, we need to ask the following questions: do women and men have the same access to and control of the disputed resource (territory, state, governance, human rights, economic power, etc.)? Do women and men have the same access and control over the factors that influence the particular state of access and control of the disputed resources (state creation, political decision-making; economic power; social and cultural norms; etc.)? Do women and men have the same interests in these resources?

Furthermore, as many feminist scholars have argued, women and men have different perceptions about the origins of the conflict and about their solutions.²³ Hence, distinguishing the gendered aspects of the main stakeholders in the particular conflict becomes very important. That could be done by asking very simple questions: do women and men have the same or differing perceptions of the causes of conflict and the opportunities for conflict resolution? What are the risks and opportunities involved in preventing violent eruption of that particular conflict given the gender specific interests, stakes and perceptions previously analyzed?

Some research that integrates such gender-specific questions into the analysis of conflict show the importance of it as in times of conflict different individual identities interplay and manifest themselves in a non-linear, and many times conflicting manner. It is not true that all individuals of a particular ethnic or religious group, for example, approach certain issues or factors that constitute the core cause of the dispute or conflict as frustration, nor do all of them react to the same stimulus with aggression and violence. Research on the pre-war conflict in former Yugoslavia²⁴ shows indeed the shortcomings of the frustration-stimulus theory of conflict. Bracewell notes that reactions to the spreading of nationalistic propaganda and rising social, political and economic tensions in former Yugoslavia were as much gender-biased as class and social status biased as well. Women adopted less aggressive approaches than men, who affected by the deteriorating economic and social conditions and in the face of the increased political competition for control of Yugoslavia, tended to identify with the nation and react with aggression and increased violence on the street and at home. Women, because of their traditional roles within the household, that is to say different level of access and control to the disputed material and symbolic resources, seemed better suited to develop coping strategies on a day-to-day basis, and

hence, were able to adjust more effectively to the deteriorating social conditions.

The implications of undertaking gender-sensitive analysis of the origin of the particular conflict, the interests and perceptions of the stakeholders and the assessment of the risks and opportunities for conflict prevention are many. Since women, as a social group, are by and large excluded from this ownership and control of contested resources they have different perceptions of why certain conflict developed; how it should be handled, and what are the opportunities there to prevent its escalation and violent eruption. Such profiling of conflict through a gender-sensitive analysis would certainly help conflict prevention policy-makers and practitioners address more effectively the factors that influence unequal control of and access to resources by women and men which may be related to: general economic conditions (poverty levels, infrastructure, access to employment and employment benefits, etc.); nature of governance, socio-cultural and religious beliefs and norms; demographic factors, legal system and norms, etc.

Consequently, such analysis will also inform us that men and their traditional roles associated with their “public” life, (and hence developed institutions and structures of social organizations) should be challenged. Moreover, such analysis on the origins of a particular conflict would also enrich our understanding of the importance of individual vis-à-vis group identity, which could be important tool for risk and opportunities assessment when particular conflict prevention policy is planned.²⁵

Analysis of the effects of conflict on gender roles and relationships

This component of the gender analysis framework of conflict for conflict prevention should help us understand what is happening to women and men during conflict and how their traditional roles and identities are being shaped and reinforced in order to sustain the newly developing social fabric under conflict situations. By doing this, the analysis of conflict could reveal how different conflict stages affect gender roles and relationships and how these in turn affect the dynamics of the conflict itself i.e., act as accelerators of the conflict. It also means explaining how traditional notions of masculinity and femininity facilitate the transition from early stages of conflict to their violent expressions. If the main objective of conflict prevention is to avoid acceleration of conflict and prevention of its violent eruption, then

gender analysis becomes an important tool in conflict prevention strategizing and prescription. As Enloe notes “when a community’s politicized sense of its own identity becomes threaded through with pressures for its men to take up arms, for its women to loyally support brothers, husbands, sons and lovers to become soldiers, it needs explaining. How were the pressures mounted? What does militarization mean for women’s and men’s relationship to each other? What happens when some women resist those pressures?”²⁶ But also, what does it mean to men, for we know of many examples where militarization has forced men who do not wish to fight into exile or imprisonment.

It is commonly acknowledged that “war of all types creates militarized societies, and in many different cultural contexts, militarization is linked with masculinity- not as a socio-biological attribution but as a cultural construction of manliness.”²⁷ Research carried out in former Yugoslavia by Maguire²⁸ also shows that in the build-up to the war, the number of reported women victims of domestic violence committed by their fathers, brothers and husbands increased significantly and that violence occurred especially after TV programs full of patriotism, national honor, and glorification of national history.

Pre-war patterns of gender-specific behaviour could help us observe better the warning signs of impending armed conflict. As Korac notes, “the first instances and control and violation of women’s rights during the transition from state socialism to ethnic nationalism were restrictions on their reproductive freedoms.”²⁹ The increase of violence and tightening up of traditionalist moral values accompanying the breakdown of political stability, economic activity and deterioration of social services, mostly fell disproportionately on women. Men, on the other hand, underwent a process of increased militarization and preparation for armed struggle. As Yuval Davis, when analyzing the Israeli/Palestinian experience points out, “the more primordial the rendering of people and nation, the more are the relations between men and women essentialized.

Women are reminded that by biology and by tradition they are the keepers of heart and home, to nurture and teach children ‘our ways’. Men by physique and tradition are there to protect women and children, and the nation, often also represented as “the motherland”.³¹ In part this could be explained by feminist analysis of similar situations that point out that “depressed wages and high unemployment among male breadwinners destabilizes relations in the family. Young men are at risk of being attracted or forced towards crime and militarism.”³²

In addition to the examination of the role of gender in the cycle

of conflict, there is also a need to understand more clearly the effect of conflict on gender roles and relations. As we will see below, more and more research on women and conflict shows that “the consequences of conflict have been contradictory, offering opportunities for rupturing patriarchy through women’s self-awareness, empowerment and emancipation, while at the same time, reinforcing patriarchy through greater subordination of women.”³³

At the early stages of the conflict in former Yugoslavia a process of reassessment of gender roles in the family and in the society took place. Women’s working role, established under the socialist system, has been violently attacked by the proponents of nationalism. A return to a “womanhood” that would safeguard the survival of the nation implied that women should reassert their reproductive and caring roles. A symbolic connection between the mother and the nation was reinforced in order to legitimize the idea of the national community as the most natural part of the patriarchal gender and kinship relations. But also, to reinforce the view that motherhood is not only the primary role of women but is their patriotic duty as well. As Bracewell argues, this shift towards more patriarchal gender roles required a questioning³⁴ of progressive socialist policies towards women, such as the right to abortion, work, divorce, etc. The predominance of women’s reproductive gender role in all of the political discourses in former Yugoslavia has also brought about a primacy of national interests over individual interests. The needs and interests of individual women, and men for that matter, should be subordinate to those of the nation.

Such nationalist discourses and policies directed at women and men in the early stages of the Yugoslav conflict served many political purposes. First, nationalist politicians used the ideas related to the primacy of the family, the importance of motherhood and the survival of the nation as a way to distinguish themselves from the former socialist politicians, thus gaining credibility with voters. Second, sending women back to the household also served the economic needs of the former Yugoslav republics, by reducing the labor surplus and transferring costs of caring back to the women and the family. And third, reinforcement of patriarchal gender roles was also used by politicians as a mechanism for the installment of law and order in times of disintegration of the previous system.³⁵

“Accounts of war, through news reporting, government propaganda... tended to cast men as the ‘doers’ and women as passive, innocent victims... As we have come to know more of the whole range of different women’s experiences, it has become clear that there are many different ways

in which women live through wars: as fighters, community leaders, social organizers, workers, farmers, traders, and in many other roles.”³⁶ Some conflict situations provide many examples of how have women intervened in war activities (Ethiopia, Somalia and Sudan) in order to create peace opportunities among warring factions of men.³⁷ Women have also engaged in activities aimed at preserving the social fabric through different forms of community organization and welfare provision (Burundi, El Salvador, Guatemala, and Rwanda). Others have openly stood up against war and destruction by risking their lives³⁸ opposing the regimes responsible for war and destruction (Israel/Palestine and Yugoslavia,). Many of these experiences were new for women, and “in some wars, many women found that, even in the midst of the horrors of conflict, there were moments of liberation from the old social order. As the need arose for them to take on men’s roles in their absence, so they had to shake of the restrictions of their cultures and live in a new way. [...] they were able to persuade their political movements to take seriously the demands of women for improved rights, and to accept women’s political representation in the post conflict situation. The allocation of places for women on the local resistance Committees in post-1986 Uganda is³⁹ a good example, with the establishment of a Ministry for Women also being common.”

Yet, not all conflict situations result with such positive balance for women. In the case of the former Yugoslavia, at the “resolution” stage of a conflict, patriarchal gender relations were being reinforced and institutionalized, thereby resulting in deterioration in the status of women despite their “emancipated” role within the conflict (for example taking on the traditional male responsibilities in the absence of the men or actually taking part in the conflict as combatants).⁴⁰ In Algeria, Eritrea, Mozambique, Namibia and Zimbabwe, and other places torn by conflict and war, the situation for women has become worse in post conflict situations. As Pankhurst notes, “The challenge to gender relations often becomes too great for patriarchal societies to maintain in times of peace, and women find their historical contribution marginalized in both official and popular accounts of war, and their freedoms in peacetime restricted or removed.”⁴¹

Gender sensitive conflict prevention planning and implementation

Having explained the importance of a gender sensitive analysis of the causes of conflict and the linkages between gender and conflict, it is time to also explain the implications of these to gender-sensitive

conflict prevention planning and implementation. A gender-sensitive profile of the origins of the particular conflict and a clear understanding of the effects of the conflict on the gender roles and relationships will enable policy makers and conflict prevention practitioners to integrate them into the planning process so as to inform the choice of objectives in particular conflict prevention exercise; and to inform the strategies to be used for their achievement as well as the instruments for conflict prevention implementation.

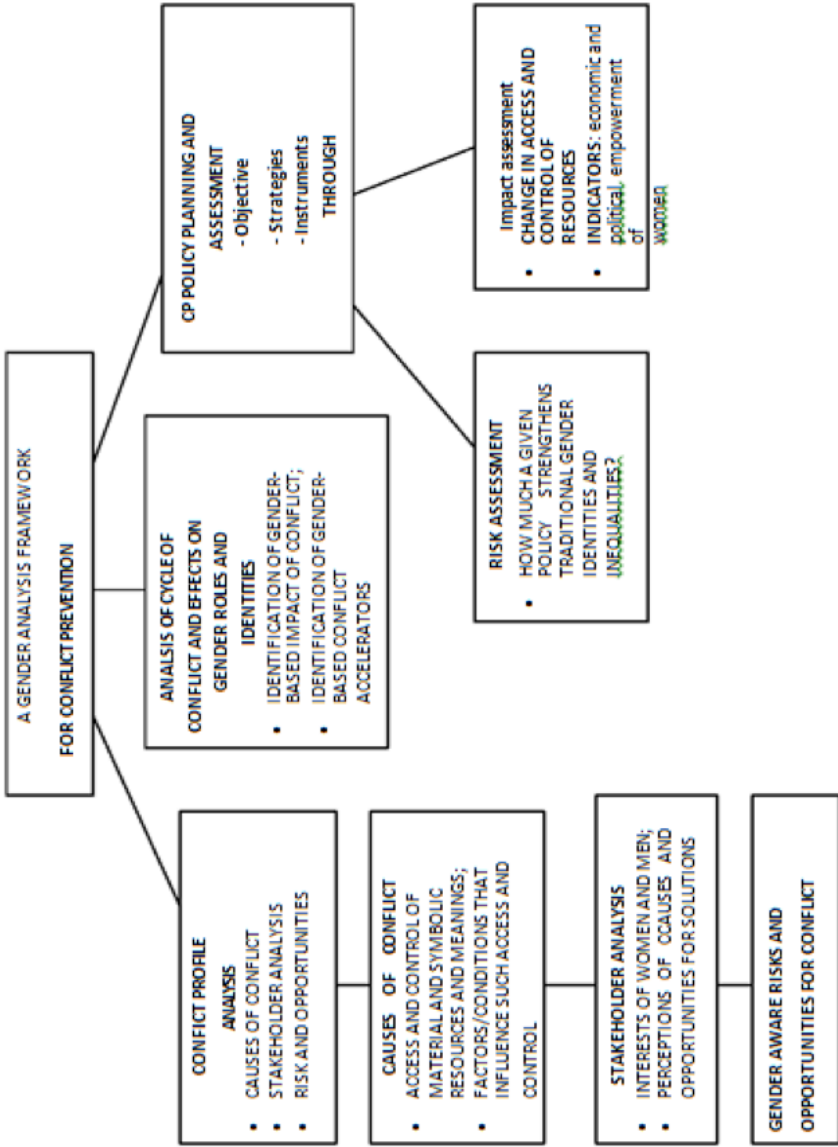
If the idea of conflict prevention is to anticipate the sources and signs of conflict and act early, the tools for doing so are many and varied: early warning, dialogue between conflictive parties, use of media for education; monitoring; mediation and use of good offices; preventive deployment of troops, and so on. The challenge we face is how these multiple tools and actors can become gender sensitive, gender responsive, and ensure overall conflict prevention effectiveness? One possible way of facing up to this challenge is to introduce gender-specific risk assessment and impact assessment exercise in conflict prevention planning and implementation. Gender sensitive risk assessment implies asking how much a given conflict prevention policy strengthens traditional gender identities and inequalities? How much will such policy be able to change the relationships of women and men with the conflicting resources without creating further conflicts?⁴²

Impact assessment, on the other hand, should tell policy-makers and practitioners how a particular conflict prevention strategy impacts change in the access and control of resources and the factors that influence such control and access. Indicators, such as those aimed at measuring the economic and political empowerment of women could be used to measure this, thus provide important guarantee for gender sensitive conflict prevention. Examples of such indicators could be: the extent to which given conflict prevention action has facilitated access and control by women and young girls to basic social and economic assets; the extent to which conflict prevention has brought about greater autonomy and political empowerment for women; the extent of increased female employment; increase of women in political decision-making; and so on.

Conclusion

A gender-aware analysis of conflict opens up the possibility of changing gender roles in conflict and post-conflict situations, as violent conflicts and wars tend to challenge gender relations. A gender analy-

sis suggests that social norms about masculinity strongly influence the prevalence of, and tendency towards, the violent expression of conflict in many places. Conflict prevention therefore should challenge these norms as a way for creating conditions for long-term peace. Gender analysis also suggests that women are not only passive victims in conflict situations but tend to perform different activities and have different stakes and interest in the given conflict. These should be seriously taken into consideration in the analysis of risks and opportunities for prevention of that particular conflict. Yet, conflict prevention should also promote norms that will bring about a change in the status of women in society as well as norms that meet women's needs in conflict and post-conflict situations.



Notes

1 Skjelsbaek, I. and Smith, D. 2001. "Introduction", in *Gender Peace and Conflict*, Sage Publications: London, Thousand Oaks, New Delhi.

2 "In a world of continuing instability and violence...the equal access and full participation of women in power structures and their full involvement in the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security." Platform for Action, Beijing, 1995.

3 An illustration of this is the fact that for the first time in its history, the United Nations Security Council held a two-day open meeting on 24-25 October 2000 to consider the issue of women, peace and security.

During the discussion, an overwhelming number of speakers stressed the need to include women in every aspect of peace-building initiatives, specifically calling for their involvement in decision-making processes.

On 31 October 2000, The Council unanimously adopted resolution 1325, which called on all actors involved in negotiating and implementing peace agreements to adopt a gender perspective and take into account the special needs of women and girls during repatriation and resettlement, rehabilitation, reintegration and post-conflict reconstruction.

4 M. Zalewsky. 1995. "Feminism and War: Well, What Is the Feminist Perspective on Bosnia?" *International Affairs*, Vol. 71, No. 2, p.347.

5 INSTRAW. 1996. *Gender Concepts in Development Planning: A Basic Approach*. INSTRAW: Santo Domingo.

6 Kabeer, Naila. "Gender, Development and Training: Raising Awareness in Development Planning", Paper presented at National Labour Institute/Ford Foundation Workshop Gender Training and Development. Bangalore. 29 November - 6 December, 1990. *GADU Newspace*, Nu.14. Oxfam. Oxford 1990.

7 Kabeer, Naila. *Ibid*.

8 Skjelsbaek, Inger. 1997. *Gendered Batterfields. A Gender Analysis of Peace and Conflict*, International Peace Research Institute (PRIO): Oslo.

9 Gisela Kaplan. 1997. 'Comparative Europe: Feminism and Nationalism: The European Case', in Lois, A. West, ed., *Feminist Nationalism*. Routledge: London.

10 For more information about social constructionism, see Vivienne, Burr. 1995. *An Introduction to Social Constructionism*. Routledge: London.

11 Byrne, Bridget; Marcus, Rachel; and Power-Styvens, Tanya. 1996. 'Gender Conflict and Development: Case Studies'. *Bridge Report, No. 35*. IDS, Brighton, University of Sussex.

12 Byrne, Bridget. 1996. 'Towards a Gendered Understanding of Conflict'. *IDS Bulletin, No. 27 3*, IDS. Brighton, University of Sussex.

13 Post-modernist feminism influenced by French thinkers such as Michael Foucault, Jacques Derrida, Jean- Francois Lyotard and others, made significant shift from analyzing women's position in the world of work and the sexual division of labour to the analysis of identity construction, including issues of hegemony, culture and representation.

14 Joan Kelly Gadol. 1986. 'The Social Relations of the Sexes: Methodological Implications of Women's History', in *Women, History and Theory*, University of Chicago Press: Chicago.

15 For more on issues of construction of gender identities in relation to given power structure and the consequent conflicts and struggles against and/or for hegemony, see for example: Seyla Benhabib. 1994.

'Democracy and Difference: The Metapolitics of Lyotard and Derrida, in *The Journal of Political Philosophy* 2, No. 1. January, and Michelle Barret and Anne Phillips, eds. 1992. *Destabilizing Theory*. Polity Press: Cambridge.

16 See schematic representation in Annex I.

17 Social Learning Theory for example, claims that humans react to frustration by aggression because they have learned through their socialization to respond to individual or group frustration by aggression. The Social Identity Theory emphasizes the need of individuals to create a group identity in opposition to or different from that of the other groups.

18 Thomas Schelling, 1960. *The Strategy of Conflict*, Harvard University Press: Cambridge.

19 Donald Horowitz. 1985. *Ethnic Groups in Conflict* University of California Press: Berkeley 1985.

20 According to Vamik, the Enemy System Theory is based on the central hypothesis that “humans have a deep rooted psychological need to dichotomize and establish clear distinction between enemies and allies.” D.V. Vamik. 1990. “An Overview of Psychological Concepts Pertinent to Interethnic and/or International Relationships,” in D.V. Vamik, J. Demetrios and J. Montville, eds., *The Psychodynamics of International Relationships: Volume I: Concepts and Theories*, Lexington Books: Lexington. The identification with particular ethnic or national group determines how we relate to people within our own group as well as to those of the other groups. However, the relationships between two groups are, in turn, determined by their historic relations as well as by their needs, interests and actual control of power and resources.

21 The Human Needs Theory, claims that in conflict situations, human beings are compulsively struggling in their respective environments to satisfy their basic needs: security, identity, recognition and development. See J. Burton. 1991, “Conflict Resolution as a Political System,” in D.V. Vamik et al., eds., *The Psychodynamics of International Relationships: Volume II: Unofficial Diplomacy at Work*, Lexington Books: Lexington.

22 Women, for example often have cross-cutting concerns which unite them as a group across conflict lines such as those of ethnicity or religion. One example of this is the Northern Ireland Women’s Coalition (NIWC). A non-sectarian, broad-based coalition of women of all political and religious persuasions, constituted in 1996 and managed to get two delegates elected as representatives to participate in the

Northern Ireland Peace Talks. In their own words they represent “the perspectives of women in the home, in business, trade unions, community groups, voluntary sector, education and all walks of life. They are Protestant, Catholic, Unionist, Nationalist, Republican and Loyalist (NIWC Website at <http://www.niwc.org>).

23 As Birkoff argues, much research on conflicts in the workplace suggests that women and men have different interpretations of the origins of disputes and dispute handling mechanisms, and the outcomes of resolution processes were also interpreted differently. There also seems to be gender difference in situations of emerging conflicts in the interpretation and perceptions of vulnerability and empowerment. Pre-conflict situations often create conditions in which women lose the social structure that enables them to feel secure, and hence they tend to experience increased vulnerability, while men experience the societal changes in conflict situations many times as an opportunity for empowerment. As a result, men strengthen their traditional attitudes and exercise increased control and oppression of women at home, on the streets and in the community at large. See J. Birkoff. 1999. “Gender, Conflict and Conflict Resolution,” in *Advanced Mediation Training*, The Mediation Center, Inc, (available on the Mediation Center Website).

24 See among others W. Bracewell. 1995. “Mothers of the Nation,” in War Report, Bulletin of the Institute for War and Peace Reporting, No. 36, London; and M. Korac. 1998. *Linking Arms: Women and War in Post-Yugoslav States*, Life and Peace Institute: Uppsala. 25 By risks, we refer to analysis of how much a given conflict prevention policy (with its strategy, objectives and instruments) strengthens traditional gender identities and gender inequalities. This is an important issue to be considered when conflict prevention policies are designed so that they can bring about women’s empowerment and change of the unequal social relationship between women and men, and hence deter the impact of it to the root causes of conflict and its dynamics.

26 Cynthia Enloe. 1993. *The Morning After: Sexual Politics at the End of the Cold War*, University of California Press: Berkeley, p.250.

27 Donna Pankhurst. 2000. *Women, Gender and Peacebuilding*. Working Paper No. 5. Department of Peace Studies, University of Bradford, Bradford. p.11.

28 S. Maguire. 1998. "Researching a 'family affair': Domestic Violence in Former Yugoslavia and Albania," in C. Sweetman, ed., *Violence Against Women*, Oxfam Publications: Oxford. 29 Korac, op.cit. 30 Korac, op.cit.

31 Nira Yuval-Davis . 1997. *Gender and Nation*. Sage Publications: London. Thousand Oaks, New Delhi.

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37 Tsehai Berhane-Selassie. 1994. 'African Women in Conflict resolution', in *Center Focus*, No. 120, March. Pankhurst, op cit.

38 Dona Pankhurst, ibid.

39 Pankhurst, ibid.

40 Croatia is a particularly important example of this where the end of the conflict with Serbia and the "normalization" of the Croatian state brought about a reinforcement of traditional values. Women, especially those associated with anti-war and pro-democratic activities have been increasingly exposed to pressures and violations of their human rights by the current regime.

41 Pankhurst op.cit.

42 Change of access and control of resources between women and men i.e., the power relationships between them, is many times accompanied by conflict that manifests itself in different forms, but mostly by increased violence against women.

Annex 8: Gender-Sensitive Early Warning Indicators and Gender-Responsive Early Response

Gender-sensitive indicators are classified into: (1) systemic indicators, which look at the root causes of gender disparity, and (2) proximate indicators, which look at the medium-term conditions and emerging trends (Schmeidl and Piza-Lopez 2002; Anderlini and Stanski 2004). Information on the state of these indicators can serve as early warning on the possible emergence of violent conflict.

1. Examples of systemic gender-sensitive indicators of conflict
 - Political equality: Percentage of women in parliament, as research suggests that states with lower percentages of women in parliament are more likely to use military violence to settle disputes (Caprioli 2000 cited in Schmeidl and Piza-Lopez 2002)
 - Economic equality: Percentage of women in the labor force, as this has been shown to correlate with the state's use of military force in resolving international conflict (Schmeidl and Piza-Lopez 2002 quoting Caprioli 2000), 63)
 - Social equality: Female fertility rate because research indicates that countries with high fertility rate and lower gender equality are more likely to engage in violence (ibid.)

2. Examples of proximate gender-sensitive indicators of conflict
 - Domestic violence: Rising aggression in society as it prepares for war can be reflected in rising aggression at the domestic level, or as experienced by women and children.
 - Presence of military operations: This frequently results in increased prostitution, commercial sex trades, and sexual harassment.
 - Reward for aggressive behavior, such as recognition of military officials who can intimidate suspected supporters of dissidents, including women and children
 - Propaganda emphasizing hyper-masculinity, such as spurn of men doing traditional women roles in families, organizations and communities.

Collection of data on the above gender-sensitive systemic and proximate indicators involves gathering gender information and sex-disaggregation of data on the political, social and economic conditions of women and men in the communities.

Sex-disaggregation of data entails (a) gathering data on the conditions of women and men, (b) collating data on women separately from data on men, and (c) comparing and analyzing the results to determine the differences and extent of the gender gap. The resulting data will be used as a barometer to determine the possible eruption of violent conflict.

Checklist on Gender-Sensitive Early Warning Indicators

SYSTEMIC INDICATORS:	PRESENCE	ABSENCE	DETAILS/REMARKS
1. Women in government position (Political Equality)			How many? What kind of position occupied?
2. Women in the labor force (Economic Equality)			How many women directly employed?
3. Female fertility rate (Social Equality)			Indicate whether High, Medium, Low fertility rate
PROXIMATE INDICATORS:	PRESENCE	ABSENCE	DETAILS/REMARKS
4. Domestic Violence			
5. Military Operations			
6. Reward for Aggressive Behavior			
7. Propaganda emphasizing hyper-masculinity			
INTERVENING FACTORS:	PRESENCE	ABSENCE	DETAILS/REMARKS
8. Shared Vision			
9. Shared tradition of peaceful conflict resolution			
10. CSO Participation			
11. LGU capacity building programs			
12. Youth Participation			
13. Corruption in government			
14. Psychosocial programs for conflict-affected communities			
15. Negative media projection of women			
16. Women in "shadow war economy" (trafficking, prostitution)			

17. Resistance to women’s participation			
18. Women’s organizations			
19. LGU resistance to CSO participation			
20. Cultural practice that tolerates vengeance			
21. Alternative conflict resolution mechanism			
22. Corrupt and inefficient judicial courts			

CHECKLIST ON GENDER RESPONSIVE EARLY RESPONSE

OPERATIONAL PREVENTION	PRESENCE	ABSENCE	DETAILS/REMARKS
23. Community dialogues			
24. Conducting surveys			
25. Identification of traditional conflict resolution mechanisms & explore ways of using them to de-escalate tensions			
26. Identification of key women & men who can be a moderating force			
27. Reach out to stakeholders most susceptible to resorting to violence			
28. Reach out to government & military to withhold use of force			
29. Reach out to educators to promote conflict resolution training and peace education			
30. Develop ties with media to promote objectivity & moderation in reporting			
31. Conduct research, consultations and tests to develop better conflict prevention indicators & response			

options			
32. Involve gender-sensitive LGU personnel			
33. Develop the outcomes of research & consultations into operational guidelines			
34. Create mechanisms for making resources immediately available to peace organizations			
35. Strengthen local initiatives & capacities for conflict prevention			
36. Improve channels of communication for better access to information & communication technologies			
37. Increase trust between local populations and authorities			
STRUCTURAL PREVENTION	PRESENCE	ABSENCE	DETAILS/REMARKS
38. Stakeholders tapped for workshops on conflict analysis			
39. Peace Vote campaign during elections			
40. Promotion of culture of peace:			
-Get allies and champions of peace advocacy			
-Promote harmony in diversity through education campaign			
-Rewrite history books to highlight peace initiatives & roles of women			
-Develop peaceful attitudes even toward aggressors			
-Move for the ending of militarization			
-Strengthen LGUs and police whose authority has been undermined by the military			

41. Asset reform promoted by working for the equitable distribution of resources			
42. Institute security sector reform			

SESSION IV: Addressing Arms Proliferation and Misuse

Prepared By: Jasmin Nario-Galace

INTRODUCTION

It is common knowledge that small arms proliferate in many parts of Mindanao. Section 8, Number 8 of the Framework Agreement on the Bangsamoro states that both government and the Moro Islamic Liberation Front commit to work in partnership for the reduction and control of firearms in the future BPE and the disbandment of private armies and other armed groups.

Why do small arms proliferate in the area? Why is there a need to control these firearms? What are the effects of private armies and armed groups? What role can women play in arms control and disbandment of private armies?

OBJECTIVES

At the end of the session, the participants are expected to:

1. Describe the situation in their communities in relation to gun proliferation and violence, and the presence of private armies/armed groups;
2. Describe the causes and effects of gun proliferation and violence, and the presence of private armies/armed groups;
3. Suggest ways to effectively control arms and violence;
4. Articulate their desire in terms of policing in the Bangsamoro Political Entity;
5. Identify possible spaces for women to engage in arms control and the disbandment of private armies and other armed groups; and
6. Identify lobbying points for integration in the Bangsamoro Basic Law

TIME REQUIRED

4 hours

SESSION PROCEDURES

This session will discuss the situation of arms proliferation in the community, the rationale for gun procurement, and the effects of gun proliferation in the community. The session will give a venue for par-

participants to reflect on how a community can move from a space where arms proliferation and violence is the norm, to an alternative norm where arms are controlled and private armies are dismantled.

MATERIALS NEEDED

Laptop with DVD player, LCD projector, speakers, 4 whole Manila papers, 8 permanent markers, masking tape, scissors and prizes for games

ACTIVITIES

1. Show the film “ Pray the Devil Back to Hell” or any available film that will showcase the effects of the proliferation of weapons or of armed conflict and what people, particularly women did to stop the war or manage the proliferation of weapons
2. Ask the participants the following questions:
 - How did you feel while watching this film?
 - What insights have you gained from the film?
 - What were the effects in Liberia of the proliferation of arms and the presence of armed groups?
 - What insights have you gained in regard to the role women can play in conflict prevention and arms management?
 - What tool perpetuated/aggravated the conflict?
3. Ask the participants what tool perpetuated and aggravated the conflict in Liberia? Once “guns” have been correctly identified by participants, divide the group into 4. Make sure that each group has a good mix of tri-women. Give each group an illustration of a gun and ask them to identify the parts in 10 minutes. When participants are done identifying the parts, flash onscreen the parts of a handgun. After the game, ask the participants the following questions:
 - Why are you familiar or not familiar with the parts of a gun?
 - What is the extent of gun ownership in your community? What about the presence of private armies and armed groups? Can you identify types of small arms and light weapons that you know exist in the area.

- How do you feel being surrounded by guns? What are your perceptions of guns? What do they symbolize? What do they mean to you?
- What are the effects of gun proliferation in your community? What are the effects of the presence of private armies and armed groups?



(Source: www.earthineer.com)

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4. Ask participants to report back to the bigger group.
5. Synthesize presentations and proceed with input (see Annex 10 on Gun Proliferation and Violence: Facts and Figures)

KEY LEARNING POINTS

1. Gun proliferates because of the symbolisms attached to gun ownership. Relationship with firearms is strongly marked by masculinity. For many, guns represent power, security, order and authority.
2. The Philippines is awash in small arms and proliferation has had deleterious effects including loss of lives; perpetuation of armed conflicts, clan conflicts political dynasties and private armies; perpetration of crimes, human rights abuses and IHL violations.
3. For genuine security to prevail arms have to be managed and controlled and private armies disbanded.
4. Women can play a substantial role in the management and control of firearms and disbandment of private armies as shown by women in Liberia, Cambodia, Albania, Argentina and other countries.

REINFORCEMENT

Present a short PowerPoint on best practices on decommissioning to show participants what happens in other parts of the world that may be applicable to the local context.

• Liberia

Liberian Women's Initiative In 1993, in the midst of the war in Liberia, Mary Brownell found it intolerable to watch people suffer as regional peace talks went nowhere. The retired schoolteacher was particularly struck by women's silence. "For five years the war was going on, but there was nothing being done in terms of speaking out, making our voices heard. We had women's organizations, but they were largely concerned about relief." Brownell discussed the idea of a women's pressure group to speak out against the war with several friends. The group ran an advertisement on national radio appealing to women to attend a public meeting in Monrovia's city hall. From there, the Liberian Women's Initiative (LWI) was formed in January 1994. The movement was open to all women, regardless of ethnic, social, religious or political background. They adopted the strategy of taking a unified stance on issues that affected everyone and chose "disarmament before elections" as their primary advocacy point. The LWI targeted all parties involved in the peace talks and started a program to assist in the collection of small arms. Their aim was to attend the regional peace talks and advocate grass roots perspectives directly to the faction leaders. Although they were never official participants in the peace talks, they proved to be influential consultants during the process and also acted as monitors to ensure that promises were kept. www.un.org/disarmament/HomePage/gender/docs/note2.pdf Adapted from Anderlini (2000)

• Albania

Women have been involved in disarmament campaigns and gun buy-back programs in many countries. For example, in Albania in the late 1990s, the proliferation of small arms created a great deal of insecurity in communities and in homes. Women were being threatened by guns during domestic arguments. Additionally, their children were finding guns in the home and were being hurt due to accidents involving these guns. Women played an active role in raising awareness about the need for weapons collection and showed their strong capacity to influence social attitudes towards weapons.

Furthermore, because the majority of men of working age had left their communities to find better economic opportunities, the women were left in the villages and knew where guns were stored or kept. Their experiences of how small arms actually increased their insecurity compelled women to hand in weapons belonging to their husbands or relatives, and persuade their family members, including children, to put down their weapons (Corey Barr with Sarah Masters, IANSA Women's Network, 2011)

• Argentina

Women were also active during Argentina's 2007-8 gun buy-back scheme. The program allowed anyone with a firearm to hand in weapons in exchange for cash and the firearms were then rendered unusable in front of the person who handed them in. Despite the lack of a gender perspective in national policies to address the small arms problem, women led the way. Though 95% of the gun owners in Argentina were men, 50% of the people who handed in guns were women suggesting that many guns owned by men were handed in by their wives or partners. The scheme resulted in the collection of 70,000 weapons and 450,000 rounds of ammunition between July 2007 and January 2008. There were dual reasons behind this participation says Mélanie Régimbal, "To protect their homes, but also to protect their children or their husbands in ensuring that these weapons are no longer in the house, but also to protect themselves." (Corey Barr with Sarah Masters, WNK, 2011)

RECOMMENDED READINGS

- Gun Talk (Annex 9)
- Women's Advocacy for Peace and Disarmament: Long History (Annex 10)
- UN General Assembly Resolution: Women, Disarmament, Non-proliferation and Arms Control (Annex 11)
- Gender Perspectives on Disarmament, Demobilization and Reintegration (DDR): How and Why are Gender Perspectives Relevant to DDR of Former Combatants? (Annex 12)

Annex 9: Gun Talk

Death by Guns

- 6,500 Filipinos died from gun violence in 2002- that is roughly 18 people getting killed a day by guns (New York based organization research).
- 7114 murder and homicide in 270 days (January to September 2009). If 78.8% are killed by gun bullets, that would be 21 people killed by guns each day.
- The Philippine National Police in ARMM estimate that 5,500 people have died in 'rido'-related cases over the past three decades - equivalent to about 183 deaths per year.

Proliferation

- Too many loose firearms
- 4.2 million civilian ownership (Small Arms Survey)
- Nearly 2 million illicit guns (1.9 M according to Ed Qutoriano, PDI, Jan 13); PNP figures: 1.2 M
- 930,000 registered (PNP figures)
- In the hands of threat groups: 21, 500
- Wide range of weapons in circulation: AK-47s, M-16s, M-14s, M-1s, .38 and .45 pistols and revolvers, rocket-propelled grenades, M-79s, PV-49s, landmines, machine guns (30/50/60) and 81mm mortars and "paltik" (locally-manufactured guns)
- In the 2012 Global Peace Index, Philippines was among the least peaceful countries placing 133 out of 158 countries ranked.

Laws/Policies

- RA 10591 or the new Comprehensive Gun Law provides concrete and helpful definition of terms such as loose firearms; enumerates standards and prerequisites for the issuance of a license to own and possess a firearm; details provisions on registration and licensing including those of gun manufacturers; and outlines penalties for violations, among others. The law clarifies that only small arms may be registered for ownership, possession and concealed carry Light weapons may only be possessed by the armed forces and the police. It also warns owners that the failure to renew a license or registration within given periods on two (2) occasions shall cause permanent

disqualification. Moreover, it provides stiffer penalties for violations including a penalty for those who will facilitate the registration of a firearm through fraud, deceit, misrepresentation or submission of falsified documents. The law is a step in the right direction as it tightens rules on gun ownership.

- Old rules: Most of the prerequisites in the new law, though, have already been in place for years. Only, they were just administrative rules of the Firearms and Explosives Office of the Philippine National Police. The value added here is that these standards have been legalized. There are noteworthy provisions such as the submission of certifications that applicant has not been convicted of any crime involving moral turpitude. Passing psychiatric and drug tests are good old rules. Only, no Juan or Pedro flunked these tests before, as we heard around. There may be a need to revoke the accreditation of existing agencies and ameliorate standards of accreditation.

- Disconcerting provisions in RA 10591: The inclusion of a long list of people who may be given the permit to carry guns outside of their residence is disconcerting. That seemed to be every Joe and John in the country. With road rage shooting on the rise, the knowledge that a whole list of people are driving with their guns at hand could be worrisome. The Philippine Action network to Control Arms has always campaigned for the revocation of an Executive Order allowing unlimited ownership of firearms. The new law, upon closer scrutiny, does not really put that necessary cap. What it did was to categorize licensees into different types. Type 1 license allows a citizen to own and possess a maximum of two (2) registered firearms. Type 2 allows for a maximum of 5. Type 3 licenses allows for a maximum of ten (10) registered firearms; Type 4 for a maximum of fifteen (15) registered firearms; and Type 5 allows a certified gun collector, to own and possess more than fifteen (15) registered firearms. The Ampatuan family charged of committing the infamous Maguindanao massacre in 2009 which claimed 57 lives were found to have in its possession 1,200 firearms, mostly licensed. With the presence of political dynasties in every part of the country which build arsenals of weapons to perpetuate themselves in power, this provision in the law is alarming.

Access

- Can be cheap (less than Php 10,000 for ordinary handguns, USD 15 for some “paltik” guns)
- Can purchase guns online which can facilitate licensing and acquisition of permit to carry
- Porous borders; smuggling
- Illegal manufacture and trading

State agencies and processes

- Leakages in legal imports and government procurement
- **Discrepancy on the number of imported guns and Philippine customs reports (based on sales documents of exporting countries) 434, 999 for the latter vs 265, 149 for the former**
- Leaks into the grey market (valued at 92 million 1996-2010)

WHY BUY GUNS?**Insecurity**

- Physical safety
- Security of assets

Masculinities

- Power
- Culture

POSSIBLE SOLUTIONS

- Checkpoints
- Purge hoodlums from security sector
- Training on safe and responsible use of guns (CSO involvement)
- Restrictions on permission to carry
- Increase licensing cost (now 320 for a low-caliber or up to 720-800 for higher caliber guns)
- Rethink privilege of sellers to facilitate licensing and acquiring permits to carry
- Intensified campaign against loose firearms'
- Strict implementation of gun ownership requirements (drug test, neuropsychiatric exams)
- Revoke 546 (can weaken private armies)/recall of police detailed as bodyguards. The gruesome crime was aided by guns. The Ampatuan family, whose members are charged before the courts for this massacre, by PNP records, have registered and licensed at most 274 firearms, barely a fourth of the more than 1,200 total seized from

in and around their properties which included a 60-mm mortar, a 57-mm recoilless rifle, M-16 rifles, and Barrett .50-caliber sniper rifle. The family employed 2,000 militias while in office.

- Implement the 1993 Administrative order 81 which authorizes the de-activation of CDF which are no longer needed for counter-insurgency operations
- Support SB 2165 by F Escudero prohibiting the establishment and maintenance of private armed groups or private armies and providing sanctions; dismantling of CAFGUs and CVOs
- Limit each candidate to one security escort
- Gun ban. Number of casualties in previous elections: 312 (2004); 276 (2007); 156 (2010);
- Restrictions on gun ownership : Japan has a low gun homicide rate of 0.03 per 100,000 residents, by far the lowest on earth; gun ownership is .6/100
- Collect and destroy surplus weapons. Destruction of weapons (UN Program of Action)- ex upgrade guns used by PNP-what happens to the old ones? Make sure they do not end up in grey markets
- Are the seized weapons from crimes destroyed? Properly inventoried?
- Transparency on collection of loose firearms
- Safekeeping and muzzling during hot times (elections and new year)
- Civil society led efforts: muzzling, surrender, create mechanisms like Rakun Tetanggas in Malaysia
- Peace and Order Council and Lupon Tagapamayapa members should have conflict resolution and mediation skills
- Loose Arms Hotline
- Boost local conflict resolution mechanisms
- Ensure transparency by providing regular and meaningful information to the public
- Delivering civic education about community safety to counter cultures of violence and notions of masculinity
- Developing sustainable livelihoods as an alternative for those who might be dependent upon armed violence for a living
- Weapon be marked upon production and import, and that appropriate records be kept
- Production within government control
- Honor our commitments to the UN Program of Action on Small Arms and Light Weapons
- Ratify the Arms Trade Treaty and adopt national laws that will make sure that arms will not land in the hands of those who will commit atrocities

Annex 11: Women's Advocacy for Peace and Disarmament: A Long History

For more than a century women and women's organizations and movements have mobilized in support of peace and disarmament. In addition to participating in organizations alongside men, many women have found it more effective to organize separately. There are numerous examples of national, regional and international women's organizations and movements with a primary focus on peace or disarmament. For example, during World War I, nearly 1,200 women from warring and neutral countries came together to protest the conflict. They eventually formed the Women's International League for Peace and Freedom (WILPF). The organization continues today and advocates internationally for a range of issues from nuclear disarmament to human rights.

Women's Forum 2000: Away with Nuclear Weapons

On opening the door of the 21st century, we the women of Japan make a sincere appeal for women and peoples around the world to unite in efforts to abolish nuclear weapons to save the human race from destruction.

On 5 August 2000 more than 1800 women met in Hiroshima to call for the abolition of nuclear weapons. They heard testimonies from women around the world on the implications of the use and testing of nuclear weapons.

The campaign called for all member States of the United Nations to take the courageous decision to eliminate nuclear weapons.

During the cold war, women lobbied against the stockpiling and possible use of nuclear weapons. In 1959 the newly formed European Women Against Nuclear Armament organized a conference on the responsibility of women in the atomic age in Brunate, Italy, bringing together women from both east and west. In the 1980s a global Women's Peace Movement spread across Europe, the US, Canada and Australia, with women's peace camps, modelled on the Greenham experience, in at least 11 countries (Roseneil, 2000 and 1995). The women's peace movement was also strong in German Democratic Republic and contributed to the fall of the Berlin wall.

Although women's peace organizations in Europe and North America

have received most of the publicity, there are organizations in all parts of the world. For example, in the Pacific women have organized against nuclear testing and Japanese women set up a peace camp at the base of Mount Fuji. Women's groups in Africa have been actively involved in advocating for peace and reconstruction, for example, in Angola, Burundi, Somalia and Niger. In the last decade, a women's peace petition gained over 150 organizational sponsors and hundreds of thousands of signatures (mostly from the south). This petition called for governments to transfer a minimum of five percent of their military budgets over the next five years to health, education, employment and peace education programs. The petition also called for the de-legitimization of war as an acceptable form of social behavior, in the same way that slavery, colonialism and apartheid have been de-legitimized. Recently, organizations and campaigns have been developed to promote women's equitable participation in peace negotiations and post-conflict reconstruction. Women's groups and networks are also advocating for the development of a culture of peace.

Why have women mobilized around disarmament and peace?

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Why do so many women believe that it is important to organize specifically as women in support of disarmament and peace? Numerous organizations have built on women's roles as mothers. Women have often organized to protect their children as in the Mothers of the Plaza de Mayo protesting the "disappearance" of their children in Argentina. Another example is the Russian Committee of Soldiers' Mothers.

During the war in Chechnya, this organization urged an end to hostilities, demanded that their sons be sent home, and called for a seat in their country's security and defense councils.

There is, however, no consensus on the assertion sometimes made that women are "by nature" more peaceful than men. Just as many men have organized for peace, there are numerous examples of women supporting arms build-ups and actively participating in wars.

A more promising entry point to understanding why women have organized in favor of disarmament is the link many women have made between gender equality and peace. For example, the 1915 meeting of women in The Hague saw that a "permanent peace could

be built only on the basis of equal rights, including equal rights between women and men, of justice within and between nationals, of national independence and of freedom.” (Karl, 1995)

Women’s organizations have often argued that peace is more than the absence of war. They have sketched out a continuum of violence, linking violations of human rights, violence against women and structural violence in economic disparities to the violence seen during wars.

Some women have worked to establish cross-conflict ties with other women, finding common cause despite tensions, cultural divides and different nationalities. A good example is the Coalition of Women for a Just Peace which brings together Israeli and Palestinian women. Another example from Liberia is contained in the following box. Whatever the motivation of their founders and members, these women’s organizations and movements have been, and continue to be, an important international force.

UN conferences, women and peace

At the first UN Conference on Women, held in Mexico City in 1975, the three inter-linked goals of equality, development and peace were established. Disarmament was part of the focus on peace. The third UN Conference on Women in Nairobi (1985) reaffirmed the commitment to disarmament issues by highlighting the key role women can play, including in nuclear disarmament, and calling for greater support of women’s efforts.

In 1995 at the Fourth World Conference on Women in Beijing, governments agreed to Strategic Objective E.2: Reduce excessive military expenditures and control the availability of armaments. Women’s organizations found it important to link disarmament and the prevention of the proliferation of nuclear weapons with women’s empowerment. They made the case that expenditures on arms divert resources from education, health and other initiatives that could improve women’s lives.

The discussions at the twenty-third special session of the General Assembly on Follow-up to the Platform for Action (June 2000) also reaffirmed the links between peace, disarmament and gender equality. The outcome document (A/S-23/10/Rev.1) identified “actions to be taken”, including to:

98 (k) Strengthen efforts toward general and complete disarmament under strict and effective international control, based on the priorities established by the United Nations in the field of disarmament, so that the released resources could be used for, inter alia, social and economic programs which benefit women and girls.

98 (l) Explore new ways of generating new public and private financial resources, inter alia, through the appropriate reduction of excessive military expenditures and the arms trade and investment for arms production and acquisition, including global military expenditures, taking into consideration national security requirements, so as to permit the possible allocation of additional funds for social and economic development, inter alia, for the advancement of women.

Security Council Resolution 1325 on women, peace and security, adopted in October 2000, specifically mentions the need to incorporate gender perspectives in all areas of peace support operations, including in disarmament, demobilization and rehabilitation initiatives (para 13).

Liberian Women's Initiative

In 1993, in the midst of the war in Liberia, Mary Brownell found it intolerable to watch people suffer as regional peace talks went nowhere. The retired schoolteacher was particularly struck by women's silence. "For five years the war was going on, but there was nothing being done in terms of speaking out, making our voices heard. We had women's organizations, but they were largely concerned about relief." Brownell discussed the idea of a women's pressure group to speak out against the war with several friends.

The group ran an advertisement on national radio appealing to women to attend a public meeting in Monrovia's city hall. From there, the Liberian Women's Initiative (LWI) was formed in January 1994. The movement was open to all women, regardless of ethnic, social, religious or political background.

They adopted the strategy of taking a unified stance on issues that affected everyone and chose "disarmament before elections" as their primary advocacy point. The LWI targeted all parties involved in the peace talks and started a program to assist in the collection of small arms. Their aim was to attend the regional peace talks and advocate grass roots perspectives directly to the faction leaders. Although they were never official participants in the peace talks, they proved to be influential consultants during the process and also acted as monitors to ensure that promises were kept.

Adapted from Anderlini (2000).

Alva Myrdal was a significant influence on the disarmament debate of her time, was instrumental in founding the Stockholm International Peace Research Institute (SIPRI) and received the Nobel Peace Prize in 1982. As Member of Parliament and part of the Cabinet of the Government of Sweden in 1967, she was entrusted with the task of promoting disarmament and became familiar with the scientific and technical aspects of the arms race. She was a highly respected figure in the Geneva negotiating committee on disarmament where she emerged as a leader of the non-aligned countries. She summed up her experience in the field in the acclaimed book “The Game of Disarmament”.

Concrete Implications

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- **Making alliances with women’s organizations:** International networking on disarmament can benefit through an explicit strategy to seek out the participation of women’s organizations and movements—both those specifically focused on peace issues and those with a general mandate. It may be useful to share information with women’s organizations or target them in communications strategies. Women’s organizations with a specific focus on disarmament and peace provide opportunities to reach the broader women’s movement. For example, WILPF played an active role in bringing disarmament issues to the 1995 Beijing Conference. They lobbied to ensure that disarmament issues were part of the Beijing Platform for Action (BPFA). The inclusion of Strategic Objective E.2 (Reduce excessive military expenditures and control the availability of armaments) in the PFA makes an explicit link between disarmament and gender equality and points out the relevance of disarmament issues for women’s organizations and gender equality advocates around the world. The international women’s movement is vibrant and diverse. Greater involvement of this important constituency could facilitate development of more effective disarmament strategies.

- **Supporting women’s involvement and meaningful participation in discussions on disarmament:** In addition to involving women’s organizations, it is also important to promote the participation of individual women in disarmament discussions - as technical experts, as representatives of civil society, as spokespeople, as decision-makers. Furthermore it may also be possible to support improved training and education (such as, specific scholarships, support for educational institutions, access to fellowship programs) for women so that they

are well positioned to assume these roles, especially the positions requiring technical expertise.

• **Supporting greater participation of women in peace negotiations:** The Beijing Platform for Action (1995) emphasizes the participation of women in conflict resolution decision-making (Strategic Objective E.1). Experience has shown, however, that increasing women's access to these discussions and opening the negotiations so that they encompass broad social concerns requires clear goals and concerted efforts.

• **Striving to achieve equal numbers of women and men on bodies working on disarmament issues and at conferences (both as participants and experts):** The development of a roster of women working on specific issues, or in appropriate sub-fields, would greatly facilitate the identification of relevant experts, speakers, decision-makers, and participants. Member States can be specifically encouraged to consider gender perspectives in making nominations.

• **Facilitating women's organizing around peace and disarmament issues:** In attempts to organize around disarmament and peace issues, women often face numerous obstacles. Efforts to provide legitimacy, information and resources to these organizations could contribute to their effectiveness and thus eventually to the broad goals and aims of peace and disarmament. Women's roles in peace education should be actively encouraged and supported.

The International Campaign to Ban Landmines (ICBL) and its Coordinator, **Jody Williams**, were jointly awarded the Nobel Peace Prize in 1996. The Nobel Committee thus recognized the achievement of the Campaign and its chief strategist and spokesperson in seizing the public conscience and building political pressure about the scourge of landmines. Within five years, the international community came together in a unique and unprecedented fashion to adopt the 1997 treaty banning the development, production, stockpiling and use of anti-personnel landmines and the destruction of existing stocks.

Resources

Publications

Anderlini, S. N. (2000). *Women at the Peace Table: Making a Difference*. New York: UNIFEM.

Bryden, M. (2000) *Somalia Between War and Peace: Somali Women on the Eve of the 21st Century*, Nairobi: UNIFEM. African Women for Peace Series.

Breines, I. et al. (eds.) (1999). *Towards a Women's Agenda for a Culture of Peace*. Paris: UNESCO

Karl, M. (1995). *Women and Empowerment*. London: Zed Books Ltd.

Mazurana, D. E. and S. R. McKay (1999). *Women and Peacebuilding*. Montreal: International Centre for Human Rights and Democratic Development.

Meyer, M. K. (1999). "The Women's International League for Peace and Freedom: Organizing Women for Peace in the War System," in M. K. Meyer and E. Prhgl (eds.) *Gender Politics in Global Governance*. Oxford: Rowman & Littlefield Publishers, Inc.

Roseneil, Sasha. (2000). *Common Women, Uncommon Practices: The Queer Feminisms of Greenham*, London: Cassell.

Roseneil, Sasha. (1995). *Disarming Patriarchy: Feminism and Political Action at Greenham*. London: Open University Press.

Vickers, J. (1993). *Women and War*. London: Zed Books Ltd.

Campaigns and Organizations

International Alert has launched a campaign entitled *From the Village Council to the Negotiating Table*. "The aim of the campaign is to engage as many women's groups and organizations as possible in a process aimed at enhancing their voices, sharing experiences and promoting more effective dialogue between women and governments."

Website: <http://www.international-alert.org/women/default.html>

May 24th: International Women's Day for Peace and Disarmament. Spearheaded by the International Fellowship of Reconciliation and the International Peace Bureau, this day focuses attention on peace and disarmament. Recent actions include radio broadcasts about women's contributions to peace, fundraising for landmine victims, petitions for the abolition of nuclear weapons and street action against militarism.

Website: <http://www.ifor.org/wpp/index.htm#>

Organizing Committee of the Women's Forum 2000 - Away with Nuclear Weapons. In mid-2000, this forum, headquartered in Japan, called for the total elimination of nuclear weapons. They launched a campaign to "urge the United Nations, the nuclear weapons states and national governments to work for the abolition of nuclear weapons".

Email: njwa@mb.infoweb.or.jp

WILPF. Founded in 1915 to protest the war then raging in Europe, the Women's International League for Peace and Freedom aims to bring together women of different political and philosophical conviction, united in their determination to study and make known and help abolish the political, social, economic and psychological causes of war and to work for a constructive peace. WILPF is a coordinator of the Reaching Critical Will campaign.

Website: <http://www.wilpf.int.ch/~wilpf/>

Women Lead the Way to Peace Initiative. Linked to the Hague Agenda for Peace, this initiative released a statement, Women's Global Actions for a Culture of Peace and Nonviolence, on the occasion of the Hague Appeal for Peace Conference, 11-15 May 1999

Website: <http://www.ifor.org/wpp/hague.htm>

Women Waging Peace. Women Waging Peace is a multi-year collaborative venture of Harvard's John F. Kennedy School of

Government that connects women addressing conflicts worldwide. The initiative breaks new ground by recognizing the essential role and contribution of women in preventing violent conflict, stopping war, reconstructing ravaged societies, and sustaining peace in fragile areas around the world.

Website: <http://names.emc.com/>

For more information on the organization Russian Committee on Soldiers' Mothers, see <<http://www.ipb.org/women/russia2.htm#prizes>>

The Department for Disarmament Affairs in collaboration with the Office of the
Special Adviser on Gender Issues and the Advancement of Women
United Nations

March 2001

Annex 11: UN General Assembly Resolution: Women, Disarmament, Non-proliferation and Arms Control



United Nations

A/C.1/67/L.35/Rev.1

General Assembly
2 November 2012

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Sixty-seventh session**First Committee**

Agenda item 94 (j)

General and complete disarmament: women, disarmament, non-proliferation and arms control

Albania, Australia, Austria, Bangladesh, Belgium, Belize, Costa Rica, Czech Republic, El Salvador, Eritrea, Estonia, Finland, France, Greece, Guyana, Iceland, Italy, Latvia, Lithuania, Luxembourg, Mexico, New Zealand, Nigeria, Norway, Poland, Romania, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Trinidad and Tobago and United States of America: revised draft resolution

Women, disarmament, non-proliferation and arms control*The General Assembly,*

Recalling that the Charter of the United Nations reaffirms the equal rights of women and men,

Recalling also its resolution 65/69 of 8 December 2010,

Recalling further General Assembly and Security Council resolutions on the issue of women and peace and security,

Recognizing that the equal, full and effective participation of both women and men is one of the essential factors for the promotion and attainment of sustainable peace and security,

Recognizing also the valuable contribution of women to practical disarmament measures carried out at the local, national, regional and subregional levels in the prevention and reduction of armed violence and armed conflict, and in promoting disarmament, non-proliferation and arms control,

Recognizing further that the role of women in disarmament, non-proliferation and arms control should be further developed,

Noting with appreciation the efforts of Member States to increase the participation of women in their national and regional coordination mechanisms on disarmament-related matters, including in efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

Please recycle 

1. Urges Member States, regional and subregional organizations, the United Nations and specialized agencies to promote equal opportunities for the representation of women in all decision-making processes with regard to matters related to disarmament, non-proliferation and arms control, in particular as it relates to the prevention and reduction of armed violence and armed conflict;
2. Welcomes the continuing efforts of the United Nations organs, agencies, funds and programmes to accord high priority to the issue of women and peace and security, and in this regard notes the role of the United Nations Entity for Gender Equality and the Empowerment of Women in promoting the implementation of all resolutions related to women in the context of peace and security;
3. Urges Member States to support and strengthen the effective participation of women in organizations in the field of disarmament at the local, national, regional and subregional levels;
4. Calls upon all States to empower women, including through capacity-building efforts, as appropriate, to participate in the design and implementation of disarmament, non-proliferation and arms control efforts;
5. Requests the relevant United Nations organs, agencies, funds and programmes to assist States, upon request, in promoting the role of women in disarmament, non-proliferation and arms control, including in preventing, combating and eradicating the illicit trade in small arms and light weapons;
6. Requests the Secretary-General to seek the views of Member States on ways and means of promoting the role of women in disarmament, non-proliferation and arms control, and to report to the General Assembly at its sixty-eighth session on the implementation of the present resolution;
7. Decides to include in the provisional agenda of its sixty-eighth session, under the item entitled “General and complete disarmament”, the sub-item entitled “Women, disarmament, non-proliferation and arms control”.

Annex 12: Gender Perspectives on Disarmament, Demobilization and Reintegration (DDR): How and Why are Gender Perspectives Relevant to DDR of Former Combatants?

Disarmament, demobilization and reintegration (DDR) are activities designed to facilitate disbanding military fighters and easing their transition back into society. They are often given priority at the cease of hostilities, as it is important to help former combatants settle into peacetime occupations.

These activities can involve the turning in of weapons and weapons caches, the physical relocation of ex-combatants (often first in camps and then to other locations), distribution of benefits packages for ex-combatants (this can include clothing, minimal amounts of food and cash settlements), and development of credit, training or other programs to assist the reintegration of combatants into their communities.

Why are gender perspectives important to DDR?

Armed conflict affects women and men differently. Although each conflict presents specific dynamics, men may have been more active in organized fighting, while women may have had to flee to refugee camps, been subjected to violence, had to assume non-traditional responsibilities and seen their domestic responsibilities intensified in their efforts to secure food, shelter and security for their families. These different experiences need to be recognized in order to construct DDR programs that respond to the actual (rather than assumed) needs of all those involved. Women and men have unequal access to resources following conflict. Given existing gender biases and inequalities in most societies, men are often better positioned to take advantage of reconstruction initiatives.

They may be better educated; they are often more confident in dealing with outsiders; and they tend to be more visible. DDR programs often focus on “the young men with guns”. They are seen as the powder keg that must be diffused and tend to be the most visible. Special attention is generally required to ensure that women and girls are not excluded from programs and that women also benefit from reconstruction efforts. Without these efforts, DDR activities run the risk of widening gender inequalities.

Finally, the achievement of sustainable peace is a complex process that must involve all members of society. DDR activities that only focus on one segment of society (former male combatants), without considering how that group interacts with the rest of society, have had limited effect. Understanding how societies can rebuild (including the gender dimensions of this process) increases the possibilities for lasting peace (Kingma, 1999).

Gender perspectives within DDR initiatives

Although each situation must be understood on its own terms, here are examples of issues that arise when DDR initiatives are reviewed from a gender perspective:

Ex-combatants are a heterogeneous group. The group of ex-fighters can include women, men, boys, and girls. Each of these groups can be further divided: people with and without physical disabilities; fighters from various sides in the conflict; volunteers versus those forced to fight; people who served as commanders and those who participated in the rank and file.

Both women and men have taken up arms. Although the percentages vary from situation to situation, women as well as men have often participated as combatants in armed struggles (especially wars seen as national liberation struggles). At times, DDR initiatives have failed to acknowledge women combatants. For example, the demobilization program in Mozambique in the mid-1990s only granted resettlement allowances to men and only men's clothing was issued (Baden, 1997).

Women ex-combatants may have specific needs (needs different from those of men) relating to children, sexually transmitted diseases including HIV AIDS, and difficulties obtaining skills to earn a living. Reports from countries as different as Namibia, Chad and Nicaragua recount similar experiences for female ex-combatants relating to domestic violence linked to their husbands' sense of insecurity due to unemployment or recent release from the armed forces. Demobilized women also faced resentment from local people and often downplayed their leadership skills to win acceptance (Sorensen, 1998). A study of ex-combatants in Eritrea found that women fighters found reintegration more difficult than their male counterparts, often because during the struggle they

experienced relative equality with their fellow fighters. Following the end of hostilities, this equality was questioned (BRIDGE, 1996).

In other cases, demobilization activities did not recognize and build on skills gained by women combatants during the conflict. For example in Zimbabwe, although women in the armed forces were given considerable informal training as nurses, on demobilization they were often ineligible to qualify for the civilian nursing profession because of their lack of formal training (ILO, 1998).

There are groups of people who were directly involved with armed fighters but are not seen as soldiers. These groups, primarily women and girls, support combatants (voluntarily or forced) while not directly engaging in combat: carrying supplies, cooking food, washing clothes and providing sexual services. They are often not a focus of DDR activities, as they are not seen as security threats. These groups may not be eligible for DDR program, as they tend not to have weapons to trade in. Yet, their lives have also been disrupted and they too need to be reintegrated into society.

A broad perspective of the socio-economic situation is required. Although there may often be pressures to get the guns out of the hands of combatants, it is important to understand more than just the needs, interests and situation of combatants. There are at least two important pieces in a reintegration initiative: the combatant and the family/society into which they are to be reintegrated. Just as the combatant's life has changed during the conflict, so have the lives of noncombatants. Family members not directly participating in the fighting may have still been victims of violence: they may have fled their homes, had to take on new responsibilities and learn new skills, overcome harsh obstacles and be carrying their own war horrors. These families also need support if they are to successfully receive and reintegrate ex-combatants.

Specific issues relating to gender roles and responsibilities can arise in this process. Family members may need to adapt to changed responsibilities or to renegotiate household resources. Many marriages do not survive. The gender-based and sexual violence which women and girls face in situations of armed conflict and displacement often continue in post-conflict transition periods and in many cases the incidence of domestic violence increases. Men who have

suffered physical disabilities may have trouble re-adapting to family life. Family composition often changes with an increase in the number of widows, orphans and dependents.

Psychological rehabilitation needs are important. Reintegration programs often focus on economic reintegration, providing food, allowances and skills training. Yet, ex-combatants and their families may also require other types of support, including psychological trauma counselling, to rebuild their lives. For ex-combatants the transition to peacetime can be stressful and difficult. There is a need to look at the psychological transition as well as the socio-economic. This is important from a gender equality perspective, as there are often high rates of domestic violence associated with returned combatants. There may also be different post-traumatic stress symptoms for women and men ex-combatants. Support for psychological trauma must be appropriate to the situation and culture. Western notions of therapy are not always relevant.

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Human rights violations and persecution. According to one analyst, “the confidence and security perceptions of people—including ex-combatants—depends to an extent on how past and ongoing human rights violations... are being handled” (Kingma, 1999). This issue can provoke dilemmas as the merits and impacts of persecution versus amnesties are hotly debated. Women’s and men’s perceptions of these issues may vary as may the profile of violations. Women’s NGOs have played important roles in the investigations of human rights violations in countries such as Argentina, El Salvador, Guatemala and Sri Lanka. As well as healing personal wounds, addressing impunity and compensation can also help to restore confidence in authorities and regenerate a sense of community (Sorensen, 1998).

Concrete Actions

A gender perspective in DDR activities raises the following questions:

- **What are the goals of the initiative?** Although there is often pressure to adopt a narrow focus, initiatives should be grounded in a careful understanding of the socio-cultural dynamics (including gender relations). This broad understanding will help to ensure that initiatives actually promote stability. Narrow goals and limited focus (for example, only including male combatants) often fail to

promote peace. It is important to support combatants, their families, and all those affected by the conflict.

- **Who is eligible?** It is important to consider who will participate in the activity and ensure that eligibility criteria do not exclude important groups. Different groups to consider include: men and women, the spouses of combatants, boys and girls, armed and unarmed military members, and rural and urban combatants.

- **Who is consulted and involved?** Participatory processes can play invaluable roles in planning DDR initiatives. Specific attention may be required to ensure that the views of women and girls (as combatants, spouses, family members and generally as members of society) are heard and taken into consideration.

- **What is offered?** It is important to consider the package of benefits offered as part of the DDR initiative. Will women and men be offered the same package? Is the package equally attractive to women and men? Will women be eligible for access to land (if that is part of the reintegration package)? If agricultural tools are offered, are they tools that both women and men will use? Will women face specific barriers when trying to take advantage of support (for example, lower education levels which prohibit their participation in specific training initiatives, social opposition to women assuming non-traditional roles)? Does the package include socio-culturally appropriate trauma counseling (recognizing that needs may be different for women and men/girls and boys)?

- **How are others affected by the initiative?** Even if the DDR initiative is limited to ex-combatants, is there a clear view of how others will be affected (particularly the families of ex-combatants)? In many cases the success of reintegration depends on the rebuilding of family and social life. This cannot happen if pressures continue to force families apart (domestic violence, alcoholism, continued separations). The importance of understanding family dynamics is particularly important when child soldiers are involved.

- **What is the timeframe?** Although there is often pressure to deliver immediate results, reintegration is a long process. Planning must begin early, include sufficient time for

consultations, and anticipate developments. It is not enough to plan for de-arming and disbursement as a one-time package. A longer timeframe holds more potential for success.

- What is the legal, political, economic and social context of the initiative? Are there barriers or obstacles specific to women or men that should be taken into account, for example, legal, social and economic obstacles to owning or managing land or property?
- How can local capacities and organizations be strengthened? Local NGOs, including women's organizations, can be important players in DDR initiatives, but capacity building or additional support may be required to maximize their effective participation.

How can greater learning and understanding of the gender dimensions of DDR be encouraged? There is little documentation on the gender dimensions of DDR. More research and focused studies are required.

15 The outcome document from the twenty-third special session of the General Assembly on Follow-up to the Platform for Action (June 2000–A/S-23/10/Rev.1)) highlights the importance of a gender perspective in post-conflict reconstruction. Agreed actions include to:

- Address the root causes of armed conflict in a comprehensive and durable manner, as well as the differences in the impact of armed conflict on women and men, and take them into account in the relevant policies and programs in order to, inter alia, enhance the protection of civilians, particularly women and children. (Para 98d)
- Provide support to and empower women who play an important role within their families as stabilizing factors in conflict and post-conflict situations (Para 98j).
- Security Council Resolution 1325, adopted in October 2000, specifically mentions the need to consider the different needs of female and male ex-combatants and their dependents in DDR (disarmament, demobilization and rehabilitation) initiatives (para 13).

Resources

The following studies and articles provide some information on gender perspectives and DDR:

Baden, Sally (1997). Post-Conflict Mozambique: Women's special situation, population issues and gender perspectives to be integrated into skills training and employment promotion. ILO Action Programme on Skills and Entrepreneurship Training for Countries Emerging from Armed Conflict. Geneva: International Labour Office (Training Policies and Systems Branch).

Ibañez, Ana Cristina (1999). Combatientes y Género: Implicaciones para la Reintegración. Paper presented at Gender, Armed Conflict and Political Violence, The World Bank, Washington, DC, June 1999.

ILO (1998). Gender Guidelines for Employment and Skills Training in Conflict-Affected Countries. Geneva: Training Policies and Systems Branch, International Labour Office.

Kaffel, Hasebenebi (1999). The Reintegration Efforts of Demobilized Fighters in Eritrea: Gender Perspective. Paper presented at Gender, Armed Conflict and Political Violence, The World Bank, Washington, DC, June 1999.

Shikola, Teckla (1998). "We Left Our Shoes Behind," in M. Turshen & C. Twagiramariya (eds.) What Women Do in Wartime. London: Zed Books Ltd. Sorensen, B. (1998) Women and Post-Conflict Reconstruction: Issues and Sources. The War-Torn Societies Project, Occasional Paper No. 3. UNRISD. <http://www.unrisd.org/wsp/op3/toc.htm>

For general resources on gender issues in post conflict situations see:

BRIDGE (1996). Issue 3: Conflict and Development. Development and Gender In Brief. Institute of Development Studies.

ICRC (2000). Women and War. Geneva: Available at: <http://www.icrc.org/eng/women>

International Alert (2000). Mainstreaming Gender in Peacebuilding: A

Framework for Action. Women Building Peace Campaign.

Mooney, Erin (1998). Internal Displacement and Gender. Notes for a presentation to Humanitarian Principles Workshop: Focus on a Child Rights Approach to Complex Emergencies and Internal Displacement. Brussels, October. [http://www.reliefweb.int/library/documents/Internal>Displcmt_Gender.htm](http://www.reliefweb.int/library/documents/Internal%20Displcmt_Gender.htm)

UNCHS (1999). Women's Rights to Land, Housing and Property in Post-Conflict Situations and During Reconstruction: A Global Overview, United Nations Centre for Human Settlements, Land Management Series No. 9. http://www.unchs.org/tenure/Publication/Wom-rights/pub_1.htm

Woroniuk, Beth (1999). Gender Equality and Peacebuilding: An Operational Framework. Ottawa: Canadian International Development Agency. Available at: <http://w3.acdi-cida.gc.ca/peace>

For an overview of demobilization, reintegration and peacebuilding see:

Kingma, Kees (1999). Post-war demobilization, reintegration and peace-building. Paper presented at the International Conference and Expert Group Meeting, The Contribution of Disarmament and Conversion to Conflict Prevention and its Relevance for Development Cooperation. Bonn 30-31 August 1999. Available at: <http://www.bicc.de/>

Global Information Networks in Education (GINIE) and UNESCO (1999). Child and Young Adult Soldier: Recruitment Prevention, Demobilization Procedures & Reintegration. Electronic document available at: <http://ginie1.sched.pitt.edu/childsoldiers/recruitment.html>

SESSION V: Gender in the Context of Islam

Prepared By: Jurma Tikmasan

SESSION 5.1: Lived Realities of Muslim Women

INTRODUCTION

The session opens with a workshop where the participants would be asked this question: What roles do you play in your respective communities before, during and after crisis (armed conflict or natural calamities) and displacement? They would be provided with meta cards and Manila paper and requested to group their responses into 3: BEFORE CRISIS, DURING CRISIS and AFTER CRISIS.

Thirty minutes would be allotted for the workshop. Three reporters would present the outputs in plenary.

The resource person (RP) would facilitate the discussion during plenary and proceed to make the connection between the WS outputs and the input on LIVED REALITIES OF MORO WOMEN. The presentation will be allotted one and a half hours, including the open forum after.

OBJECTIVES

At the end of the session, the participants are expected to:

1. Identify the roles that they play before, during and after crisis;
2. Be aware of the documented lived realities of Moro women in ARMM; and
3. Record their reactions to the presentation.

TIME REQUIRED

One hour

SESSION PROCEDURES

Structured Learning Exercise (SLE)

The participants would be asked to play the obstacle race by dividing them into 2 teams. Each team would have a leader and a follower. The other members are watchers. The instructions would be given to the leaders, but the followers will not be allowed to listen in.

She would also be blind-folded and would act per instruction of the leaders. Starting and finish points would be identified and the blind-folded followers will race to the finish line after being told that there would be obstacles scattered in their paths. They are to negotiate the paths through the instruction of their respective leaders. The follower who can cross the 2 points without hitting anyone of the obstacles wins. The RP will process this activity by emphasizing how obstacles can be overcome through good leader-follower relationships, trust and self-confidence.

KEY LEARNING POINTS: Synthesis

1. Women are playing vital roles before, during and after crisis;
2. It is good to be informed about issues and concerns before strategizing for solutions;
3. There are natural leaders, we just need to find them and give them the chance to lead;
4. Moro women are faced with difficult situations – most if not all of them are avoidable with proper planning;
5. Some issues arise because of misconceptions of Islamic teachings.

CLOSING

In closing, women would be asked how they feel about the lived realities that were discussed, presented and identified in the session. Are they willing to help resolve these?

RECOMMENDED READINGS

- Lived Realities of Muslim Women in the ARMM

SESSION NUMBER 5.2: Basic Concepts of Islamic Teachings: Tawhid

INTRODUCTION

The session opens with a SLE titled Strategy Balls. Thirty minutes would be allotted for this.

Two Teams to be composed of “men” and women will compete.

The resource person (RP) will process the activity – emphasizing the fact that both men and women are capable of leadership

if given the chance. The RP then proceeds to make the connection between the SLE and the input on BASIC CONCEPTS IN ISLAMIC TEACHINGS: *TAWHID AS A SOURCE OF INSPIRATION FOR GENDER JUSTICE*. The presentation will be allotted 2 hours, including the open forum after.

OBJECTIVES

At the end of the session, the participants are expected to:

1. Review the basic concepts of Islamic teachings;
2. Understand the Tawhid and its two dimensions (vertical and horizontal relationships) as basis in promoting gender justice.

TIME REQUIRED

One hour and 30 minutes

SESSION PROCEDURES

SLE: Strategy Balls

The participants would be divided into 2 teams. One team would try to think like men while the other team would be as they are, women. Both teams would be given 3 numbered balls (ping pong) and will be asked to strategize so that they can pass the balls in the order of 1-3 through the hands of all members in the shortest possible time. The Teams will discuss among themselves separately (so that they will not copy ideas) and proceed in passing the balls as fast as they can.

KEY LEARNING POINTS

1. *Tawhid* as the cornerstone of Islam has two dimensions: vertical and horizontal relationships;
2. Islam is a complete way of life with distinct ideology, economic and political systems, code of law, mode of conduct and aesthetic value;
3. Islam recognizes fundamental equality among women and men.

CLOSING

In closing, the participants would be requested to read the following verse as basis of equality between men and women:

“For Muslim men and women – For believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in Allah’s praise – For them has Allah prepared forgiveness and great reward. (Surah Al Ahzab [The Confederates], 33:35)”

RECOMMENDED READINGS

- Basic Concepts in Islamic Teachings: Tawhid as a Source of Inspiration for Gender Justice

SESSION NUMBER 5.3: Code of Muslim Personal Law (CMPL) & Khutba on Gender and Reproductive Health

INTRODUCTION

The session opens with a SLE titled Communication. Thirty minutes would be allotted for this. This will be done in Plenary.

The resource person (RP) will process the activity – emphasizing the problems associated with communication. The RP then proceeds to make the connection between the SLE and the inputs on THE CMPL AND THE KHUTBA ON GENDER AND RH. The presentation will be allotted 2 hours, including the open forum after.

OBJECTIVES

At the end of the session, the participants will be expected to:

1. Understand the salient features of the CMPL;
2. Know the core messages of the Khutba on Gender and RH.

TIME REQUIRED

One hour

SESSION PROCEDURES

SLE: Communication

The participants would be requested to write a simple message in small pieces of paper.

They will then be requested to crumple them to make “balls” and

then throw them to the facilitator who will try her best to catch as many as she can. The facilitator will process the activity by explaining how simple words can be understood differently, and how difficult it is to convey the original messages from one to the other – even if the other is willing to receive them.

KEY LEARNING POINTS

1. There are discriminatory provisions in the CMPL;
2. The Khutba speaks of similar rights among men and women ;
3. Islam recognizes fundamental equality among women and men.

CLOSING

In closing, the participants would be requested to read the following verses as basis of equality between men and women:

“And women shall have rights similar to the rights against them, according to what is equitable”. (Surah Al Baqarah [The Heifer], 2:228)

“Never will I suffer to be lost the work of any of you, be he male or female: Ye are members, one of another...” (Surah Ali ‘Imran [The Family of ‘Imran], 3:195)

RECOMMENDED READINGS

- Lived Realities of Muslim Women in the ARMM
- The Code of Muslim Personal Law
- Khutba Core Messages

Annex 13: Lived Realities of Muslim Women in the ARMM

Population and Poverty

- Mindanao’s population is growing fast at 2.42 percent, higher than the national average of 2.36 percent
- Basilan experienced a rapid increase in population growth rates from 2000 to 2007, a period of only 7 years showed an actual increase of 163,675, from 332,828 (2000) to 496,503 (2007) or an increase of 49.17% in the last 7 years alone, an average annual growth of 7% annually

- Sulu's population increased to 849,670 persons as of August 1, 2007 from 619,668 persons as of May 1, 2000, with an annual population growth rate of 4.45 percent
- Tawi-Tawi registered a 4.7 percent average annual population growth rate in a span of seven years, with population climbing by 128,029 to 450,346 persons as of August 1, 2007 from 322,317 persons in 2000 (2007 census on population)
- With a 75 percent dependency ratio, Mindanao is reeling under the impact of having young dependents who need extensive investments in health and education and an elderly population needing income, health and housing.

Armed Conflict, Volatile Peace and Order Situation:

- Banditry, clan feuds (*rido or pagkuntara*), kidnapping, the unresolved Moro claim for its right to self-determination, and the continuing decline of agriculture and homegrown industries have forced many Moro families to leave their hometowns and look for other means of sustenance in peaceful towns and cities.
- At high risk in the ritual of revenge within clan wars are the female members and children who may be kidnapped or taken hostage as a way to dishonor or get back at the opponent's family.
- The ongoing military operations against "rogue" commanders of the MILF and the Abu Sayyaf Group (ASG), have displaced families in the ARMM, where much of the military operations are conducted.
- Most IDPS are Muslim women and children who suffer the most from the lack of food aid, insensitive and inadequate service delivery, diseases, lack of potable water and medical relief.
- In this context, it is the women in the family who are burdened with caring for the rest of the members. Performing this role is even more burdensome, as it is done in extremely difficult circumstances.

Education and Literacy:

- Extreme poverty, aggravated by the lack of peace and security, has deprived many Moro women and children of basic education.
- ARMM showed the most disturbing performance – highest

in dropouts; lowest in:

- Simple literacy
- Functional literacy
- Secondary participation
- Elementary cohort survival
- Number of passers in the Licensure Exam for Teachers

Overseas Filipino Workers (OFWs)

- Women form the majority of OFWs from Mindanao
- The Middle East and Asia were top destinations
- In recent years, there has been an increasing reliance on the export of young female migrant labor. Due to lack of choices and opportunities within the country, many girls choose to engage in high-risk occupations abroad, including being trafficked in prostitution
- Issue of *nafaka*
- Emerging issues on halaw or deportees from Malaysia

Child Labor

- Despite laws against child labor and in view of difficulties and the inability of parents to provide for the family, many children join the labor force in Mindanao.
- Moro girls work as dishwashers, waitress, GROs, vendors and domestic help.
- Some end up in entertainment clubs and get trafficked into prostitution.

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Lived Realities of Moro Women

- Due to cultural, religious and logistical reasons, women in the ARMM generally have less access to modern family planning methods.
- Women experience frequent pregnancies and closely spaced births.
- There is poor access to health facilities and health workers need support to detect and manage high risk pregnancies.

The Fatwa on FP:

In early 2004, the Assembly of Darul Ifta – the biggest and most influential group of Muslim religious leaders in the country – issued a national fatwa (religious decree) on reproductive health

and family planning

- Many see the fatwa as a major breakthrough towards improving family planning practice in the region and consequently helping to reduce maternal and infant deaths.
- His Excellency Sheikh Dr. Ali Gomaa, Grand Mufti of Egypt endorsed the Philippine Fatwa on Reproductive Health and Family Planning last January 2004.

Unmet Need for FP in ARMM

- The 1998 NDHS survey observed that the ARMM had the lowest percentage of currently married women using any contraceptive method (15.8 percent).
- ARMM also scored highest, at 29.4 percent, of married women having unmet need for family planning as against 19.8 percent for the total sample.
- Couple consensus on number of children desired was lowest for ARMM at 48.1 percent (compared to 70.2 percent for the whole sample)

Violence against Women (VAW) in the ARMM

- Wife battery
 - Parricide
 - Non-support
 - Taking of the mahr
 - Forced marriage
 - Abuse in the practice of polygamy
 - Incest
 - Prostitution
 - Abduction/kidnapping
 - Rape
 - Sexual harassment
 - Trafficking
 - Cruel treatment of domestic helpers (most of whom are women)
 - Violence to women detainees
 - Violence against women in situation of armed conflict and internal displacement
- *Moroweave Study

Differential Rights and Obligations

- More and more, women take “visible” contribution by taking on productive work, i.e., the production of goods and services.
- Likewise, there is recognition, albeit slow, of women’s “invisible” contribution, i.e., their domestic work that is economically unaccounted for.
- Women are now working and contributing to the economic well-being of the family, working in factories, offices, overseas, etc.
- Growing number of female-headed households.

Annex 14: Basic Concepts in Islamic Teachings: Tawhid as a Source of Inspiration for Gender Justice

“If the only tool you have is a hammer, you tend to see every problem as a nail.”

Abraham H. Maslow

The meaning of Islam:

- ISLAM is taken from the Arabic word SALAMA which means:
 - o Release, freedom and redemption from inner and outer evil;
 - o Peace and security
 - o Order and harmony
 - o Obedience, surrender and submission to the Will of Allah.
- The cornerstone of Islam is TAWHID which means complete faith and belief:
 - o In the ONENESS of ALLAH Almighty;
 - o In His being the SOLE Creator, Evolver, and Fashioner of all beings;
 - o In his being the LONE Sustainer, Cherisher and Guardian-Lord of all
 - o In his being UNIQUE in His Names and Attributes.
- ISLAM as a DIN connotes
 - o A complete way of life
 - o A distinct ideology
 - o A religious faith
 - o A mode of conduct
 - o A political system
 - o A code of law
 - o An economic theory
 - o An aesthetic value
- ISLAM regulates man’s relationship with:
 - o ALLAH Almighty;
 - o Other people;
 - o Other creatures; and
 - o One’s own self.
- ISLAM strives to preserve the following core values:
 - o Life
 - o Religion
 - o Intellect

- o Honor
- o Property
- o Progeny

Essence of Islam:

- The essence of Islam is revealed in the humanistic values it embodies
- The complete expression of those values is recognition by Islam of the fundamental equality and unity of all humanity: ALL HUMAN BEINGS ARE CONSIDERED EQUAL BECAUSE ALL ARE EQUALLY CREATED BY GOD.
- The only thing that differentiates one individual from another: DEGREE AND QUALITY OF DEVOTION AND OBEDIENCE TO GOD
- The only one capable of judging the quality of human devotion is ALLAH
- Islamic teachings emphasizes 2 dimensions simultaneously:
 - o Vertical relationship: God and humanity's obligation to God
 - o Horizontal relationship: inter-human relationships and the relationship between humans and the natural environment
- Horizontal dimension relating to human relationships is often not fully appreciated and observed by Muslims.

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Key Concepts of Islamic Teachings:

- Monotheism (*Tawhid*) – has several direct implications for the relations between people
- Prophetic Mission - the mission of respective prophets, particularly Muhammad (SAW) and their efforts to formulate the ideas of the liberation of mankind from the shackles of servitude, imposing solidarity and equality among humankind
- Our Human Mission on earth (khalifa fil ardl) – humankind's ultimate mission to live on earth according to the Qur'an

***Tawhid* as a source of inspiration for Gender Justice:**

- The cornerstone/foundation/core of Islam
- Basis for human devotion to God
- Guides humankind on how to establish harmonious relationships among themselves

Initial understanding:

- Acknowledgement of oneness of Allah who created the world
- In knowing His names (asma), His attributes & the rational ' proofs of his existence
- If understanding tawhid only involved acknowledging God's oneness and power, then even God's lower order creations like Satan could achieve understanding, since Satan acknowledged Allah to be his God, this acknowledgement was not accompanied by OBEDIENCE to God's commandments.

(See Sura Sad,: Al-Hijr 30-40 38:82; Ai-Mu'minun, 23:84-89; Luqman 31:25)

- Mere acknowledgement of God does not make one into a true muwahhid" (one who implements the principles the principles of tawhid) either in one's vertical relation with God or in his/her horizontal relationships with other humans
- The essence of Islam is its system of human values; tawhid cannot be separated from our horizontal relationships in everyday life

What does it mean in the context of horizontal relationships to acknowledge tawhid?

Sura Al Iklas (112) Say; He is Allah, the One and Only, Allah, the Eternal, Absolute; He begetteth not, nor is He begotten, And tre is none like unto Him.

Sura Al Nisa (The women), 4:1

O mankind! Reverence your Guardian Lord, who created you from a single Person (nafs), Created, of like nature, his mate and from them twain scattered (like seeds), Countless men and women – fear Allah, through Whom ye demand your mutual (rights), And (reverence) the wombs (that bore you): for Allah ever watches over you.

Prophetic Example

- The conviction that humankind should rely on Allah alone gave the Prophet (SAW) extraordinary moral authority that enabled him to lead a social revolution.
- The Prophet (SAW) feared no power but the power of Allah and rested all his hope on God alone
- The conviction that Allah was neither born of another or bearer of offspring eradicated any basis for considering any

human to be superior to any other.

- All humans, including Prophet Muhammad PBUH are equal servant of Allah
- The conviction that no human equals Allah and that He has no offspring or incarnation has given rise to the principle of EQUALITY of humankind
- No human is superior to any other; all are fundamentally equal
- No human may be deified in the sense of being made the source of guidance and support, to be feared, prayed to, and regarded as unquestionably correct (infallible)

Tawhid as a source of inspiration for gender justice:

- A king cannot be a god to his people, a husband cannot be a god to his wife, a rich person cannot be a god to a poor one, an employee should not worship his/her employer, a wife should not worship her husband
- Thus, fear of and unconditional obedience towards a king, a leader, an employer or a husband that exceeds that which is accorded to Allah is a denial of the principle of Tawhid

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I. Tawhid Liberated Humankind:

In a highly non-egalitarian, repressive and unfair situation, the idea of TAWHID is a ray of hope and emancipation

Islam as tawhid-based religion:

- Liberated people from polytheism, tribal fanatic, and worldly desires;
- Islam liberated the weaker/disadvantaged groups (MUSTAD'AFIN) from oppression, i.e. Slaves, ordinary people, religious minorities, women, children
- Emancipated humankind from tyranny, cruelty and oppression

a. Tawhid: Total Liberation

Polytheism (shirk):

I. "... In all truth, Allah will not forgive the sin of polytheism, and He will forgive all other sins except the one (polytheism), everyone whom He wishes to do so. But however identifies Allah with something, this is really considered a great sin..."
(Al-Nisa, 4:48)

II. “... In all truth, Allah will not forgive the sin of identifying Him (with something) through He will forgive any other sin but polytheism of anyone whom He wishes to do so. But whoever connects something (else) with Allah is truly misled as far as can possibly be...” (Al-Nisa 4: 116)

“... And I did not create humans and the other living beings (jin) but for them to pray to Me...” (Al Dhaiyat, 51: 56)

Prohibition against shirk is much more than simply a ban on explicit deification of people or things; proper recognition of the absolute power and transcendence of God requires avoidance of all actions & beliefs that implicitly liken or associate persons or things with God.

- No person or group can assume a position like that of a god
- Kings & leaders should not oppress their people
- One tribe should never consider itself superior to another
- Men are not allowed to regard themselves as “owners” of women

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Examples of *tawhid* as total liberation:

- Prohibition of the killing of baby girls because according to Islam, women are equal to men before Allah, no one has the right to take the life of another, parents may not take the life of their own offspring because of shame, poverty or any other reason (Al-Nahl, 16:58-59, Al-An’am, 6:151, Al-Isra, 17:31)
- Say: “Come, I will rehearse what Allah hath (really) prohibited you from: Join not anything as equal with Him; be good to your parents; kill not your children on a plea of want;- We provide sustenance for you and for them;- come not nigh to shameful deeds. Whether open or secret; take not life, which Allah hath made sacred, except by way of justice and law; thus both He commanded you that ye may learn wisdom.”

b. *Tawhid*: Phased Liberation

- Slavery
- Direct contradiction to the principle of human equality; Islam used a number of means to abolish it in phases.

- Granting freedom to slave as a mean of atoning (kifarat) for:
 - a. committing a wrongful but unintentional killing of another human being (Al- Nisa, 4:92)
 - b. A husband who committed a grave insult against his wife (Al-Mujadilah, 58:3)
 - c. A person who failed to keep a promise (Al-Ma'idah, 5:89)
- Better to marry a Muslim slave than a non-believer (Al-Baqarah, 2:221)
- Granting the status of a free person to a child born from the relationship of a slave mother to her master and then grant the child's mother the status of ummu al-walad, "mother of a free child"

Inheritance:

- Right of women from becoming a form of property possessed/owned and inherited by men and to be the holder of rights over her own property, with rights to inheritance
- Right of women to inherit was truly revolutionary concept, completely disrupting existing social realities at that time
- Under the prevailing practice at the time of the prophet, men were expected to provide for their family.
- Because the obligation for providing for the economic needs of the family fell to men, it was agreed that a women's share of an inheritance need only be one-half the amount inherited by a man.
- Essential message of inheritance rule: JUSTICE
- Division of inheritance according to the ratio of 2:1 is not the ultimate goal of the law of inheritance but is an instrument to guarantee justice for women
- There are other mechanisms for passing property to women (gifts or hibah and testaments or wasiyyah)
- All the ulama agree that these are all legal transfers of ownership rights

Polygamy:

- Gradual approach to full emancipation: in a tradition of unlimited number of wives, Islam limited the number of wives to 4

- At the same time it is also stated that monogamy is most just, thus:
 “If ye fear that ye shall not be able to deal justly with the orphans, Marry women justly (with them), then only one, or (a captive) that your right hands possess, that will be more suitable, to prevent you from doing injustice.”
 (Al-Nisa 4:3)
- It is also stated explicitly that men will never be able to be just to multiple wives no matter how hard they try:
 “Ye are never able to be fair and just as between women, even if it is your ardent desire.” (Sura Al-Nisa 4:129)
- Principle of justice is fundamental and needs to be incorporated in all aspects of life including marriage

c. *Tawhid*: Continuous Liberation

- After He had created Adam, Allah told all the angels to bow before him. All of them did except Satan, who resisted because he felt himself to be better than Adam
- Satan has used many means to lead mankind astray, such as creating ilah or other gods besides Allah
- Contemporary ilahs: wealth, high social status or high office, flashy lifestyle, materialism, consumerism, hedonism, etc.

II. *Tawhid* Guarantees Justice:

- As a religion of *tawhid*, Islam was revealed to humankind by way of the “Greatest Essence of Justice”
- Justice in the family life:
 - a. Justice and kindness in the family and to do good in and for one’s family (Al-Nahl, 16:90)
 - b. Qur’an stresses monogamy is the form of marriage that is the most just (Al-Nisa, 4:3)
 - c. A man with more than 1 wife cannot possibly behave justly (Al-Nisa, 4:129)
- Justice in trying legal cases (Al-Nisa, 4:58); justice for ourselves, our family, and those who are close to use (Al-Nisa, 4:135; Al-Anam, 6:152)
- Justice to those who have wronged us or people or groups we dislike: our actions must be free of all feelings of revenge

(Al-Ma'idah, 5:8)

- Justice for the orphans; duty to care for them and manage their possessions

particularly orphaned girls (Al-Nisa, 4:127)

- Allah declared Himself to be the “Supreme Essence of Justice” (Al-An'am, 3:18) and said that on the day of judgment, He would judge humanity based on pure and genuine justice. (Al-Anbiya, 21:47)

- “The world of thy Lord does find its fulfillment in truth and in justice: None can change His Words: For He is the one who heareth and knoweth all” (Al-An'am,6:115)

- Justice as a central value within the teachings of Islam must guide the ordering of all aspects of our lives; should be reflected in all social norms and values and in every aspect of behavior.

- Without justice, the religion revealed by Allah becomes nothing but empty, superficial slogans – like a body without its soul.

Tawhid: Justice for the Oppressed (mustad'afin)

- Justice as a religious principle always carries an obligation to defend the just, protect the oppressed, and combat tyranny and abuse of power
- Justice defends those who are in the right even though they are a minority
- Justice protects the rights of the oppressed against those in power who abuse and violate them
- Justice makes religion a pillar of hope

Tawhid: Justice for Women

- Within ranks of oppressed groups WOMEN benefited most as a result of the advent of Islam
- Custom of killing baby girls totally abolished
- On Aqiqah (ritual feast or meal): involves offering a goat as a sacrifice for baby boy; with Islam, also applied to baby girls
- Aqiqah for girls an enormous achievement

Tawhid: On Marriage:

- Women must be consulted in marriage
- Right to set the mahr, no maximum limit; considered as

woman's personal
possession

- Right to food, clothing, home
- Right to be treated well (Al-Nisa, 4:19); not to be beaten like a donkey, not to be insulted, mistreated, and not to be summarily abandoned
- Right against left without any support (Al-Nisa, 4:129)
- Islam put an end to practices such as inheriting widows and neglecting their rights (Al-Nisa, 4:19)
- Divorced women guaranteed right to financial support, place to live, not allowed to be mistreated either physically or mentally

Tawhid: On Reproductive Health

- Allah made it obligatory for every person to honour one's parents (Luwman, 31:14) and in particular one's mother (Al-Ahqaf, 46:15)
"We have enjoined on men kindness to his parents: In pain did his mother bear him, and in pain did she give him birth..." (Al-Ahqaf, 46:15)
- In many hadiths, the honor a child owes its mother is three times more than that which is owed to its father
- Fathers are obliged to fulfill all the needs of nursing mothers and should the mother not wish to nurse her baby, it is the father's duty to find a wet nurse (Al-Baqarah, 1:233, Al-Talaq, 65:6)
- Islam regards menstruation as a natural process, and a regular menstruation cycle is regarded as a positive thing, as a sign that the woman is healthy and normal
- While menstrual blood is considered impure, she is not regarded as an impure Person. Sexual relations are not allowed, all other activities permissible
- Prohibition against women performing certain religious duties during menstrual period, after birth of a child [not allowed to perform prayers including at tawaf-circumambulation of the ka'abah) and I'tikaf (do something except praying in the mosque)]: based on humanitarian considerations
- Allah takes a woman's physical and mental condition into consideration when she goes through the various stages in the reproductive process

Tawhid: Justice for Women

- Women as transmitters of hadith
 - a. At the time of Prophet, 1, 232 women received and transmitted hadith
 - b. Aishah related 2,210 hadith, maintained collections of hadith
- Khadija bt. Khuwalid was known to be successful businesswoman
- A;-Shifa was appointed by Caliph Umas as supervisor of the market in the capital city of Medina
- Zainab (wife of Ibn masud) and Asma bt Abu Bakr worked outside the house to earn income for their families
- Women who serve on the battlefield: Nusaibah bt Ka'ab carried the Prohpet's weapons at the Battle of Uhud; Al-Rabi bt. Muawwidh, Ummu Sinan, Ummu Sutm, Ummu Atiyyah and others fought at the side of the Prophet

Tawhid: Equality between men and women

Whoever works righteousness, Man or Woman, and has faith, verify to him will we give a new life, and life that is good and pure, and We will bestow on such their reward according to the best of their actions. (Surah Al Nahl [Bees], 16:97)

And women shall have rights similar to the rights against them, according to what is equitable. (Surah Al Baqarah [The Heifer], 2:226)

And their Lord hath accepted of them, and answered them: "Never will I suffer to be lost the work of any of you, be the male or female: Ye are members, one of another..." (Surah Ali' Imran [The family of 'Imran], 3:195)

Enter ye the Garden, ye and your wives, in (beauty and) rejoicing. (Surh Al Zukhruf [The Gold Adommens], 43:70)

Tawhid: Institution of Marriage

And among His signs is this that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts): Verily in that are Signs for those who reflect. (Surah Al Rum [The Romans], 30:21)

“It is He who has created you out of one entity, so that in eight incline (with love) towards the other.” (Sura Al A’Raf [The hights], 7:189)

They are your garments and ye are their garments...
(Surah Al Baqarah [The Heifer], 2:187)

“And do not forget liberality between yourselves”(2:237)

Tawhid: Right against Violence against Women

- “The best of you is he who is best to his wife.” Aishas (RA) narrates that the holy Prophet never hit a servant or a woman.
- The prophet never beat either of his maid [HR Nasa’I]
- “Never beat God’s handmaidens” [Abu Dawud, Ibn Majah, Ahmad ibn Hanbal, Ibn Hibban and Hakim]
- “Could anyone of you beat his wife as if she is slave, and then lie with her in the evening?” [Bukhari and Muslim]

Tawhid: Justice for Women

- These illustrations show that during the life of the Prophet, justice for all and for all women in particular was not mere rhetoric but a social reality that was applied in the whole society
- The social practice during the prophet’s lifetime was an implementation of the principle of TAWHID
- Thus: Justice for women as articulated in the Qur’an and practiced by the Prophet is a fundamental elemental of TAWHID itself

Tawhid as the Basis of Equality:

“O Mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise each other). Verify the most honoured of you in the sight of Allah is the most righteous of you. And Allah has full knowledge and is well acquainted with all things.” (Al-Hujurat, 49-13)

“We decree: O Adam, be quiet from your wife, in this paradise, and please eat much food so good too, whichever the two of you like.
But please don’t either of you go near this tree that causes you

two become tyrannical and despotic people..” (Al-Baqarah, 2:35)

- Allah gave His Commandments to Adam and He also gave the same commandments to Eve.
- The prohibition is to both of them

“For Muslim men and women – For believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who fast (and deny themselves), for men and women who give in charity, for men and women who guard their chastity, and for men and women who engage much in Allah’s praise – For them has Allah prepared forgiveness and great reward.”

(Surah Al Ahzab [The confederates], 33:35)

- As KHALIFA, or representatives of God on earth, humankind has the obligation to bring prosperity, welfare, peace, and glory to all creation (rahmatan lil-alamin)
- Since all humanity has a common obligation to serve as KHALA’IF (plural of khalifah), men and women are commanded to cooperate, work together and support one another in establishing righteousness and combating evil in order to create a world that is true, good, and beautiful in the grace of Allah

The believers, men and women, are protectors of one another, they enjoin what is just, and forbid what is evil, they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His Mercy; for Allah is Exalted in power, Wise. Allah hath promised to Believers – men and women – Gardens of everlasting which rivers flow, to dwell therein, and beautiful mansions in the Gardens of everlasting bliss is the Good Pleasure of Allah: That is the supreme felicity.

(Surah Al Tawbath [The Repentance], :71-72)

Tawhid as a Base for Community:

- Tawhid and the Prophet’s actions must provide the inspiration for all social action that involves men and women
- As brothers and sisters in Islam, men and women must work together in every endeavor

- United as brothers and sisters, men and women are entreated to join together and collaborate in the creation of a just and prosperous society in the grace of Allah, *baladun tayyibatun wa rabbun ghafur* (Saba, 34:15).

Annex 15: The Code of Muslim Personal Law (CMPL) and Khutba on Gender and Reproductive Health

The CMPL on Marriage:

Essential Requisites:

- Legal capacity of the contracting parties
- Mutual consent of the parties freely given
- Offer (*ijab*) and acceptance (*qabūl*) duly witnessed by at least two competent persons after the guardian in marriage has given consent.
- Stipulation of customary dower duly witnessed by two competent persons

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Capacity to Contract:

- Age of at least fifteen years for male
- Age of at least the age of puberty
 - Puberty is presumed at age fifteen
 - *Walī* may petition court for solemnization of female aged 12-15
 - Marriage of minor below prescribed ages shall be regarded as betrothal and may be annulled within four years after attaining the age of puberty (Provided that one, no cohabitation and two, *walī* is other than the father or paternal grandfather)

Dower:

- Amount to be fixed by contracting parties before, during or after the celebration of the marriage
- If not fixed by the parties, may be fixed by the court according to the social standing of the parties, upon petition of the wife

Payment of Dower:

- May be full or partial payment
- Before, during or after the celebration of the marriage

- Estate of husband shall be liable for unpaid dower

Subsequent Marriages:

- No Muslim male can have more than one wife unless he can deal with them with equal companionship and just treatment as enjoined by Islamic law and only in exceptional cases
- No widow can contract a subsequent marriage unless she has observed 'idda of four months and then days from the date of the death of the husband.
- Divorced woman can contract marriage after she has observed 'idda of three monthly courses counted from the date of divorce
- If a repudiated woman and her husband reconcile during her 'idda, he shall have a better right to take her back without need for a new marriage contract
- If not consummated, no 'idda is required of the divorcee

Mutual Rights and Obligations of Spouses:

- The husband and wife are obliged to live together, observe mutual respect and fidelity, and render mutual held and support
- To inherit from each other
- The right to divorce the other
- If there is neglect, or if s/he brings danger, dishonor or material injury to his/her spouse, court may counsel the offender to comply with duties and take proper measures

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Rights and Obligations of the Husband

- Fix the family residence. Wife is exempt from living with the husband if:
 - o Her dower is not satisfied
 - o The conjugal dwelling is not in keeping with her social standing, or is not safe from the family or her property

Rights and Obligations of the Wife:

- To manage the affairs of the household
- To demand the satisfaction of her mahr
- To equal and just treatment
- To retain ownership and administration of her property,

unless stipulated otherwise in the marriage settlement

- She cannot, without husband's consent, acquire property by gratuitous title, except from her relatives who are within the prohibited degrees in marriage
- She cannot exercise profession without husband's consent. Husband may refuse to give consent if his income is enough for the family according to their standing or if opposition is based on serious and valid grounds. This shall be referred to Agama Arbitration Council.

The CMPL on Divorce:

Definition:

Divorce is the formal dissolution of the marriage in accordance with the CMPL to be granted only after the exhaustion of all possible means of reconciliation between spouses

Forms

- Talāq – repudiation of the wife by the husband
 - Husband repudiated wife once during her non-menstrual period within which he has totally abstained from carnal relation with her
 - Husband may take back the wife by cohabiting during the 'idda after the first or second repudiation
- Ilā – vow of continence by the husband
 - o Husband vows to abstain from any carnal relation with his wife and keeps such ilā for a period not less than four months
 - o Wife may ask for divorce from court and court may grant it after notice and hearing
- Zihār – injurious assimilation of the wife by the husband
 - o If husband has injuriously assimilated his wife to his relatives within the prohibited degrees of marriage, they shall mutually refrain from having carnal relation until he shall have performed the prescribed expiation
 - o Wife may ask the court to order husband to perform expiation or to pronounce a regular talāq should he refrain to do so
- Li'ān – acts of imprecation

- o Husband accuses the wife of adultery
- o Court shall order perpetual divorce after hearing and the parties shall have performed the prescribed acts of imprecation
- Khul' – redemption by the wife
 - o Wife offers to return or renounce her dower or to pay any other lawful consideration for her release from marriage bond and petitions the court
 - o Court, in meritorious cases and after fixing the consideration, shall issue the divorce
- Tafwid – exercise by the wife of the delegated right to repudiate
 - o Husband delegates to the wife the right to effect a talāq at the time of the celebration of the marriage or thereafter
- Faskh – judicial decree
 - o Neglect or failure of the husband to provide support for the family for at least 6 consecutive months
 - o Conviction of the husband by final judgment sentencing him to imprisonment for at least 1 year
 - o Failure of the husband to perform for 6 months without reasonable cause his marital obligations
 - o Impotency of the husband
 - o Insanity or affliction of the husband with an incurable disease which would make the continuance of the marriage relationship injurious to the family
 - o Unusual cruelty of the husband
 - o Any other cause recognized under Muslim law

Unusual Cruelty

- Habitual beating; making life miserable by cruel conduct even if there is no physical injury
- Association with persons of ill-repute or leading an infamous life or attempt to force the wife to live an immoral life
- Compulsion to dispose of exclusive proper or prevention of the exercise of legal rights over the property
- Obstruction in the observance of religious practices
- Unjust and unequal treatment

Effects of irrevocable talāq or faskh:

- Marriage bond is severed
- Spouses lose their mutual rights of inheritance
- Custody of children shall be determined
- Wife is entitled to recover her dower (whole if talāq was affected after consummation of the marriage; and half of before consummation)
- Husband to continue giving support up to time of ‘idda, or delivery or up to weaning
- Conjugal partnership, if any, is dissolved

The CMPL on Support**Definition**

- Everything that is indispensable for the sustenance, dwelling, clothing and medical attendance according to the social standing of the person obliged to give it, and the education of the person entitled to the support until s/he completes his/her education, training or vocation even beyond the age of majority

Amount

- Shall be based on the resources of the giver and the needs of the recipient

Support for wife in the case of divorce:

- Up to the time of the expiration of ‘idda;
- If pregnant at the time of divorce, up to delivery
- If nursing the child for 2 years, up to the time of weaning

Extinguishing of support:

- Upon the death of the recipient
- When the resources of the obligor have been reduced so that s/he cannot give support without neglecting his own needs and those of this family; but in the case of spouses, the husband, though needy, is still obliged to support the wife
- Recipient commits any ground for disqualification to inherit or denial of support

Core Messages of Khutba:

Economic Empowerment (Khutba 5, 6, 7, 10)

- Women and men have the equal right to participate in economic development within the context and teachings of Islam. They are obliged to fulfill the five pillars of Islam, one of which is the payment of zakat.
- Education is the universal right of all human beings regardless of nationality, religion, sex, creed, color, etc. Muslim men and women are equally required to acquire knowledge
- Both men and women have the right to inherit properties from their parents
- Dowry is the sole property of the bride. It can only be shared with her consent

Marriage and Family (Khutba 1, 3, 4)

- Women have the right to be consulted and the right to decide in marriage. Men have the right to choose whom to marry. Both men and women have the freedom of choice in marriage.
- Women can set precondition to marriage (prenuptial written agreement) before agreeing to marry
- MRLs should develop Khutba nika that expands the scope of premarital counseling to include what the bride and groom can expect in marriage and promote shared responsibility in building a righteous family.

Reproductive Health (Khutba 2, 8, 9)

- Men should regard women as dearest partners. Therefore, men should not abuse and abandon women, and not to hate her for one bad trait as there might be other good qualities in her.
- Family planning is allowed in Islam. Informed choice is encouraged for women and men seeking advice on family planning.
- There should be consultation among women and men regarding:
 - o Their children – in terms of their well-being;
 - o Contraceptives to be used – if the husband does not agree to use any form of contraception, the woman may consult the MRLs and the medical doctor.

SESSION VI: Gender and Indigenous Traditions

Prepared By: Jo Genna Jover and Froilyn Mendoza

INTRODUCTION

Section 26 of the Indigenous Peoples Rights Act clearly said that Indigenous Cultural Communities/Indigenous Peoples shall enjoy equal rights and opportunities to men and women as regards the social, economic, political and cultural sphere of life. The participation of women in the decision making process in all levels as well as in the development of society shall be given due respect and recognition. There is a need to pay special attention to the need of rural women, Indigenous community and Muslim women living in ARMM ensuring that they have access to healthcare, social security, education, clean water and sanitation services, fertile land, income generation opportunities and participation in decision making. The important role in settling conflict as libun kefeduwan/IP women arbiter is strengthened by the UN Security Council Resolution 1325 because it recognizes the role of women in the peace process.

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OBJECTIVES

At the end of the session, the participants are expected to:

1. Know the issues affecting IP women;
2. Understand gender from the perspective of indigenous peoples and their customary laws and their role as IP women in normalization and transitional justice; and
3. Understand legal and indigenous mechanisms available to IP women that will be useful in crafting the Bangsamoro Basic Law.

TIME REQUIRED:

2 hours

MATERIALS NEEDED

Laptop, LCD projector, Manila paper, permanent markers, notebook, ball pen and crayons

SESSION PROCEDURES

This session will identify gender issues affecting indigenous women, provide understanding on gender and their customary laws, and explore the role of IP women in normalization and transitional justice. The session will be a combination of workshops, inputs and

sharing. As part of the introduction, the participants shall be divided into 3 groups for workshop, and they will be given 3 sets of questions. Each group will answer questions, and they will report on these later. After the reports, inputs will given through a power point presentation. The facilitator will ask the participants to share experiences, especially the IP women who have experienced conflict resolution based on customary practices.

Using slides/photos, the topics will include gender and other issues faced by Indigenous People; guiding principles of the IP way of life; traditional mechanisms used by arbiters in the settlement of disputes; national and international legal mechanisms covering IP rights; and the roles of IP women in conflict resolution.

ACTIVITIES

1. Workshop

- a. The participants will be divided into three groups. They will be asked to answer the following questions:
 - Question 1: Ano ang kalagayan ng kababaihang IP sa inyong komunidad?
 - Question 2: Bilang kababaihan ano ang inyong mga ginagawa na maaring makatulong sa usaping pang kapayapaan?
- b. Participants shall be given meta cards and will be asked to write and briefly explain their knowledge of laws related to IP and women's rights.

2. Group reporting

INPUT

Session Input Number 1: Presentation of Indigenous demographic profile of the four IP groups in ARMM, showing of map were the IPs are located, presentation of the ARMM-demographic profile and other information on IPs in the core area of ARMM

Session Input Number 2: Understanding gender from the perspective of indigenous peoples, their customary laws and their role as IP women in normalization and transitional justice.

- Sharing of experiences of women arbiter (IP participants)
(10 minutes)

Session Input Number 3: Related laws

- UNDRIP, ILO 169 & IPRA & Philippine Constitution 1987
- 9054 or the Organic Act (MMAA 241 & MMAA 290)
- Magna Carta of Women
- UNSCR 1325

TIME ALLOCATION:

2 hours

KEY LEARNING POINTS

1. There are customary laws of indigenous people that are both advantageous and disadvantageous to women.
2. There is a need for non IP women to gain knowledge and to understand and appreciate IP women's issues and their customary and justice system.
3. Customary laws and policies should guide actions and decisions of women and men in the new Bangsamoro Political Entity.

CLOSING

For the closing a woman arbiter or libun kefeduwan is invited to perform a BALIKATA, a declaration of messages in the form of chant or song using figurative speech to discuss sensitive issues in order not to create unnecessary reactions while the case is not yet resolved this is also used during social gatherings to measure someone's skills in the art of debate and argumentation.

RECOMMENDED READINGS

- Related Laws
 - o UDHR
 - o UNDRIP
 - o IPRA LAW (RA 8371)
 - o CEDAW
 - o Rated IP provisions in the FAB
 - o MMAA 241
 - o MMAA 290, IPRA
 - o Magna Carta of Women (RA 9710)
- FAQ on Muslim Mindanao Autonomy Act 241

Annex 16: Gender from the Perspective of IP and their Customary Laws; and the Role of IP Women in Normalization

Tegudon (constitution): Refers to the creed of litany of good and bad experiences of the IP that were turned into the customary laws

Serifata: Equal status of every human being. The concept of equal status is based on the premise that land is the mother of all humans. As children of the land we are all equal and it is forbidden to use other human beings to elevate one's status in society.

Land and Livelihood: Mother Earth and livelihood are inseparable because mother earth is the source of life and the bodies of humans, animals and inanimate objects.

Fanduga (sacred value): Land – birth place of humanity, owner of every person, kingdom of humanity where we suck mother earth's milk from morning, high noon and afternoon

Fintailan (women): The women are accorded unfailing reverence by men because of her difficult reproductive experience

Keandatan (Liyen): Forbidden, murka (sacrilege, impious), which prohibits name calling, the touching of the head of, and stepping over an elderly woman

Keetew (Marriage): Only a man and a woman are allowed to get married. Individuals of the same sex are prohibited from getting married and should be killed. Couples should be kind, helpful, and respectful, not only with each other, but also the bride and groom's parents.

Kaadatan (Separation):

- Seika (Divorce): Both man and wife object to their marriage. Such a situation would lead to the dissolution of the marriage
- Nikaan (Abandoned Spouse): One individual in the couple voluntarily leaves the other without any intent to recognize the bond of marriage, love, and/or affection
- Enda Nifat (Incompatible marriage): This applies to a couple who refuse to recognize the bond of marriage

between them due to a lack of love and/or affection. This may compel the couple to consider suicidal repercussions.

- Fenengeregon (Victim on intrigue): Only one of the individuals in the couple favors the union. The handiwork of an intriguer may have caused the disunity.

Kefiyo Fedew (Peace of Mind): The absence of problems, including physical and emotional ones, at the community level. The core of this peace is based on justice and the development of the community.

The Tribal (Teduray) Justice System:

1. Kukum Rasam – Case settlement involving relatives. It can also be applied to others if the aggrieved party wishes it so. The rights of the aggrieved will not all be taken into account because it has to be considered that the two parties have a close relationship or are relatives and sometimes relatives prefer not to talk about details of rifts for the sake of maintaining their relationships.

2. Seekemen – Quick and secret settlement of immoral cases. Only the assigned Kefedewan, the suspect and the victims are involved. No one else knows so that word does not spread

3. Talitib – Settlement of a case where the victim need not face the suspect because of the possibility that he/she might kill the suspect out of extreme anger. In this case, the rights of the victim must be given immediately in order to appease him and, if the case is very complicated, the whole tribe may even contribute to the penalty of the suspect.

4. Feginau – Case settlement of minor or informal conflicts that are settled immediately to prevent them from becoming bigger issues

5. Dirung Malah – Penalty claimed due to a person's loss of dignity because of a malicious statement made against his or her person

6. Teleb Klingo – Penalty given to a person because of a bad statement committed against another or to his relatives who heard the statement

7. Teleb Moto – Penalty given to a person because of a bad action

committed against a person that is witnessed by the person herself/himself

8. Toyo Dara – Penalty claimed because of a blood flow excluding the regular penalty of the suspect

9. Agus Foo – Amount given for consideration of the voluntary effort of any person who helps in any work

Legal Instruments: International and National Laws

- UNDRIP, ILO 169 & IPRA & Philippine Constitution 1987
- 9054 or the Organic Act (MMA 241 & MMAA 290)
- Magna Carta of Women
- UNSCR 1325 and 1820

Related Laws Protecting the Rights of Indigenous Women in the ARMM

- MMAA 241 – An Act to Recognize, Respect, Protect and Promote the Rights and Governance, Justice Systems, and Customary Laws of the Indigenous Peoples/Tribal Peoples of the Autonomous Region in Muslim Mindanao

- Section 4. The Rights and Role of the IP Women. The respective Indigenous Political Structures, pursuant to Rule III, Part I, Section 2 this IRR, shall recognize, respect, protect and promote the rights of indigenous women. It shall:
 - Ensure participation of indigenous women and facilitate the formulation, incorporation and implementation of programs to meet the needs on the important and distinct role of indigenous women such as IP women arbiters, traditional birth attendants, healers/ritualists to conflict management and resolution
 - Review customary practices of imposing conditions that are highly unfavourable and disadvantageous to women as a means of settling disputes on VAWC cases and other heinous crimes, such as the amicable settlement of rape in IP communities, through massive awareness and education campaign
 - Provide opportunities for IP women and girls to develop leadership skills and ensure their significant participation

- in the strengthening of their tribal governance
- UNSCR 1325 and 1820 adopted and guarantee the protection of women victims of violence while in conflict and special participation of women in the peace process and their significant contribution to peace and security
 - The Magna Carta of Women (RA 9710) promotes the rights and empowerment of women
 - RA 9710 or the Magna Carta of Women, Chapter 4, rights and empowerment of marginalized sectors; Chapter 3, customary rights of indigenous women on land (“equal rights to women to the enjoyment use and management of land, water and other natural resources within their communities or ancestral domain”)
 - Rule V under RA 9710 – access, control, benefits and fruits shall be recognized in circumstances where private ownership is not possible, such as ancestral domain
 - Property rights under customary law shall be respected \ unless they are not discriminatory to women
 - Girl children shall be protected from all forms of abuse and exploitation – Sec 30 of RA 9710 IRR, MMAA 290 or the GAD Code of ARMM, Rule 8 of the IRR & Convention on the Rights of the Child

Related IP Provisions in the Framework Agreement on the Bangsamoro:

- Establishment of the Bangsamoro

- 1.5. The freedom of choice of other Indigenous peoples shall be respected

- III. Powers

- 2.6. The customary rights and traditions of indigenous peoples shall be taken into consideration in the formation of the Bangsamoro’s Justice system. This may include the recognition of indigenous processes as alternative modes of dispute resolution

- VI. Basic Rights

- 3.3. Indigenous peoples’ rights shall be respected. Right of women to meaningful political aspiration and protection from all forms of violence against women

Annex 17: FAQ on Muslim Mindanao Autonomy Act 241

Ano ang Muslim Mindanao Autonomy Act 241 o mas kilala sa tawag na MMAA 241?

- Ang Muslim Mindanao Autonomy Act 241 ay batas na kumikilala, gumagalang, nagpoprotekta at nagpapaunlad sa karapatan sa pamamahala, sistemang panghustisya at katutubong batas ng mga katutubo sa loob ng Autonomous Region in Muslim Mindanao?
- Ito ay mas kilala din sa tawag na “The Tribal Peoples Rights Act”

Aling probisyon ng ARMM Organic Act na kinikilala ang karapatan ng mga katutubo?

- Nakasaad sa Artikulo III ng Republic Act 9054 na ang paniniwala, kultura, tradisyon ng mga katutubo ay kinikilala, pinoprotektahan at ginagarantiya. Habang inuutusan nito ang Regional Assembly na gumawa ng mga hakbang at alituntunin na siguruhin ang paggalang at proteksyon ng kanilang likas na paniniwala, kultura at tradisyon. Ang Pamahalang rehiyunal ng ARMM ay sinisiguro ang kaunlaran proteksyon at pagkatao ng mga katutubong pamayanan .

Ano ang sakup ng batas na ito?

- Ito ay sumasakup sa mga katutubo na naninirahan sa Loob ng Autonomous Region in Muslim Mindanao na kinabibilangan ng mga katutubong Teduray, Lambangian, Dulangan Manobo, Blaan, Higaonon, Illanen, Kerinteken, Isurenken at iba pang tribo na tukuyin ng National Commission on Indigenous Peoples (NCIP) o Office for Southern and Cultural Communities (OSCC)

Ano anong prinsipyo ang gumagabay sa batas na ito?

1. Pagkakapantay-pantay at hustisya
2. Batas at kaayusan
3. Katutubong kaunlaran
4. Pagkakaisa sa kabila ng pagkakaiba
5. Pag-uusap at pagkakaisa
6. Dignidad ng tao

Ano-anu ang mga kahulugan ng ibat-ibang salita na ginamit sa batas na ito?

1. Ancestral Domains - tumutukoy sa lahat ng pook na sa kalahatan ay pagmamay-ari ng mga Katutubong ‘ Pamayanang kultural kalupaan , katubigan baybaying dagat ,likas yaman at mga mineral na nakapaloob, inangking pag-aari o self-delineated, sinaklaw o occupied, ginamit o pinaninirahan ng kanilang mga ninuno at sila mismo, komunal, pang madla- public ownership,panarili o private ownership lupain na mula pa sa panahon na hanggang abot ng ala-ala- “since time immemorial “, force majeure” nagambala dahil sa gyera o sapolitang paglikas dahil sa karahasan, kagubatan, pastuhan, lupang residensyal, pansakahan, pinangangasuhan, libingan, lugar na sagrado o pinagsambahan, mga lupain na tanging hindi na mga katutubong pamayanan ang nakatira dahil sa nagpapalipat-lipat na pagbubungkal (nomadic)

2. Ancestral Lands -Lupaing ninuno na sinaklaw, inari o ginamit ng indibidwal,pamilya o angkan ng mga kasapi ng katutubong pamayanang kultural mula pa sa panahong hanggang abot ng ala-ala sa pamamagitan ng kanilang sarili o kanilang ninuno sa ilalim pag angking pansarili o tradisyunal na pagmamay ari ng grupo tuloy tuloy hanggang sa

3. Customary Laws -Tumutukoy sa lupon ng mga nakatala at/o di nakatalang mga alituntunin, kasanayan, kaugalian tradisyunal at patuloy na kinikilala, tinatanggap at sinusunod ng mga katutubong pamayanang kultural/katutubong Pamayanan.

4. Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)- Tumutukoy sa isang pangkat ng mga tao o magkakauring lipunan na nakilala sa sariling pagpapatunay o pagpapatunay ng iba na tuloy tuloy na namumuhay at naninirahan sa mga naturang teritoryo nabubuklod ng sariling wika mga kaugalian at salindunong tradisyon at iba pang natatanging katangian pagkalinangan o mga pamayanang dahil sa pagtutol sa pampulitika,panlipunan at pagkakalinang ang panghihimasok at pananakop ng mga

dayuhan ay makasaysayang naging bukod o iba sa nakakar aming pilipino kabilang sa katutubong pamayanan ay yaong mga katutubo sa pamamagitan ng kanilang mga ninuno na naninirahan sa bansa ng una pa sa panahon ng paglupig o pananakop o sa panahon ng pagtatag ng hindi mga katutubong kultura o relihiyon o ng una pa sa panahon ng pagtatag ng mga kasalukuyang hangganan ng mga estado na nakapagpanatili ng ilan o lahat ng kanilang sariling panlipuan, pangkabuhayan, pangkultural at mga pampulitikang mga linangan/institusyon na maring na paalis sa kanilang mga lupaing ninuno o di kayay namumuhay na sa labas ng kanilang lupaing ninuno

5. Kefeduwan – sila ay mga bihasa sa pag-sasaayos ng kapayaapan ng katutubong pamayanan gamit ang mga kinugaliang batas o katutubong batas.

6. OSCC - Ito ay ang Office for Southern and Cultural Communities

7. Indigenous Political Structure - Tumutukoy sa mga balangkas ng pang organisasyon at pangkulturang pamumuno mga linangan/institusyon pagkakaugnay huwaran at kaparaanan para sa pagbubuo ng mga pasya at paglahok na kinikilala ng mga katutubong pamayanan tulad ng ngunit hindi limitado sa kapulungan ng mga nakatatanda kapulungan ng mga timuay nangangalaga ng bodong o anumang iba pang hukuman o lupong may katulad na katangian sa mga nabanggit sa unahan.

8. Self-Governance - Karapatan ng mga katutubo na isulong ang kanilang sariling pangkabuhayan, sosyal at kultural na pag unlad, pagpaunlad at pangangalaga ng kanilang pagkatao, sistema at salin dunong at pagpasya na gamitin at kontrolin ang kanilang samahan at pamamahala sa kanilang komunidad, mga institusyon, mga gawi at mga prosesong may kinalaman sa kanilang pagdesisyon at partisipasyon.

9. Tegudon - Mga talaan ng batas ng mga katutubo maging ito man ay mabuti o masama na naging katutubong batas.

10. Time Immemorial- Tumutukoy sa isang takdang panahon hanggang kayang abutin ng ala-ala o natatandaan ay may tanging katutubong Pamayanang Kultural/ Katutubong Pamayanan na nagmamay-ari, sumaklaw, umaangkin bilang may ari at gumamit ng isang tiyak na kalupaan na isinalin sa kanila sa pamamagitan ng katutubong batas o minana sa kanilang lupaing ninuno nang naayon sa kanilang mga kaugalian at pinagkaugalian at salindunong/tradisyon.

11. Timuay- Tawag sa titulo ng isang lider ng katutubong Teduray o Lambangian.

12. Timuay Justice and Governance- Tawag sa struktura ng katutubong hustisya at pamamahala ng tribong Teduray at Lambangian.

13. Tribal Peoples- Tawag sa mga tao na naiiba ang kanilang kultura at estado sa buhay sa pangkalahatang mamamayan.

14. Ukit- Ang Tawag sa Konstitusyon ng tribong Teduray at Lambangian na ginagamit ng Timuay Justice and Governance.

Ano ano ang mga kinikilalang karapatan ng batas na ito para sa mga katutubo?

1. Kalayaan sa paniniwala, kultura at tradisyon
2. Pagtatag ng katutubong sistemang hustisya, Pagresolba ng hidwaan at mga pang kapayapaang pamamaraan
3. Kalayaan sa ano mang uri ng diskriminasyon at karapatan sa pagkakapantay pantay at pagrato
4. Pagtatag ng katutubong pamamahala at istruktura
5. Kinatawan sa mga policy making bodies
6. Partisipasyon sa mga implementasyon ng proyekto at lupaing ninuno.
7. Pagpanatili at Proteksyon ng kultura at mga katutubong institusyon
8. Pagpanatili at pagsasabuhay ng mga sagradong pook at mga seremonya
9. Pantay na proteksyon sa batas.
10. Pagpasya kung aling kaunlaran ang nanaisin.

Ano ano ang mungkahing dapat idagdag sa batas na ito na tumutukoy sa karapatan ng mga kakababaihang katutubo?

Mahalagang papel ng kababaihang katutubo sa pagpapatupad ng kanilang tungkulin sa pamamahala at pagpaunlad ng kanilang Katutubong kultura tulad ng pagiging:

a. **libun kefeduwan o kefeduwan libun**- tawag sa babaeng katutubo na nagsasaayos ng hidwaan o tagapamagitan gamit ang ktutubong batas o customary law.

b. **bliyan libun or libun bliyan o gemamak basa**- tawag sa babaeng katutubo na na mamahala sa pagsasagawa ng ritwal.

k. **fanday libun o temabang enga**- babaeng katutubo na tumutulong sa panganganak o tagapagligtas ng buhay ng ina at sanggol.

d. **Fintailan**- Tawag sa titulo ng isang lider kababaihang katutubo ng Teduray at Lambangian.

e. **Boe**- Tawag sa titulo ng isang Lider Kababaihan ng tribong Dulangan Manobo.

g. **Bae**- Tawag sa titulo ng isang lider Kababaihan ng tribong Higaonon.

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