

Summary of “Peace Lens: On Women’s Empowerment in the Bangsamoro” roundtable discussion (March 12, 2014)

Video link: <https://www.youtube.com/watch?v=CVavfi3tIZY>

One striking feature of the Bangsamoro peace process (and also other peace processes in the Philippines) has been the relatively high level of women’s participation in the peace negotiations. Both in the peace panels, as well as in the Bangsamoro Transition Commission (BTC), women are holding positions and are making their voices heard. Still, this participation at the top tier of the peace process does not necessarily translate into a broader empowerment of women in the areas comprising the future Bangsamoro, particularly at the grassroots level.

With this context, we invited Atty. Laisa M. Alamia, the current Executive Secretary of the Autonomous Region in Muslim Mindanao (ARMM) to be our lead discussant for the seventh Peace Lens roundtable discussion on Women’s Empowerment in the Bangsamoro, held on March 12, 2014 in celebration of the International Women’s Day.

With her background in human rights, Philippine and Sharia law as well as engaging the issue of women’s empowerment both from the perspectives of civil society and of government, Atty. Alamia provided a nuanced discussion on the salient issues, and ways to address them.

Many gaps and challenges remain when it comes to women’s emancipation and political participation, especially at the grassroots level. Among these are the protracted displacement due to armed conflict and natural disasters, with related gender issues such as premature and illegal immigration to work abroad under abusive circumstances. Furthermore, a number of cultural practices are at odds with the rights of women but are sometimes justified as Islamic laws or practices.

The current ARMM government has launched a number of initiatives to address some of these issues, but big challenges for the future Bangsamoro political entity remain. This concerns especially the crafting and formalization of the Bangsamoro Sharia law, which should happen with significant participation of women. A number of universal and Islamic values, such as non-compulsion, could protect women’s rights but are frequently not adhered to. An inclusive process in which stakeholders of the Bangsamoro can engage in safe spaces for dialogue could go some way towards fostering consensus and support for women’s empowerment.

The following summarizes the flow of discussions among participants from the civil society groups, academic institutions, and government agencies:

The need for more platforms for awareness-raising and discoursing on the concepts and various interpretations of Sharia.

It is being suggested that the current Sharia-inspired laws (focusing only on Muslim personal laws) would be expanded into the area of criminal law with the establishment of the Bangsamoro

government. But the question remains, whose interpretation of such laws shall prevail? Is a social bridging process possible so people will continue sharing about their perspectives of the Qur'an, of Sharia, and what should be developed from these?

It is a disturbing thought for both conservative and progressive women groups that the Sharia law which will be adopted in the new Bangsamoro entity might contradict their interpretations of Sharia, particularly on the protection of women's rights. Thus, the need for having deeper and inclusive discussions on Sharia is imperative among 'experts' on Sharia and groups who hold various interpretations of Sharia, national government agencies mandated to implement Muslim Laws (e.g., Code of Muslim Personal Laws), and also for civil society organizations accompanying the peace process.

In framing laws that concerns women, the concept of Maqasid Al-Sharia should be considered.

In the crafting of the Bangsamoro Basic Law (BBL) and ensuing, the Bangsamoro Transition Commission and subsequent transitional bodies should look at *Maqasid Al-Sharia* which is the purpose and intent of Sharia. Provisions should promote the six *Maqasid Al-Sharia*: 1) protection of life; 2) protection of mind or intellect; 3) protection of family; 4) protection of wealth or property; 5) protection of religion; 6) and protection of dignity.

How would the different ethnic groups with various ways of practicing their customs and traditions relate with Sharia justice system that will be adopted in the Bangsamoro?

The different ethnic groups have different customary practices, e.g. on marriage and women's roles, or land conflicts. Presidential Decree 1083 states that customary practices can be proved as evidence in the court provided that 1) It is practiced in so many generations; 2) It is non-contrary to the generally accepted principles of Islamic Law; 3) It should be non-contrary to the Philippine Constitution.

If these customary practices and traditions are codified, they become laws. It becomes the basis for a group of people to fight for their rights. They become formally accepted, implemented and followed by the people.

But some codifications include customs and traditions clearly at odds with human and women's rights. Some of them imply the commodification of women because they discuss the punishment in economic terms. For example, in the Tausug Code, if a woman's hand will be touched, the offender will pay 500 pesos. If the arm was touched, the monetary punishment increases. If the woman was raped, one could imagine how high the payment for the 'damages' will be. Commodification of women should not be accepted as a norm. When it comes to women's rights, there are non-negotiables. Women groups should engage the Bangsamoro government early on when it begins drafting laws involving basic rights of women to avoid commodification.

The future Bangsamoro Political Entity will not be an Islamic State.

It is a secular political entity in which the constituents are different groups with different faith and majority of them are Muslims. And because it is a secular autonomous region, the non-negotiables are still there: the international convention on protecting the rights of women and children, and other human rights laws applicable in the Philippines.

Similarly, the Sharia justice system must not be in violation of the Philippine Constitution and the international principles of human rights and international conventions. This is the general rule in expanding the Sharia justice system in the Bangsamoro. The Framework Agreement on the Bangsamoro (FAB) states that the Bangsamoro would have competence over Sharia Courts and the Sharia Justice System. However, the acknowledgment that there is still only *one* Supreme Court is also stressed in one of the provisions of the FAB.

What does the Qu'ran tell about women as political leaders? Can Muslim women be political leaders?

Prior to the revelations in the verses of the Qur'an, women were not considered as human beings, but considered as properties. They could be inherited but did not have the right to inherit. They could not become leaders either. Slavery was allowed. At the time, the verses of the Qur'an were liberating when it comes to women. Aspects of women emancipation could be found in the verses.

It is not stated outright in the Qur'an that women cannot be leaders. Instead you can read in the Qur'an about a woman who became a very good leader, Bilqis, Queen of Sheba. *Hadith* which question women's ability to lead should be read and interpreted in their historic context: the focus is not on the gender of a leader but on the qualities needed to lead.

It is imperative to understand how *hadith* have been transmitted from one generation to the next and how they were historically contextualized. For some scholars, this process is not static because Islam is something that can be expanded and can be molded based on current context. This means that Islam is not monolithic. It is accepted that there are different interpretations and opinions on Islam because of the different schools of thought.

Similarly, Sharia is a comprehensive concept in Islam. It is not helpful relate Sharia with just one popular notion, e.g., the wearing of *hijab*. The common concept of Sharia that most people relate to is just the jurisprudence part of Sharia which is the Islamic law. It is called *fiqh* and is subject to interpretation and adaptation to historical, social, and cultural contexts.

How about women political parties that would run for 2016 elections? What can ARMM do now to prepare for that? How are we organizing our women in the ARMM to be able to do that exactly?

For the Bangsamoro government that will be established, it is hoped that it would be more gender-sensitive since the ARMM has started to implement programs that could be carried out in the new government. But how can we assure for meaningful participation of women? What assurance do we need to do? What else do we need to do to make sure that it will be a more gender-sensitive government that would embody meaningful participation of women?

To ensure that women will become part of the established structures, there is a need to prepare women leaders to run in (women) political parties. However, the more fundamental part is for these women to be gender-sensitive, have capacity to understand the context of the issues faced by women, and have that commitment to bring the women's agenda with her in the fulfillment of her work.

For ARMM, it is now trying to come up with a database of women organizations, women associations, or women people' organizations who can be engaged in the formation of political parties; lobbying groups who will be capacitated to bring forth the issues of women in the Parliament.

How do civil society groups manage expectations of women groups who were engaged in the consultations?

Knowing that the BBL works like a constitution that would contain rather general statements, how would civil society groups who conducted massive consultations ensure that recommendations of various women groups (especially on rights and at the policy level) are included in the draft BBL? How would the expectations of consulted women groups and their constituencies be handled?

The transition period which will be handled by the Bangsamoro Transition Authority will be the reckoning point. Whatever laws that will be passed during that period would have effect in the succeeding years of the Bangsamoro. It is an advantage already for the women groups since their propositions were already put forward this early, that their aspirations were already communicated. That challenge now is to continue advocating for the realization of the recommendations, aspirations of the Bangsamoro and IP women and the different tribes within the Bangsamoro, not just in the arena of Congress, but in the entire upcoming transition process.

(This series of Peace Lens also devoted some of its discussions on relevant questions and on new developments within the ARMM not directly related to women's empowerment, considering the speakers' role in initiating reforms)

Learning from the ARMM experience. There is a need to revisit the "failed experiment" narrative about the ARMM. Rather than being an intentional offense against the MNLF, the current peace process worked on the premise that the 'status quo is not acceptable' due to the following structural problems:

1) There is no real autonomy in the ARMM considering the problems of devolution of powers as shown in the top-down process of the national government in the provision of budget. The budget provided to ARMM was only for administrative costs but no program funds to be used to implement the mandate and vision of the ARMM. The program funds are in the national line agencies as a budget item (e.g. DPWH has a budget item for ARMM). This means no automatic

allotment of budget for program funds. The ARMM needs to lobby every year to national line agencies, to the Department of Budget Management, and before Congress and the Senate for approval of budget.

2) ARMM has no control over the local government units (LGUs). The national government has greater control over the LGUs since the budget allotment is downloaded to them directly. The LGUs are accountable to the national government on how they spent their money but at the same time they are dependent on the regional government to implement programs and projects. But the regional government does not have program funds.

The Bangsamoro Basic Law can correct these structural inferiorities under the R.A. 9054 by establishing structures and clarifying intergovernmental mechanisms (between the national government, the autonomous government, and the LGUs) that would work. However, there is greater need to focus more on the people that would be running the said institution and would be committed to bring forth the aspirations of all groups in the Bangsamoro.

Even with problematic structure and complex context of the ARMM government, it is still possible to make some changes. The current administration of the ARMM has been trying to put in place better systems which could be continued in the new Bangsamoro political entity. Some of these are the Regional Human Rights Commission, Regional Reconciliation and Unification Commission, among others. There should be a commission or a department that would focus on women's programs. The ARMM is now trying to devolve some of the powers from the regional government to the local government units such as the provision of basic services (health, social welfare, others). Even at this stage, the ARMM is starting to transition from the *status quo* in preparation for the new political entity.

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