

## COMMENTARY: The Moro Question and Gov't's Responsibility to Protect

Minda News Datu Michael O. Mastura 7 August 2009 *Michael O. Mastura is a lawyer, historian, a former representative of Maguindanao to Congress and now a senior member of the MILF peace panel* 600,000  
*Moro IDPs live under dire conditions in Mindanao, the second largest island in the Philippines, as a result of fighting between the army and rebel groups, in what the Norwegian Refugee Council calls "the most neglected displacement situation in 2008"*

A year ago today the Supreme Court issued a Temporary Restraining Order (TRO) that resulted in civil chaos in Muslim Mindanao. By our front-man diarist account, the aborted signing of MOA-AD on August 5, 2008 and its subsequent litigation paradoxically spurred the spiral of violent politics that has turned into hard barriers to mutual trust.

(...)In the language of diplomacy, the

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embraces core principles vetted in gradualism involving less intrusive and coercive measure. Before the principle of non-intervention yields to responsibility to prevent and the responsibility to react and the responsibility to rebuild, it has to be established that a population is suffering from serious harm. The state in question is unwilling or unable to halt or avert the harm resulting from internal war, insurgency, repression or state failure. The crucial point with this fragile Mindanao situation is creating a "vacuum" of ungovernable territory and the tragic problems (IDPs, disease, famine, poverty) that they can cause might trigger the prospects of great power competition.

(...) "Prevention is the single most important dimension" says the ICISS Report on the

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. For brevity, prevention option has to be exhausted before intervention is contemplated plus more commitment and resources must be devoted to it. As a basic principle, the primary responsibility for the protection of its people lies with the state itself guided by the obligations inherent in the concept of sovereignty. Yet, as most commentators observe, the sovereignty/intervention boundary likewise needs an alibi (pretext) because international relations is an arena for the contestation of meanings. Where the boundaries of supposed "domestic" and "international communities" intersect during interventionary activity, it becomes less distinct. Researchers stress here the importance of casting meanings in particular ways that enables "specific forms of practice to take place legitimately in the eyes of a supposed interpretive community."

As the General Assembly has started debating

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only last July 23, the Frontman Diarist takes the humanitarian condition of the 600,000 internally displaced persons (IDPs) in Mindanao a priority attention on ground "reaction to catastrophe."

The logic of protection is not about legitimacy of armed interference, but that the progressive and conservative versions are radically different. In this debate, the Economist reports (07/25/2009) that the critics of

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link the concept to the American “humanitarian intervention” in Iraq and Kosovo along with the Russian “rescue mission” in Georgia. Progressives in civil society mark the scaling down of numbers of victims deliberately as one form of “statistical genocide” or as factually hiding those who have caused harm, imposed coercion, or taken property violate human rights. The International Displacement Monitoring Centre finds the reported figures of 600,000 IDPs large scale and a typically “conscience-shocking” situation. Whereas the Norwegian Refugee Council accounts for the episode as “the most neglected crisis”—a critical element of inability to act—on the part of the Philippine state it has been recurring as far back as the days of martial rule in 1972. Today noncombatant Moro IDPs are at risk of mass starvation at temporary shelters once more. Survivors of atrocities from ground attacks and of collateral damages from air strikes used disproportionately are only briefly sampled. (...)

State practice in intervention for human protection purposes is supportable when major harm to civilians is occurring or imminent. Progressive and conservative versions of the source of domestic calamities go beyond the “reasonable prospects” to avert human sufferings. While it may be a matter for argument that “systematic physical removal of people” is a criterion form of “ethnic cleansing” in several towns of Maguindanao and Lanao Norte, the roles in establishing these conditions is unmentioned. Where is the contention and who are responsible? The humanitarian tragedy in Mindanao presents factual data that the AFP was/is actively harming the Moro communities with “use of excessive force” such as heavy artillery bombardments. I’ve been tracing the logic of human protection since the brutalization of Moro IDPs is compounded by a natural disaster from flash flooding of villages along the banks of the Mindanao Great River, and the Liguasan Marshes and wetlands. In the broad criteria, I’ve identified anticipatory overwhelming natural or environmental catastrophe where this state is “unwilling or unable to cope” and thus a significant loss of life is occurring or threatened.

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