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Comments on the Draft Recommendations on Minorities and Right to Education

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Introduction:

Congratulations to the Independent Expert on Minority Issues, Professor Gay McDougall; the Chairperson, Mdm. Viktoria Mohacsi; and the secretariat for this inaugural session of the UN Forum on Minorities. Special thanks for inviting and allowing members of ethnic and religious minority communities to give input on the Forum's draft on Minorities and Right to Education.

We are speaking in this Forum on behalf of two people's organization the Asian Muslim Action Network in the Philippines (AMANPHIL) and the *Katutubong Alyansang Lumad-Moro para sa Angkop at Mapagpalayang Edukasyon* (Indigenous Lumad and Moro Alliance for Appropriate and Liberating Education). We are affiliated to the national network of Philippine Civil Society Network for Education Reforms or E-Net Philippines that championed the works on the Alternative learning systems (ALS), a pioneering initiative that we could humbly claim helped set the frameworks and contributed significantly in the eventual transformation of the Philippine Department of Education's Bureau of Non-Formal Education (NFE) to become the Bureau on Alternative Learning Systems (BALS). The BALS has been tasked specifically to oversee the implementation of the so-called "mainstreaming into the public school system" of the *madaris* or Muslim schools for the Bangsamoro in the Autonomous Region in Muslim Mindanao (ARMM) -- a few being privately operated, while majority, traditionally of small and fledgling community-owned "religious instruction" subsisting on community endowment and social contribution, i.e. the *sadaqa*, *zakat* and *waqaf* of ordinary Muslims.

On the other hand, by virtue of the Indigenous Peoples' Rights Act (IPRA) of 1997, the Department of Education passed a DEPED Order Number 40 series of 2001 recognizing indigenous people's education where Lumad people of Mindanao and other indigenous communities in the Philippines owning and operating "schools for living traditions" are allowed accreditation and encouraged to be mainstreamed.

These are laudable positive actions that the Philippine government has done so far in recognition of the right to education of minorities in the Philippines. Yet, as is often the frustration among most indigenous and minority peoples is the perennial question of States' compliance with UN standards. While rules and laws is one thing; effective mechanisms and its faithful implementation is another. Government agencies like Department of Education can only do so much. In the final analysis, the implementation of policies and programs lies in effective legislative actions and government's political will.

I. Comment on the Definition of Education:

We agree that 'Education is not a commodity or service; it is a human right'. Among minority peoples, education is both a right and a tool for our liberation from social marginality and invisibility and an economic vehicle towards our advancement. Towards a fuller, more inclusive definition of education, let me urge this body to incorporate the perspective of faith communities in defining education. Among Muslims, education is an obligation, as we believe in life-long learning as every person's goal. '**Seek[ing] knowledge from cradle to grave**', is an Islamic prophetic injunction. In the folk traditions among the Sama ethnic of Bangsamoro, our concept of '*Ilmuh*' or knowledge is both it being a source of power as much as it being a tool or strategy for mankind's deliverance from ignorance, passivity and unproductiveness. Education is a path towards enlightenment, awareness and fulfillment of our higher

and nobler being. In every spiritual tradition of the world education has been believed to be a way towards oneness with the Divine Creator, which is the ultimate goal of every human being. In this sense, education is not only desired for its personal benefits of fulfilling individual potentials but it is obligatory for every religious person to support educational pursuits as a form of spiritual duty. Education, then, is not only a human right beneficial for this lifetime, but is a moral and spiritual obligation that prepares us for eternal life. Hence, education should not be regarded merely as social and economic bases for physical existence, but more importantly, education should be taken in the light of it being ethical and spiritual issues defining people's 'humane-ness' and essential for the full realization of human dignity.

II. Comment on the Core Principle

We strongly agree with the core principle that *Education measures to benefit indigenous peoples should respect their right to self-determination....* And therefore *devolution to indigenous [and, we must add, minority] people of educational management and development of programmes and delivery of educational services is a right stemming from their right to self-determination;* and henceforth, base our succeeding observations and recommendations from the spirit of this principle.

III. Comment on Essential Requirement of Minority Education: The Need for Self-determination and Self-Governance

Let me start with an observation that the core principle is true and relevant only in as far as its implementation schemes are in place and followed faithfully. Hence, we agree that *States should create conditions enabling institutions, which are representative of minorities to participate in a meaningful way in the development and implementation of policies and programmes relating to education for minorities.*

Enabling institution for effective participation of minorities, to my mind and according to the experience of Bangsamoro people, have been negotiated forms of power-sharing and political arrangements among indigenous and minority population with the State. In its concrete form and essence, genuine representation and effective participation should not fall short of a clear political and governance arrangements between the national or central government with its minority and/or indigenous population.

In the example of the Bangsamoro people of southern Philippines, a negotiated peace settlement have been agreed in the form of special autonomy arrangement and the creation of the Autonomous Region in Muslim Mindanao (ARMM) as an outcome of Peace Agreement between the Government of the Republic of the Philippines and the Moro National Liberation Front (GRP-MNLF) in 1996.

To this day, the MNLF insists that the provisions that are now enshrined in Republic Act 9054 otherwise known as the "Organic Act on the Implementation of the Autonomous Region in Muslim Mindanao" have not been fully delivered by government, failing the spirit and intent in the GRP-MNLF Peace Agreement of 1996 that promised genuine self-governance for the Bangsamoro.

Without having satisfied the terms of its commitment to the MNLF, more recently, the GRP under the Gloria Macapagal-Arroyo administration again entered into a covenant, this time, with the Moro Islamic Liberation Front (MILF) in what almost concluded a ten-year protracted peace-talks in a Memorandum of Agreement on Ancestral Domain (MOAAD), among which significant breakthroughs have been defining in clear terms the governance structure and power-sharing arrangement between the Bangsamoro and the central government described as the Bangsamoro Juridical Entity (BJE).

Had the MOA-AD been given chance for further negotiation and refined to produce the Comprehensive Peace Agreement, it would have set the enabling mechanism for the Bangsamoro people's effective participation in framing and designing the minority people's education. Yet, even before the MOA-AD saw the dawn of light, unfortunately, Arroyo government reneged on its obligation and unilaterally abrogated the agreement while the Philippine Supreme Court subjected through the legal frameworks of

the Constitution the faith of what has been an extra-constitutional political settlement hoping to resolve the four-decades old Mindanao conflict.

What I am trying to impress upon you, ladies and gentlemen, is that the realization of the minority people's right to education hinges strategically on the availability and responsiveness of appropriate governance structure that is in place.

IV. Comment on De-segregation, Integration, Cultural Autonomy and Promoting Harmony

It is true, indeed, and we commend the Philippine government's efforts of recognising minority education as alternative learning system. However the plan of mainstreaming or integrating the *madaris*, without the sound governance structure that enables the Bangsamoro to effectively participate in defining, setting and managing the details of its fiscal concerns, will be impossible to sustain, let alone ensuring that such "mainstreamed *madrasa*" indeed reflects the minority Muslims' educational needs in terms of content and curriculum. For one, how can we harness the religious tithes of *zakat*, *sadaqa* and *waqaf* that have long been sustaining the traditional *madaris* if we are not allowed to set up our own education financing and governance systems that is based on the Bangsamoro system and ways? Secondly, how can the Bangsamoro Muslim intellectuals and scholars, i.e. the *ulama* and *asatidh*, be able to effectively participate as one consensual body in drafting the content and curriculum of the so-called "mainstreamed *madaris*" when the *Darul Ifta*, the Muslim religious councils and religious bodies such as the leagues of *ulama* and, perhaps more importantly, the community-based and *barangay* (village)-level indigenous peoples' tribal council of elders and grassroot traditional leaders are not active part of the education governance mechanism such as the literacy councils and school boards, let alone, being recognized as local governance structures to effectively represent the minorities' voice in decision-making processes?

In this effect, we highly recommend that the draft must emphasize and render in stronger, more succinct terms, demanding the **political will** of the State to implement to the fullest its commitment to minority right to education as linked to the right to self-determination.

V. On Content and Delivery of the Curriculum for Religious Minority Education: The Bangsamoro Experience

In developing appropriate content and for effective delivery of minority education curriculum, we affirm the important role of minority experts and the necessary intellectual environment. There should be healthy scholarship based on indigenous and minority knowledge and wisdom. It is important that States must provide the enabling condition for increasing minority peoples' capacity for knowledge production and reproduction and ensuring a healthy intellectual environment for minority scholarship to flourish and allowing its unhampered transfer and dissemination across generation.

Conversely, States and its apparatus must not exert undue and uninvited influence or any form of imposition on minority education by endorsing certain ideologies in minority curriculum. To do so would be tantamount to impingement on the right of minorities to determine what content is appropriate and relevant to their social and cultural settings.

This observation and recommendation is especially directed at governments and countries that, in their ardent desire to combat terrorism and implement counter-terrorism measures, have been unwittingly using social institutions such as education, the media and institutions of scholarship to promote certain political agenda especially to influence its citizens to support its current national security campaigns that have been specially discriminatory to religious and ethnic minorities and indigenous peoples struggling for their right to self-determination.

Mindanao of southern Philippines is a case in point where there are observed systematic efforts by entities, often connected to or with influence by national government and interventionists from western states, who are promoting a certain version of Islam and trying to influence the so-called government-mainstreamed *madaris* to be exemplars of this “disinfected” and “desirable” Islam.

This desirable Islam is a “tamed Islam”, conveniently labeled and described as “moderate” and “democratic”, an appropriated concept largely based on a doctrine designed by the think-tanks of the Bush government and US neo-conservatives guided by intellectual and scholarly works such as the RAND policy papers. In the guise of advancing democratic and libertarian ideals, these documents that inform State security policies have unwittingly harmed and prejudiced certain concepts and practices among Muslims as “potentially terroristic”, which is unfair and not based on solid knowledge of Islam as a comprehensive belief system and a way of life. Neither are these considerate of deep lived-experiences of community-inspired and culturally-embedded Muslim life.

It is common knowledge that the Philippine educational system is patterned after the American system. In fact, in its present free-market- oriented values and elitist utilitarian ideals, the Philippine educational system has been one of the enduring vestiges of American colonial influence. It is an important institution in the forefront of promoting the neo-liberal ideas that advances US hegemonic and militarist interests in the Philippines and south east Asia.

Before the 9/11 and the Bush War against Terrorism, in Mindanao provinces and villages where Muslims are dominant, community-based *madaris*, albeit independently, have been existing side-by-side and harmoniously with the public school system as well as private religious sectarian schools operated by other faith communities, mostly Christian, and Bangsamoro parents have the choice of sending their children to either schools or a complementation of both. Then, so-called “terrorist schools” did not exist. Today, where the Bangsamoro teachers and parents have, for their own best reasons and interests, chosen **not** to have their community *madrasa* to be mainstreamed, it has become a common practice for military establishment to “invite” the *asatidh* and *ulama* for regular appearance at their command base or stations for security briefings, “proper monitoring” and to periodically confirm the religious intellectuals’ non-association and non-involvement with so-called “terrorist schools” or extremist groups. This counter-terrorism measures are clear forms of intimidation and harassment, to say the least.

Indeed, in many cases where Muslims are minorities, Islamic scholarship have been suffering from the impact of Islamophobia mostly coming from the western world, that comes in subtle and not too subtle forms of Counter Terrorism Measures of governments. In the Philippines, for instance, the discussion of *Jihad*, is discouraged and deleted from the vocabulary of government-mainstreamed *madaris*.

By way of further illustration, it is also important to mention that among the victims of the infamous Camp Bicutan massacre of Bangsamoro political prisoners in February 2006 were Muslim religious and scholars many of whom were cases of mistaken identity and apprehended on mere hear-say and rumor of affiliation with religious extremism. To date, there remains languishing in jail a number of young *asatidh* and *ulama* who were suspected as members of the Abu Sayyaf Group. The increasing incidents of summary executions and extra-judicial killings of *ulama* and *asatidh* are also indications of this silently creeping yet unabated campaign to denigrate Islam and to stigmatize Islamic scholarship in the Philippines, which has risen to the point of it becoming a systematic political persecution of Bangsamoro religious scholars.

Whether deliberately, as a matter of policy, or indirectly through informal yet often coercive manner, this form of impingement on religious scholarship by national government in its implementation of Counter-terrorism measures must be declared a clear violation of minority right to education and must immediately be stopped. Thank you.

For comments, pls. contact:

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