

Johns Hopkins University  
School for Advanced International Studies



Mindanao:  
Understanding Conflict 2011  
Conflict Management Program  
Student Field Trip to Mindanao

Edgar Chávez	Philipp Lustenberger
Cordelia Chesnutt	Ben Miller
Robert Cowden	Anna Morgan
Kirk Donahoe	Suraj Mungara
Allison Fajans-Turner	Margaret O'Connor
Miles Hansen	Elena Ponyaeva
Solmaz Khorsand	Theodros Roux
Soo Kook Kim	Mariya Savchuk
Kinga Krisko	Julia Schilling
Noa Levanon	And Ariel Macaspac Penetrante

*Edited by Dr. P. Terrence Hopmann and Dr. I. William Zartman*



# Table of Contents

Acknowledgements

List of Acronyms

Introduction ..... I. William Zartman and P. Terrence Hopmann

## Part I: Sources of Violence and Insecurity in Mindanao

1. The Philippines Democratic Deficit as an Obstacle to Peace..... Kirk Donahoe
2. Rule of Law in Mindanao: The Challenges of Policing..... Anna Morgan
3. Mindanao's Security Dilemma: Localized Violence and the Implications  
for the Peace Process..... Robert Cowden
4. Civilian Protection: From the International to the  
Grassroots Level... .....Philipp Lustenberger
5. The Role of the Armed Forces of the Philippines in the  
Mindanao Conflict..... Kinga Krisko
6. The Ampatuans: The Role of Powerful Clans in the Perpetuation of  
Conflict in Mindanao..... Solmaz Khorsand
7. *Rido*: Clan Feuding in Mindanao..... Edgar Chávez

## Part II: The Humanitarian and Economic Crisis in Mindanao

8. The Role of the United Nations in Mindanao..... Cordelia Chesnutt
9. Control of Land and Resources as a Source of Conflict..... Mariya Savchuk
10. Aid and Development in Mindanao..... Elena Ponyaeva
11. Poverty, Economic Development and Peace in the Bangsamoro  
Conflict..... Theodros Roux

## Part III: Fundamental Issues to be Negotiated

12. The Inter-Religious Dimension of the Conflict in Mindanao:  
Catholic Leadership for Peace..... Julia Schilling
13. Peace Talks in Mindanao: What do They Really Want? ..... Soo Kook Kim
14. Autonomy and the ARMM..... Allison Fajans-Turner
15. Land, Law and Violence in Mindanao..... Ben Miller

## Part IV: Negotiating a New Peace Agreement: Prospects and Obstacles

16. Sovereign Sensitivities: The Role of Mediators in the Mindanao  
Conflict ..... Suraj Mungara
17. Women's Roles in Peacemaking in Mindanao..... Margaret O'Connor
18. Divisions Within the Moro Community: An Obstacle to Achieving  
Success in Negotiations?.....Noa Levanon
19. Greed and Spoiling in Mindanao..... Miles Hansen

Conclusion ..... P. Terrence Hopmann

List of Interviews

Bibliography



## **Acknowledgements**

All of the participants in this field trip and authors of chapters in this volume would like to acknowledge the assistance of many people who made this field trip experience become not only a reality, but an unforgettable experience for all of us. First, we want to thank the Starr Foundation, and SAIS Dean Jessica Einhorn, for making it financially possible to take the Conflict Management Field trip to an Asian destination this year for the first time. At SAIS, we also appreciate the assistance of Professor Karl Jackson, Director of Southeast Asian Studies, who encouraged us to venture to Mindanao, contrary to the advice of some, and also to Professorial Lecturer Eugene Martin, former director of the Mindanao Project at the U.S. Institute of Peace. Gene Martin was invaluable in sharing with us his many contacts in the Philippines, especially in Cotabato City, which helped immensely in arranging all of our meetings; his overall advice regarding our program was essential to the success of this venture.

Special thanks also goes to Ariel Macaspac Penetrante, PhD candidate at the University of Vienna and former assistant to the Process of International Negotiation project at IIASA, Vienna, who accompanied us throughout our trip as our local guide and expert. Ariel also played a critical role in arranging most of our meetings in Manila, for which we are most grateful. Our trip to Cotabato City and the many meetings we held with all contacts, ranging from MILF and ARMM leaders, through international actors, to representatives of civil society and IDP organizations, would not have been possible without the leadership of Atty. Zainudin Malang, head of the Mindanao Human Rights Action Center, and his deputy, Atty. Rasol Mitmug. They and their wonderful colleagues accompanied us from the moment of our arrival at Cotabato Airport to our departure, and we are all extremely grateful for their openness and hospitality in welcoming us to Mindanao. Zen's thorough arrangements, continuous dialogue, frequent debriefings after our meetings, and overall friendship were invaluable. He and his colleagues truly represent the commitment of the Moro people to peace and justice, and we wish them all the very best in reaching those goals in the near future.

Finally, of course, we want to thank also all of the many individuals and organizations with whom we met during our six days in the Philippines; their names are too numerous to mention here, but they are all identified in the attached itinerary of our meetings in both Manila and Cotabato City. It is a rare occasion to have an opportunity to meet such a diverse group of interesting people, ranging from a former head of state to IDPs who have lost their homes and livelihood in Mindanao, but they all are part of the diverse fabric that constitutes both the conflict and the aspirations for a future of peace and development throughout the region.

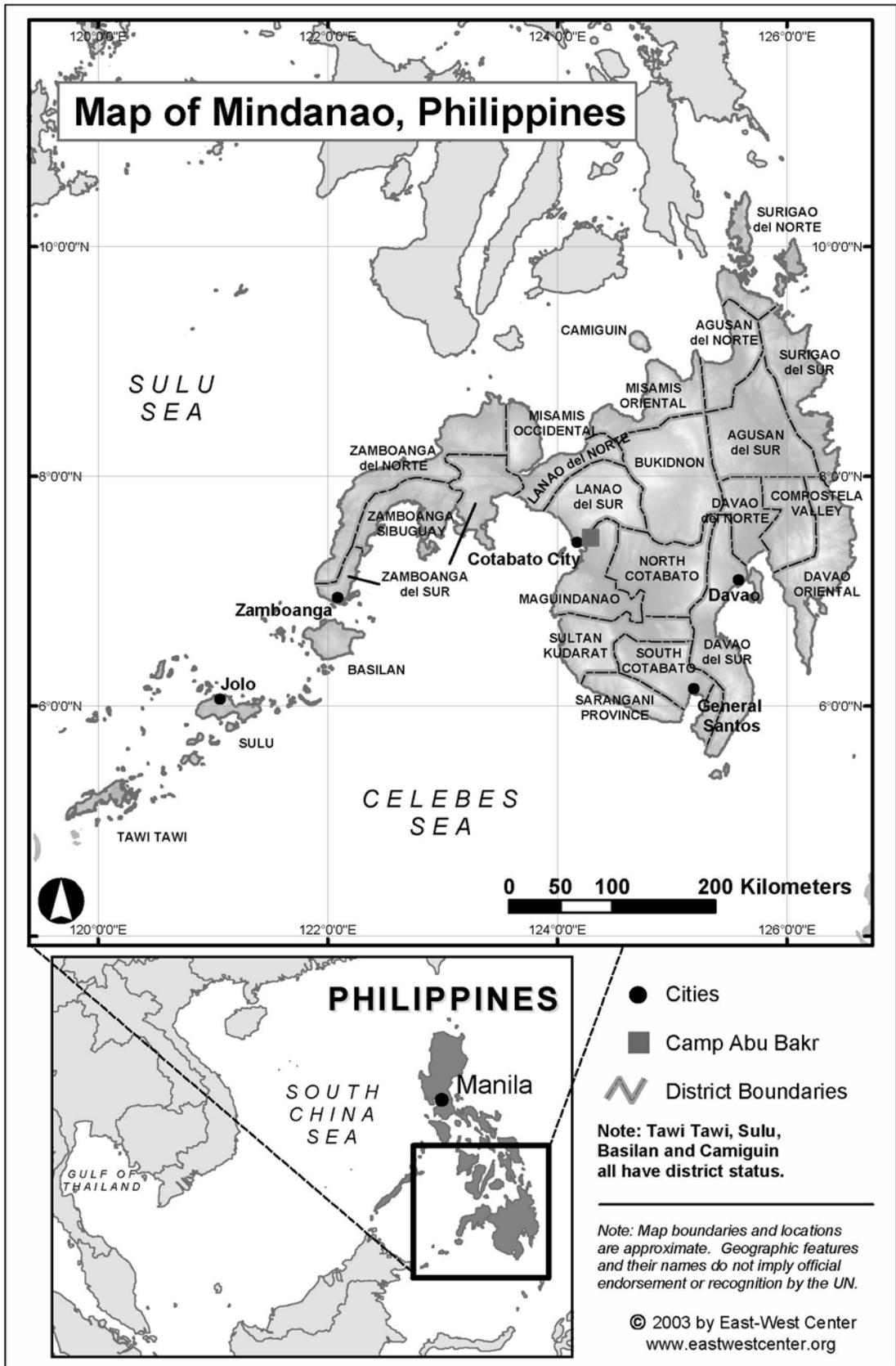
## **List of Acronyms**

ACF	Action Contre la Faim
AHJAG	Ad Hoc Joint Action Group
AFP	Armed Forces of the Philippines
ARG	Autonomous Regional Government
ARMM	Autonomous Region of Muslim Mindanao
ASEAN	Association of Southeast Asian Nations
ASFP: ARMM	Social Fund for Peace and Development
AusAID	Australian Agency for International Development
BDA	Bangsamoro Development Authority
BIFF	Bangsamoro Islamic Freedom Fighters
BJE	Bangsamoro Juridical Entity
BPOs	Bangaray Policing Operations
BUC	Bishop-Ulama Conference
CAFGUs	Civilian Armed Forces Geographical Units
CBCS	Consortium of Bangsamoro Civil Society
CCCH	Coordinating Committees for the Cessation of Hostilities
CDD	Community Driven Development
CIDA	Canadian International Development Agency
COMELEC	Commission on Elections
CPC	Civilian Protection Component
CSO	Civil Society Organization
CVOs	Civilian Voluntary Organizations
DENR	Department of Environment and Natural Resources
DDR	Disarmament, Demobilization and Reintegration
DSWD	Department of Social Welfare and Development
ECOSOC	Economic and Social Council
FAO	Food and Agriculture Organization of the United Nations
FPA	Final Peace Agreement
GEM	Growth with Equity in Mindanao

GGP	Grassroots Human Security Projects
GPH	Government of the Philippines
GRP	Government of the Republic of the Philippines
HAP	Humanitarian Action Plan
HDI	Human Development Index
HPI	Human Poverty Index
HRD	Humanitarian, Rehabilitation and Development
HRW	Human Rights Watch
ICAF	Interagency Conflict Assessment Framework
ICCs/IPs	Indigenous Cultural Communities/Indigenous Peoples
ICFM	Islamic Conference of Foreign Ministers
ICG	International Contact Group
IDP	Internally Displaced Person
IFES	International Foundation for Electoral Systems
IMT	International Monitoring Team
IPRA	Indigenous People's Rights Act
IRA	Internal Revenue Allotments
IRI	International Republican Institute
J-BIRD	Japan-Bangsamoro Initiative for Reconstruction and Development
JCCCH	Joint Coordinating Committee on the Cessation of Hostilities
JI	Jemaah Islamiyah
JICA	Japan International Cooperation Agency
LGUs	Local Government Units
LMT	Local Monitoring Team
MCW	Mindanao Commission on Women
MEDCO	Mindanao Economic Development Council
MILF	Moro Islamic Liberation Front
MinDA	Mindanao Development Authority
MinHRAC	Mindanao Human Rights Action Centre
MNLF	Moro National Liberation Front
MPC	Mindanao Peoples' Caucus

MPPM	Mindanao People’s Peace Movement
MOA-AD	Memorandum of Agreement on Ancestral Domain
Mogop	Moslem Organization of Government Officials and Professionals
MOWDECC	Moro Women Development and Cultural Center
MPPM	Mindanao People’s Peace Movement
MSF	Médecins Sans Frontières
MTF	Mindanao Trust Fund
MWDECC	Moro Women’s Development and Cultural Center
NAP	National Action Plans
NCIP	National Commission on Indigenous Peoples
NCRFW	National Commission on the Role of the Filipino Women
NDI	National Democratic Institute
NEDA	National Economic and Development Authority
NGO	Non-Governmental Organization
NIPAS	National Integrated Protected Area System
NPA	New Peoples’ Army
NP	Nonviolent Peaceforce
NPC	National Power Corporation
OCHA	Office of Coordination of Humanitarian Affairs
ODA	Official Development Assistance
OECD	Organization for Economic Cooperation and Development
OIC	Organization of Islamic Conference
OPAPP	Office of the Presidential Advisor on the Peace Process
PCID	Philippine Center for Islam and Democracy
PCIJ	Philippine Center for Investigative Journalism
PCW	Philippine Commission on Women
PHP	Philippine Peso
PNOC-EC	Philippine National Oil Company
PNP	Philippine National Police
POC	Peace and Order Council
RLA	Regional Legislative Assembly

SC	Supreme Court
S/CRS	State Department Office of the Coordinator for Reconstruction and Stabilization
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNYPAD	United Nations Youth for Peace and Development
USAID	United States Agency for International Development
USIP	United States Institute of Peace
WASH	Water Sanitation Hygiene
WFP	World Food Programme
WHO	World Health Organization
ZOPA	Zone of Possible Agreement





# Introduction: Mindanao Report

## I. William Zartman

There are many Mindanao conflicts to be understood in order to confront the challenge of management. The 19 graduate students and their professor on the sixth SAIS Conflict Management Field Trip<sup>1</sup> visited the two main islands, Luzon and Mindanao, of the Republic of the Philippines on 15-22 January 2011 to talk with over three dozen figures at all levels, from a former president to Moro Islamic Liberation Front (MILF) leaders and civil society members in locations ranging from the capitol in Manila to jungle camps outside Cotabato.<sup>2</sup>

Not the traditional three-ring circus but rather a many-partied turf fight, the many conflicts fight for dominance, contesting and reinforcing each other. There is the historic conflict waged against both Spanish and then U.S. colonization by the formerly independent sultanate of Solo, never subdued and never understood as foreign modernizers sought to impose their state and settlers on a different kind of state and population. There is therefore the contemporary form of that conflict between the MILF and the Government of the Republic of the Philippines (GRP), the one fighting for maximum autonomy (but no longer it appears for independent statehood) and other for minimum regional sovereignty. But there is also a conflict over land ownership and control over natural resources between traditional Muslim inhabitants and more recent Christian settlers. So there is also that same conflict that takes a different form when viewed as one between confessional identities (but not inherent hostilities) of Muslims and Catholics. But these identities are not monolithic, since there is also a conflict over perceived personal or family honor underlying the practice of *rido* or honor retaliation within the Mindanaoans, and the conflict fed by and feeding endemic corruption within the economic and political coteries of Manila, and in addition the interlocking dependencies between conflicting pieces of one side with conflicting pieces of the other.

---

<sup>1</sup> Kosovo, January 2010; Cyprus, January 2009; Northern Ireland, January 2008; Haiti, January 2006 and January 2007. Reports from previous Field Trips are available at <http://www.sais-jhu.edu/academics/functional-studies/conflict-management/index.htm>.

<sup>2</sup> A list of interviewees is appended.

In these interlocking conflicts, there is no firm ground to stand on, and, and righting one party's wrongs often wrongs another party's rights.

It would seem, on the surface, that there is a zone of possible agreement (ZOPA) on the sovereignty-autonomy question, potentially allowing the other overlaying conflicts to fall into place. But in the end, to date, the maximum autonomy acceptable to one side is below the minimum acceptable to the other, and the minimum sovereignty that one side can live with is too much for the other. This realization hardens sides, and increases the capacity of spoilers to pursue their own version of the conflict with deleterious effect. Thus, ever since the agreement of 1996 created the Autonomous Region of Muslim Mindanao (ARMM), there have been alternating periods of armed violence and shaky cease-fires.

Yet undeniably progress has been made. Conflict management, the demotion of the conflict from violent to political means, has been more or less achieved after the period of violence in 2008, following the overturning by the Philippines Supreme court of the Memorandum of Agreement on Ancestral Domain (MOA-AD) between the MILF and GRP and the projected creation of a Bangsamoro Juridical Entity (BJE). So peace hovers on shaky wings. Conflict management carries with it the promise of conflict resolution, and at the same time removes the pressure that violence would exert to move them to a final settlement. On one hand the MILF finds the ARMM inadequate and poorly implemented and looks to a deeper autonomy, preferably going under the name of a sub-state or federal relationship, but on the other, the Philippine Supreme Court found the MOO-AD unconstitutional, and if the courts had not, the Senate (where not one Moro sits) doubtless would have rejected it as well. To what drawing board should we go back now? When the salient solution in a conflict has been tried and found deficient, or deficiently applied, a disoriented search for creativity begins, at best; at worst, the conflict goes back to its violent stage to make the parties feel themselves in a hurting stalemate again. In 2011 talks are again beginning.

Where then does hope lie? The sense that "it can't go on like this" is not uniformly felt, especially in Manilla. The realization that the government's marginalization of the Bangsamoro people must be reversed as a guarantee for a solid solution has not yet hit the stake-holders in far away Manila. Even the need for an

outside or international mediator, such as Malaysia, is accepted only warily. The GRP, like some of its predecessors, has made a final settlement a priority, but the depth of the reform and reconciliation required has probably not yet sunk in on both sides. On the Moro side, the implications of making a transition from a rebel organization to a political party and even a governing body have not fully sunk in either, as well as getting a grip on the temptation of radical factions to break off and resume the struggle by violent means. In short, the difficult transition from years of intermittent war and cease-fire towards a stable and just system of governance in Mindanao has yet to be fully addressed by all of the parties.

The experiences of the SAIS group, and its meetings with human individuals embodying the hopes, grievances and demands of both sides, has produced some creative and imaginative recommendations as well as a clear recognition of some basic requirements, laid out in the following essays. Many are not original but their highlighting in this report serves to emphasize their importance; others can start people thinking in new directions. These illustrate some of the artifices, mechanisms and measures that the field of conflict management can bring to conflicted situations. But even more important is the need for the parties to feel the necessity of finding a solution, recognizing the harm that continued conflict does to the entire Filipino political system by reinforcing its dysfunctional aspects, and realizing that insistence on a purely rights-based outcome destroys the chances of an integrative mutually beneficial solution. Between the alternatives of complete secession of the Bangsamoro people and complete integration into a unitary Philippine state lies a wide space for negotiation. The history of marginalization of the Bangsamoro by the Filipino majority and rejection of Filipino identity by many Moros makes integration difficult on all sides. But the long history of alternating violence and tenuous ceasefires has created a lose-lose situation from which both sides need to find a way out. We offer the following analyses and recommendations as a help in the process.

### **Brief Historical Background to the Conflict**

To set the context for the papers that follow in this volume, we begin with a brief historical background to the conflict which goes back many centuries. Arab missionaries

and Chinese traders brought Islam to the primarily pagan tribes of the Philippines beginning in the 14<sup>th</sup> century, and a formal Sultanate was established in 1450 on the island of Sulu. In 1521 Ferdinand Magellan came to the Philippines and claimed the islands for Spanish rule, just as Muslim missionaries were converting large numbers of ruling families in southern Mindanao (the second largest island of the Philippines) to Islam. The Spanish colonizers looked down on the native Muslim residents and began a campaign to try to Christianize them, calling them by the Spanish name of Moro (after the Moors who had previously conquered Spain and then been forced back to North Africa), a term of derision for the largely independent local tribes and seafaring traders. Wars between the Muslim sultanates in the south and the Spanish in the north alternated with periods of uneasy peace, during which time the Spanish failed to gain full control over the southern islands or to convert many of the local population to Christianity as they did elsewhere in the Philippines.

When the United States “bought” the Philippines from Spain as a result of the Spanish-American War of 1898, the United States became the colonial master and began a campaign to “civilize” and convert the Muslim peoples of Mindanao and the Sulu archipelago to Christianity. In 1903 the United States created a separate “Moro” province governed by the U.S. Army in Muslim Mindanao. Although the Muslim population had long resisted being lumped together under the derisory term of “Moro,” they changed that view and adopted the term as a symbol of their identity in resistance to colonial oppression; thus was born a single identity of being “Moros” or Muslims residing on Mindanao and the neighboring archipelago of Basilan, Sulu, and Tawi-Tawi. In 1946, after reconquering the Philippines from Japan during World War II, the United States granted the entire country independence. It is at this point that many trace the origins of the contemporary conflict, as the Moros believe that they are not Filipinos and thus should have been granted a separate state on Mindanao by the U.S. rather than being forced into a unitary Philippine state dominated by an overwhelming Catholic majority.

The conflict remained largely non-violent, however, for more than 25 years. In 1965, however, Ferdinand Marcos was elected as the sixth president of the Republic of the Philippines and began to crack down on dissidents of all kinds, including communists, who formed the New Peoples’ Army and challenged the regime in many

parts of the islands, as well as the Moros on Mindanao. He also encouraged migration of Christians to the “virgin lands” of Mindanao, producing clashes over land ownership between the new settlers and the previous Muslim residents. In 1972 Nur Misuari founded the Moro National Liberation Front (MNLF), calling for the creation of a separate Bangsa (“Nation”) Moro state composed of the islands of Mindanao, Palawan and the Sulu archipelago. In response Marcos declared martial law to “save the Republic,” and conventional war broke out in southern Mindanao between the MNLF and the Armed Forces of the Philippines (AFP) in 1973. During the next four years at least 13,000 people died in the fighting and more than a million persons became internally displaced (IDPs). The parties initially spurned outside offers to mediate, but eventually they turned to Libya as a third party. As a leader of the Organization of the Islamic Conference (OIC), Libya both shared sympathies with the MNLF based on their common Muslim identity, while also representing a state-based institution that generally opposed secessionist movements, making it an acceptable intermediary from the Government’s point of view.

A cease-fire agreement was signed between the Government of the Republic of the Philippines (GRP) and the MNLF in 1976, as the two parties opened negotiations on the future status of the Muslim regions of Mindanao. Meanwhile President Marcos was overthrown in 1986 in a largely bloodless coup led by Benigno Aquino and supported by the army, led by Chief of Staff (and later president) Fidel Ramos. However, negotiations dragged on for several decades, and two factions within the MNLF broke away in the early 1990s. The Abu Sayyaf Group, a radical faction generally labeled as “terrorists,” was largely concentrated in the Sulu archipelago, whereas the Moro Islamic Liberation Front (MILF) began to operate in southern Mindanao with a largely political agenda but with a stronger Islamic identity than the MNLF, which also had its base in more northern regions of the island.

Under Philippine President Fidel Ramos, the government signed a peace agreement with the MNLF in 1996, mediated largely by Indonesia, acting in its capacity as both a member of the Organization of the Islamic Conference and the Association of Southeast Asian Nations (ASEAN). This agreement created the Autonomous Region of Muslim Mindanao (ARMM) with its headquarters in Cotabato City, in western

Mindanao. However, the MILF opposed this agreement and demanded independence. They continued to expand their military activity, claiming that the ARMM did not represent a truly autonomous Bangsamoro Republic. As implementation of the 1996 agreement faltered, especially under Ramos' successor as president, former movie and TV actor Joseph Estrada, even leaders of the ARMM became increasingly dissatisfied with the government's failure to implement many of the autonomy provisions of the 1996 agreement, and at least some members of the MNLF turned their support to the MILF. In 2000 President Estrada declared "all out war" on the MILF and the Communist New Peoples' Army (NPA), producing some 900,000 civilian Internally Displaced Persons (IDPs) in Mindanao; however, he failed to defeat the MILF or to halt Moro efforts for self-determination.

After additional clashes in 2003 between the MILF and the Armed Forces of the Philippines (AFP) in the so-called Buliok Offensive produced an additional 400,000 IDPs, negotiations resumed, this time with Malaysia serving as host and facilitator. In these talks the MILF largely gave up their demand for complete independence and instead sought much deeper autonomy for Muslim Mindanao than that contained in the 1996 agreement. An International Monitoring Team (IMT) was established in 2004 to monitor the cease-fire, led by Malaysia, also a member of both the OIC and ASEAN, and including representatives of Brunei, Indonesia, Libya, and Japan. Negotiations continued for several years in Kuala Lumpur, Malaysia, focusing largely on the return of ancestral lands of the Bangsamoro people, including not only Muslims but the Lumad, indigenous peoples that generally follow traditional pagan practices.

With Malaysian mediation, in 2008 a memorandum of agreement was reached between the MILF and the Government of the Philippines regarding the return of "ancestral domains" (the MOA-AD) in Mindanao to the Muslim descendants of their former inhabitants, and also a referendum was to be scheduled in some 735 communities with Muslim majorities outside but adjacent to the boundaries of the ARMM and in six additional cities to decide if they wanted to be included in a Bangsamoro Juridical Entity. However, before the government signed the final document, Christians who had settled in the region and feared the loss of their property, along with local political leaders who felt excluded from the negotiations, took the issue to the Philippine Supreme Court, which by

a vote of 8-7 found key elements of the MOA-AD to be unconstitutional and thereby voided the memorandum of agreement as written.

Since its mandate expired at the end of November 2008, the IMT was withdrawn. The MILF appealed to the UN Secretary General Ban Ki Moon to start a new round of negotiations, but the Philippines Government blocked UN involvement in what it considered to be an “internal matter.” This set off extensive fighting between majority Muslim and Christian communities into which the Philippines Army intervened, producing as many as 750,000 IDPs and at least 500 deaths. Following this outbreak of violence, large numbers of international and local NGOs came to the region to promote post-conflict rehabilitation and a peaceful settlement of the dispute. In July 2009 the government declared a Suspension of Military Operations (SOMO), and three days later the MILF command also agreed to suspend its military activities (SOMA). Finally, in 2010, an elaborate and unique system of monitoring was established under the leadership of Malaysia to manage the conflict until such time as a permanent resolution of the status issue is achieved. It is the effort to maintain the cease-fire, and thus to provide ripe conditions for negotiations to be resumed towards a permanent settlement, that was the primary focus of our research on this field trip, as reported in the papers that follow.



## **Part I: Sources of Violence and Insecurity in Mindanao**



# **The Philippines Democratic Deficit as an Obstacle to Peace**

**Kirk Donahoe**

The ongoing conflict in Muslim Mindanao has taken place on the backdrop of a remarkable political evolution in Philippine society, yet the interactions between the Philippines' political development and the peace process in Mindanao is not yet fully understood. In particular, having emerged in 1986 from the dictatorship of President Marcos, the country continues to suffer from what political scientists have diagnosed as a "democratic deficit," impeding its transition into a fully consolidated democracy. This analysis seeks to explain how that democratic deficit may be contributing to the intensity and prolongation of violent conflict in Muslim Mindanao.

The consensus among political scientists is that at the heart of the Philippines' democratic deficit is the country's notoriously weak system of political parties: "Although there are many ways in which this deficit may be filled," write Hutchcroft and Rocamora (2003, 259), "one crucial factor [is] the creation of more effective and cohesive political parties, oriented toward programmatic rather than particularistic goals, policy rather than pork." Indeed, David Horowitz (1985, 303) observed early on that political parties in the Philippines did not resemble those typically found in other ethnically divided societies in the developing world: "Where parties divide exclusively along Left-Right lines or along non-ideological lines determined by patronage patterns [as in the Philippines], that is an excellent indication that ethnic divisions are not salient." To be sure, ethnic divisions are clearly salient in Philippine society, as evidenced by the ongoing conflict, but the situation in the Philippines is unique among conflict-stricken societies in that political organizations have failed to politicize this acute social cleavage (Manacsa and Tan 2005, 759).

Although it is widely acknowledged in the mainstream political science literature that, "well-functioning political parties are essential for...resolving conflict by establishing channels of representation, providing accountability, and aggregating interests," (Ufen 2008, 328) the literature is scant when it comes to addressing how the shortcomings of political parties and other democratic institutions might influence peace

processes in general, and the conflict in Mindanao in particular. While this is unfortunate, it proffers an opportunity to take a potentially novel approach in addressing the issue.

### **Democratic Deficiencies in Mindanao**

The Moro public is by and large disenchanted with the electoral process in the Philippines, which has produced no shortage of corrupt and ineffective leaders in Muslim Mindanao. Yet despite this cynicism, Mindanao has seen consistently high levels of voter-turnout in most elections. The province of Maguindanao actually had the highest voter turnout (89 percent) in the entire country in the 2004 general election, and its overwhelming support for incumbent President Macapagal-Arroyo was crucial in delivering her another term. As with most elections, however, the results were tarnished by reports of significant electoral fraud. Indeed, political candidates frequently employ vote-buying, intimidation and sometimes outright violence (the most striking example of which is the 2009 Maguindanao massacre) to generate the votes needed to win office. Notably, political campaigns in the Philippines typically receive little or no support from their respective political parties. Whereas party machines are expected to perform the function of voter mobilization in a healthy democratic system, candidates in the Philippines instead divert the machinery of the state to bolster their own personal political power. For example, cronies of local politicians are often appointed to serve as local Commission on Elections (COMELEC) officials who, rather than ensuring the legitimacy of elections as they are charged with doing, use misappropriated Internal Revenue Allotments (IRAs) to buy votes for a particular candidate.

Consequently, Philippine politics is characterized by extensive patron-client networks, wherein access to political power depends greatly on one's loyalty to those who already wield it. As one expects to see in such political systems, once in office, politicians are often able to exhaust their term limits and then move on to occupy some other political office. Moreover, nepotism is commonplace and in some instances ridiculously blatant. The result is that political competition is more clearly manifested between a few political dynasties than it is among the Philippines' numerous, ephemeral political parties or along any distinct ideological cleavages for that matter. This holds true on both the national political stage and locally as well. More than half of the members of

Congress have been identified as belonging to one of about 250 political dynasties that dominate Philippine politics and which were estimated to control 100 percent of all major cities and 75 percent of all provinces in 2007 (Wadi 2008, 150). Because of the unitary nature of the Philippine state, though, power tends to emanate from the top-down so that loyal clients of the national-level patronage networks are supported in their efforts to reposition themselves as the patrons of their local-level networks. In this way, local politicians are co-opted by what is commonly derided as “Imperial Manila.”

Although these democratic deficiencies are prevalent throughout the Philippines, they are exacerbated in Muslim Mindanao by a much weaker state and hence a more tenuous rule of law, a proliferation of weapons, and the resilience of “a highly-entrenched feudal structure that has undergone no substantial structural change and political reform for decades, if not centuries” (Wadi 2008, 149). Although persistence of traditional clan politics has been attributed in part to the close relationship that the U.S. colonial administration developed with local elites in Mindanao, to whom they effectively granted control of the state machinery when they made the decision to decentralize powers in the Philippines (Scarpello 2010, 7-8), it was not until martial law was declared during the Marcos regime and the onset of the Moro rebellion that clan politics began to take the form of violent *rido*. As one local observer explained it, the *datu* clan leaders had previously been seen as coming from within the community; their decisions were widely respected and they played an important role in mediating conflict and meting out “justice.” As Philippine patronage politics took hold of the region, however, the sentiment among the local population that their leaders had been artificially installed gave rise to insecurity among politicians, who responded by recruiting armed protection. At the same time, Moro leaders who did not serve in the government began joining the rebel groups, so that most clan leaders, regardless of their affiliation, had armed forces at their disposal with which to challenge one another.

Unfortunately, given the patrimonial nature of Philippine politics, the introduction of elections in Muslim Mindanao has simply raised the stakes of political competition for self-interested local elites, while the weak institutional capacity of the state has hindered the ability of local leaders to govern the Moro community effectively. Hence, the democratic deficit seems to have had the effect of reinforcing a violent mode of

traditional clan politics rather than engendering an appreciation for genuine participatory politics.

### **Implications for the Peace Process**

The pronounced democratic deficit that exists both nationally in the Philippines and locally in Muslim Mindanao poses substantial obstacles to the peace process at every stage. To begin with, the void created by the lack of an effective party system for peaceful political organization has in large part been filled by rebel movements such as the Moro National Liberation Front (MNLF) and then the Moro Islamic Liberation Front (MILF). To be sure, the MILF does resemble a bottom-up grassroots organization to a large degree, having developed a rather extensive political arm, which performs such functions as “education” and “recruitment.” Moreover, the MILF purports to conduct widespread consultations within the Moro community regarding the ongoing peace process and to possess a popular mandate of the Moro people as a result (MILF Peace Panel, SAIS Group Meeting). But regardless of how effectively the MILF represents the interests of the larger Moro community, the fact remains that it, like the MNLF, does not engage in the type of participatory politics that can substitute for a robust and democratic party system. Consequently, the Moro people have only been able to engage the peace process indirectly, and barely at all outside the context of the GRP-MILF talks.

Because the MILF and other rebel movements have eschewed the approach of “parliamentary struggle” in pursuit of their separatist aspirations, they have had few means available to them to make their case to the Philippine public. Granted, as a matter of principle, Moro rebels do not acknowledge the need to convince the Filipino population of their right to self-determination, but from a practical standpoint there doesn’t seem to be a way forward without building popular support for the constitutional change that will likely be necessary to implement some kind of enhanced autonomy. While Moro civil society is surprisingly healthy in Mindanao, it is limited by its mostly local organizational reach in its ability to effect change in attitudes in important places like Metro Manila, where the mainstream Philippine media is accused of having taken a very biased, prejudiced view against the Moros and where certain members of the Congress have attempted to subvert the peace process. This was evident in the public

outray that followed the initialing of the MOA-AD by the Government of the Republic of the Philippines (GRP) peace panel in 2008 and the ensuing gulf that emerged between the position of the panel and administration during the Supreme Court hearing that led to that agreement's demise.

Perhaps the most striking ramification of the weak representative institutions in Muslim Mindanao is that the MILF will be challenged in implementing in practice whatever autonomy it nominally acquires from a peace agreement. Without a significant voice in the central government, the Moros may not have sufficient political clout to compel compliance with the terms of the peace agreement and full implementation of any related constitutional amendments. Like the MNLF before it, the MILF has given no indication that it intends to transform itself from a rebel organization into a political party once an agreement has been reached. Thus, there is little reason to believe that it will be able to mobilize the political resources necessary to fully implement a final peace agreement with the GRP any more successfully than the MNLF was able to with respect to the final 1996 peace agreement between it and the GRP. Some 15 years later, the MNLF is still involved in discussions with the GRP concerning the unsatisfactory implementation of the terms of that agreement.

It is not only politics in Manila, but also politics in Muslim Mindanao that could frustrate implementation of a peace agreement. Granted, many MNLF members and Autonomous Region of Muslim Mindanao (ARMM) officials clearly identify with the MILF's aspirations for genuine autonomy. However, it is precisely because the new autonomous arrangement will likely enjoy buy-in from a broader range of factions than was the case for the ARMM, and because the stakes of leadership will be so much higher under enhanced autonomy, that one can expect to see the struggle for political power become even more intense. Given the region's troubled experience with democratic elections thus far, one cannot ignore the potential for a violent political crisis to erupt in Muslim Mindanao when autonomy is attained. If that is indeed the case, it is difficult to see how the Armed Forces of the Philippines (AFP) will be able to extricate itself from the conflict-affected areas. Furthermore, the possibility of violent in-fighting makes the prospects of any united social or political movement coalescing on the national front in support of a new autonomous government even more doubtful.

## **Democratic Reform Efforts**

The question of exactly how to proceed with political reform in Muslim Mindanao is complicated by a number of factors and will largely depend on the content of the final Comprehensive Compact that is agreed to by the GRP and MILF. Given that full independence is not on the table, whatever autonomous Moro polity emerges from the peace negotiations will still need to maintain ties with the central government in some form or another, be they best described as “consociational,” “associational,” “federal,” “sub-state” or something else entirely. In any case, it will likely be in the best interests of the Moros to strive for significant (though inevitably minority) representation in the national government so as to yield greater influence over the implementation of the Comprehensive Compact and to help shape national policies that will affect Moro interests in the long run. Yet participation in Philippine national politics is a double-edged sword for the Moros because the national political environment is so conducive to the patronage politics that have morally and financially bankrupt the state institutions in Mindanao, undermining efforts for good governance and economic development.

Of course, the ideal solution to this dilemma would involve the systematic reform of the electoral and party systems throughout all of the Philippines along with all other democratic institutions. To that end, there has been some forward movement in the past. Under its 1987 Constitution, the Philippines actually became the first Asian democracy to adopt a “mixed-member majoritarian system,” wherein about 80 percent of the seats in the House of Representatives are awarded to candidates from single-member districts according to the familiar plurality formula and the remaining 20 percent are awarded to candidates from a national list that is meant to represent sectoral interests and marginalized groups, including youth, labor, the urban poor, farmers, fishermen, and women (Reilly 2007, 1356). Some Mindanao-based parties such as Abante Mindanao were among those who have bid successfully to become party-list groups. Notably, though, available data reveal that the level of disproportionality—as measured by the discrepancy between the number of votes received by a party and the number of seats it is awarded—actually rose significantly after these reforms were finally implemented in 1998 (Reilly 2007, 1360). According to interviews with ARMM officials, some reformers within the Moro community have called for an expanded role for proportional

representation in the electoral system, though these appeals seem to have fallen on deaf ears.

Part of the reason why the new party-list component was so limited in its impact is because political reformers have also been concerned with constraining the growing number of political parties. In order to encourage the consolidation of smaller parties into larger (read more effective) parties, party-list organizations are required to reach a threshold of two percent of the vote in order to be awarded a seat (they are also limited to three seats as they are meant to represent marginalized groups). The government has also adopted regulations that require new parties to establish regional offices in nine of the country's sixteen regions and to gain support in more than half of the cities and provinces where they field candidates (Reilly 2007, 1361). However, the congressional and presidential term limits incorporated in the 1987 Constitution "had the unintended effect of weakening the power of incumbents, lowering barriers for new entrants, and drastically undermining incentives for presidents and legislators to invest in the hard work of party building," so that the degree of party fragmentation actually doubled in the post-Marcos period compared to the pre-Marcos era of democratic rule (Reilly 2007, 1365).

The above accounts demonstrate the complexity and difficulty inherent in political engineering and provide little cause for optimism that the Philippines' democratic deficit will be corrected in the near future. Consequently, a strategy for peace in Mindanao should encompass institutional reforms that seek to insulate Moro politicians from the more perverse incentives of national politics to whatever degree possible, while still allowing for more meaningful Moro representation in the national political scene. Surely, this task is no less challenging than is that of national political reform, but with the possibility that the Moros could perhaps draft their own constitution to govern their new autonomous region comes the opportunity to start from scratch in designing local institutions conducive to a more accountable, party-centered electoral process. Regrettably, the MILF and its supporters appear to be of the opinion that political reform of any kind cannot and should not take place until after a high degree of autonomy is achieved. By that point, though, all parties will have more to lose in the process, and so any local reform agenda will be more susceptible to being either derailed

by the political competition between Moro factions or hijacked all together by the entrenched elite.

## **Recommendations**

In light of the above noted failings of democratic institutions in the Philippines and in Mindanao in particular, the following recommendations are put forward:

### Short-term

- **Increase the scope and frequency of public consultations regarding the peace process.** The GRP peace panel should follow through with its commitment, expressed by its Chairman, Marvic Leonen, to strive for a more “inclusive, consultative and transparent” peace process (Rosauro). While spoilers may take advantage of greater transparency in the peace negotiations to impede their progress, it is necessary to involve the larger public in the peace process so as to build confidence between the principals and their agents in the negotiating panels. Likewise, consultations may aid in developing a more robust “peace constituency” that can advance a peace agreement past political opposition and through to the final stages of implementation in the face of a threatened popular veto. To that end, **consultations should encompass a broader array of people than just those who have taken a stand on the peace process one way or another, to include the many voters in Metro Manila and other parts of the country for which the conflict in Mindanao is largely a non-issue.**
- **Elevate the issue of governance in the peace negotiations.** Although the issue of ancestral domain has been the most contentious points of disagreement in the peace process, **the MILF peace panel should also do more to define its specific objectives with regard to governance.** Insofar as it is reluctant to act on this front, the GRP peace panel should pressure it to do so. In particular, a well thought-out and incremental transition plan describing how power will be transferred from ARMM officials and other local leaders to the new autonomous government (if that is indeed the MILF’s ambition) should be part of the final Comprehensive Compact.

### Medium-term

- **Develop a more robust scheme for the monitoring of elections, including the heightened involvement of both outside groups and local NGOs.** As elections will undoubtedly play a crucial role in the implementation of any peace agreement, the government should explore ways to not only reduce the threat of electoral violence but to bolster the credibility of the electoral process in Mindanao in general by **providing for neutral election monitors.** The government might even consider adapting its ceasefire monitoring mechanism—operationalized through an International Monitoring Team (IMT) and a Civilian Protection Component (CPC)—that has proven to be highly successful in Mindanao. The International Contact Group (ICG) that has been monitoring the GRP-MILF peace talks could also play a role in assessing the legitimacy of election results in Mindanao. The GRP has shown itself to be agreeable to outside election monitoring before, having invited the International Foundation for Electoral Systems (IFES) to monitor the 2004 general election and provide technical advice to COMELEC and other key actors (Erben et al. 2004, 6).
- **Subject the Comprehensive Compact to ratification by referendum within the territories to be initially annexed to the new autonomous Moro homeland.** Only by changing their political status through a fully democratic process can the Moros legitimately claim to be exercising their right to self-determination. Such a referendum would represent an important break from the past, wherein the GRP has thus far negotiated with armed rebel groups rather than with representatives of the Moro community as a whole, notwithstanding the claims of the MILF to represent the greater part of that community. While a referendum is likely to increase the risk of violence, it will provide an important test case of the Moro community's ability to conduct its democracy peacefully. Furthermore, the presence of the AFP, if monitored by the IMT and CPC, may help to provide stability and deter any mobilization of MILF forces that could unfairly influence the results of the referendum.
- **If the Congress appears unwilling to support constitutional change, the President should recommend the proposed constitutional amendment to a Constitutional Convention or to the people through initiative.** Such a move would demonstrate that the President is committed to the peace process and willing to

expend significant political capital to see it through. Moreover, in this way the administration may be able to bypass some of the agreement's less ardent political opponents by raising the costs of political maneuvering aimed at defeating the initiative. At the same time, it will provide more of an opportunity for public campaigning on the issue, so that, if nothing else, the public may become more informed of and ultimately more involved in the peace process.

- **Aid organizations should provide technical and financial assistance in support of party-building endeavors by local groups in Mindanao.** Without assistance, those interested in party-building will likely lack the resources necessary to do so, especially toward the early stages of development in the new autonomous Moro homeland. Only by undertaking these efforts vigorously and early on will the Moros be able to create a party-based political system capable of operating independently from the weak, candidate-centered national political system. In the interest of insulating local parties from the interference of national party organizations (and their attendant patronage networks), it might be ideal for such technical assistance to come from foreign organizations. There are a number of organizations with the experience necessary to assist in party-building endeavors in such a manner that they shouldn't be perceived as patronizing, including, for example, the National Democratic Institute (NDI) and the International Republican Institute (IRI). Given that foreign aid agencies already have such an extensive presence in Mindanao, local groups would likely be relatively welcome to the idea of working with such organizations.
- **Consider a constitutional change that would provide for one additional senator to be elected from the autonomous Moro homeland.** Undoubtedly, such a proposal represents a significant departure from the institutional status quo, whereby the Philippines' 24 senators are elected at-large nationwide, and would thus require significant political capital to overcome opposition on the part of political elites. But unless the autonomy granted to the Moro community is of such a high level that national policies become largely irrelevant to the Moro homeland, Moro representation in the legislature is surely desirable and appropriate. At the same time, however, given that no Muslim candidate has ever been able to garner enough public

support to win a senate seat under the current system, it is almost certain that a Muslim representing an autonomous Moro homeland would be even less likely to appeal to mainstream Filipino voters. The proposed measure would provide for consistent and roughly proportional representation in the Senate (the seat would constitute four percent of the total number of seats whereas Muslims make up approximately five percent of the Philippine population) that would be commensurate with the unique autonomous status of Moros in the Philippine nation under any plausible peace agreement. Not only would a Moro senator be in a position to pressure the Congress to fully implement the Comprehensive Compact and to speak to broader Moro interests, but he or she could serve as an important symbolic link between the autonomous Moro homeland and the larger Philippine nation in what could very well be a highly tense political atmosphere following the conclusion of a peace agreement.

#### Long-term

- **Undertake systemic political reforms aimed at the development of a more coherent political party system.** The GRP should renew efforts at reforming its party system as well. It should implement constitutional restrictions on party switching during a politician's term in office that would help to address the problem of "political butterflies." Another possible way for the government to strengthen the party system is to provide public funding for major political parties, though any such proposal should be devised in such a way as to minimize the risk of graft and so as not to strengthen the hand of incumbents directly. Additionally, the GRP could also expand restrictions on the establishment of new parties and provide more incentives for the amalgamation of smaller parties. Gradually, the requirements for a broad base of geographical support could also be applied retroactively to existing parties as well.



# **Rule of Law in Mindanao: The Challenges of Policing**

**Anna Morgan**

## **The Collapse of Rule of Law in Conflict Affected Areas of Mindanao**

*“Politics is bloody here. Mindanao is like the Wild West with no law and order.”* General Baharom, Head of the International Monitoring Team (IMT)

The provision of rule of law in Mindanao has declined since the 1970s. State control of security has been gradually eroded in areas with a dominant Moro population and where the Moro National Liberation Front (MNLF) and Moro Islamic Liberation Front (MILF) are present. The Government of the Republic of the Philippines (GRP) has employed “divide and rule” tactics, by appointing leaders loyal to the Government in Moro areas where they had no natural support base. These local leaders have therefore needed to cultivate and build localized power structures, supported in a number of areas by militias. This has further complicated and exacerbated the clan and family rivalries that have historically been a prominent feature of the region. The lack of a strong centralized authority has led citizens to turn to informal structures and local leaders to resolve disputes rather than the police or judiciary.

Before the 1970s the traditional justice systems were reasonably strong. Disputes were settled by elders and decisions accepted. The traditional system is now less respected as it has been infiltrated and shaped by clan loyalties. If a party to a dispute does not have links to the local power players, they are likely to be disadvantaged in the dispute settlement process. Similarly, if a local actor does not like the decision, they may be liable to take arms to secure the result they want. This has further undermined the rule of law.

The prevalence of *rido*, feuding between families and clans, represents one of the greatest challenges to rule of law in the region. In 2004 conflicts between different clans were more common than conflicts between the MILF or MNLF and the State (Dayag-Laylo, 2004). According to Dayag-Laylo’s survey, 42 percent of violent incidents were the result of disputes between families, clans or tribes, whereas only 27 percent were a result of clashes between the MNLF, MILF or Abu Sayaf and the Government (2004, 5).

In 2010, the Office of Coordination of Humanitarian Affairs (OCHA) estimated that over 30,000 families had been displaced because of *rido*. *Rido* is particularly endemic in North Cotabato. The cases of *rido* range from petty to serious. For example, according to OCHA in Kulambog Bangaray, 289 families were displaced and 161 houses were burned as a result of a single case of *rido* (SAIS Group Meeting, Mindanao, 19 January 2011). Controlling and minimizing the impact of *rido* is a key component of the provision of rule of law but the police and the judiciary are rarely able to provide this function. Cases of *rido* are exacerbated by the heavy presence of arms in the region. Bong Montesa (SAIS Group Meeting, Manila, 16 January 2011) estimates that there are currently over 100,000 loose fire arms in the Bangsamoro region. Gun control is not seen as an option with gun ownership viewed as an intrinsic part of Moro identity. It is a popular joke that Muslim men love firearms more than their wives.

### **Prolonging the Conflict**

*“Where there is no common power, there is no law, where no law, no injustice.”* Thomas Hobbes, *Leviathan* (1651)

The lack of rule of law and effective state policing has exacerbated the conflict and the conflict has made the provision of law and order very difficult. The National Democratic Institute consultations with Moro communities concluded that community problems, including crime and disorder, “are often the roots of larger scale peace and order instability. When unaddressed, these problems grow into serious conflicts that challenge the institutions of Democratic Governance.” (2006, 4)

The prevalence of crime and armed groups has hindered the peace process and undermined the credibility of the Moro cause. The Moros are seen as lawless, prone to infighting and unable to provide peace and security in areas where they have the monopoly of power. This has undermined the legitimacy of the secessionist movement and blurred the boundary between criminality and the Muslim insurgency. As Schiabo-Campo and Judd (2005, 2) state “widespread banditry confuses both the origins of violent attacks, extortion and kidnapping and the often indiscriminate response from the Philippine Military.” This has made it harder to determine whether an incident is

criminal—and therefore falls under the jurisdiction of the police, or politically motivated and related to the insurgency—and therefore under the jurisdiction of the army.

Local leaders, backed by militias, are able to operate as they please and have vested interests in the conflict continuing. Peace and the reinstatement of state-led rule of law would inevitably curtail their power. This has helped to create multiple “spoilers,” which have in turn fuelled instability and perpetuated violence.

The absence of rule of law in the region further reaffirms wider weaknesses of governance and undermines loyalty to the state. For example under the Hobbesian social contract, if the state is unable to provide its citizens with basic rule of law, the citizens do not owe the state their loyalty, as he states “The obligations of the subjects to the sovereign is understood to last as long, and no longer than the power lasteth by which he is able to protect them. For the right of men have by nature to protect themselves, when no one else can protect them, can by no covenant be relinquished” (1651, 92). The current situation in Mindanao appears to support this theory. The lack of rule of law has driven Moros to take up arms and in some cases join militias or rebel groups as they feel they do not trust the state to provide them with adequate protection. The police, judiciary and army have not been perceived as employing legitimate force. As Bong Montesa stated, “The police are not neutral, impartial providers of security” (SAIS Group Meeting, Manila, 16 January 2011). This has enhanced distrust of the government.

### **Policing: Problems and Challenges**

*“The police have no power.”* Internally Displaced Person (IDP) from Mindanao

Against this backdrop, the Philippine National Police (PNP) face a number of challenges to effectively providing security and rule of law in the region. These include lack of freedom to operate in areas where rebel groups are in control, under manning, insufficient representation of Moros in senior ranks in Moro dominant regions, militarization, capture by political elites, corruption, and poor policing practices. This has led to a lack of trust in the police as an effective provider of rule of law in Moro areas, criminality and continuing instability. As a result more citizens are turning to third parties, such as

NGOs, clan leaders and human rights organizations for justice and to report abuses against their human rights.

Police have a limited presence and jurisdiction in the Moro areas. They cannot go into some areas under MILF control, relying on backup from the armed forces. As Colonel Asto, the Civil Military Affairs Officer stated, “The only thing the people know in remote areas of the government is the army” rather than the police (SAIS Group Meeting, Mindanao, 20 January 2011). Seven thousand to 10,000 Armed Forces are currently deployed to the conflict affected regions, forming the bulk of the security presence. Where the police have a presence, they are often located outside of the villages or towns. This is often a result of negotiations with the MILF or at the request of the local community, who want to reduce the security presence.

Nationally the police are undermanned. One policeman to 500 citizens is agreed as an ideal ratio, whereas in the Philippines the ratio is closer to one to 1,000. The ratio is a little higher in Mindanao according to Armando E. Ramolete with the Philippine Embassy Police Attaché (personal communication, Washington, 19 November 2010). The Civilian Voluntary Organizations (CVOs) and the Bangaray Policing Operations (BPOs) have been developed to supplement their numbers. Similarly, Civilian Armed Forces Geographical Units (CAFGUs) were established to supplement the military. Civilian Voluntary Organizations were established in 1987 under Executive Order No. 309, to act “as an effective community-based crime prevention monitoring and coordinating mechanism” of the Peace and Order Council (POC) (Banlaoi 2009, 5). They are tasked with: “intelligence or information gathering; neighborhood watch; medical, traffic or emergency assistance; assistance in the identification and implementation of community development projects; gathering of relevant information and data as inputs to peace and order planning and research activities” (Banlaoi 2009, 6). CVOs should be unarmed. But there are a number of reported cases of CVOs carrying arms in Mindanao. For example, CVOs were involved in armed skirmishes with the MILF in Shariff Aguak on 28 June 2006 (Tamayo-Tesore, 2010). There are problems with recruitment, as the jobs are not seen as desirable. Staffing the police up to task remains a challenge, particularly getting the appropriate levels of Moro representation in Moro majority areas.

The population of the Philippines is overwhelming Christian (92.5 percent) with Muslims making up 5 percent of the population (CIA World Factbook 2011). Currently 12 percent of the AFP are Moros. Attempts have been made to increase the number of Moros in the PNP in Mindanao, as they have a much better understanding of the local context. It is hoped that this will improve relationships and increase trust between the PNP and local population. To facilitate this, the requirements for Moro PNP applicants were lowered. Usually police officers are required to have finished college but there is more leeway given to Muslim police recruits. Moro policemen are primarily in more junior positions, partly as a result of the lower level of their qualifications, while senior positions continue to be held by Christian officers.

The police are also seen as synonymous with the army, who regularly engage in military operations in Moro areas. This is partly a result of their shared origin, with the police historically militarized. The Philippine Civilian Police force is relatively new. It was established on 13 December 1990 by Republic Act No. 6975 entitled “An Act Establishing the Philippine National Police under a reorganized Department of the Interior and Local Government and Other Purposes” (PNP website 2011). Prior to this, the Constabulary and the Integrated National Police, under the armed forces, were responsible for crime prevention and conducted policing. The police are now managed by a separate ministry, the Department of the Interior and Local Government, rather than the Department of National Defense, which commands the armed forces. The legacy of the military control of policing is still visible today and the process of “civilianization” is ongoing. For example, the police wear para-military style rather than civilian uniforms.

Political capture of the police is a major problem and the source of many of the current problems in the police service. Local Government and the MILF have a strong influence over the police. The police are managed nationally, but mayors have extensive powers over the police in their local area. Mayors have the power to “direct, superintend, oversee and inspect police units and forces” under Republic Act No. 6975. As Kreuzer points out (2009, 31) they also “have the power to impose certain disciplinary penalties on members of the local PNP, the power to choose the local police chief out of a list of eligibles and to recommend the transfer, reassignment or detail of the PNP... it becomes obvious that the local PNP depends upon the goodwill of the local Mayor.” This

provides ample scope for political manipulation. Some arrests are perceived to have been ordered by political patrons. As Kreuzer concludes local power brokers “control to a large extent the local law enforcement agencies and can either render them ineffective or co-opt them.” (31) The most high profile case of police brutality and political capture was the involvement of the police auxiliaries, the CVOs, in the massacre authorized by the Ampatuan clan on 23 November 2009. In the Ampatuan massacre, the National Bureau of Investigation charged 500 members of CVOs, CAFGUs and local militias for multiple murders, robbery and damage to property on 14 December 2010 (*Philippine Star*, 2010). There have also been accusations that the CVOs have aligned with the MILF. The *Philippine Star* (Tamayo-Tesore 2010) reported on 1 February 2010, that Army Maj. Randolph Cabangbang had stated that CVO members implicated in the Maguindanao massacre had links with the 106th MILF Base Command.

Political capture limits the power of the police to intervene in local disputes that involve senior political actors. For example, following the Ampatuan Massacre, it was not the police but the army that was sent in to arrest the perpetrators. Kreuzer states that reform is needed “which denies politicians’ control over the state’s institutional structure for criminal purposes. Especially the Philippine police officers and prosecutors have to be enabled to ‘say no’ to and to initiate investigations against politicians as if the latter were ‘normal citizens’” (2009, 31).

Where the police are able to operate, the quality of policing is variable. Police are seen as inactive. As one IDP relayed, “The police don’t do anything” (SAIS Group Meeting, Mindanao, 20 January 2011). Cases remain unsolved. For example, according to MinHRAC (Mindanao Human Rights Action Center) there are three cases of kidnappings from 2010, which are yet to result in prosecutions (Personal Meeting, Mindanao, 20 January 2011). There have been cases reported of mistaken identities and torture. For example, MinHRAC reported that when they visited detainees at a police detention facility in Fort Bonifacio, “The detainees confirmed the torture inflicted on them. The torture included electrocution and beatings on their private parts with a piece of wood. Their captors allege that they were arrested on the basis of an existing arrest warrant. However, upon examining the warrant, it appears that the detainees’ names did

not correspond to those in the warrant. The closest name to the Guiamelon brothers is a certain person with the family name Dianalon.” (MinHRACBlog 2010)

Corruption is perceived by the local population to be endemic in the police force. Interviewees during the field trip provided anecdotal evidence of police corruption. Police positions are regularly bought. Individuals can pay up to \$40,000-\$50,000 for a senior post. This indicates the potential income that can be made through bribery and extortion in the job. The IDPs we interviewed relayed incidences where they had been held up at police roadblocks, suffering intimidation and being leaned on for bribes to ensure safe passage. For example, according to *The Philippine Daily Inquirer* (Dinoy, 2010) “2 members of the Police Traffic Management Group were arrested with another police officer on July 16 during an entrapment operation conducted by the Southern Mindanao police’s intelligence division.”

In addition to the operational problems faced by the Police, there are a number of internal organizational challenges. For example, the National Democratic Institute (NDI) (2006, 5) highlights a number of institutional weaknesses that encourage corruption, including “the number of disciplining authorities, the lack of accountability, fragmented training and weak value content, increasing politicization of the hiring and promotion process and poor standards for performance evaluation.” Many police lack sufficient training and local support. NDI highlights the lack of clear guidelines, coordination and logistical support at a local level. They also highlight limited investigation competencies in junior officers with the bulk of the training in this area provided to more senior officers (2006, 6).

As a result of these problems the Police and the supporting CVOs have a poor image and garner low levels of trust in Moro communities. According to Dayag-Laylo’s survey (2004, 6-7) only 42 percent of the population in Moro areas had confidence in the police and 76 percent would not go to the military or police for protection. The most common reasons why they would not turn to the police or military for protection are: it is not easy to contact them (31 percent); they would not do anything anyway (20 percent); other means are better (20 percent); it takes them too long to solve problems (eight percent); we have greater trust in other authorities like the Mayor or Barangay Captain (eight percent). Dayag-Laylo (2004, 12) goes on to measure trust in key local actors,

using the Alpha (Chronbach) statistical index. Trust in local law enforcers is rated lower ( $\alpha=0.8062$ ) than trust in Muslim leaders ( $\alpha=0.8252$ ). At best, they are seen as a benign and inactive force and at worst they are seen as a negative influence, a tool of clan violence and extortion.

The strong linkages between the army and police have further undermined trust. The army has historically been less trusted than the police, conducting operations against Moro separatists. The collapse for peace talks and the recommencement of military operations in 2008 led to displacement of 950,000 people according to the Geneva-based Internal Displacement Monitoring Centre (2009, 23), making it the biggest new displacement in the world that year. The historical militarization of the police has meant that they have been ‘tarred with the same brush’, being seen as synonymous with the army and hostile to the Moro people.

As a result of the failures of state actors, external non-state actors have been playing an increasing role in the provision of law and order. The International Monitoring Team (IMT) has helped to reduce violent incidents. There were 569 violence skirmishes in 2003 compared to three in 2010 following their deployment (SAIS Group Meeting, Mindanao, 20 January 2011). Whilst their mission is to monitor and observe the civilian protection agreement, they have veered into the *de facto* provision of rule of law. They have gone beyond their mandate, on occasion mediating cases of *rido* to stop them from escalating into destabilizing cases of violence.

Human rights bodies have also become an important point of contact for numbers of the Moro communities, who feel they have been wrongly treated by the police, or security forces seeking redress or recourse. For example, MinHRAC was established 16 December 2009 with one of its stated objectives being, “to document, expose and oppose Human Rights violations” including by the Police and Armed Forces. The Asian Human Rights Commission also reports violations by the Police in the Mindanao area. For example they reported that on 18 February, 2010, a Police Provincial Mobile Group and a demolition team commanded the illegal demolition of the houses and properties of 137 villagers (28 families) living in Sankan village of Bukidnon (MinHRACBlog, 2010).

## **Policing: Reform and The Way Ahead: Creating a Just Police Force**

*“The law is now rebuilding.”* Internally Displaced Person (IDP) from Mindanao

As peace is sustained there is a window of opportunity to further strengthen policing operations in Mindanao. To become a viable, effective provider of law and order **the PNP needs to become depoliticized and better insulated against capture by the political or clan rivalries.** The worst abuses need to be addressed. This includes a crackdown on corruption, reported incidents of torture, and shoddy investigations, which lead to the prosecutions of innocents. **The role of CVOs should also be reassessed.** Their reputation has been seriously discredited by their involvement in the Ampatuan massacre. Kreuzer argues “All semi-regular forces, of which the CVOs are only the most prominent ones, should likewise be abolished or integrated into an integrated police service with a strict organizational hierarchy.” (2009, 31) Trust needs to be actively built with the Moro communities. Within the PNP further work is needed to ensure their officers have the right skills to do the job and they are appropriately manned to task.

### **Recommendations**

To achieve these objectives the following measures should be considered:

- **Reducing Political/Clan capture**
  - **A Government review of the current Mayoral powers over the police.** This should involve consultation with Moro communities and NGOs.
  - **The PNP and MILF/MLNF should scale up their recent cooperation on identifying criminal elements.** This will help to limit the criminal elements of clan activities.
- **A Government-led review of all semi-regular forces, including CVOs should be undertaken.** This should assess the suitability of these modes of security provision in conflict affected areas where State control is weaker and make recommendations on their continuation or adaptation.
- Measures to build trust
  - **Strengthen police oversight** and crack down on high profile miscarriages of justice.

- **The Roll out of Community Policing**—USAID funded a program in this area delivered by NDI in 2004-06. This program saw real successes in helping the police to be more responsive to community needs, through the development of community policing plans and regular interface with the community. These policing tools should be adopted by the PNP, with the support of the donor community and rolled out across the Moro dominant areas.
- **Moros should be appointed to senior positions in the PNP in Mindanao.** Extensive vetting should be conducted to limit political or clan capture.
- **Further civilianization (or demilitarization) of the PNP should be pursued.** This includes the provision of new police uniforms, which have a civilian rather than para-military image.
- **The PNP should be seen to support and facilitate, or at very least not interfere with, the work of Human Rights organizations.** They are likely to continue to be the primary point of contact for Moros to report problems until greater levels of trust are built.
- **Police training should be improved.** This includes the provision of specific training on investigation and police patrolling.
- **Strengthening of the judicial system to support police reform and to facilitate effective prosecution of criminal cases in Mindanao.** This includes further professionalization of those employed in the judicial sector, the vetting judges and judicial staff to ensure a lack of bias or political affiliation to local clans, and strengthening witness protection to guard against intimidation.

# **Mindanao's Security Dilemma:**

## **Localized Violence and the Implications for the Peace Process**

**Robert Cowden**

Since the outbreak of war in Mindanao in the early 1970s, armed conflict and violence have remained a dismal reality of daily life on the island. The long-suffering population of Mindanao most recently experienced large-scale combat operations in 2008-2009 when the collapse of the MOA-AD reignited the conflict between the MILF and GRP. The fighting eventually subsided though, and by July 2009 both sides agreed to suspend military operations and welcomed the return of the IMT to monitor the ceasefire. The ceasefire has since held stable with no reported skirmishes since the reinstatement of the IMT in February 2010, and peace negotiations recently resumed under the new Presidential Administration of Benigno Aquino III. While the turbulent history of the peace process over the past 40 years has engrained a healthy skepticism in all parties affected by the conflict, both sides have expressed optimism that this latest round of negotiations offers promise for reaching a comprehensive resolution to the Bangsamoro question.

Despite this period of relative calm between the AFP and the MILF and the optimism for the peace process, insecurity plagues the conflict-affected areas of Mindanao at the local level. Violence associated with common criminality, electoral clashes, competition for resources, and clan feuds pervades society, and the violence actually tends to amplify during periods of peace between the MILF and AFP. This paper analyzes the causes of violence on Mindanao—which include the absence of effective governance, judicial, and security institutions, and the widespread availability of firearms—and argues that this chronic local insecurity undermines the fragile peace process. The paper then offers recommendations to improve the security environment in Mindanao.

## **Violence in Mindanao**

Violence in Mindanao exists at several levels, all of which are interconnected. The first and most severe form of violence is in the conflict between the MILF and the AFP. Formed in the early 1980s as an offshoot of the MNLF, the MILF continued the armed struggle for Moro self-determination after the MNLF reached the Final Peace Agreement with the GRP in 1996. Since 2003, the violence between the MILF and AFP has diminished as the ceasefire has largely contained the fighting; however, the outbreak in 2008 demonstrated the capacity for devastation that this conflict holds. Even this brief spasm of warfare displaced hundreds of thousands of Mindanaoans and created a dire humanitarian emergency. The MILF is a well-armed insurgency with around 11,000 members (Reuters 2011) that has proven its ability to inflict damage on government forces and withstand offensive operations from the AFP. Meanwhile, the AFP maintains a robust presence in Mindanao, and the military regards the island as a proving ground for its officers. Given the strengths of these opposing forces, their close proximity, and history of antagonism, combat between the MILF and AFP represents the most severe and consequential form of violence on the island.

The basis for the current ceasefire between the MILF and AFP stems from the 1997 Agreement for the General Cessation of Hostilities and the 2001 Tripoli Agreement on Peace and includes several peace-building components. The Joint Coordinating Committee on the Cessation of Hostilities (JCCCH) brings together representatives from both sides to coordinate and implement the terms of the ceasefire and resolve violations so as to ensure “an atmosphere conducive to the peace negotiations.” The two sides also cooperate through the Ad Hoc Joint Action Group (AHJAG) to pursue joint operations to address criminal and terrorist activity in MILF-controlled areas. The IMT is an international military contingent led by Malaysia that monitors the ceasefire and reports violations. The IMT works with Local Monitoring Teams (LMTs) to undertake fact-finding missions and perform inquiries necessary for local ceasefire monitoring. The Civilian Protection Component (CPC) utilizes NGOs to monitor “the safety and security of civilian communities,” facilitate aid and assistance for IDPs, and report human rights violations. Finally, the International Contact Group (ICG) is a group of states and NGOs that provide international support for the peace process. (*Our Mindanao* 2010, 12-13).

All of these mechanisms strengthen the ceasefire and diminish the likelihood of direct conflict between MILF and AFP.

A second type of violence in Mindanao stems from feuds between clans or families, known as “*rido*.” In this phenomenon, disputes between families over a range of grievances including land, money, women, and honor devolve into violent clashes. These incidents of violence provoke retribution from the victims, breeding a cycle of violence that develops into an intractable feud with limited opportunities for settlement. The violence grows all the more menacing as powerful family organizations amass weapons and security operations that amount to private armies, often by co-opting the local police and army auxiliary units known as Civilian Volunteer Organizations (CVO) and Citizen Armed Forces-Geographical Units (CAFGU). *Rido* reflects a security dilemma in which one clan arms in order to increase its security, thereby threatening its rival clan and prompting the rival to bolster its own defenses. This build-up in forces elevates the potential for violence. While this clan warfare is prevalent across Mindanao and carries many common characteristics, each individual conflict has its own unique set of causes, histories, grievances, parties, and possible solutions. Thus, resolving these disputes is a cumbersome task requiring significant knowledge, resources, and time.

Another form of violence is related to electoral competition and is often closely connected to *rido*. Elections in Mindanao are a dangerous enterprise, with candidates and their supporters carrying out attacks on their rivals and defending themselves against attacks from their rivals. The most infamous case of electoral violence in recent times is the November 2009 Maguindanao Massacre. In this particular incident, the powerful Ampatuan clan responded with brutality when a member of the Mangudadatu family dared to challenge Andal Ampatuan Sr., the family patriarch, for his position as governor of Maguindanao. The Ampatuans deployed their militia forces to slaughter a convoy of 57 women and journalists that Esmail “Toto” Mangudadatu had sent to register his candidacy, under the assumption that women and journalists would not be harmed. Closely allied with the administration of then-President Gloria Macapagal Arroyo, the Ampatuans had manipulated the CAFGU and CVO programs to develop a private army with over the 2,000 soldiers and sophisticated weaponry including mortars, rocket launchers, and assault rifles, under the auspices of providing security against the MILF

(International Crisis Group 2009). The Ampatuans then employed those resources to intimidate, and in this case massacre, their political opponents. This event displayed the deadly consequences of electoral competition in Mindanao, as armed political factions vie for power in a setting with no overarching authority to ensure security.

Finally, violence in Mindanao exists through common criminality, armed lawless groups, and terrorist organizations. With firearms readily available and no rule of law, common criminality is rampant and often assumes a violent nature. Armed lawless groups utilize violence to maintain criminal enterprises that seek profits through such activities as trafficking, extortion, robbery, and kidnapping for ransom. Terrorist organizations such as the Abu Sayyaf Group and Jemaah Islamiyah also take advantage of the state of lawlessness on Mindanao to seek refuge and conduct attacks out of bases on the Sulu archipelago. The AFP, in conjunction with the U.S. military, has undertaken aggressive counterterrorism operations against these groups, but has yet to rid Mindanao of the safe havens. The flagrant violence and illicit activity by common criminals, armed lawless groups, and terrorist organizations reflect the absence of an effective security apparatus in Mindanao and demonstrate that individuals and groups do not fear official repercussions for their actions.

### **Causes of Insecurity**

The conflict-affected areas of Mindanao resemble a failed state where the government does not maintain a monopoly on the legitimate use of violence. Since the outbreak of war in the 1970s, the GRP has maintained limited control over Mindanao and struggled to impose security and order. The establishment of the ARMM ostensibly created a mechanism for Moro self-governance, but in practice created a weak, ineffectual body that fails to project authority in its territories. The shortcomings in governance and the policing and justice sectors are compounded by the influx of weapons associated with the MNLF and MILF insurgencies, and the result is a highly unstable security environment. In the absence of an overarching authority in Mindanao, families, clans, political parties, criminal groups, and terrorist organizations pursue their own mechanisms to achieve security and survival in this self-help environment.

The first source of insecurity in Mindanao is the lack of effective governance. In an attempt to provide self-determination and autonomy for Muslim Mindanao, President Corazon Aquino established the ARMM in 1989 under the so-called Organic Act. Since its inception, however, the ARMM has failed to provide satisfactory self-governance for the Moro people. The common refrain in Mindanao is that the ARMM fails because the government in Manila controls the budget and picks the winning candidates. These actions undoubtedly undermine the legitimacy of the ARMM and diminish its credibility as a governing body independent from Manila. Yet this interpretation oversimplifies the failures of the ARMM: the ARMM proposes a budget and receives substantial funding from Manila, but only a small portion of the funding ever reaches the population due to corruption and a bloated bureaucracy. In 2009, the ARMM allocated approximately 70 percent of its PHP 9.448 billion budget to personnel salaries, leaving 20 percent for maintenance and operating expenses, and only 10 percent for capital outlays (Legaspi 2009). The ARMM does not provide basic services in health, education, and economic development for its population, and the public is (rightfully) suspicious of the ARMM's ties with Manila and its endemic corruption and cronyism. Meanwhile, the GRP does not officially project authority in the ARMM's provinces in accordance with the provision of autonomy. The result is a governance vacuum that forms the basis for the lawless nature of society in Muslim Mindanao.

Second, Mindanao does not have a local security sector capable of quelling the criminal violence. Not only do local police forces lack the firepower and training necessary to restrain the warlords and private militias, but the police is not perceived in society to be an impartial and legitimate enforcer of justice. Rather, local police forces tend to operate at the whim of powerful local political elites, and thus serve to bolster the security operations of these politicians and not necessarily to protect the population. In the case of the Maguindanao Massacre, Filipino authorities believe that local police actually participated in the massacre, and the PNP subsequently transferred out all 1,092 policemen from the region in hopes of removing a corrupt force that acted at the behest of the Ampatuan clan (International Crisis Group 2009). In this regard, the presence of local police adds another armed element to an already anarchic environment, exacerbating the security dilemma.

As a result of the shortcomings of the local police forces, the AFP assumes a law enforcement role in conjunction with the PNP. While these forces possess the requisite military capability to dismantle private militias, the presence of the AFP in local Bangsamoro communities is problematic as it is often perceived as a (Christian) occupying force imposing martial law. Moreover, the AFP is not trained for law enforcement, and after combating the Moro insurgency for nearly 40 years, it is not an easy transition from counterinsurgent to local policeman. The PNP is better suited to this law enforcement task, though it lacks the localized knowledge of the political dynamics, clan affiliations, key players, history of conflicts, and ongoing disputes in individual *barangays* that is necessary to project security in these complex operating environments. Representatives from Moro civil society organizations in Cotabato City expressed concerns that the AFP and PNP perpetrate violence against civilians, arrest citizens without cause under blanket charges of “terrorism,” and commit human rights abuses through torture and interrogation (Moro Civil Society Organizations, SAIS Group meeting, 19 January 2011). These concerns reflect the widespread distrust of Filipino national forces operating in Mindanao and the low confidence in these organizations to provide security for the population.

The AFP and PNP establish local militias called Civilian Armed Forces-Geographical Units (CAFGU)—the military component—and Civilian Volunteer Organizations (CVO)—the policing component—as proxy forces, or “force multipliers,” to provide local security. Under this model, the AFP and PNP pacify a community and then hand over security responsibilities to members of the local population who are armed, trained, and provided with a small honorarium for their service. The AFP and PNP lack the manpower to deploy soldiers and policemen throughout the countryside, and this tactic frees up resources by empowering local populations with responsibility for their own security. In practice, however, this method empowers certain factions of a community at the expense of others, creates private militias that can harass the population, loot, steal, and perpetrate violence with impunity, and adds additional firearms to an island already flush with weaponry. Instead of stabilizing and maintaining order in *barangays*, the CAFGUs and CVOs contribute to the local insecurity.

Third, the security sector cannot truly succeed without a functioning judicial system to support it. Prior to war in the 1970s, Moro communities often pursued justice through local mechanisms in which respected elders recommended punishments for crimes with the backing of the community. The system relied on social capital and informal institutions to carry out justice. When Marcos instituted martial law and inserted political leaders faithful to Manila, this traditional mode of justice began to break down. Illegitimate political leaders co-opted the judiciary to serve their interests and have left Mindanao without legitimate or functioning judicial institutions (Malang 2011). As a result, citizens today do not have official recourse to respond to crime, so they “take matters into their own hands.” Justice comes in the form of retributive violence, and fuels an escalatory spiral. Moreover, without a functioning judicial system, the police and military have nothing to backstop their security operations. Thus, when suspects are arrested, the public has little confidence that a fair trial will be held and decries the unjust detention. In turn, when citizens suspect human rights violations or impropriety on the part of the government, they have no recourse to present and pursue their allegations.

Finally, the prevalence of firearms in Mindanao facilitates the violence and intensifies the security dilemmas that feed local conflicts. Beginning in the 1970s, Mindanao experienced an influx of weapons to support the insurgency (and the AFP operations). After the 1996 peace agreement with the MNLF, the former combatants never disarmed and weaponry continued to proliferate on the island. Not only does the MILF remain a well-armed fighting force, but the general population also possesses firearms in large numbers. A strong “gun culture” has formed, and GRP efforts at disarmament are either non-existent or ineffectual. The AFP and PNP actually compound the problem by providing more weapons to the population through the CAFGUs and CVOs. The gun culture also reflects the state of lawlessness and “do-it-yourself” approach to security and justice that exists on Mindanao. Unfortunately, the abundance of guns does not ensure safety and security and instead deepens the violence.

### **Local Insecurity, the Ceasefire, and the Peace Process**

The MILF and the Aquino Administration have restarted peace negotiations with both sides eager to reach a final settlement and to avoid the pitfalls of the MOA-AD. The

peace negotiations, however, can progress only if the current ceasefire holds. For the moment, both sides are abiding by the ceasefire terms and cooperating with the JCCCH and the IMT, yet the parties admitted that the ceasefire represented a fragile peace. The local violence associated with *rido*, electoral competition, and common criminality undermines the ceasefire and threatens to disrupt this delicate peace. With opposing military forces operating in close proximity, local outbreaks of violence could provoke hostilities between the AFP and MILF that derail the entire peace process.

The current ceasefire regime contains a mechanism called the Ad Hoc Joint Action Group (AHJAG) to enable the two sides to work together to prevent *rido* and other criminal activity in MILF-controlled areas. On the basis of the ceasefire, the AFP and MILF are careful not to intrude on territory controlled by the other. Yet the MILF often struggles to prevent *rido* in its own areas, even in disputes between two MILF commanders. This phenomenon demonstrates that the *rido* disputes can supersede allegiances to the MILF and obedience to orders from the MILF high command. Under the agreement, the MILF is obligated to block criminals from entering MILF areas, but may seek assistance in operations against criminals in their areas through the AHJAG.

The AHJAG provides a well-intentioned structure for the two sides to cooperate to minimize the danger associated with *rido* and other criminality; nonetheless, the situation is still fraught with peril. When a case of *rido*-inspired violence breaks out in an MILF-controlled area, several unsavory options are available. First, the AFP could do nothing to intervene and leave the MILF to handle the conflict. This approach leaves the population at risk and allows the dispute to fester and escalate if the MILF cannot control its own elements or does not wish to devote its resources to doing so. Second, the AFP/PNP could act unilaterally to intervene to apprehend the culprits and mediate the dispute, but this response would almost surely meet MILF resistance and hostility. Alternatively, the AFP/PNP could work through the AHJAG to intervene with the MILF's collaboration. But even with the invitation of the MILF, there is no assurance that the MILF element involved in *rido* will not retaliate against the AFP, initiating a chain of hostilities between AFP and MILF and drawing the two sides into direct conflict. Moreover, the AFP presence is still largely seen as illegitimate in Bangsamoro communities and security operations may further provoke the ire of the local population.

The question of how to address local insecurity remains a critical issue in the peace negotiations. In our discussion with the MILF peace panel representatives, they presented the issue of *rido* and criminal activity as one that MILF would broach once it had achieved its goals for self-determination (MILF Peace Panel, SAIS Group Meeting, 20 January 2011). While the MILF peace panel is not necessarily the organization's authority on security or governance policy, this response indicated that the MILF has not formulated a thorough plan or strategy to address *rido*. Additionally, future security in Mindanao will depend on the disarmament, demobilization, and rehabilitation of the combatants from the MILF. If the disarmament and demobilization components are not adequately implemented, the post-conflict landscape could grow even more violent. President Aquino has expressed the hope that the GRP will focus on four areas in the peace negotiations: "governance; delivery of services; economic reconstruction and sustainable development; and security sector reform" (Santos, 2010, 33). As mentioned earlier, insecurity on Mindanao derives not only from a weak security sector, but also from ineffective governance. Economic development, or lack thereof, also appears to be a contributing factor. Thus, the reforms outlined in the peace negotiations, and the structure of a future Moro autonomous region or sub-state, will carry profound implications for the levels of local violence in Mindanao.

## **Recommendations**

The security challenges at the local level in Mindanao are immense. This violence is interconnected with the MILF-GRP conflict, and thus comprehensive peace negotiations must take into account measures to improve local security. Additionally, security will be an integral component of post-conflict reconstruction efforts and necessary to achieve goals in economic development, governance, and rule of law. Below are several recommendations on how to address the pervasive absence of security in Mindanao.

### Short-term

- **Strengthen AHJAG and encourage greater collaboration between MILF and AFP/PNP in addressing *rido* and criminality.** Both sides are cognizant of the threats of *rido* and criminality but are primarily focused on the MILF-GRP

conflict, and the IMT noted that the AHJAG has not been utilized extensively (Baharom 2011). The IMT should push for greater engagement in the AHJAG and pressure both sides to undertake a more active role in preventing and mediating *rido* disputes.

- **Reform the CAFGU and CVO systems.** In its current form, the AFP and PNP's use of CAFGUs and CVOs is a dangerous system that adds an unaccountable armed element into volatile communities. **The AFP/PNP should provide more rigorous training, strengthen command and control over these forces, and ensure accountability for their actions.** The reform and eventual elimination of these units, and particularly the CVOs, will be a difficult process, but the GRP should start by working to disarm the CVOs.

#### Medium-term

- **Create security contingencies that do not rest on the peace negotiations,** in case the peace negotiations break down again. These include training local police forces, pursuing anti-corruption measures in policing and governance, and creating a formal body to oversee and deploy mediators for *rido* disputes.
- **Combat Cronyism from Manila.** *Rido* thrives in part because of political benefactors in Manila—the Ampatuans consolidated power with the help of President Gloria Macapagal Arroyo. The new Aquino Administration has the opportunity to eschew the practices of its predecessor by avoiding political alliances and patronage with local warlords and politicians in Mindanao. The Administration can help to defuse *rido* and electoral violence by refusing to manipulate the power structure in Mindanao from behind the scenes for political gain.

#### Long-term

- **Security will not come to Mindanao unless there is a functioning state.** Any peace deal must include a viable structure for viable self-governance, and that government must then prove to the population that it can provide basic services and root out corruption and graft.

- ***Security Sector Reform.*** The peace deal should include measures to train, equip, fund, and oversee local police forces that can enforce rule of law, mediate disputes, dismantle private armies, and deter crime. The police and military sector must be supported by functioning, legitimate, and impartial judicial institutions. The security sector reform need not even wait until the peace deal is reached—it should begin immediately if possible.
- **Disarmament, Demobilization, and Reintegration.** The peace negotiations should provide for meaningful DDR, to include all three components. The disarmament should not be confined to MILF combatants and should include disarmament of the population at large so as to reduce the overall presence of firearms on the island.



# **The IMT and Civilian Protection: From the International to the Grassroots Level**

**Philipp Lustenberger**

About 400,000 people were displaced when hostilities between the government forces and the Moro Islamic Liberation Front (MILF) broke out in August 2008. Almost a million people were immediately affected and up to 400 combatants and civilians were killed or died as a result of the conditions in the IDP camps. With neither party gaining a strategic advantage, the Government of the Republic of the Philippines (GRP) and the MILF agreed to a ceasefire in July 2009. Once the clouds of war had begun to settle, the parties quickly reinstated and strengthened the previously successful ceasefire structure; first and foremost the International Monitoring Team (IMT). Serving as a third-party observer, the IMT has been critical in preventing localized incidents from escalating into large-scale hostilities. In October 2009, the parties established the Civilian Protection Component (CPC), which links grassroots monitoring to the formal ceasefire structure and reports on civilian protection—meaning the need to protect civilians from physical harm.

This chapter seeks to provide an early assessment of the CPC. In order to do so, it is important to look at the broader structure of the IMT. The first part of this chapter essentially discusses the composition and the achievements of the ceasefire mechanisms, in which the IMT occupies the pivotal role. The second part examines the functioning of the CPC and the role of civil society therein. After assessing the value added of the CPC as well as the challenges it faces, the chapter explores whether the CPC will be able to endure in case the IMT withdraws from Mindanao.

## **Monitoring the Ceasefire**

Since its establishment in 2004, the IMT has been essential in holding the ceasefire together. Through impartial monitoring, the IMT aims at contributing to a peaceful environment for peace negotiations and development initiatives. As an unarmed

monitoring group,<sup>3</sup> the IMT might not match the UN definition of a peacekeeping operation. Nevertheless, the Malaysian-led IMT is widely credited with playing a critical role in preventing armed skirmishes—peacekeeping in the broader sense.

When the peace process resumed under President Gloria Macapagal Arroyo in 2001, Malaysia was invited to facilitate the negotiations between the GRP and the MILF. The immediate results of this process were the Tripoli Agreement of 22 June 2001, the Implementing Guidelines on the Security Aspect of 7 August 2001, and the Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspect of 7 May 2002. The IMT was officially deployed in October 2004 with a one-year mandate to monitor the ceasefire<sup>4</sup> and the implementation of the agreements. Initial member countries also included Brunei and Libya. Personnel wear their official military uniforms.<sup>5</sup> Although impartial in its activities, the IMT depends on the parties' full cooperation, including the provision of security during its field missions. Reports are classified and submitted to the two peace panels.

The IMT complemented the Local Monitoring Teams (LMTs), which were set up under the August 2001 agreement to provide a buffer between GRP and MILF sites. Based at the provincial level, the LMTs include one representative of each side, two nongovernmental members (one nominated by each side), and a religious leader acceptable to both sides.

For Malaysia, this was the first time it engaged in a non-UN initiative under Chapter VIII of the United Nations Charter (Abubakar 2005). The role of the IMT is particularly interesting, because Malaysia is not only involved in the peacekeeping on the ground but also functions as the facilitator in the formal peacemaking process.

---

<sup>3</sup> According to the Terms of Reference, the uniformed members of the IMT may possess firearms for self-defense. However, the IMT has decided not to carry arms (International Monitoring Team, SAIS Group Meeting, 21 January 2011).

<sup>4</sup> Under President Ramos, GRP and MILF signed the Agreement on General Cessation of Hostilities, which established Coordinating Committees for Cessation of Hostilities (CCCH) at the local level.

<sup>5</sup> Only active-duty officers wear uniforms. Currently, for example, Norway seconded a retired military officer, who wears civilian clothes.

Despite the broad recognition of its work, the IMT was unable to prevent the resumption of hostilities in 2008.<sup>6</sup> Increasingly frustrated by the inability to effectively carry out its monitoring function, the IMT withdrew from Mindanao on 30 November 2008 (International Crisis Group 2009, 2). The Coordinating Committees for the Cessation of Hostilities (CCCH)<sup>7</sup> and the LMTs remained in place, but the GRP formally declared the MILF heartland a ‘no ceasefire zone’. In the areas where the ceasefire still held, the need for third-party monitoring was evident (International Crisis Group 2009, 6). After several months of stalled peace negotiations and armed skirmishes, both parties declared a suspension of offensive military actions in July 2009.<sup>8</sup> Informal talks resumed almost immediately. Responding to the humanitarian crisis of displacement and violence against civilians, the GRP and the MILF established the CPC. Concerning this matter, the parties also expanded the IMT’s mandate, which would now include supervising, verifying and reporting on the parties’ compliance with the civilian protection clauses. On 28 February 2010, the IMT was redeployed under Maj Gen Baharom bin Hamzah of Malaysia.

The current ceasefire mechanism consists of three pillars linked to the peace panels (see Figure 1). First, the Joint CCCH, among other things, reviews information provided

---

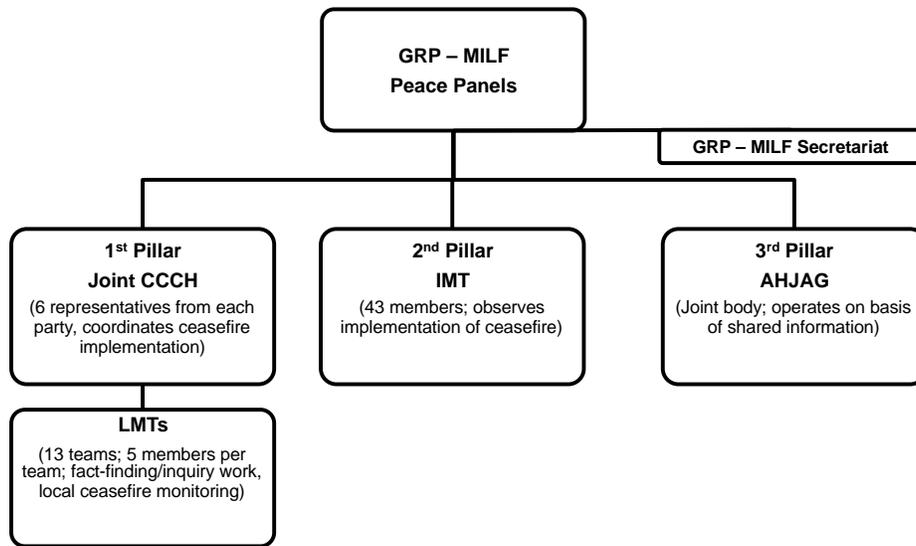
<sup>6</sup> On 14 October 2008, the Supreme Court of the Philippines declared unconstitutional a draft agreement between the MILF and the GRP. The court decision followed an injunction on 5 August, which—at the last minute—prevented the parties from signing the agreement in Kuala Lumpur. In the months following the injunction, hostilities between the two parties displaced approximately 700,000 people in Mindanao. The GRP essentially blames the violence on three “renegade” MILF commanders—Ameril Umbra Kato, Abdullah Macapaar alias Bravo, and Aleem Sulaiman Pangalian—whom it accuses of attacking villages in North Cotabato and Lanao del Norte after the August injunction. The AFP launched an extensive military operation to pursue the commanders. It is known that clashes between MILF fighters and government forces, in particular members of Civilian Armed Force Geographical Unit (CAFGU) and Civilian Volunteers Organization (CVO), had already increased before the aborted signing ceremony (International Crisis Group 2008, 8). While some MILF commanders bear responsibility for the violence; part of the violence has probably been instigated by elements hostile to the peace agreement.

<sup>7</sup> In accordance with the 2001 Agreement on General Cessation of Hostilities, both parties maintain a CCCH with main offices in Cotabato and thirteen outposts.

<sup>8</sup> The GRP declared a Suspension of Offensive Military Operations (SOMO) on 23 July 2009, and three days later the MILF announced a Suspension of Offensive Military Activities (SOMA).

by the LMTs. Second, the IMT provides third-party monitoring with 43 members from Malaysia, Brunei, Libya, Japan, Norway, the United Kingdom and France (February 2011). Third, the Ad Hoc Joint Action Group (AHJAG) coordinates actions and disseminates information with the goal of arresting suspected criminal syndicates, kidnap for ransom groups, lost command and other criminal elements within or near MILF areas. The IMT is in permanent contact with the liaison officers. Command structures have proven to be extremely direct and efficient in this regard. For example, when the IMT receives information about uncoordinated troops movements, it can immediately verify the situation with the respective party, recommend actions to avoid surprise encounter of opposing military forces and, therefore, prevent potential escalation.

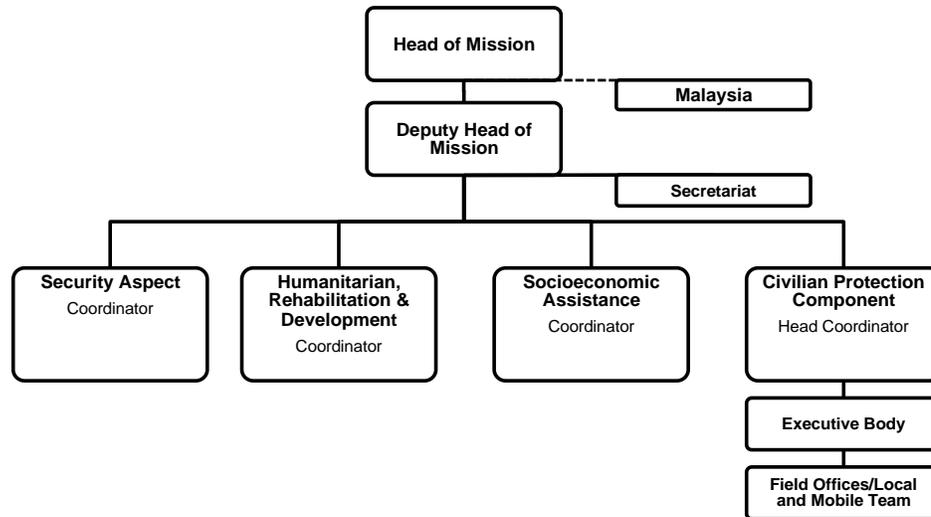
**Figure 1: Ceasefire Mechanism**



Under the Malaysian Head of Mission, the IMT incorporates four elements: Japan leads the socioeconomic component, the European Union leads the humanitarian and rehabilitation component, while Malaysia has the leadership for security and civilian protection (see Figure 2). For the purpose of this chapter, mainly the security aspect and the CPC are relevant. According to its current Terms of Reference, the IMT functions with a headquarters in Cotabato City and five mobile teams in determined sectors. As part of its tasks, the IMT conducts field verification and coordinates closely with the Joint

CCCH and the LMTs. While it has no strict enforcement mechanisms, article 6(e) of the Terms of Reference provides for some leverage. In the case that a violating party fails to take appropriate action to penalize the responsible person or elements, the IMT should furnish a copy of its reports to the International Contact Group (ICG).<sup>9 10</sup>

**Figure 2: IMT Organizational Structure**



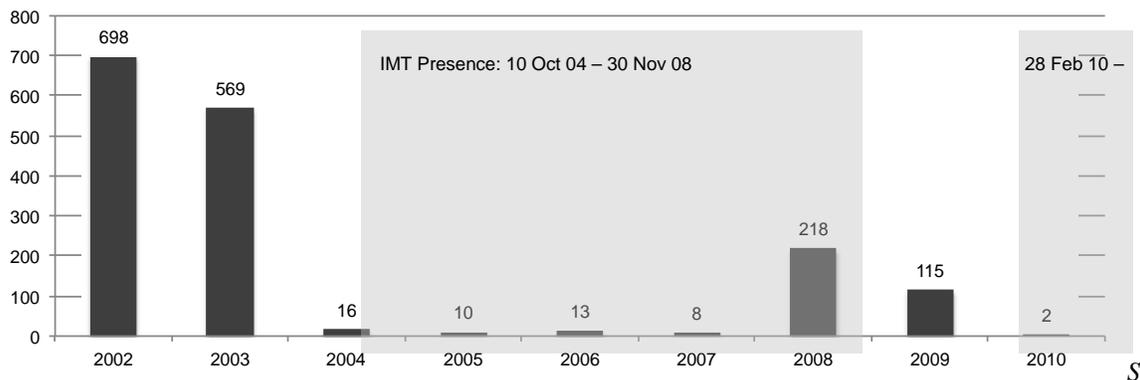
While small in numbers, the IMT has provided “a critical element of the ceasefire structure as a neutral investigator of reported ceasefire violations” (International Crisis Group 2008, 13). In fact, the data on armed skirmishes between the GRP and the MILF show a clear reduction in the periods when the IMT was present (see Figures 3 and 4). Al Haj Murad Ebrahim, the Chairman of the MILF, recognized that “thanks to the return of the IMT and the other mechanisms of the peace process [...] no major violations of the

<sup>9</sup> On 15 September 2009, the GRP and the MILF agreed to form an International Contact Group (ICG) to support the negotiation process. The ICG is made up of governments, such as the United Kingdom, Turkey, Japan and Saudi Arabia, as well as international NGOs, including the Asia Foundation, the Center for Humanitarian Dialogue, Muhammadiyah, and Conciliation Resources. Its main purpose is to observe the negotiations, hold visits, advise the parties, and help them to address substantial aspects. The ICG is expected to provide leverage for the successful outcome of the peace process.

<sup>10</sup> So far, the IMT has not needed to file an official complaint to the ICG (International Monitoring Team, personal communication, 6 March 2011).

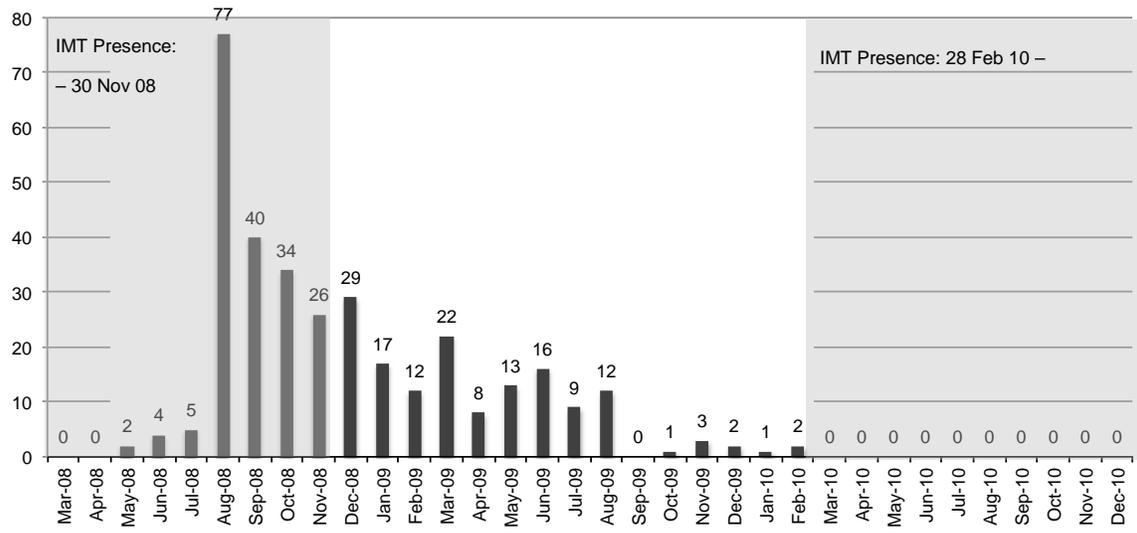
ceasefire have been reported” (p. 7). While the bulk of this reduction needs to be attributed to the parties’ interest in maintaining the ceasefire, evidenced also by the addition of higher-ranking officers to the CCCH (Colletta 2006, 26-27), the IMT can nonetheless be credited with reinforcing the commitments to the ceasefire, stabilizing the situation on the ground, and preventing unwanted escalation. Bong Montesa, a former advisor to the government peace panel, observed: “The IMT has served both as a deterrent to hostilities and a symbol that the peace process is alive and remains to be a viable alternative to war” (SAIS Group Meeting, Manila, 17 January 2011). To provide an example, the IMT has succeeded in requesting the GRP and the MILF to remove certain commanders known for rough practices. As one civil society leader said: “With the international presence, the level of human rights violations and military adventurism decreased” (Personal interview, Cotabato City, 21 January 2011).

**Figure 3: Armed Skirmishes Between GRP and MILF, 2002-10**



*Source: International Monitoring Team*

**Figure 4: Armed Skirmishes Between GRP and MILF, March 2008-December 2010**



Source: International Monitoring Team

Nevertheless, the IMT continues to encounter severe difficulties. Clan feuds (*rido*) are an enormous problem in Mindanao. “What begins as a dispute between families can end with organized armed forces clashing as parties to the dispute persuade others to become involved—or the Philippine military may mistake a clan clash for a separatist operation and intervene on its own” (Rood 2005, 6). Although not specifically mentioned in its Terms of Reference, the IMT has been involved in facilitating the resolution and management of *rido*.

Military operations against Abu Sayyaf and other criminal groups also endanger the ceasefire. The distinction between violations of the ceasefire and legitimate action to apprehend criminals can be problematic in a volatile security environment, where some MILF elements have retained ties with members of terrorist and kidnap-for-ransom groups (Rood, 2005, 50 and Rodríguez, 2010, 400). Equipped with a mandate to monitor the ceasefire, the IMT has no means to confront actors with spoiling potential or other less visible sources of violence. Furthermore, there is no direct connection between the IMT and the AHJAG, and the latter’s operations remain limited and lack effective coordination from both parties (International Monitoring Team, personal communication, 6 March 2011).

## **Protecting Civilians from Direct Violence**

Civilian protection—assuring the safety of civilians from direct violence—is considered a critical component of sustainable peace. A trend has emerged between peacekeepers and some war-fighters that, at least rhetorically, places the welfare of the population as their central concern. During the last twelve years, eight UN peacekeeping operations have explicitly included the protection of civilians as a component of their mandate, authorizing the use of force at the tactical level for this purpose. However, the question whether robust peacekeeping operations are able to protect civilians effectively in complex intra-state conflicts remains unanswered.

Some civil society organizations support so-called civilian peacekeeping for the “prevention of direct violence through influence or control of the behavior of potential perpetrators by unarmed civilians who are deployed on the ground” (Schweitzer 2010, 9). According to the concept, alternative sources of power deter violence—the respect and attention for internationals in conflict-affected areas, the standing of civilian peacekeepers within local communities, and the potential perpetrators’ fear of direct and indirect repercussions in case their actions are reported. Local presence and monitoring has proven effective when a ceasefire is in place and peace negotiations are in progress. Specifically trained unarmed ‘peacekeepers’ can fill an important space between the grassroots and the higher political levels (Schweitzer 2010, 20-21). On the one hand, these civilian peacekeepers or monitors can gain the trust of the local populations as well as of the parties. On the other hand, they may use different tools to influence, put pressure, convince, and ultimately deter people from causing harm. The idea is to use dissuasion rather than force to stop violence. Paffenholz (2009, 381-384) finds that civil society plays an important role in protection: “Combined with monitoring and advocacy activities, protection work of NGOs was found to be highly relevant and effective when it attracts media attention of support of international networks.”

### The Civilian Protection Component

In Mindanao, efforts to protect civilians and civil society involvement in ceasefire monitoring have existed prior to the CPC. Operational predecessors of the CPC are the Independent Fact-Finding Committee and Bantay Ceasefire, a broad-based grassroots

monitoring mechanism. Although the Bantay Ceasefire emerged as a consequence of President Arroyo's 'all-out peace', it had no formal mandate and no permanent field presence (Colletta 2006, 26). Other civil society organizations and international NGOs, like Nonviolent Peaceforce, have also endeavored to raise awareness for the fate of civilians and implemented protection activities. In a sense, the establishment of the CPC may be seen as the fruit as well as the recognition of these initiatives.

After the detrimental events in 2008, both parties recognized the need to the strengthen mechanisms to protect civilians. The idea of the CPC was developed during informal discussions between the peace panels and civil society actors. Most observers welcomed the CPC agreement "as a positive response to a domestic imperative and in concert with external developments" (Bartu 2009, 7). In the CPC agreement, the GRP and the MILF essentially reaffirm their obligations under humanitarian law and human rights law (Article 1); and established the new component to monitor, verify and report non-compliance of their basic undertaking to protect civilians and civilian communities (Article 2). Consisting of national and international nongovernmental organizations, the CPC will remain in place even in the case that the IMT ceases to operate. The parties should be held accountable to their basic obligations to protect civilians—regardless of the state of the peace process.

The CPC's objective is "to establish a functional system and effective mechanism" (Terms of Reference of the CPC, Article IV) for civilian protection. It has four self-funded members, officially invited by the peace panels: the Mindanao Human Rights Action Center (MinHRAC), the Mindanao Peoples' Caucus (MPC), the Moslem Organization of Government Officials and Professionals (Mogop) and, as the only international organization, Nonviolent Peaceforce. The CPC Executive Body consists of the IMT-appointed Head Coordinator and one coordinator per member. Field offices in the most vulnerable areas as well as local and mobile teams form an early warning network. Reports are transmitted through the IMT Head of Mission to the peace panels and the CCCH.

Management-level coordination between the member organizations has translated into increased cooperation in the field. CPC members share information, conduct joint meetings with stakeholders as well as joint monitoring and verification activities

(Nonviolent Peaceforce, personal communication, 15 February 2011). While the standardization of monitoring procedures has been challenging, the CPC has effectively enhanced the network among the relevant actors, including joint trainings of peace monitors. Currently, the CPC pursues efforts to establish a Secretariat where all members will coordinate their activities and consolidate reports (International Monitoring Team, personal communication, 6 March 2011).

### Field Monitoring

Any conflict situation presents difficulties for monitoring and data generation. In Mindanao, difficult physical access to some *Barangays*, lack of means of communication in certain areas, and security concerns hinder the accurate flow of information. Moreover, the complexity of the situation—the intertwined nature of different conflicts—poses an immense challenge for the appropriate interpretation of any incidents.

Zainudin Malang (2010) argues that the conflict-affected population is “a monitoring resource that is unjustly downplayed”—they are the first to know about an incident and to understand its origins. National and international NGOs have built monitoring networks that include trained local monitors. Equipped with cell phones, these grassroots monitors have become a “community-empowered early warning system” (Colletta 2006, 28). When an incident happens, the monitor can send a SMS alert to the monitoring coordinator, who—if appropriate—feeds the information into the CPC. Identities of the monitors are kept confidential to assure their security. Weekly summary reports by monitoring coordinators help to understand patterns of violence.

Nonviolent Peaceforce deploys international monitors in the field. Living and working in conflict-affected communities, these monitors build trust with the local population and, through their presence, potentially prevent incidences of violence. National staff provides knowledge of local culture, language and background understanding. MPC established an all-women protection corps to work on incidents of sexual and gender-based violence.

Malang (2010) insists that the local population needs to have a real stake in the monitoring process: “Key to sustaining the interest of the grassroots in monitoring activities is to show that there is something in it for them and not just for those who

obtain the output of their monitoring” (Personal communication, Cotabato City, 22 January 2011). They need to perceive that their information does not only end up in some database. Moreover, the monitoring coordinators can refer non-security related needs to humanitarian organizations.

#### What is the Value Added of the CPC?

The CPC’s most important function is to relay real-time information to all the key stakeholders in the peace process. With cell phones and other means of communication, information passes very quickly from local monitors to the IMT and from there to the GRP and the MILF. Maj Gen Baharam says: “The CPC is our ears and eyes—they are around, observe, and backchannel to the people” (SAIS Group Meeting, Cotabato City, 21 January 2011). While focusing on civilian protection, in the current context, the CPC is essentially part of a sophisticated ceasefire mechanism. Therefore, the IMT combines international experience, credibility and leverage with local knowledge and outreach. The CPC complements previous efforts by different nongovernmental organizations, providing them with enhanced credibility and legitimacy, and facilitating access to conflict-affected areas.

Civil society involvement in ceasefire monitoring, from the Bantay Ceasefire to the CPC, has helped to provide impartial analysis of accusations; including a case when the MILF was alleged to be harboring Jemaah Islamyah operatives. As the peace process was lingering at the end of 2010, CPC members were able to detect some patterns on the ground, such as replacement of moderate commanders by more belligerent ones and redeployments of troops, and bring them to the attention of the IMT. Local civilians, including IDPs, have confirmed the improvement of AFP behavior towards them—a development, which at least in part, can be attributed to the joint work of civil society groups and the IMT.

The involvement of nongovernmental organizations and grassroots monitors not only complements the IMT’s limited manpower; it also contributes to the careful analysis and understanding of conflict dynamics. At the grassroots level, people have an insight and an understanding, which outsiders can hardly obtain directly. Civil society involvement “has added to the information flow between the government and the MILF,

minimizing misunderstanding that could escalate into violent incidents” (Rood 2005, 35). Misinterpreting a local *rido* for an armed skirmish between the parties has serious consequences. Reinmann (2010, 11) found that the establishment of early-warning systems, ceasefire monitoring and civilian protection “are relevant to address the important driving factors of conflict and violence.”

The CPC gives the communities “a tool by which they can communicate their security concern to the group most responsible and having the most impact” (Malang, 2010). Moreover, as a direct result of this grassroots involvement in monitoring the ceasefire, “the war-affected communities have become more informed about the [...] peacemaking process and are now more empowered” (Colletta 2006, 28). It becomes a channel for community ownership. Public peace advocacy has been “instrumental in instilling a sense of calm and confidence on the ongoing peace talks” (International Monitoring Team, personal communication, 6 March 2011).

#### Problems and Challenges of the CPC

Some critics have argued that the CPC agreement simply restates preexisting obligations. These norms are indeed well elaborated in treaties and customary law, but the novel aspect is the mechanism to monitor and report violations. Through Malaysia, the CPC is linked directly to the peace negotiations. While this can increase the importance of civilian protection issues, it can also politicize the humanitarian dimension of the IMT’s work. When a party accuses the Malaysian facilitator of bias, as has happened towards the end of 2010, this might have a direct impact on the CPC.

The constant threat that clan or criminal violence may combine with armed challenges between the GRP and the MILF complicates the CPC’s work (Lara and Champain 2009, 10). *Rido* is not directly covered by the mandate but has grave implications for civilian protection. Although clashes between the GRP and the MILF have been substantially reduced, cases of *rido* have increased. The IMT’s informal engagement in managing cases of *rido* is essential and has been strengthened with the inclusion of enhanced local knowledge. However, with a complex web of security providers and wide availability of small arms and light weapons, there is the important question of who is providing protection, for whom, and from what.

Moral force and persuasion are often insufficient for managing spoilers, especially in the case of hardline spoilers with economic and political interests in combination with local militias. Unarmed civilians cannot stop armed actors with a vested interest to undermine the peace. In the absence of the parties' commitment and operational links to the IMT, the AHJAG has also been unable to contribute to the protection of civilians from criminal violence (International Monitoring Team, personal communication, 15 March 2011). Moreover, the deficiencies of the justice system induce a negative environment for civilian protection because witnesses are afraid and perpetrators do not fear accountability. Yet, the inclusion into the ceasefire structure gives civil society groups more access to decision-makers and, therefore, more leverage for civilian protection.

The lack of adherence by the parties to the humanitarian principle of distinction between civilians and combatants poses challenges for civilian protection. A high-ranking military officer said: "We cannot distinguish these groups when we go on the offensive. What mechanism can we put in place?" So far, the CPC does not sufficiently address this challenge. It is important that combatants use proper uniforms and, especially in the case of hostilities, disengage from the civilian population by situating troops outside the communities.

The CPC members have similar objectives, but occasionally their working methods and understanding of protection work differ. There has been an issue about the relative importance of promptness and quality of the reports as well as about the issue of local versus external monitors. In some cases, "there is a real danger of duplication" (Reinmann 2010, 19). Organizations also compete for limited funding sources. So far, the IMT has had a moderating role, especially when insisting on coordinating the funding activities, and significant efforts have been undertaken to enhance cooperation among CPC members. In any case, key to the success of the CPC is a strategic distribution of roles, and strong coordination and communication architecture (Bartu 2009, 15).

#### Is the CPC viable without the IMT?

The CPC and its member organizations benefit from the political and humanitarian space that the peace negotiations as well as the heightened international attention provides

them. For the time being, the ceasefire is considered quite strong and both parties observe the primacy of the peace process. Nevertheless, possible scenarios may include the lagging or breakdown of the negotiations. Without tangible results at the negotiating table, there is a risk that some elements will take more extremist orientations. Factions within the MILF might resume military operations against the GRP, or an incident involving other armed groups might trigger large-scale hostilities. In such a scenario, the IMT's mandate is likely not to be renewed or the member countries will decide to withdraw their personnel. Agreements between the GRP and the MILF stipulate the continuation of the CPC even in case that the rest of the IMT structure dissolves. Is the CPC model viable under these conditions?

Without the IMT, the configuration of the CPC would change significantly. The Terms of Reference provide that "the reports of the CPC shall be directly submitted to the Peace Panels by the Executive Body." (Art. VII) In addition to being deprived of its international element, which provides access, credibility and security, the CPC would have to move from monitoring incidents under a ceasefire regime to monitoring large numbers of abuses in a context of open hostilities.

A member of civil society says: "If the IMT falls away, there would be the need for someone to replace it" (Personal interview, Cotabato City, 19 January 2011). Given the lessons of the failure of the Memorandum of Agreement on Ancestral Domain, it is necessary to take sufficient precautions for an eventual resumption of violence and plan for the eventuality of this worst-case scenario. In December 2010, when there were rumors about a possible withdrawal of the IMT, CPC members drew up the plans for the establishment of a Secretariat in Cotabato City. These efforts are now being put in place.

The important monitoring work of the member organizations would certainly continue. An essential factor for the effectiveness of their efforts will be the ability to collaborate among themselves as well as to capitalize on the credibility gained as a result of their good work and the CPC membership. Those countries currently supporting the peace process will be more willing to support the CPC if the members keep up the quality of their monitoring and speak with a unified voice. The CPC would have to seek increased media coverage and support of international networks in order to maintain the attention for the conflict.

## **Conclusion**

While there are fewer acute humanitarian needs today, the situation in the conflict-affected areas is still precarious and security remains an important issue. A “critical bulwark of the peace process” (International Crisis Group 2009, 2), the IMT has a stabilizing role by preventing the occurrence and escalation of skirmishes as well as the excess use of force. The impact of the CPC is two-fold: First, by providing field monitoring and grassroots understanding of the conflict dynamics, the CPC is a quantitative and qualitative extension of the ceasefire mechanisms. Second, owing to the CPC, civilian protections issues receive more attention and leverage within the ceasefire structure and the peace process than they otherwise would. The current IMT structure has contributed to internationalizing the attention to the conflict in general and to civilian protection in particular.

Within a protracted and complex system of conflict, the IMT represents an innovative and efficient form of peacekeeping. It combines high-level diplomacy and uniformed ceasefire monitors with a genuine involvement of civil society and local monitors at the grassroots level. The ceasefire mechanism spans the whole spectrum, from the negotiators and the commanders on the ground all the way to the civilians in the conflict-affected areas. With a good use of their comparative advantages, the member organizations contribute to making the CPC a holistic instrument for civilian protection that fits proficiently into the overall structure.

As the UN frequently deplores the lack of intelligence and analysis capacities in peacekeeping, other operations might learn from the experiences in Mindanao. Intelligence has become a dirty word associated with subversive tactics and war-fighting, but, in fact, CPC-style field monitoring provides essential intelligence for the purpose of civilian protection. In this regard, the careful handling of information and transparency on what the operation does and can do is critical for such a mechanism not to endanger the security of monitors and the impartiality of the operation.

The empowerment of conflict-affected citizens to participate actively in the ceasefire monitoring process facilitates peace and stability. Ultimately it is the people in a situation of potential violent conflict who must keep their own peace. A mechanism like the CPC strengthens local ownership and the legitimacy of civil society groups.

Moreover, unarmed civilian peacekeepers are a better symbol for peace than soldiers in uniform can ever be.

Nonetheless, as innovative as the mechanism may be, unless the political questions are resolved, no institution will guarantee that the armed conflict—with its harmful impact for civilians—does not resume. The role of the IMT and civil society is inevitably secondary to firm GRP and MILF commitment to peace and civilian protection. Without the conclusion of a significant peace agreement, at best negative peace is unlikely to persist.

## **Recommendations**

### IMT

- **Continue the IMT’s informal involvement in the resolution and management of *rido*.** Support long-term measures to prevent the escalation of *rido* into large-scale violence.
- **Advocate for a more efficient utilization of the AHJAG and the establishment of operational links between the IMT and the AHJAG.**
- **Build a direct relationship with the ICG member countries** in order to dissociate the humanitarian from the more political contribution of Malaysia to the peace process.
- **Insist that the discussions on the mandate extension start as early as possible** in order to avoid jeopardizing efforts on the ground by creating uncertainty about the IMT presence.
- Given the complexity of the conflict system in Mindanao, **Malaysia should consider extending the tour length for the IMT leadership from one year to two years.**
- Together with the CPC member organizations, **prepare a strategy for continuous and inclusive communication**, which uses creative means to reach the broadest possible audience (conflict-affected communities, rank-and-file combatants, wider public, etc.). The objective of the strategy should be to explain the IMT’s role and the requirements of civilian protection.

### CPC Member Organizations

- **Continue to improve the network and collaboration among the four member organizations of the CPC.** Analyze how the different organizational arrangements and strengths can contribute to the most efficient overall outcome.
- **Use practical steps to strengthen cooperation.** For example, establish a joint annual report, a joint funding mechanism, or common training sessions at all levels.
- **Continue to empower people at the grassroots level** assuring that a strong presence by external civil society organizations does not constrain the establishment and strengthening of local groups. **Seek means to work with local civil society groups.**
- **Prepare detailed contingency plans for the eventuality that large-scale hostilities resume and the IMT ceases to operate.** Strengthen the links with the ICG members, international human rights networks and the media.

### GRP and MILF

- **Include the extension of the IMT's mandate as an item on the agenda at least two months before the mandate expires.** Seek ways to dissociate the revision of the IMT's mandate from more political agenda items.
- **Implement training programs and awareness raising for combatants** with the objective of preventing the harassment and abuse of and violence against the civilian populations. **Provide guidelines on how the commanders can enforce the norms** stipulated by international humanitarian law, in particular the principle of distinction.
- **Improve accountability and oversight for all 'security providers'.**



# **The Role of the Armed Forces of the Philippines in the Mindanao Conflict**

**Kinga Krisko**

The Armed Forces of the Philippines (AFP) proclaims that its strategy in Mindanao is “winning the peace,” and espouses the conviction that peace will be won through equitable development and concentration on social harmony in Mindanao, rather than solely via military means. In order to understand how this “winning the peace” strategy influences the AFP’s role in the ongoing conflict between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF), it is necessary to understand the broader civil-military relations context in which the AFP operates. This national, regional, and local-level context underpins all aspects of the AFP’s operations, activities, and influence in the GRP’s conflict with the MILF in Mindanao. This analysis begins with an overview of civil-military relations in the Philippines, including attention to specific structural and historical factors that influence its present character. The analysis then addresses the AFP’s involvement in non-combat operations in Mindanao, the role of the Civilian Armed Force Geographical Units (CAFGUs) which the AFP uses to supplement its regular troops, alleged human rights violations by the AFP, and concludes with a series of short, medium, and long-term recommendations that may help to resolve the GRP-MILF conflict.

## **Civil-military Relations in the Philippines**

The sheer weakness and corruption of many of the central, regional, and local government entities in the Philippines has impeded the development of healthy civil-military relations during the period since the nation achieved independence in 1946. The AFP has consistently been heavily involved in Filipino politics, both subtly and overtly. Elements of the AFP have mounted numerous coup attempts over the years, including the November 2007 mutiny in Manila’s Peninsula Hotel.<sup>11</sup> The Autonomous Region of

---

<sup>11</sup> The AFP provides an online amnesty request form, on which one can choose from three coups and mutinies since 2003. Available at <http://www.afp.mil.ph/0/template/amnesty/amnesty.htm>.

Muslim Mindanao (ARMM) government is widely believed to be weak, underfunded, and corrupt. Even at the smallest administrative unit level in the Philippines—the *barangay* (village)—mayors are widely perceived to be inept, corrupt, and often absent from their *barangay*.

The weakness and corruption of many Filipino government institutions produces several important consequences for the AFP vis-à-vis the GRP-MILF conflict that it is charged with conducting. Very few, if any, civilian government leaders maintain sufficient political power to govern in a genuinely independent manner. In many cases, this frailty extends to civilian oversight of the military and translates into tolerance of or support for poor or illegal conduct or policies by the military. The issue of private armed groups will be addressed later in this paper, but analysts have noted that they are allowed to continue to exist because the state needs the support of the militias' various backers and constituents in order to survive. The civilian sector of the state simply lacks the strength to operate independently. Consequently, civilian leaders are often unable and unwilling to make the sorts of tough political decisions that might initiate or mandate meaningful reforms to the AFP.

The GRP's lack of clarity and consistency in its political strategy towards Muslim separatists in Mindanao impedes the AFP from developing and executing an effective strategy of its own. Whether from risk aversion, manipulation of the loyalty of Mindanao-based clans or other power bases, sheer indolence, or other causes, the GRP has tended to vacillate between different approaches to the conflict over the years. With little policy consistency between administrations, or consideration of the military implications of a changing strategy, the GRP has sometimes opted for a rather aggressive military approach, at other times engaged in peace negotiations, and has also made piecemeal attempts at ceasefires over the years. These different approaches demonstrate the absence of a long-term, well-considered strategy. So, even if we are to make an analytical leap to assume relatively strong civil-military relations and the AFP's execution of the specific role outlined by the civilian GRP leadership at any given time, the GRP's inconsistent or nonexistent strategy prevents the AFP from being effective in such an endeavor.

Broader levels of professionalism, accountability, and competency within the military are highly variable, based on the individual, unit, wage levels, and other factors. American trainers and advisors who have worked with AFP and CAFGU forces in Mindanao report pockets of fairly professional, disciplined, and experienced soldiers, as well as units with far less experience and professionalism.<sup>12</sup> A former U.S. Army Special Forces Commander who trained AFP soldiers in central Mindanao in 2006 reported that one of the AFP Battalion Commanders he worked with would use his own money to do camp repairs, because otherwise they would not be done and camp functions would be hindered (Telephone Interviews, 1 and 4 February 2011). This particular U.S. Commander thus maintained a relatively positive impression of the professionalism and dedication of his AFP counterpart, while other U.S. military representatives interviewed for this paper note that the AFP Marines are rather disappointing with regard to professionalism and competency.

### **AFP Involvement in Development and Other Non-combat Roles**

Since the 1965-1986 reign of former President Ferdinand Marcos, the AFP has been tasked with internal security and counterinsurgency operations, rather than the traditional external security mandate and associated limitations on domestic activities of a traditional military. This internal security mandate compels greater contact between the AFP and the population, particularly in relation to the AFP's sponsorship and implementation of development and infrastructure projects in conflict-affected areas. Such increased contact has significant implications for civil-military relations.

The previously-noted variability in competency and professionalism in the AFP ranks extends to soldiers' views on the wisdom and viability of civil military operations associated with the AFP's "winning the peace" strategy in central Mindanao. Drawing upon the significant body of counterinsurgency literature that propounds the wisdom of securing, protecting, and controlling populations in order to defeat an insurgency, the institutional, internationally-engaged level of the AFP seems to understand the need for

---

<sup>12</sup> Former U.S. Army Special Forces Commander, Telephone interview, Washington DC, 1 February 2011. Former U.S. Army Foreign Area Officer who now advises the U.S. military, telephone interview, Washington DC, 4 February 2011.

economic and social development as part of an effective counterinsurgency strategy. But as the military publicly champions the linkage of general security in Mindanao with the provision of community needs to the Moro population, various units and individual soldiers lack the resources, capacity (in terms of familiarity with population-centric doctrine and tactics), or interest in following through on the AFP's institutional philosophy.

A former U.S. Army Tactical Psychological Operations Team Leader who worked in Sulu in mid to late 2009 as part of Task Force Sulu noted that many AFP officers participate in population-centric activities dictated by counterinsurgency doctrine only because their leadership mandates that they do. Such officers often fail to understand or recognize any genuine value in the doctrine (Telephone Interview, 3 March 2011). As is evident from an anecdote later in this analysis, such blind participation has resulted in operations that counteract the goals of the "winning the peace" strategy.

As part of its population-centric current strategy, the AFP participates in rather visible partnership with American military forces in Mindanao. The United States Joint Special Operations Training Force-Philippines (JSOTF-P) provides humanitarian assistance to communities in conflict-affected areas, including medical, dental, and veterinary programs in areas where access is limited, infrastructure programs, and capacity-building on subjects such as "explosive ordnance disposal, tactical combat casualty care, marksmanship, small unit tactics, civil military operations planning, maritime operations, and casualty evacuation."<sup>13</sup> In 2008, JSOTF-P spent more than \$6.5 million on 70 humanitarian assistance projects in Mindanao communities. "The AFP and JSOTF-P delivered free medical and dental care to 10,000 beneficiaries, and over 10,000 similar actions during the Balikatan 2008 exercises. In 2009, the AFP and JSOTF-P conducted more than 40 joint Medical Civic Action Programs (MEDCAPS) delivering free care to more than 8,000 people in Mindanao."<sup>14</sup>

The AFP has also engaged with the United States Agency for International Development's (USAID) "Growth with Equity in Mindanao" program (GEM) at the battalion, brigade, and division levels, mainly in order to discuss security issues and

---

<sup>13</sup> <http://www.globalsecurity.org/military/agency/dod/jsotf-p.htm> (25 January 2011).

<sup>14</sup> <http://www.globalsecurity.org/military/agency/dod/jsotf-p.htm> (25 January 2011)

village infrastructure projects that can help improve economic development opportunities and increase regional commerce. According to William Stuebner and Richard Hirsch of the Louis Berger Group (2010, 131), which has implemented several iterations of the GEM program in Mindanao, the AFP and GEM have been cooperating since 1997, and the program has focused on “facilitating sustainable economic growth primarily through agriculture-related activities; reintegrating former (Moro National Liberation Front, or MNLF) combatants; investing in community infrastructure, business development, workforce preparation, computer literacy, and local governance improvement.”

Little data are available on the location and nature of any development projects that the AFP may fund or implement independent of these collaborations with JSOTF-P and GEM. Direct inquiries to Colonel Prudencio Ramos Asto, the Chief of Public Affairs/Civil Military Operations Officer of the 6<sup>th</sup> Infantry Division of the AFP in Mindanao, yielded no specific information on the implementation, budget or location of AFP development projects in the region, but rather just an assurance that they are proceeding as part of the “winning the peace” strategy (SAIS Group Meeting, 21 January 2011, Cotabato City). With no data available, it is difficult to conclude other than that the AFP’s engagement in development and infrastructure projects is limited to those in which it partners with JSOTF-P and GEM. Although some of this information could be viewed as a sensitive aspect of the AFP’s counterinsurgency strategy, the lack of any specific information is more likely to be attributable to the reality that little of it proceeds without American (or other military or humanitarian donor) design, funding, and implementation. Furthermore, it is difficult to envision the AFP planning and budgeting its own insufficient resources towards a population-centric counterinsurgency that is not widely accepted within the organization.

### **Effects of the AFP’s Non-combat Operations on Civil-military Relations and the Conflict**

The greater number, depth, and variety of collaborations between the AFP and Moro and other civilian populations in Mindanao may translate into healthier civil-military relationships, but it does not do so automatically or quickly. Such engagement between the military and civilians can provide an alternate (non-hostile) means of local interaction

between the two—a means of building the type of social capital that Robert Putnam and other social scientists have noted as natural progression required for the establishment of trust and understanding between communities. In this line of thinking, local units of the AFP could benefit from the increased visibility and informal oversight by civilians, and each side would begin to grasp the other’s needs and perspective. Furthermore, improved transparency at the local levels might begin to filter up, with the AFP’s institutional framework and norms slowly absorbing positive lessons.

On the other hand, there is no evidence that the AFP’s engagement with the civilian population in its non-combat role would necessarily help to improve its performance, capacity, professionalization, or respect for civilian authority. There may even be some risk that the involvement of the AFP in economic and social development outside of its traditional military roles would damage or blur the development of healthy civil-military relations. The continued militarization of development functions could reinforce or exacerbate existing imbalances between civilian and military organizations and leadership. Analysts also critique the “top-down, militarized approach and apparent favoritism” of much of the AFP’s civic action, noting that “the lack of community consultation in planning civic action, and its non-participatory approach, deprive it of sustainable long-term impact—which is not even good counterinsurgency.” (International Crisis Group 2008, 22).

The AFP’s involvement in development and infrastructure projects may also exacerbate the conflict and pull previously uninvolved civilians into the conflict. Although representatives of GEM’s implementing partner, the Louis Berger Group, argue that the program is accepted in Moro communities “because it is a civilian development program carried out by noncombatant civilians,” it is highly unlikely that Moro villagers or MILF commanders pause to consider such supposed divisions between military and civilian development when they also see the AFP building schools in their *barangay* (Stuebner and Hirsch 2010, 132). The MILF is quite conscious of the possibility that development objectives form part of a counterinsurgency strategy, and may not tolerate it in areas where the development conflicts with its own influence. A member of the MILF peace panel noted that “development should be in support of the peace process, not ahead of the peace process,” or else it becomes a counterinsurgency tool of the government.

## **CAFGU Forces**

The CAFGU militia forces that operate in the current GRP-MILF conflict were created by Former President Corazon Aquino in 1987 and intended to supplement the undermanned AFP with irregular forces drawn primarily from local areas. The CAFGU forces now have sufficient numbers to significantly impact local affairs wherever they are placed. Colonel Prudencio Ramos Asto, the Chief Civil Military Operations Officer of the 6<sup>th</sup> Infantry Division of the AFP in Mindanao, noted that in January 2011, there were seven to 10,000 6<sup>th</sup> Infantry Division troops (excluding police) and seven to eight thousand CAFGU members deployed in Central Mindanao. Press reports from late 2010 note that there are approximately 50,000 CAFGU forces supplementing 120,000 regular AFP forces throughout the Philippines. The CAFGU forces receive some training through JSOTF-P's non-combat, "advisory" relationship with the AFP, although some analysts note that U.S. forces have less contact with the CAFGU militias than with regular AFP forces. Similar to the AFP-CAFGU relationship, Filipino police are supplemented by Civilian Voluntary Organizations (CVOs) throughout the country. Although not the focus of this analysis, many of the concerns about CAFGU units outlined below apply to CVO units in Mindanao.

The utilization of soldiers with greater local knowledge, language, and cultural understanding has potential merit as part of a counterinsurgency strategy. Elements of the Moro population complain that their interactions with the primarily-Christian AFP soldiers are inhibited by language and cultural barriers. Mindanao residents generally speak a different language from the mostly-Christian AFP soldiers, who are generally drawn from areas outside Mindanao. Some of the survey data on ARMM residents' trust of the military (detailed later in this analysis) varied along religious lines, so the approximately 88 percent Christian composition of the AFP is highly relevant for this analysis (SAIS Group Meeting, 21 January 2011, Cotabato City).

Since their creation, there have been repeated calls for the CAFGUs to be disbanded. Although the AFP insists that it trains, pays, and controls the CAFGU forces, the latter are often heavily influenced—if not downright controlled—by local commanders, clans, and warlords. There have been repeated and credible allegations of the CAFGU forces' lack of accountability to the AFP, and associated human rights

abuses. Interviews with civilians and numerous press reports note the susceptibility of CAFGUs to being used as private armies of wealthy political clans—allegedly including the November 2009 massacre of 57 civilians in Maguindanao, for which many members of the Ampatuan clan have been charged and are currently awaiting trial. It should not be surprising that the local community members who comprise CAFGU forces would be susceptible to the vagaries of local politics, corruption, *rido* (clan warfare), and other damaging activities. Perhaps not surprisingly, AFP Colonel Asto claimed that (police-controlled) CVO rather than (AFP-controlled) CAFGU forces were involved in the Maguindanao massacre.

CAFGU forces' involvement in *rido* and other local violence not associated with the MILF-GRP conflict may stem from or be exacerbated by compensation disparities. One recent press report notes that a CAFGU militiaman receives a daily allowance of 90 pesos, while the low-ranking soldiers receive monthly wages of over 10,000 pesos.

Colonel Asto noted that CAFGU members have been court-martialed in the past, including some in the last several years, but the degree to which they are accountable to either the military or civilian justice system is unclear. Colonel Asto cited examples of lost firearms or violation of leave policy as some of the justifications for recent CAFGU members' court martials, not anything related to the human rights abuses alleged in the newspapers and by some NGOs. In a November 2010 press report, AFP Chief General Ricardo David “dismissed the calls (for the abolition of CAFGU), saying CAFGUs play a vital role in protecting the communities by complementing the limited number of soldiers deployed in the countryside. ‘We need them very badly particularly in the remote areas of the country’” (24 November 2010 *GMA News TV* article).

### **Civilian Attitudes towards the AFP: Allegations of Human Rights Abuses and Heavy-handedness**

Civilian and media claims that the AFP has deliberately targeted civilian areas and internally displaced persons (IDP) camps remain difficult to verify independently. Moro human rights groups and IDPs who are sympathetic to the MILF complain that the AFP deliberately targeted civilian refugee camps during the 2008 hostilities in Lanao del Norte, North Cotabato, and Maguindanao as part of an “all-out war campaign.”

Interviews with some members of these groups, however, show that portions of the Moro community have little interest in distinguishing current and historical AFP human rights violations—and mix their discussion of the 1970s and 2008 campaigns interchangeably (SAIS Group Meeting, 21 January 2011). Perhaps this is because the AFP’s recent operations in Mindanao truly mirror the atrocities documented in the 1970s campaign, and many of the middle-aged members of the population either lived through the 1970s campaign or heard personal or familial accounts of human rights violations. Alternatively, it may be rhetorically more useful to mix the two periods interchangeably. Regardless, portions of the Moro community with whom the AFP has worked to engage in non-combat relationships still deeply distrust the AFP’s motivations and behavior.

The AFP’s heavy-handedness is evident even in the timing of some operations. Following the September 2009 airstrikes on four villages in Sulu during the end of the Ramadan celebration of Eid’l Fitr, the Consortium of Bangsamoro Civil Society (CBCS) condemned the timing and indiscriminate nature of the AFP’s operations, noting that “the military operation was done at the very time when the civilians in the targeted areas were busy preparing food and about to go to prayer to celebrate the holy day of Eid’l Fitr. Because of the operations, they were unable to perform their religious obligations and instead had to flee for their lives. This action is seen as a blatant disrespect of Islam, the religion and way of life of the Bangsamoro people.” (*Mindanews*, 22 September 2009). Prior to this operation, U.S. military advisors in Sulu noted to some AFP counterparts that the timing of this particular operation was so poor as to be counterproductive.<sup>15</sup> This particular operation cost the AFP the lives of some of its own troops, and significant legitimacy in the eyes of the civilian population with whom they have worked to build improved relationships.

Civilians’ attitudes towards the AFP and CAFGU forces in central Mindanao vary significantly, with some generally favorable views to complement the above-noted allegations of AFP and CAFGU forces’ involvement in corruption and human rights abuses. Carijane Dayag-Laylo’s 2004 survey on citizen attitudes towards the military and other actors within Mindanao politics and conflict provides interesting (albeit now

---

<sup>15</sup> Former U.S. Army Tactical Psychological Operations Team Lead, Telephone interview, Washington DC, 3 March 2011.

somewhat dated) information on this subject. As an average across eight survey areas of the Autonomous Region of Muslim Mindanao, 38 percent had “very much trust” in the military, and 24 percent believe the police/military to be the “most effective means to protect oneself/one’s tribe or religion (Dayag-Laylo, 6-7.) The responses to the question, “Why is going to the police/military not your most likely choice (of means to protect oneself)?” the responses were quite interesting:

- 31 percent said it is not easy to contact them
- 20 percent said they won’t do anything anyway
- 20 percent said other non-violent means are better
- Eight percent said it takes them too long to solve problems
- Eight percent said “we have greater trust in other authorities like the *barangay* captain or mayor”
- One percent said they feel helpless to go to them
- the remaining 10 percent noted other miscellaneous responses

Not surprisingly, some of the more detailed categorizations of the above responses varied somewhat based upon the religion of the respondent, although not as much as one might think. The most significant difference of response based on the religion of the respondent was that 23 percent of Muslims and only 16 percent of non-Muslims responded “they won’t do anything anyway.” Given that difficulty contacting the AFP and police is cited as a reason for not contacting them by 31 percent of the participants, this survey suggests that increasing the access which citizens have to AFP representatives in their communities holds some potential. Repetition of this sort of survey, including additional refinement of questions to distinguish civilian attitudes about the AFP, CAFGUs, police, and CVOs would provide constructive information for further assessment of Filipino civil-military relations, and their effect on the GRP-MILF conflict.

## **Recommendations**

### Short-term

- **The GRP and AFP must hold its soldiers accountable for corruption and human rights violations**, despite the difficulties of distinguishing civilians from

combatants in the insurgency, and despite the fact that the MILF rebels may not hold their people appropriately accountable. **The AFP should take accusations seriously, investigate them thoroughly, and publicize these efforts** in order to build confidence in the population.

- Given the changing political, clan, and military developments in the ARMM, **a well-established and trusted non-government entity should conduct an updated and then periodic survey of citizen attitudes towards and confidence in various conflict and governance-related institutions**, including the AFP. The results of this survey, and periodic updates to it, should be used to inform AFP and GRP leadership and civil society leaders about how reforms should be targeted and which are most urgent.

#### Medium-term

- **The AFP should increase recruitment of Muslim soldiers for service in Mindanao.** This will not solve all problems, as there is some propensity for violence among Muslim groups, but it may reduce violence stemming from cultural and linguistic divisions.
- **The AFP should assess how to minimize and eventually eliminate the CAFGU.** As alluded to in the analysis, elimination of the CAFGU forces is an unrealistic proposal unless and until the civilian government sector gains sufficient strength to operate independently or the need disappears. As part of this assessment process, and until the CAFGU are actually eliminated, **the AFP should work to regularize wage differentials and implement a system in which CAFGU forces have greater accountability than at present under the AFP command structure. AFP and CAFGU fighters of the same rank should be paid the same wages** in order to reduce justifications for corruption by CAFGU members.

#### Long-term

- **Reforms to the military will not stick without serious reforms to the civilian political system, with the intent that civilian authorities gain**

**greater oversight of and authority over the military.** In other words, measures that build and solidify democratic governance will, in the long run, improve Filipino civil-military relations, and thus the AFP's role in the GRP-MILF conflict.

- **The U.S. should continue to send Army and other military trainers to Mindanao,** with the dual purpose of making it clear to AFP leadership that international forces are interested in their activities, and to expose AFP soldiers to a professional military, that although imperfect, is widely noted for its respect for civilian authority. If and when the AFP makes progress in the strengthening of civilian government authority, **U.S. military trainers should incorporate additional training on civil-military relations and respect for human rights into its training relationship with the AFP.**
- Although the line between combat participation and advisory/assistance roles can be extremely hazy during actual combat, **the U.S. military should continue to maintain its strict non-combat and advisory role.** A shift towards more active U.S. military combat participation against insurgents would risk turning Moro and other community perceptions even more against the AFP, by bolstering claims of foreign influence. U.S. military combat participation would also diminish the opportunities for the AFP to gain combat capacity in campaigns against insurgents or terrorists.

# **The Ampatuans: The Role of Powerful Clans in the Perpetuation of the Conflict in Mindanao**

## **A Case Study**

**Solmaz Khorsand**

Pink house fronts. Red roofs. For the outsider these neat mansions in Datu Piang, south of Cotabato City, are a welcome change in the middle of wooden homes with their corrugated iron roofs. For the local the pompous villas are clear evidence of one thing: the Ampatuan family. Wherever the family rules, its members and supporters will paint their walls pink and their roofs red.

Since the massacre in 2009, the powerful clan has won notoriety, nationally and internationally. In the morning of 23 November, an election convoy carrying lawyers, journalists and relatives of politician Esmael Mangudadatu was abducted by gunmen loyal to the Ampatuan family. On a field near the town of Ampatuan the 58 men and women were executed. The group planned to register Mangudadatu's candidacy for the upcoming gubernatorial elections. Mangudadatu ran against the son of the incumbent governor of Maguindanao, Andal Ampatuan Jr. He is accused of orchestrating the massacre; another 29 members of his family have also been charged in connection with the bloodbath, including Andal Ampatuan Sr., the patriarch of the family (Human Rights Watch (HRW) November 2010, 3).

The massacre sent shockwaves through the whole country. The scale and brutality of the massacre was unprecedented even for a place like Maguindanao, which is considered the "Wild Wild West" of the Philippines where warlords and rebels make their own laws. Besides, the massacre shed light on a powerful clan and its means operating by the grace of former governments. Used as Manila's strongmen in the fight against the insurgency, the Ampatuans could establish their own empire by holding various official posts in the region. Within a few decades Maguindanao was considered to be Ampatuan land, with cities and villages named after them and their children, and in which their militia muzzled any opposition—a militia, sponsored by the government.

Since the arrest of Andal Ampatuan Sr. and his family, former human rights abuses are brought to light little by little. These include killings (*inter alia* with chainsaws), disappearances, abductions, torture and sexual assaults. These cases were not investigated before, either because victims and witnesses were too scared to testify or a lack of evidence for further prosecution (HRW November 2010, 7).

This paper will look at this Moro clan and the circumstances that facilitated its rise and expansion; the traditional *Datu* system; the role of auxiliary forces as an empowering factor; Manila's benevolence and crucial support. By using reports and newspaper articles but also personal impressions and interviews conducted during the field trip, this paper will analyze the aforementioned factors. This case study should exemplify how clan politics affect the conflict in Mindanao and contribute to its perpetuation.

### **The Myth—An Overview of the Ampatuans' Rise to Power**

The International Crisis Group reports that “the fear engendered by the Ampatuans was such that no judge wanted to issue an indictment against Andal Jr., no official in Maguindanao wanted to register the victims' death certificates, and no company wanted to provide the police with a backhoe to retrieve the bodies.” (December 2009, 7)

Being an Ampatuan nowadays is not easy in Maguindanao. Sajid seems to be relieved that his surname is not Ampatuan, even though he is related to the family, albeit remotely—the family ties are nonetheless strong enough to make Sajid ask his interviewers to use a pseudonym instead of his real name. He knows about the gruesome mystery that surrounds his family. “They are not monsters.” The family is big; among them are honest citizens, shocked by the massacre; some are genuinely accepted by their constituents out of respect, not fear. Even the old patriarch, the alleged mastermind behind the massacre, can be gentle and generous in Sajid's view. Nonetheless, he never asked him for a favor. “If you ask him for a favor, you owe him a favor,” he says and shakes his head. Something he never wanted, owe Andal Ampatuan Sr. a favor.

People in Mindanao refer to the Ampatuans as rulers, so-called “*Datus*.” These are the powerbrokers in the region. The *Datu* system of hereditary titles constitutes a

system of nobility in Maguindanao. *Datus* (and their offspring) are considered to be descendents from Sharif, who initially brought Islam to Mindanao (McCoy 1994, 290).

Proponents of Datuism argue that these leaders are the only enforcers of law and order in a region in which the central government failed to reach out efficiently. Regional politicians know about the traditions of their constituents and refer to a (fake) *Datu* heritage in order to strengthen their legitimacy. Until now citizens denote regional powerbrokers as *Datus*, independently of their noble pedigree (McCoy 1994, 306). A local from Cotabato City explains the remains of the *Datu* system: “It is no longer about the lineage. Now everyone who has power and money calls himself a *Datu*.” The Ampatuans possess both.

They entered the political arena in Maguindanao in the 1970s. At the beginning of the insurgency patriarch Andal Ampatuan Sr. was involved in the conflict between Moros and the government, sympathizing with the rebels. In the midst of the conflict he changed sides and collaborated with President Ferdinand Marcos in his fight against the Moro insurgency. At this time Andal Ampatuan laid his clan’s foundation as Manila’s stronghold in Mindanao. In his position as local militia leader but also mayor of Maganoy (today Shariff Aguak), he could establish a dense network of political allies, military and police officials that should persist until today (HRW November 2010, 13ff). Over the years he expanded his power and built alliances, among others with the Mangudadatu clan. Far from being arch nemesis, these two families share a long history of cooperation, partnership and intermarriages, going so far that Esmael Mangudadatu asked Andal Ampatuan Sr. for his approval before challenging his son at the gubernatorial elections (International Crisis Group 2009, 3).

In 2001 Andal Ampatuan became governor of Maguindanao; throughout the years his sons and allies were in various government positions, including his son Zaldy Ampatuan as regional governor of the ARMM. Using threats and violence to achieve political goals was the *modus operandi*. According to reports of the International Crisis Group and testimonies of residents in Cotabato City the killing of Andal Ampatuan’s eldest son, Saudi Ampatuan, in a bombing in 2002 has significantly brutalized the patriarch’s strategy: “His death reportedly affected his father deeply and made him more determined than ever to ensure the dynasty survived.” (December 2009, 2)

One way to ensure the family's dominance in the province was its practice of land acquisition; farmers either accept low payments for their land or risk losing their life. Officially they overwrite their property to the Ampatuans, unofficially they had the choice between “the money and the bullet.” (HRW 2010, 16)

Another factor that explains Ampatuans' dominance in Maguindanao is their excessive creation of additional municipalities. In 1995, the province had eighteen municipalities; by 2009 this number had doubled. By dividing up the province in more municipalities the Ampatuans could pay off allies and relatives with coveted government positions and increase their control in the area. Additionally, the family would receive more funds from the central government in order to run these new municipalities (HRW November 2010, 19). Human Rights activists in Cotabato City were convinced that most of this money runs into upgrading the Ampatuans' arms arsenals and financing their private militia.

### **The Militias: State-backed Goons**

While talking with officials and experts about the massacre, it became clear that most of the referees were surprised by the size and the equipment of Ampatuans' private army, not its existence. How could a clan maintain its militia so openly, under the eyes of the military, the police and the government?

Human Rights Watch estimates that the Ampatuans controlled at the time of the massacre up to 5,000 armed men and boys (November 2010, 58). The International Crisis Group speaks of “over 2,000 men” (2009, 4). Most of them were either regular members of the police and the military or members of the auxiliary forces. These are composed of the Civilian Volunteer Organizations (CVOs)—estimates assume their total size at 800,000 members—and the Citizen Armed Force Geographical Units (CAFGUs) with an estimated membership of 53,000 people. While the CAFGUs are considered to be reservist forces within the military, the CVOs assist the police as nominally unarmed vigilant groups (Kraft, 2010, 186ff.).

Overwhelmed by two insurgencies and an understaffed military, the Philippine government has relied for decades on these poorly trained and supervised auxiliary forces. As the state does not have the capacity and resources to reach out to remote areas

and regulate its agents, it depends on local governments and its allies such as the Ampatuans to perform that function.

The auxiliary forces are a welcome contribution to the local control apparatus. Armed by the police and the military, these men are subject to the local government unit, run by members or allies of the Ampatuans (HRW November 2010, 23). The clan does not distinguish between the individual offices. For instance, it is reported that the Ampatuans' militia members were outfitted with multiple different uniforms (police, army, CVO, etc.), suggesting that their primary loyalty has to be to the clan and not to their unit. The message is clear: Above all they are Ampatuan men and are subordinated to the patriarch's command (HRW November 2010, 56). When military chiefs complained about the Ampatuans challenging their authority, Andal Ampatuan Sr. made clear that they will be replaced by more compliant commanders (International Crisis Group 2009, 4).

During our conversations in Cotabato City it seemed to be widely known that the militiamen are involved in illegal and abusive activities, mainly to intimidate, attack and even execute clan opponents. The astonishing part was rather the size of the militia and the arms which were mainly given by the government. As a long-time ally of the central government, the family could build up a private army under the pretext of fighting the insurgency against the MILF (HRW November 2010, 66). "Some people can sustain the MILF problem so it doesn't go away, to justify the lack of governance and the spending of the Internal Revenue Allotment for security and intelligence. Nobody will audit you in Maguindanao if there is the MILF," says Lt. Gen. Raymundo Ferrer, chief administrator of martial law in Maguindanao, in an interview with the Philippine Center for Investigative Journalism (PCIJ) (Lingao 2010).

The insurgency provided the clan not only with funds and weapons but also with legitimacy to go after opponents. During our encounter with IDPs in Cotabato City, the men and women reported that the military invaded villages at the behest of the Ampatuans who claimed that certain inhabitants were MILF-members. Using the MILF-threat for private means is not the only way the family contributes to the conflict. In fact, residents from Ampatuans' controlled areas are drawn into the MILF. Unlike the military and the auxiliary forces, individuals perceive the MILF as the only force that is not linked

to the Ampatuans and therefore can protect them from threats and assaults by the clan (HRW November 2010, 11).

### **The Manila Factor: The Arroyo Connection**

“The *Datus*, they have their own bailiwicks but it’s the Philippine government that chooses one of them and makes them super-warlords. And when they become super-warlords, the balance of terror is broken, and this one guy Ampatuan became a super-warlord.” (Abbas PCIJ 2010)

As mentioned before, since Marcos’ dictatorship the Ampatuans have enjoyed a particular status in every government. But it was Gloria Macapagal Arroyo who made them “super-warlords.” The key moment for their relationship was in 2004. Journalists have reported that the Ampatuans secured Arroyo’s victory at the presidential elections by providing her with the necessary votes from Mindanao (Lingao 2010). Since then, Manila’s political patronage knew no limits. Arroyo let the Ampatuans have free rein in Maguindanao. Without oversight of the central government the clan could divert with impunity local government budgets for private means, employ police officers as private goons, etc. (Tizon, 2010).

Not only did the lack of oversight and the president’s benevolence secure the Ampatuans’ rise, but so did certain laws and regulations such as the Executive Order 546. Issued in 2006, the Order is interpreted as Arroyo’s legal authorization for private armies. It states that the police should assist the military in its counterinsurgency activities. To fulfill this new responsibility the police is allowed to deputize former (officially) unarmed CVO members as “force multipliers” in its assistance to the military (Official Gazette 2006, 5747).

Other than going after the Ampatuans’ militiamen in the aftermath of the massacre, the central government has not taken official steps to “crush private armies”—as current president Benigno Aquino has promised (Sisante, 2010). Right after the massacre, president Arroyo set up a commission to dismantle private armies, but Executive Order 546 remained in place (International Crisis Group 2009, 10).

### **The Trial: Historic Event or Back to Normality?**

More than a year later, the massacre is still in the media. Cynics will imply that it is because of the murder of journalists in the bloodbath. If one asks about the carnage, people will recount the first witness reports and court appearances of former henchmen and servants who testified about family dinners when the massacre was plotted. Andal Ampatuan Sr. gave the orders, the son executed them (Tubeza, 2010). Residents in Cotabato City tried to give insights about these mysterious family meetings in which patriarch Ampatuan will make everyone comply with his suggestions. Those members who dare to disagree or hesitate will be humiliated in front of the whole family as cowards. “We are not the mafia,” says Sajid, relative of the Ampatuan and adds, “It would be stupid to plan such a thing as a massacre or would you like to have so many witnesses?”

Up to now the guilt or innocence of Andal Ampatuan, his family and henchmen has to be proven. Optimists believe that a conviction would not only be a powerful sign to fight the culture of impunity that dominates Mindanao, but would also encourage the Philippine government to redefine its agenda of relying on warlords in the province. But the majority of our interview partners doubt a potential conviction. With the court only sitting once a week, it promises to become a very slow process. As the BBC reports, “only about a third of the 197 people charged over the massacre have been arrested.” (November 2010) The rest is on the run, including members of the private army. During our meetings in Cotabato City, members of the International Monitoring Team reported that some of them hide in MILF controlled areas which makes it difficult for the central government to intervene.

Another concern is that Ampatuan family members still dominate the political landscape in Maguindanao. Indeed, Mangudadatu won the gubernatorial elections; his rivals are behind bars and since their arrest witnesses and critics felt safe enough to testify about the massacre and previous abuses. Nonetheless, the Ampatuans’ relatives and allies replaced the governmental positions of their arrested family members and still run municipalities and mayoralities in the province (Arguillas 2010). Hence their power is anything but broken. People are intimidated and there are already new reports of killings of potential witnesses under unexplained circumstances. Besides, there are allegations

that the remaining clan members try to buy off the victims' families to drop the charges (McGeown 2010). The chance that the trial will become an historic event of justice seems to be rather limited.

### **Conclusion**

Whether the Ampatuans are convicted or not is not the ultimate question. They are not the only warlords. The current governor of Maguindanao, Esmael Manguendadatu, the main target of the massacre, belongs to a powerful warlord family himself—even though they are considered to be more sophisticated, educated and more prone to consensus than the Ampatuans (International Crisis Group 2009, 3). Rumors are that he is about to build up his own private army. The Ampatuans, the Mangudadatus and all the other powerful families are a factor in contributing to the insecurity and the gun culture in the region. These warlords mark their territories, make sure that challengers know their limits and do not cross red lines. Loyalties are volatile; allies from today can become enemies tomorrow and vice versa. In this context everyone seems to follow an unwritten codex. The conflict with the MILF seems to be a minor matter. The questions to be addressed here are how can the state avoid the emergences of these warlord families which capture whole provinces and follow their own set of rules? What are the safeguards to avoid the emergence of other private armies? How can the government provide more security in the areas to make law enforcement less reliant on these local strongmen?

### **Recommendations**

It is not feasible for the central government to target the problem of a clan-based society that entrenches not only the region but the whole country. But **the government can implement several safeguards** to prevent the emergence of certain developments. It is crucial to **reconsider the role of auxiliary forces**. It is evident that neither the Philippine army nor the national police can secure certain areas, but it is necessary to recruit the auxiliary forces adequately and monitor them. In fact, **it would be more transparent to abolish various auxiliary forces and integrate them right away either into the army or in the police.**

Regarding the **problem of private armies**, which was considered by many interview partners as a purely Ampatuan related challenge, **it is necessary to provide young male Moros and Filipinos adequate development programs** to reduce the financial incentives to join militias.

**The central government needs to ensure that private armies are unacceptable by providing not only a legal framework, but also implementing safeguards that make it more difficult for various groups to divert money, such as the Internal Revenue Allotment, for illicit purposes.** In this regard it is essential to define standards that have to be met when government approved projects are implemented (e.g., the width of a street, the material for construction, etc.). This measure might prevent the implementation of fake infrastructure projects while the major part of the revenues is used to buy weapons and support militias.

Finally, Manila has to **address the prevailing culture of impunity** in the region. **It is essential to prosecute perpetrators as well as to create the conditions to give witnesses the incentives to testify.** One measure would be to **refine the current Witness Protection Act**, which is considered to be underfunded and full of holes.



## ***Rido*: Clan Feuding in Mindanao**

**Edgar Chávez**

People in Mindanao have been affected by the long lasting conflict between the Philippine government and the two Moro insurgencies (the Moro National Liberation Front, MNLF, and the Moro Islamic Liberation Front MILF) since 1972. The direct confrontation between the two sides has taken thousands of lives and caused the displacement of hundreds of thousands of people. Nevertheless, this conflict is not the only source of violence that people in the Southern Philippines have experienced. Clan feuds or *rido* are today a major source of suffering and insecurity in the area. These feuds are also the cause of deaths and internal displacement. The impact of clan feuding cannot be understood separately from the conflict between the Government of the Republic of the Philippines (GRP) and the MILF. *Rido* violence not only takes place in the same area as that conflict but the people that take part of it and that suffer its consequences are in many cases the same. Both sources of conflict interact with each other, and the efforts and strategies to deal with each of them have consequences on the other.

A clear understanding of *rido* is necessary for those who are interested in bringing peace to Mindanao and building the foundations of a peaceful society. It is important to get a perspective of how pervasive cases of *rido* are and the way in which they undermine security in the area. In addition, the interaction between *rido* and the GRP-MILF conflict presents particular challenges to any effort to deal with violence in Mindanao. The purpose of this chapter is to provide an overview of what *rido* is, analyze the dynamics of *rido*, its interaction with other sources of conflict, and to provide an understanding of what strategies can be implemented to address it and manage it in order to reduce its negative impact on the population.

### **What is *Rido*?**

A definition of *rido* is provided by Wilfredo Magno Torres III in a book published by the Asia Foundation in 2007:

“Rido refers to a state of recurring hostilities between families and kinship groups characterized by a series of retaliatory acts of violence carried out to avenge a perceived affront or injustice.” ( p. 12)

These perceived offenses or injustices have the potential of triggering the escalation of interfamily conflict that frequently results in the loss of lives and the displacement of people. A *rido* can start by different causes ranging from theft and jesting, to land disputes, political disputes, and murder. *Rido* violence is aggravated by the availability of arms as well as by the lack of peaceful conflict resolution mechanisms and an effective justice system (Torres 2010, 48).

Due to the diversity of factors that can result in the emergence of *rido*, it is important to emphasize that *rido* or clan feuding is not exclusive to Mindanao and its Muslim community, as it takes place in other parts of the Philippines as well. The reasons why *rido* represents today a major source of violence and insecurity in Mindanao cannot be solely explained by pointing to the existence, in the culture of Muslim Mindanaoans, of an honor code system where revenge takes place in the absence of appropriate retribution. *Rido* is a problem because it is aggravated by other factors which facilitate the emergence of clan disputes and increase the chances for them to turn violent.

First and foremost, it is important to underline that *rido* in Mindanao takes place in a context that has been characterized by the war between the government of the Philippines and the Muslim insurgency. The strategies of the Philippine government to deal with the insurgency have included reliance on local security forces like the Civilian Armed Forces Geographical Units (CAFGUs), which fall under the control of local elites who in turn use them for their individual purposes. At the same time, decades of conflict have contributed to create an environment where the possession of weapons is widespread. Another related factor is the lack of an effective justice system with the capacity to resolve these family disputes through a fair process that satisfies both parties, prevents them from escalating to violence, and restores the harmony at the community level. People in Mindanao have the opportunity for “forum shopping” when deciding which authority they should go to when a dispute arises. Disputes can be handled by the

formal legal system or by other sources of authority like the *Datus* or even the MILF (Lingga 2007).

A conflict turns into *rido* when a person or a family's sense of honor, dignity, and self-respect is violated, interfered or denied and the offended party is unable to obtain justice through the available institutions (Lingga 2007, 53). The lack of justice will make the offended party seek retaliation against the offender through violent means. Retaliatory actions are not limited to the particular individuals involved in a dispute. The targets of revenge can be any members of the clan. This is because of an understanding that what affects one member of the clan affects the clan as a whole. Consequently, any member of the family of the offender becomes a target of the retaliation until the reparation of the offense is achieved and the *rido* ends.

Peter Kreuzer (2005) points to the importance of clan identity in Muslim Mindanao. Clan loyalty is above any other form of allegiance, whether to the state, ethnicity, or religion. The individual has the duty not only to defend but also to increase the clan's prestige and honor whenever necessary and possible. Refusal to comply with the obligations towards the clan can result in exclusion from the social order. The primacy of the loyalty to the clan also serves to prevent the recourse to the legal system for the resolution of disputes, since it can be considered to violate the code of honor.

A conflict can be prevented from becoming *rido* if there is a successful mediation effort by a leader of the community or by members of the conflicting families. If the mediator is not perceived as acceptable by the two parties, the chances of solving the conflict are reduced. At the same time, the timing of the intervention is important as the parties need to come to the conclusion that the conflict is ripe for intervention. When resolution fails families become more and more antagonistic to each other. Levels of mistrust rise and their positions are hardened, leading to the eruption of violence (Lingga 2007).

Among the sources of *rido*-related violence, political rivalry has tended to be the most prevalent. As indicated by the International Monitoring Team, whose role is to supervise the implementation of the ceasefire agreement between the GRP and the MILF, from March to December 2010, 305 non-ceasefire related incidents were reported with a notorious increase during the month of May 2010, which was the date of the general

elections in the Philippines.<sup>16</sup> In this same sense, the study conducted by Lingga (2007) indicates that from 1970 to 2004 election-related conflicts have been the main cause of *rido* (19.27 percent). The specific triggers of this type of conflict appear during the entire electoral process and include the registration of a candidate of a rival clan, tensions during the campaign and irregularities on election day. A perceived injustice related to these triggers can quickly escalate into violence, as influential clans with sufficient resources can resort to violent attacks against their political rivals that can result in murder and lead to a spiral of escalation.

Land disputes are also a very common source of *rido*. These conflicts can be related to property encroachment, disputes over inheritance, land grabbing and disputes over land titles. As mentioned before, other important sources of *rido* in the region include crimes against chastity, cattle rustling, suspicion, and jesting.

Clan feuding violence can have major consequences for the lives of the communities. Killings can take place, property is stolen or damaged, houses are burnt, and people are displaced. A single case of *rido* can result in the loss of lives and the displacement of hundreds of families from their communities.

In interviews, people in Mindanao have expressed their concerns with respect to the prevalence of *rido*. To many of them the political process as well as land disputes are major sources of violence in their lives. Elections are perceived as a dirty business; they are a symbol of conflict and danger. Consequently, many of them express the need to restore a culture of peace.

### **Conflict Resolution Mechanisms in Muslim Mindanao**

Many conflict cases in Muslim Mindanao are solved through different traditional mechanisms that emphasize the role of mediation and arbitration in solving a dispute (Lingga 2007). Traditional court litigation through the formal legal system is seldom used since it is perceived as costly and disruptive of the community life.

For a conflict to be solved successfully the solutions must be perceived by the parties as fair. The objective is not only to establish a penalty for those who commit an

---

<sup>16</sup> The incidents in May account for almost 30 percent of all the non-ceasefire incidents reported by the IMT in the March-December 2010 period.

offense, but to repair the damage and, most importantly, to restore the harmony in the community affected by the dispute.

In some communities in the region, innovative *rido* resolution mechanisms have been established that combine the procedures of the formal legal system with traditional practices. They include the participation of key members of the community such as traditional leaders, representatives from the *ulama* and government officials. They participate in the investigation of the dispute and can propose a solution to settle it, or they simply mediate between the parties.

In Maguindanao, *ridos* are also solved through the traditional conflict resolution mechanisms dating from the era of the sultanate, which are characterized by the central role of the *datu*; the leader of the community who has the experience and the appropriate status to mediate a dispute. When a complaint is raised the *datu* calls for the formation of a council of elders that is in charge of obtaining the necessary information about the issue in dispute and about the position of the parties in order to provide a clear understanding of the problem. The mediation process follows and includes the participation of the parties and their families.

The settlement of a *rido* can take different forms, as long as they are acceptable to the parties in conflict. Reparations can assume the form of blood money. “Blood money can be seen as restoration money or settlement money which should be understood beyond its material aspects and be viewed more for its symbolic and spiritual elements that facilitate forgiveness and healing” (Torres 2010, 52). It is also stressed that apologies should be sincere in order to allow forgiveness to take place. In this sense, the settlement of a *rido* often takes place in a ceremony open to the community. These ceremonies emphasize the values of humility on the part of the offender and forgiveness on the part of the offended and are intended to lead the community toward reconciliation.

A resolved *rido* has the possibility of being renewed if the process was seen as unfair, if the parties do not comply with their part of the agreement, or if not all the members of the clan are well informed about the settlement (Lingga, 2007). Unresolved conflicts do not necessarily escalate into *rido* but may become latent until the parties are in the position to seek revenge and retaliate. For instance, there are cases in which a

person is killed in a *rido* and his/her children, once they grow up, will seek revenge against the rival family.

The failure to solve a *rido* in its early stages can bring levels of violence that surpass those that were necessary to settle the initial offense. Factors that facilitate the escalation of violence include: the larger the size and higher the status of the clan, a stronger degree of orientation towards tradition, superiority of weapons and soldiers, as well as the capacity of the clan get hold of resources from the authorities, the AFP, or the MILF. These elements can become more prominent in a context of modernization where traditional authorities see their social standing diminished and, as a result, their capacity to mediate is reduced (Kreuzer 2005).

### **Clan Feuds and their Interaction with the GRP-MILF Conflict**

The prevalence of clan feuding has become a major concern for all the parties of the Moro conflict in Mindanao, including the Armed Forces of the Philippines (AFP), the MILF, as well as the members of the international community that have a presence in the area including the International Monitoring Team, the United Nations, and the different local and international NGOs. *Rido* has been identified as one of the main challenges with respect to preserving stability after the ceasefire was reestablished in 2009. It is a major source of violence and its consequences include the displacement of great numbers of families. In addition, clan feuds tend to include members of both the different security forces of the GRP and members of the MILF.

In the context of the Moro conflict there are no clear boundaries between those elements that take part in the large-scale conflict between the GRP and the MILF and those who participate in family feuds. *Ridos* can take place between members of the MILF, the AFP, the CAFGUs, and the private armies of local leaders. A feud that involves a member of the MILF and a member of the security organizations of the GRP can have the effect of creating clashes between the two organizations, since their resources are used by the parties to a private conflict.

This interaction between the two types of conflict has its root in the strategies that the clans undertake to increase their standing and ensure their position in their communities or simply to preserve their security. Clan leaders identify the risks and

opportunities with respect to having one of their members belonging to either the AFP or the MILF.

A dispute between clans or within a single family can have the effect of involving the forces associated with the AFP and those of the MILF. Powerful political clans can have close links to the Philippine national government, hold positions in the local governments, and be in control of paramilitary units in their regions. At the same time, members of their rival families can be part of the structure of the MILF insurgency. When conflict turns into *rido*, the resources of both groups can be mobilized and result in violent clashes between the AFP and the MILF that can represent a serious threat to the preservation of the ceasefire (Canuday 2007).

Resolving these *ridos* is an issue of concern for the parties involved in the GRP-MILF conflict. In recent years there has been an increased engagement on the part of both sides in trying to mediate and find a solution for these clan disputes and preventing them from escalating. The international community, as well as local NGOs, are also actively intervening in the resolution of *ridos*. As in any other case of *rido*, the intervention of third parties does not take place immediately, and it needs to take into account the complexities of each particular case. Third parties must be seen as neutral, and their standing should have the recognition of the parties in order to provide an adequate context for a sustainable solution.

The AFP has identified *rido* as an issue of concern and it actively takes part in the resolution of cases of *rido*. The Civil Relations Officer of the Philippine Army in Mindanao, Colonel Asto, indicated that the army engages in trying to resolve clan feuds and that there will be a mediation training program for the CAFGUs in the future funded by the Office of the Presidential Adviser on the Peace Process (OPAPP) to enhance their capacity to deal with these disputes more effectively.

It has also been reported (Kreuzer 2005; Lingga 2007) that the MILF itself is involved in resolving *rido* cases in their areas of influence. In these areas the MILF conducts prevention and resolution measures. When disputes arise, the central committee of the MILF or its local organs will organize a committee of influential members of the community to conduct mediation. If this fails, the case can be submitted to arbitration or to the MILF Shari'ah court.

The International Monitoring Team (IMT) also takes a leading role in identifying and solving cases of *rido*. In conjunction with the Joint Coordination Committee on the Cessation of Hostilities (JCCCH) and the Ad Hoc Joint Action Group (AHJAG – the ceasefire mechanism created to go after criminal groups) which include representatives from the AFP and the MILF, the IMT pursues an approach to deal with *rido* that includes the exchange of information with the security forces of the AFP as well as the MILF structures in the affected area, the negotiation of ceasefires, back channel negotiations, consultations with community elders, coordination of relief and humanitarian assistance, and the promotion of dialogue. (See the chapter by Philipp Lustenberger.)

The strength of these mechanisms is based on their membership which includes individuals who have access to the central command of both the AFP and the MILF. At the same time, a transparent exchange of information, together with a non-judgmental and non-confrontational approach, contributes to generate trust and improve their efficiency when dealing with cases of *rido*.

### **Handling *Rido* Violence**

There is not a single recipe for dealing with *rido*. The environment characterized by the prevalence of conflict, as well as the dysfunctional justice system and the widespread availability of arms, are all enabling factors that contribute to the escalation of clan conflicts that could be better handled in conditions of political stability and under structures of governance which have the support and the confidence of the local population. Eradicating *rido* violence from Mindanao will have to be part of a broader process that includes progress in the peace negotiations between the GRP and the MILF. At the same time, the design of the institutions of government in Mindanao will have to take into account the cultural dimension of clan politics.

As mentioned by Kreuzer (2005) the clan order has survived in an environment characterized by drastic political and social changes in recent years at both the national and local levels. Today, the central role that clan leaders have in the communities in Muslim Mindanao remains strong, and it would be hard to expect that political power will be depersonalized or that it will move towards Islamization in the near future.

In the short-run, the increasing awareness of the problems that clan feuding represent for safety and stability in Muslim Mindanao has contributed to boost the cooperation between those on the ground to manage such cases more effectively. Research work conducted by international and local institutions, like the Asia Foundation, has provided a clearer vision of the dynamics of clan feuding and has pointed to the main elements that need to be considered when trying to intervene and mediate specific cases.

Having mechanisms in place to obtain information about the emergence of cases of *rido* and their particular circumstances has proved very useful for the AFP and the MILF, as well as for the International Monitoring Team, to be able to intervene more effectively and avoid escalation of conflicts. The negotiating parties in the peace process should consider the value of augmenting the capacity of the ceasefire mechanisms to deal with *rido* in particular.

Best practices with respect to the effectiveness of this kind of interventions are indicated by Torres (2010) based on the experience of the Asia Foundation and its partners in dealing with cases of *rido* in recent years:

- **Those who get involved in the mediation of cases of *rido* should do so with a context-specific approach.** Every case is different and deals with different sources of conflict and different actors whose position and prestige within their community vary.
- **Gathering information about cases of *rido* proactively** helps to classify them and identify the most urgent ones.
- Is important to keep in mind that *rido* is not a conflict just between individuals but it affects the whole community. In that sense, the **resolution of cases of *rido* should not be limited to strengthening the role of the mediators but should engage all the relevant members of the community.** These people can play key roles in identifying the sources of conflict, keeping lines of communication open, and providing assistance to find the necessary resources for a lasting settlement. Their roles can include the collection of funds for indemnification and the participation of respected leaders.

- Torres argues that it is important to **know who should be involved and at what stage during the resolution process**. An early intervention by local politicians can raise the expectations of the parties with respect to receiving indemnification. Premature intervention of officials from the security forces can contribute to reaching a resolution, but it may be a forced settlement that could make the parties in the dispute feel obliged to reach an agreement without a process characterized by sincerity, and that is not deep enough to achieve true reconciliation. Justice needs to be restored from the inside and cannot be imposed from the outside.
- It is important to **identify who could act as a spoiler** during the resolution of a case of *rido* and to prevent them from damaging the process.
- A **deeper knowledge of the genealogies in the communities** can help to identify those who could serve as mediators.
- **The main focus of the resolution efforts should be on settling the conflict and not so much in providing indemnification** (blood money). “Mediators should worry first about clearing the path for an amicable settlement to happen, which involves processing the hatred so that the dialogue will reach a level that the feuding parties become willing to settle, or agree in principle to settle.” (Torres 2010, 52)
- For a settlement to be lasting it may be necessary to conduct a close **follow up on the implementation and the fulfillment of the agreements** reached.

While these efforts at handling *rido* cases and preventing them from escalating should be welcomed and encouraged, they cannot be a long-term substitute to the consolidation of stable government institutions. There are still important questions with respect to the way that democracy should be adapted to the particular context of Muslim Mindanao that need to be answered. The central role that leaders and clans have in local politics cannot be expected to disappear. Instead, the authorities should think about the solutions that can be implemented to prevent elections from remaining a source of violence and instability. Clan structures have proven to be not only a source of conflict but also a source of protection in a context of weak governance and violence due to war. Clan loyalty is

deeply ingrained in the dynamics of the communities in the region. The *rido* resolution efforts that are currently being implemented in the area underscore the value of approaches that emphasize cultural nuances and that take into account traditional practices.

## **Conclusion**

Increased awareness about the complexities of *rido* and an understanding of the challenges it presents by framing it within the context of war is a first step towards reducing the vision in other parts of the Philippines that Mindanao is a land whose inhabitants are inherently unable to live peacefully. For peace to become a reality, it is necessary to promote mutual understanding between Christians and Muslims in the country. It is also important to emphasize that clan feuding and clan politics are not exclusive to Muslim Mindanao, and therefore the challenges of improving governance and strengthening democracy are an issue of concern for the entire country.

Addressing the question of *rido* also offers opportunities for cooperation and confidence building between the two sides in the Moro conflict. After the failure of the Memorandum of Agreement on Ancestral Domain (MOA-AD) in 2008 and the renewal of hostilities, both parties have demonstrated a commitment to maintain the ceasefire. As peace negotiations move on between the MILF and the Aquino administration, the two sides can build on their experiences dealing with cases of *rido* in their discussions concerning the design and the effectiveness of institutional arrangements in the Autonomous Region of Muslim Mindanao. In particular, *rido* raises the question of what to do with the institutions and organizations in charge of providing security in the area, what role should traditional structures of political power have in a post-conflict scenario, and what must be done to adapt the justice system and make it an efficient and legitimate recourse, and an alternative to the reliance on *rido*, for the people in Mindanao who seek justice and who wish to live in a peaceful environment.



## **Part II: The Humanitarian and Economic Crisis in Mindanao**



# **From Humanitarian Aid to Mobilization of Public Opinion: Current and Potential Roles of the UN in Mindanao**

**Cordelia Chesnutt**

Although the conflict in Mindanao has persisted for several decades, the involvement of international organizations, particularly the United Nations (UN), was minimal until the first years of the new millennium. Only since the hostilities of 2008 has the UN had a significant presence in the region. Why has it taken so long for the international community, spearheaded by the UN, to get involved in Mindanao? What kind of work does the UN perform? What are its priorities, and what is the perception of the organization among the Moro people? This paper will address the various development roles played by the UN in Mindanao, as recently outlined in the 2011 Humanitarian Action Plan. It will be argued that while the central government in Manila wants to limit the presence of the UN, Moro civil society wishes to see it increased. The general lack of objective reporting and media attention leaves the Moro people without a voice—one with which the UN could provide. While the UN has until now been limited to undertaking humanitarian work in Mindanao, the organization could contribute to the peace process by mobilizing public opinion in both the Philippines and the world at large.

## **Background of the UN's Involvement in Mindanao**

When the conflict in Mindanao reignited in August 2008, there were few UN agencies on the ground. With the exception of the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), and the World Food Programme (WFP), which had countrywide programs in place prior to the conflict, most other UN agencies operated out of Manila at the time. Over the past two years, the UN presence in Cotabato has grown significantly: The United Nations Office for Coordination of Humanitarian Affairs (OCHA) opened its sub-office in Cotabato in July 2008; the United Nations Population Fund (UNFPA) followed with a satellite office in March 2010; the World Health Organization (WHO) established a permanent presence a month later; UNHCR in

May; UNDP in June; and finally, the Food and Agriculture Organization of the United Nations (FAO) opened an office in July 2010.

Of course, the UN is not the only international presence on the ground in Mindanao. Over and above the International Contact Group (ICG), many international non-governmental organizations (NGOs), including Action Contre la Faim (ACF), Oxfam, Save the Children, and Médecins Sans Frontières (MSF), have established offices in Mindanao (MSF closed its response operations in November 2010). Furthermore, the International Monitoring Team (IMT), led by Malaysia, is widely recognized as having contributed significantly to lowering the instances of violence in the region.

## **The Humanitarian Action Plan**

### Elements of the HAP

The Humanitarian Action Plan for Conflict-Affected Provinces of Mindanao (HAP) is the contribution of the international community in Mindanao to the Consolidated Appeal Process (CAP)—a tool for aid organizations to jointly “plan, coordinate, implement, and monitor their response to disasters and emergencies, and to appeal for funds together instead of competitively” (HAP 2011, 115). The HAP was developed on the basis of a one-day workshop conducted in Cotabato City on 2 August 2010. The UN agencies involved in developing the HAP were: FAO, UNDP, UNFPA, UNHCR, UNICEF, OCHA, WFP, and WHO. Other important actors engaged in formulating the document were the Autonomous Region of Muslim Mindanao (ARMM), representatives from international humanitarian organizations active in Mindanao, and key local NGOs. The HAP covers a twelve-month period from January until December 2011 and targets a total of 447,213 people in the region.

The HAP outlines four strategic objectives, namely “to support the Government to address the humanitarian needs of affected populations in a timely manner;” “to establish an enabling environment for the implementation of durable solutions for affected populations;” “to develop the capacities of local Government and communities to respond to emergencies and manage their early recovery;” and “to establish structures and mechanisms to ensure the protection of vulnerable individuals and groups” (HAP 2011, 26). Corresponding to each strategic objective, the HAP outlines “Cluster Response

Plan Objectives,” dealing with eight clusters (or issue areas): Camp Coordination and Camp Management (CCCM); Early Recovery; Education; Food Security and Agriculture; Health; Nutrition; Protection; and Water, Sanitation and Hygiene (WASH). Every cluster is led by a department of the Government of the Republic of the Philippines (GRP) and co-led by a UN agency or other international humanitarian actor, such as ACF or Save the Children.

The HAP recognizes that the humanitarian situation in Mindanao in recent months has moved from “emergency response” to “early recovery” (HAP 2011, 1). This early recovery phase is characterized by relatively few killings but many thousands of Internally Displaced Persons (IDPs), the vast majority of whom have now returned to their areas of origin. Once the second stage of aiding their return is completed, the third and final stage will be sustaining their return through development initiatives. The main challenges facing returning IDPs concern reestablishing livelihoods, as well as gaining access to food, water, sanitation, shelter, education, and health care. The great majority of IDPs are located in Maguindanao, which has become the primary focus of the HAP (30 percent of all projects are carried out in this province; HAP 2011, 104).

#### Evaluation of the Humanitarian Action Plan

The HAP corresponds well with the observations we made on the ground in Mindanao. The document consistently recognizes that the three biggest concerns of IDPs are: security, shelter, and livelihood prospects. Furthermore, it contains several innovative solutions, such as providing IDPs with civil status documentation (e.g., birth certificates), the lack of which has prevented displaced people from pursuing education, employment, and landownership.

While it is undoubtedly true that any international humanitarian work must be done under the auspices of the GRP, the HAP suffers from an excessively submissive stance toward governmental directives from Manila. Indeed, the Child Protection Cluster notes that its response will be “based on nationally defined priorities” (HAP 2011, 81)—in other words, not its own. However, our interviews established that IDPs consider the international community, spearheaded by the UN, to be more reliable than the GRP as a source of support. The level of mistrust felt toward the government derives from the past

history of conflict, particularly the period of Martial Law during the 1970s, coupled with more recent memories such as the 2000 “All Out War” and the 2008 conflict. There seems therefore to be a contradiction between the stated overall objectives of the HAP and the reality on the ground in Mindanao.

One implicit purpose of the HAP is to demonstrate the capacity of the international community to speak with one voice. As in all humanitarian crises, the involvement of several international organizations carries with it the risk of competition, as every organization has its strengths and priorities. So it has been in Mindanao. In its earliest stages, the UN involvement in Mindanao was chastised for lacking coordination with other local actors and NGOs. Such critiques seem now, however, to have faded. According to observers from the governmental and NGO communities, the UN system is “learning” and experiencing “less waste and better coordination.” Nonetheless, the various chapters of the HAP differ widely in quality, and some suggestions are not sufficiently developed. For example, the Early Recovery Cluster seeks to “promote sustainable non-agricultural livelihood...” (HAP 2011, 44). Little detail on this ideal is provided, however, and one might question how the international community envisages accomplishing this task, considering that Mindanao is very much an agricultural society. In our interviews, IDPs confirmed that some training had been offered to provide sustainable livelihood skills, but that such initiatives had been few and far between, and they had not been followed up on. Such an evaluation reflects the economic limitations under which international humanitarian actors operate in Mindanao.

### **The Obstacles Facing the UN in Mindanao**

The threat of violence and kidnapping has been a source of concern for UN agencies operating in Mindanao. In areas where the Abu Sayyef are strong, such as the Sulu Sultanate, UN actors simply do not operate. Indeed, the ARMM has been attempting to persuade the UN to extend its services to Sulu, but after the kidnapping there of an aid worker from the International Committee of the Red Cross (ICRC), the UN is unwilling to do so. Furthermore, frequent flooding and unpredictable weather limit the movement of UN agencies in Mindanao. To a large extent, the UN therefore relies on coordination with local NGOs, which have greater access to perilous areas and can move more freely.

Another obstacle is the “culture of silence” in Mindanao, which prevents information from being divulged by local IDPs to UN agencies, particularly on taboo issues such as gender-based violence (GBV) and child trafficking.

## **National or International Conflict?**

### Divisions Between Manila and Mindanao

One of the central issues relating to the UN’s involvement in Mindanao has been whether or not political participants in the peace process have regarded the conflict as international in nature. A fundamental disagreement seems to exist between the GRP, which wishes to keep the peace and development process local, and representatives of Moro civil society, who call for further international action. As former President Ramos acknowledged in our meeting with him, successive Manila governments have resisted attempts to internationalize the dispute (SAIS Group Meeting, Manila, 18 January 2011). While the UN has had a presence in the Philippines for many years, this role has been consciously limited to humanitarian work, not involving negotiations, ceasefires, or peacekeeping. Indeed, in the words of the Resident Coordinator of OCHA, there is no “security cluster” for the UN in Mindanao (SAIS Group Meeting, Cotabato City, 20 January 2011).

By contrast, Moros have called repeatedly for the international community to have a larger presence in Mindanao. In the early 2000s, a petition was presented at the Bangsamoro Assembly, purportedly supported by more than one million people, requesting the UN to stage a supervised referendum to determine the final political outcome in Mindanao. The Mindanao People’s Peace Movement (MPPM) promoted the idea, calling the UN “essential” to the credibility of the process. While the MILF initially supported this proposal, they have recently declined to back calls for a referendum. Perhaps this is unsurprising; further involvement of the UN in the political peace process would lower the relative influence of current players, such as the MILF, and serve to undermine the position of the Malaysian mediators in whom the MILF place their trust. More recently, following the breakdown of the Memorandum of Agreement on Ancestral Domain (MOA-AD), more than 1,000 protestors demonstrated on 3 October 2008 in Marawi City to call for the UN (and the Organization of Islamic Conference, OIC) to

intervene to stop the war in Mindanao (Williams 2010, 128). In 2009, a conference was held in Davao City with the purpose of demonstrating outside solidarity with the Moro people (Williams 2010, 130).

The compromise emerging from this debate has been for the GRP to allow a certain degree of UN involvement in dealing with the humanitarian aspects of the Mindanao conflict, while keeping the organization completely out of the peace process, and security activities.

### Reasons for Governmental Opposition

Why has the GRP consistently attempted to limit the UN's involvement in Mindanao? One NGO representative we met with argued that the government would "lose face" if it requested further UN presence, as this would indicate its incapacity to deal with the conflict. President Ramos, instead, explained governmental resistance to expanding the UN's activities by noting, "Mindanao has not reached the severity of Rwanda or Kosovo" and therefore does not necessitate international missions such as a peacekeeping operation. The IMT leaders in Mindanao agreed, "We do not require peacekeeping here... Our forces—the AFP [Armed Forces of the Philippines] and IMT—can do the job." While the current ceasefire is upheld by the IMT, following the breakdown of the MOA-AD in 2008, the IMT was unable to keep the peace (Williams 2010, 128). A degeneration of the conflict could therefore necessitate a larger international security presence in Mindanao in the future.

Bong Montesa—the former chief advisor of the MILF-GRP peace panel—similarly noted that the GRP considers Mindanao to be a national, not international, conflict. Controversially, he argued that it would be in Manila's interest to include more international actors in the peace process, so that secession would not become part of any political settlement. His argument seemed to presuppose that states in international society favor the principle of sovereignty over that of secession, and that they would naturally come down on the government's side in such a dispute. However, this principle does not always hold, as witnessed by the 2008 declaration of independence by Kosovo, and the significant number of states that have subsequently recognized its right to exist.

Indeed, the GRP took serious notice of the events in Kosovo, and continue to worry about the precedent it might set for the peace process in Mindanao.

Other scholars have dealt with the subject of governmental restrictions on international organizations in Mindanao. Chaulia (2007, 13) argues,

“The Philippine state acts as a big brake on the freedom of IOs and INGOs to set sectoral priorities.... State pressure on IOs and INGOs to conform to its macro-political objectives derives from the power of government to grant or deny access for international organisations to a trouble spot like Mindanao. If IOs and INGOs are to enter and implement projects in Mindanao, from the state’s point of view, they should come and work on the terms set by it.”

From her interviews in Mindanao, Chaulia discovered that “political difficulties” explain why UNICEF programs to stop the use of child-soldiers were merely supported by a single staff-member in the entire Mindanao region. One official acknowledged this as having “followed the prioritization set by the GRP” (Chaulia 2007, 14). Complicating matters even further, bureaucratic limitations are not only enforced by the central government in Manila, but also by regional bodies in Mindanao.

The UN representatives we spoke with argued that, although further international awareness of the dispute would help with project funding, the UN had little interest in “internationalizing” the conflict. Such comments must be weighed, however, against the political constraints imposed on UN representatives by the central government. To a certain extent, such restrictions reflect the Southeast-Asian consensus around the concept of the “Asian Way,” centered on the principle of non-interference in internal affairs, codified in the 1976 Treaty of Amity and Cooperation in Southeast Asia. Overall, one may therefore conclude that the UN simply cannot operate in Mindanao without the explicit endorsement of the government in Manila, not only of its presence but also of its priorities. What might be perceived as excessive deference by the UN to the government is simply a survival mechanism. That said, the UN can and should use its institutions to educate the outside world about the plight of the Moro community.

### The Role of the Media and International Awareness

The lack of Philippine and international knowledge of the Mindanao conflict and its causes is of critical importance to the peace process. When news on occasion does emanate from Mindanao, it most often involves violence, kidnapping, and the Abu Sayyef. Contrary to what some might believe, Muslim communities in both Manila and Mindanao expressed abhorrence for the Abu Sayyef in our interviews, considering them a fundamentalist terrorist group who act against the values of the Qur'an. Muslim society representatives therefore believe that the Mindanao peace process would benefit from more international awareness, particularly of the distinctions that exist between the various groups. Indeed, an oft-repeated critique in Cotabato was that most of the literature concerning Mindanao is written by foreigners supporting the government narrative.

While the world knows little about Mindanao, Moros know much about the world. Civil society leaders in Mindanao are highly aware of the precedents set by other independence movements, frequently drawing parallels to South Sudan, East Timor, and Kosovo. They therefore believe that greater outside awareness and support for their cause could balance the peace process and pressure the central government into ceding them more authority. These actors want not only a humanitarian role for the UN, but also a political role for that organization, including a security dimension. To support their claims, such actors highlight the hundreds of thousands of IDPs that remain in Mindanao as comparable to, or worse than, situations such as Sudan, which have received far more international attention. Nevertheless, the louder the protests of the Moros, the firmer the government seems to be in resisting such calls for international involvement. Therefore, as the media continues to neglect Mindanao, the UN has a moral obligation to highlight the humanitarian crisis, and the injustices suffered by the Moro population.

### Previous Cases of UN Political Involvement in Mindanao

The highest political offices of the UN have, on occasion, involved themselves in the Mindanao dispute. Dr. Francis Deng, former Representative of the UN Secretary-General for IDPs, went on an official trip to the Philippines in November 2002 that also brought him to Mindanao. On this basis, Dr. Deng submitted a report to the UN's Economic and

Social Council (ECOSOC) in 2003. Among its recommendations, the report urged the government to restore property lost in the conflict, and suggested the organization of a regional conference on internal displacement and migration. In order to achieve a just peace, Dr. Deng noted the need to “promote national awareness” of the causes of conflict in Mindanao (ECOSOC 2003, 3-4). This underlines the crucial role of the media as a method of communication—one that should combat the stereotypical vilification of Muslims in Mindanao.

In October 2008, some 50 Moro groups wrote to Secretary-General Ban Ki-Moon, seeking the UN’s intervention in peace-building, conflict prevention, and transformation, “in addition” to the existing UN programs on the ground (CBCS 2008). Thus, civil society organizations feel that the UN has the potential to play a more forceful role in the area than it does at present. The suggestion was rejected, however, by the government in Manila due to fears that UN involvement would lead to pressures for secession, as had been awarded to East Timor. Mr. Ban has, on occasion, expressed concern about the fighting and civilian displacement in Mindanao, as he did in a statement made in August 2008. However, on that same occasion, the Secretary-General emphasized that the UN “stands ready to support the efforts of the Government of the Philippines in addressing the needs of the affected population” (UNSGOS 2008). Once again, the UN’s dependency on the government was made evident.

A key difference between the UN’s involvement in cases such as Kosovo, East Timor, and Mindanao, is that the government in Manila is viewed more positively than the ousted leaders in the former cases. Being a democracy, not a failed state, the Philippines has a better standing within the UN than authoritarian dictatorships, such as the one led by Slobodan Milosevic. If the Philippine government were accused of ethnic cleansing, however, international calls for intervention would rise dramatically. Considering the low intensity of the current conflict, the UN is unlikely to further intervene in the face of opposition from the government in Manila.

### **Moro Perceptions of the UN in Mindanao**

How do local actors in Mindanao perceive the UN? Some argue that the organization is not automatically positively received. Due to the complex history of Mindanao, an

international organization of the size of the UN can easily be viewed as a tool of outside intervention, eliciting memories of colonialism. Others believe that the UN has arrived “a little late.” However, most of the NGOs we communicated with in Manila and Mindanao had a positive view of the UN’s work in Mindanao. As one representative noted, “the UN is more of a partner than a competitor. UNICEF and Save the Children are sources of peace.” The ARMM also expressed approval of the UN, noting with satisfaction the HAP’s realignment from emergency response to early recovery, in accordance with the changed situation on the ground. Both IDPs and human rights volunteers in Mindanao praised the work of the UN, noting that the presence of the international community not only has improved the humanitarian situation on the ground, but also has lowered the incidence of violence in the area. According to this view, UN agencies deter potential ceasefire violators by allowing incidents to be reported quickly to an international audience.

## **Recommendations for the UN in Mindanao**

### Short-Term

- **Make use of public outreach platforms to inform, stimulate, and sanitize the debate.** Considering the limited, or one-sided, delivery of news from Mindanao, **the UN and its agencies should make use of their role as a public mouthpiece to underline the distinctions between the Abu Sayyef as a terrorist organization, and the MILF as a legitimate representative of the Moro community.** While already recognized in the HAP, mainstream observers do not commonly appreciate this difference. **The UN could thus contribute to the peace process by changing and correcting outside misperceptions** of the Mindanao conflict and its actors.
- **Increase UN efforts as an intermediary between the government and civil society.** On several occasions, the UN has been successfully used as an intermediary body between the central government and civil society. NGOs have sometimes brought human rights violations to the attention of the UN, which enjoys the status necessary to approach the government. Such methods should be extended to all clusters of the HAP to ensure the alignment of government priorities with local needs.

- **Strengthen cooperation with local NGOs.** UN agencies already benefit from a certain degree of cooperation with local human rights organizations and NGOs in Mindanao. Further efforts should be made in this direction, however, as the local knowledge, expertise, and access that such organizations provide is invaluable. For example, such coordination could ensure that food, shelter, and WASH supplies are delivered to the communities in greatest need of assistance, while daily information on security conditions can increase the safety of UN personnel when implementing its missions.

#### Medium-Term

- **Ensure sustainability of livelihood initiatives.** While most of the current UN efforts center on early recovery, the longer term requires sustainable solutions based on livelihood opportunities. One way of enhancing sustainability would be to **extend the “Training of Trainers” concept** to all eight clusters featured in the HAP. While this notion figures as part of the Child Protection Cluster, it is an idea that is not consistently developed throughout the report. By educating Moros on development methods, the UN would not only provide future employment opportunities but also lower Moro dependency on outside assistance.
- **Organize another UN observation team to Mindanao.** The UN Representative of the Secretary-General on Human Rights for IDPs, Walter Kälin, should make a trip to Mindanao to ascertain the needs on the ground, as done previously by Dr. Deng. Such a visit would give the UN renewed impetus for the fight against humanitarian challenges in Mindanao, while providing an additional boost to the legitimacy of UN agencies on the ground. The overwhelming number of IDPs that remain in Mindanao should be a sufficient reason for the UN to undertake such a mission.

#### Long-Term

- **Promote justice in the peace process.** In the long run, the UN could contribute to the peace process by promoting notions of justice in the dialogue between the MILF and the GRP. One of the most frequent concerns we heard in Mindanao was the Moro desire for a public apology, not only from the central government in Manila, but also

from past colonial powers, such as Spain and the U.S. By pinpointing the injustices suffered by the Moro people in its reports, OCHA and other UN agencies could facilitate the reconciliation process required for a sustainable, long-term development of Mindanao. **While apologies are rarely forthcoming, such a move would be an inexpensive way of building trust between Manila and Cotabato, and significantly contribute to lowering Moro hostility toward the central government.**

- **Support long-term DDR projects.** Presuming the ceasefire holds, and a political settlement is arrived at, the UN could offer its services by aiding the Philippine government with Disarmament, Demobilization, and Reintegration (DDR) programs in the future. While unrealistic at present, dealing with the prevalence of illegal weapons in Mindanao is a necessary condition for long-term peace, and one area where the UN's expertise would be highly constructive.

# **Natural Resources of Mindanao: Fuelling the Conflict?**

**Mariya Savchuk**

Historically, the conflict in Mindanao has strong roots in the issue of control over natural resources, especially land but also oil and gas, mining, timber, water and fishing resources. Tensions over the exploitation of the island's resources and the economic disparity between Muslims and Christians go back centuries and existed under both the Spanish and American periods of colonization. The distribution and control of Mindanao's natural resources was one of the causes for the start of the conflict on the island in the early 1970s. Now, 40 years later, natural resources and their contestability not only remain centrally pertinent to Mindanao's conflict, but also fuel it in direct and indirect ways. This issue is at the root of the poor economic condition of the population the rebel groups claim to represent.

Over the past 100 years, Mindanao has seen a dramatic shift in population and patterns of land ownership, and both these factors contributed as root causes to the modern conflict. Between 1903 and 1990, the Muslim, also known as Moro, population in Mindanao declined from 77 to 19 percent, as both colonial and post-colonial governments encouraged Christian settlers to come to the under-populated and resource-rich island (World Bank 2003, 9). These shifts came about as a result of deliberate central government policies and incentives for the Christian population to move to Mindanao. The scale of the immigration to Mindanao caused inevitable dislocations, but the manner in which it took place also produced glaring disparities between mostly Christian settlers and Moro and indigenous locals.

## **Conflicting Claims Over Land**

Central to the conflict in Mindanao, and still relevant today, are conflicting claims over land and natural resources that resulted between Muslim and indigenous people who held their land on a communal ownership basis, and the government which has introduced the

Regalian system of state ownership<sup>17</sup> which does not recognize ancestral land claims or ownership, but states that all lands of the public domain belong to the state. The land laws of the postcolonial government also defined all unregistered lands in Mindanao to be public land or military reservations. Unfamiliar with the procedures, in some cases not knowing that an application had to be filed, wary of the steep processing fees and the requirement to pay taxes during the interim, many Moros neither applied for the new land offered by the government nor filed for a legal title to the land they already traditionally occupied. By contrast, Christian settlers regularly obtained legal ownership of the newly-opened lands as well as crop loans and other forms of government assistance. The new Christian communities became linked to trade centers and to one another by networks of roads, while many of the Moro and indigenous communities remained relatively isolated. As a consequence, many Muslims and indigenous people were forcibly displaced from their fertile land in coastal and low-lying locations, to inland and highland areas (World Bank 2005).

From the beginning, the successive administrations of the Philippines provided more opportunities and assistance to the settlers, with few government services available to the locals. The marginalization of the locals was compounded by a “policy of neglect” on the part of the government in Manila that failed to deliver basic services and infrastructure for development to these areas in general, but also specifically to the more isolated communities, with large Muslim and Lumad (indigenous people)<sup>18</sup> majorities. Consequently, the heightening friction between Muslims and the government was accelerated by the fact that Muslim areas remain comparatively underdeveloped; this is

---

<sup>17</sup> The Spaniards institutionalized this concept during the Spanish colonial period. Under this doctrine, the Kings of Spain owned all lands not otherwise registered or titled in the name of private properties. Under the American Colonial Government, in 1898, the state adopted the same concept. By 1973, The Regalian Doctrine made its way to the constitution of the independent Philippines as expressed in Article XII, Section 8.

<sup>18</sup> Latest population estimates reveal that there are around 21 million dwellers in Mindanao representing a fourth of the total Philippine population. What is unique to Mindanao’s population is that it is home to the majority of the indigenous peoples (IPs) and Muslims living in the country today. There are 17 IPs groups found in Mindanao, comprising five percent of its population while the Muslims comprise around 20 percent of its total population. *Mindanao Peace and Development Imperatives: A Call to Action* (Philippine Development Forum, 26-27 March 2008), last consulted 10 March 2011.

often attributed by the rebel groups to the government's failure to integrate their ethno-religious group.

### **Growing Economic Gap and Lack of Development**

By 1970, differential access to both land and government resources had produced a profound economic gap between Muslim and Christian communities throughout Mindanao. By 1982, Moros, who were the majority owners of land in Mindanao and Sulu in 1912, represented only 18 percent of total land ownership (Tuminez 2007). Mindanao is rich in natural resources: its metallic mineral reserves are placed at around 3.6 million tons and non-metallic mineral reserves are placed around 8.6 billion tons. Potential coal reserves are estimated at 37.5 million metric tons or 18.2 percent of the national reserves. The island produces 50 percent of all the corn and coconut, 20 percent of all the rice, 50 percent of all the fish, 40 percent of all the cattle, almost 100 percent of all the banana and pineapple exports, 89 percent of the nickel and cobalt, 90 percent of the iron ore, 62 percent of the limestone, and almost 100 percent of the aluminum ore in the Philippines. However, by island grouping, Mindanao has the highest poverty incidence with a rate of 39 percent, accounting for 33 percent of the country's total poor families in 2006. Even more telling is the statistic that by region, the Autonomous Region in Muslim Mindanao (ARMM) has the highest rate of poverty at 55 percent, followed by Caraga with 45 percent. Many provinces in this island group also rank poorly in the Human Development Index (HDI). In 2006, seven out of the 10 provinces at the bottom of the HDI ranking were in Mindanao. The last five provinces where Muslims remain as the majority, Maguindanao, Sulu, Lanao del Sur, Basilan, and Tawi-Tawi, are not only the poorest provinces but also those where the quality of life is worst (Philippine Institute for Development Studies 2007). These five provinces have the least access to education, health, electricity, transport, water, and sanitation services. Life expectancy and adult literacy are lowest in these provinces. They lack the basic infrastructure required to sustain any growth or development.

The Moros and the Lumads share a widespread belief that they have been deprived of their land and resources by a government more inclined to defend its economic interests than to protect their rights and ensure their development. Such

perceptions and feelings of being second-class citizens and suffering injustice, heightened tensions and resulted in both armed and unarmed resistance, and increased support for the MNLF, and with time the MILF.

### **Barriers to Natural Resource Development**

Surrounded by strongly developing nations, with a growing population and an increased ambition to develop quickly, the government of the Philippines faces severe energy shortages and needs the resources available in Mindanao, both for domestic consumption as well as for lucrative resource export. As described above, Mindanao is one of the richest areas of the Philippines in terms of natural resources, and has a lot of, as yet undeveloped, potential. The government wants to develop the island's resources, since that can help both supply more energy and get more revenues for the whole of the country, and it has been developing some of the resources, giving out licenses and sharing agreements to many domestic and foreign multinationals.

However, the government faces several problems in developing the island's potential fully. First of all, the government cannot start developing projects in areas officially under the MILF control, and some of the most resource-rich areas are MILF strongholds. Second, investors see very high risks in areas where fighting is ongoing, or where only a temporary ceasefire is in place, while the government cannot supply all the investments on its own. And perhaps, most importantly, the issue of ancestral domain and land claims needs to be clarified and resolved before any government can start exploring and exploiting the available resources. All three reasons have prevented the government from investing more in the region, the last one least of all. Since the Marcos regime, the Philippine government has been inducing multinational corporations to invest in the country's vast mineral resources by offering them various incentives. Offering enticements to investors often meant sacrificing the rights of communities, especially indigenous peoples whose ancestral lands are the targets of mining sites.

Different leaders have attempted different tactics in order to un-block the inflow of foreign investments in Mindanao. Some took a peaceful approach based on negotiations, such as for example president Ramos. To make Mindanao attractive to investors, the Ramos administration had decided to resume peace negotiations with

Chairman Nur Misuari which resulted in a Final Peace Agreement (FPA) with the Moro National Liberation Front (MNLF) in 1996. After the signing of the peace agreement, Chairman Nur Misuari, who was elected Governor of the Autonomous Region of Muslim Mindanao (ARMM), had helped the Ramos administration in attracting foreign investments in the ARMM—which is predominantly a Bangsamoro territory. Others took a much more conflictual approach and attacked certain territories, thus breaking a ceasefire. The Liguasan (also called Ligawasan) marshes are an example in point.

### **Oil and Gas in the Liguasan Marsh**

The Liguasan Marsh, which spans 220,000 hectares, lies along the provinces of North Cotabato and Maguindanao, two of the provinces that the Moro people have been claiming as part of their ancestral domain. (Nur Misuari said in 2008: The Liguasan Marsh holds a huge reservoir of natural gas worth hundreds of billions of dollars and the Bangsamoro people could become one of the richest if this area is placed under their control, according to the chief of the Moro National Liberation Front (MNLF). (<http://www.gmanews.tv/story/109864/Liguasan-Marsh-holds-billions-of-dollars-in-gas--Misuari>) The Philippine government, through the Philippine National Oil Corporation, has conducted explorations of natural gas in the area, estimated to be over 1.7 trillion cubic feet. The government has been trying to develop this area and extract resources from it since the early 1980s.

On 15 February 2003, the Armed Forces of the Philippines (AFP) attacked Liguasan Marsh and its neighboring areas purportedly to go after the notorious kidnap-for-ransom group, Pentagon Gang, which sought refuge in the area. The AFP attacked the Buliok complex, in the midst of a ceasefire agreement between the GRP and the MILF, seemingly without reasonable provocation from the MILF. The offensive was tactically scheduled during a global holy day for Muslims, the E'dil Adha, when the Moro fighters were most vulnerable to attack. When asked why they attacked the Buliok complex, the government did not immediately admit that they were after the MILF, though later the AFP secretary admitted that they were targeting the MILF. Another theory denied by the state but claimed by various sectors including some legislators is the economic interest in Ligawasan's natural resources. One of the motives behind such an attack was “to enable

the National Economic and Development Agency (NEDA) to implement the 25-year Liguasan Marsh Development Framework Plan and the revival of the Farm-In Agreement and Joint Operating Agreement between the Philippine National Oil Company-Exploration Corporation and Petronas Carigali Sdn Bhd” (Arnado and Arnado 2004, 7).

There are several reasons for armed conflict in the area: one of the main ones lies in the longstanding Bangsamoro struggle for self-determination; another is that the Arroyo regime acted in keeping with America’s global war on terror. However, such attacks can also be seen as a convenient excuse for advancing the economic interest over the immense deposit of natural gas and oil and agri-business plantations in the area.

The Liguasan Marsh case illustrates two ways in which the competition for natural resources helped kindle and maintain the conflict. The government has an important economic interest in the resources, which in this case were located in MILF territory. By intervening militarily, it can achieve two aims at once; get access to and start the exploration of the important gas and oil reserves located in the area and defeat an MILF stronghold. Liguasan marsh remains an MILF territory until this day; there is still not much resource extraction taking place, and it remains a potential area of conflict between the government forces and the MILF. In this sense it may be seen as a cause and driver of vertical conflict.

### **Horizontal Conflict**

Originating at about the same time, but seen from a different perspective, the issue of control over natural resources may also be seen as a source of conflict within the Moro community, among the Moros. This can be termed horizontal conflict. The state policies on land, settlement, as well as the plantation economy, not only tended to marginalize the Moros and Lumads but also to favor the localized “elite families,” or “clans,” as well as major industry, both foreign and domestic, creating powerful interests in the region. Resources such as land are home and a source of subsistence for indigenous communities, and competition with more powerful players for its control often results in violent conflict, further marginalization of the indigenous peoples, and concentration of power in the hands of the privileged few.

Several factors in Philippine history and tradition contributed to the emergence of what may be called “an anarchy of families,” or “elite families or clans” or a “patronage-based” political system (See the chapter herein by Edgar Chávez). And, although scholars disagree in their characterizations of the Philippine state (some see it as a predatory one, others as a weak one), all agree that local clans dominate the political and economic life of the Philippine Republic. Historically, the Muslim societies of Mindanao were hierarchical, with an aristocracy composed of *datus* who had bitter feuds and fought battles with each other. Their social organization was based upon alliances between family groups that were not permanent but based on the needs of the group. This organization resulted in a very flexible political system. The local families began to acquire importance and become more present in the national political life during the decolonization process that saw a high level of cooperation between the local elites and the U.S. administration. The U.S. decided to decentralize power, thereby allowing the local families that had dominated the traditional realm to move into key political positions. As the clans became more entrenched, they enriched themselves through a combination of rent-seeking and dominant ownership of productive land, often maintaining their political power through armed force. (The most powerful among these have long kept well-armed private armies). Due to the land policies already described, it was easy for the clans to concentrate vast land resources in their hands. These clans often control local elections, making sure that no opponent beats them or threatens their rent-seeking opportunities, and by offering their support to the central government they ensure that their regions get budgetary allocations from Manila.

### **Conflicting Legal Provisions**

In addition to sometimes being a direct cause of conflict, the issue of resource control and ownership, can also indirectly lead to conflict. There are many unresolved conflicts in land use and ownership rights as a result of conflicting interpretations and/or application of laws pertaining to land ownership and use of natural resources within indigenous peoples domains.

Legislation for indigenous peoples called the Indigenous Peoples’ Rights Act (IPRA) became law on 29 October 1997. The IPRA recognizes, protects, promotes and

develops the right of the indigenous peoples to their ancestral domain. The law defines ancestral domain as

“all areas generally belonging to Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs and IPs, by themselves or through their ancestors, communally or individually since time immemorial... It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.” (Chapter II, sec. 3, par. A)

However, provisions of the National Integrated Protected Area System (NIPAS) empower the Department of Environment and Natural Resources (DENR) to prescribe rules and regulations to govern ancestral lands within the protected areas, whereas the IPRA provides for direct governance by the IPs.

Even after its passage, IPRA remains a law that is not well understood or well implemented, and up until 2008 only about one percent of the land claims made under it were restituted to the indigenous people by the government. In addition, the government agency mandated to uphold and promote the implementation of IPRA, the National Commission on Indigenous Peoples (NCIP), is an ineffective agency that has often been accused of corruption and collaboration with mining corporations that get illegal access to ancestral domain land.

### **Mining and Logging**

As already pointed out above, both the Philippines in general and Mindanao specifically lack energy resources, and rolling blackouts have been common on the island over the

past two years (especially in the dry season, since the island relies so heavily on hydro-energy). In order to improve the situation and export minerals for profit in times when energy is expensive, the government of the Philippines has been pursuing aggressive policies on the island in order to revitalize the mining industry since the early 1990s. The government offered incentives for foreign firms to establish themselves, effectively making their operations tax-free for the first five years. The mining application process has come to be associated with circumventing laws and environmental standards, thus creating environmental damage, sometimes displacing indigenous people, and rendering their land unusable.

Many of the Philippines' mineral resources are located within the ancestral domain of its indigenous peoples. Both the Indigenous Peoples Rights Act (IPRA) and the Mining Act require that indigenous people's free, prior, informed consent be obtained before the mining permits are issued. Often, however, the IPs are not being provided with adequate information about the potential environmental and social impacts on which to base their free and informed consent. Several studies have pointed to incidents where mining companies violated the legal guidelines and "fabricated" the required consent, by giving false promises and misinforming the IPs.

The National Commission on Indigenous Peoples (NCIP) is widely perceived as being corrupt, providing mining permits to companies without obtaining the necessary permissions, not carrying out its mandate and failing to ensure that the IPRA provisions and regulations are enforced. The NCIP is seen as often siding with the mining companies that are disregarding environmental regulations and carrying out projects in a way that creates both environmental damage and social problems. The laws are often viewed as a mere technicality and overlooked. There are illegal mining activities and many of them are located in traditional ancestral domain territories and some in conflict-affected territories. The government seems to either ignore or lack the capacity to challenge and end the misconduct.

The implications of some of these activities for the livelihoods of locals are significant. Local farmers and fishermen, living in proximity to some of the mining sites, have reported reductions in crop yields and fish harvests. In addition, many of the companies hire armed guards to protect their property. These units are often armed and

trained by the Philippine army, but paid for by the investors. They have been reported to intimidate the locals. Violent protests and clashes ensue around the mining sites. For example, the *Mindanao Examiner* reports that on 7 March 2011, a small-scale miner was killed after he allegedly attacked a security guard of the Subanon ancestral domain title holders in the southern province of Zamboanga del Norte. The security guard was working for the indigenous tribe called Subanon, who are protecting over 8,200 hectares of ancestral lands in the area where TVI (a mining company) operates in a 500-hectare mine site since 2004.

At the same time the IPRA also provides that the indigenous peoples have the right to use their lands as they see fit, including contracting with third parties for resource extraction and utilization. In some areas, the local IPs sign agreements with the mining companies, which then build schools, maintain infrastructure and generally help support the community. A ban on open-pit mining has been introduced in the province of South Cotabato, and a proposal for a similar ban has been made in Zamboanga del Norte. However, some of the local IP communities there oppose the proposal since they have entered into agreements with the mining companies that they see as beneficial, and want to maintain their right to be able to allow mining. The ARMM has been trying to impose such bans in an effort to gain some control over the disposal of natural resources in the region, and in order to be able to collect revenue from these projects. In a similar vein they have been trying to impose logging bans.

The mining and logging practices in the region negatively affect the environment, create tension between different sides (IPs, ARMM, central government, companies, etc) and lead to small scale skirmishes. They also often negatively impact the livelihoods of the local people, leading to even more tensions in the communities. In the long-term they are creating serious barriers to the development of the regions in question, by preventing the development of serious infrastructure and tourism, and leading to irreparable ecological and environmental damage.

The NCIP can commit such actions with almost full impunity, since the provisions of the IPRA conflict with the mining law with respect to the mandated process and authority over granting resource permits and land use development. The Mining Code, RA 7942 of 1995, opens mineral rich areas in Lumad-occupied areas to both

national and international corporations for exploration and mining. There is also a conflict between the IPRA and the integrated protected areas act regarding authorities mandated over land use development (i.e., who determines what areas to be set aside as ‘no-touch’ zones, which are considered ancestral domains) and regulating the use and transport of natural resources found within ancestral domains that are also considered as protected areas.

### **The Organic Act and Control over Natural Resources by the ARMM**

Although the Bangsamoro people are considered to be part of the indigenous people, they have actually acquired a separate law in the form of the Organic Act that regulates the issue of ancestral domain as well. The RA 9054 was intended to “strengthen and expand” the Organic Act for the Autonomous Region in Muslim Mindanao (ARMM) by amending the original Autonomy Act or RA 6734, which was seen as incompatible with the FPA signed in 1996. However, in some ways, it actually weakened the ARMM with such problematic provisions as those relating to natural resources and devolution of powers to the regional government. Non-autonomous administrative regions actually had more power to develop their natural resources under the Local Government Code as compared to the ARMM.

Under RA 9054, the expanded organic act for ARMM, the regional ARMM government lost control over the development of its natural resources, especially over its “strategic minerals.” Under RA 9054, the following resources do not form part of the ancestral domain of the indigenous cultural communities: strategic minerals such as uranium, coal and petroleum; other fossil fuels, mineral oils and all sources of potential energy; lakes, rivers and lagoons; national reserves and marine parks; and forest and watershed reservations. (Article X, Sec. 1). The Philippine state’s constitution also reinforces this provision, as a result of the incorporation of the Regalian doctrine (mentioned above), which states that all agricultural, timber, and mineral lands of the public domain, waters, mineral, coal, petroleum, and other mineral oils, all forces of potential energy and other natural resources of the Philippines belong to the state.

The expanded organic law defined the government’s policy regarding ownership, exploitation and control over natural resources in the Bangsamoro areas. While it grants

some areas of autonomy for the ARMM government, it also secures the government ownership of such natural resources as the Liguasan marsh. This situation also applies to areas in Lanao del Sur, where the native Maranaos complain of inadequate electrification and high power rates despite the use of the local Lake Lanao and the Agus river systems as the main power source for the Mindanao grid. The same complaints are being heard in the Mt. Apo region, where the PNOC geothermal plant is located. In all these cases, the native inhabitants claim the areas as part of their ancestral domain and say that they see little development and benefits despite the use of their local natural resources by the government.

The same applies to the off-shore exploration of oil deposits in an 8,200-kilometer area off the shore of Mapun Island town in Tawi-Tawi. The exploration is done by the ExxonMobil Exploration and Production B.V. through its service contract 56 (SC 56) permitted by the national government, while the ARMM authorities did not get a say. The SC 56 consortium began drilling activities in the area in October 2009 at a cost of about \$1 million per day and \$100 million for its first exploration well. This well, called Dabakan-1, is located about 65 kilometers from Mapun Island in Tawi-Tawi. Lanao del Sur Assemblyman Ziaur-Rahman Alonto-Adiong stated in 2010 that the “Department of Energy claims that the SC 56 may hold up to 750 million barrels of oil, which is equivalent to seven years’ worth of local crude supply for the Philippines. We, the people of ARMM, stand to lose everything and gain nothing out of the exploration.” This would be due to the stringent provision of RA 9054 that retains to the national government the sole authority to govern the exploitation of “strategic minerals” in the region” ([http://bpiarmm.blogspot.com/2010\\_03\\_01\\_archive.html](http://bpiarmm.blogspot.com/2010_03_01_archive.html)). Governor Adiong went on to clarify that the “castrating provision” of RA 9054 could still be remedied by way of amendment by the Regional Legislative Assembly (RLA) and sustained by Congress. He asked the RLA to propose the amendment that would endow the regional government with “a measure of control and supervision over strategic minerals.” Such an amendment could also address similar limited options that the ARMM faces in the central government-controlled exploitation of Lake Lanao by the National Power Corporation (NPC) as a supplier of the 85 percent or so of Mindanao’s hydroelectricity demand. This

amendment could help the island deal with its energy shortages and rolling blackouts that have been common over the past two years.

### **Claims on Natural Resources by Different Stakeholders**

The popular position of Bangsamoro civil society is supporting the MILF claim to Moro ancestral domain through political negotiations. As we were told in many interviews: “At this point, it is only the MILF that is in a strong position to claim the Moro territories, and as a people we need to support that. After that, we can discuss issues like development, but what is important at this point is to be able to come up with an agreement on ancestral domain.” The MILF has a political position on the issue, and argues that a political agreement must come first before any exploitation of resources can take place, even though members of the MILF peace panel (e.g., Michael Mastura), say that Liguasan marsh is clearly part of natural resources included in the ancestral domain claim of the MILF. And the definition of the ancestral domain is not only a question of land but also of the resources there. “The resources are very important in the creation of wealth...What is important at this point is the ownership and control of resources.” However, until the people can establish control over them, they are not benefiting their rightful owners, so a political agreement must come first.

From the perspective of the government, it owns the Liguasan marsh. The state exercises sovereignty over Philippine territory including the waters and minerals found therein. The same claim of sovereign constitutional powers forms the basis for the Armed Forces of the Philippines (AFP) to enforce their territorial dominion all over the country. At the same time, due to the lack of clarity in policy, the regional government representatives are also present in the area with the belief that it is their right and duty to develop and protect the marsh. They include the Local Government Units (LGUs) of the Provinces of Cotabato, Maguindanao and Sultan Kudarat, claiming their rights as duly constituted authorities chosen by the people; the officials of the ARMM, including its development agencies exercising their powers and mandate under Republic Act 6734 and Republic Act 9054 (the amended ARMM law), and the national development agencies of the government like NEDA, Department of Environment and Natural Resources (DENR),

PNOC-EC (Philippine National Oil Company) and Department of Social Welfare and Development (DSWD).

However, the ARMM has very limited capacity and resources to actually implement their projects. The problem facing the MNLF is that it entered into a final peace agreement with the government in 1996 and many former MNLF leaders have since occupied offices in government (ARMM). The MNLF concept of development was for the Bangsamoro “to have full authority, control and supervision over the exploitation of natural resources including strategic minerals like oil and natural gas in the ARMM areas,” says Attorney Randolph Parcasio, the MNLF chief legal counsel and former Executive Secretary of the ARMM. However, now that its powers are in the best case scenario undefined, and in the worst curtailed, it cannot do very much to actually exploit the resources and get revenue necessary to enhance its capacity to provide services for the population and gain legitimacy. In order to clarify the contradictions and rectify the government policy the ARMM sees as ‘castrating’ its constituents’ rights over the use of local ‘strategic minerals,’ the ARMM’s Regional Legislative Assembly (RLA) is now pushing for an amendment of existing organic act RA 9054. In addition to helping clarify the ownership of the Liguasan marsh oil, such an amendment could also address similar helplessness that the ARMM faces in the central government-controlled exploitation of Lake Lanao by the National Power Corporation (NPC), which supplies about 85 percent or so of Mindanao’s hydroelectricity demand.

While there is no clarity on the ownership and rules for exploitation of the natural resources in the country, the major industries that have received government permits to work in these areas tend not to pay heed to environmental standards, overexploit the environment and further marginalize the local population; the locals also use the resources indiscriminately and pollute. The lack of regulation has led to some dire environmental consequences; however, until the issue of ownership is addressed they will not be resolved. For example, the four major river tributaries of Lake Lanao have been heavily silted for years, impeding the inflow of water down to the lake, preventing the generation of electricity. With the large number of blackouts and brownouts experienced by Mindanao in February 2010, this energy source could have been extremely useful. The

provincial government has proposed the dredging of the rivers several times, but the central government has still to act on it.

### **Recommendations**

“It is not possible to have two peace processes with two different forces to end the same armed conflict in the same territory in relation to the same people. It is not possible to negotiate natural resources with the MNLF and ancestral domain with the MILF. Hence, the GRP must seek to combine the MNLF and the MILF peace processes in order to embark upon long-term peace-building with a solid foundation.” (UNDP 2009)

Combining them is perhaps too much to expect, but clarifying and discussing their role would be useful.

### Short-term Recommendations to the Government

- **The GRP should stop providing contracts and licenses to foreign companies until the issues of ancestral domain are clarified**, showing its good will to the IPs and the Moros.
- In line with the 1987 constitutional recognition of the IPs’ rights to their ancestral lands, **the government should end the practice of allowing mining companies to assert prior rights claims over these ancestral lands.**
- The **private investors and companies** present in **Mindanao should immediately begin complying with international environmental standards** and holding sincere information exchanges with the local IPs about the exploitation of the lands and resources.
- **The government should establish an independent body for informing the local ICCs/IPs about the projects that are to be undertaken in their areas**, as well as their consequences. This would help inform and empower the local communities to voice their real opinion about the use of their lands.
- **The Lumads should be given a voice in the peace negotiations**, since they are also representatives of the indigenous people and have a claim to their ancestral

domains. This will help address their grievances and ensure that they endorse the agreement that will be made, rather than claiming that it is unconstitutional.

#### Medium-term

- **The laws and provisions on ancestral domain and natural resources should be harmonized**, in order to ensure that the provisions of the IPRA are implemented and the rights of the indigenous people are protected. This will help remove some of the feelings of injustice experienced by the Moros and Lumads and entice them to negotiate and allow their leaders to save face before their constituencies if they make compromises.
- Within the government itself, there is poor coordination between the central government and the regional autonomous government, LGUs and other agencies. **Transparency should be improved and clear roles should be established for all the entities** in order to ensure that better services are provided to the population. **An inter-departmental committee with civil society representatives may be established** to approve all extractive industry projects, thereby enhancing cooperation between all the government branches and civil society.
- Transparency may be improved through the **establishment of an independent natural resources extraction review body** that would be tasked with publishing the details of all payments, taxes and royalties made by mining, oil, gas and logging companies.

#### Long-term

- Once the policy clarifications are made and laws and organic acts are enforced, **a temporary agreement may be signed** between the GRP and the ARMM, after local consultations with the indigenous people, **on the development of some of the local projects** (e.g., Liguasan marsh and off-shore oil exploration). The agreement has to clearly indicate the roles and benefits for all stakeholders in order to guarantee a favorable final outcome. **Starting with a project of desilting the rivers in Lanao could actually prove simpler and less**

**controversial**, thereby establishing trust between stakeholders. Such a project would definitely benefit the local community as well as provide more revenue for both the GRP and the ARMM (the revenue-sharing clauses have to be clarified in advance). Since the Liguasan marsh is located in MILF territory, the MILF would also have to be a stakeholder, although it is not clear that this can happen prior to the signing of a general peace agreement.



# **Aid and Development in Mindanao**

**Elena Ponyaeva**

When it comes to conflict and development, two propositions are generally agreed upon. Conflict is a main impediment to economic and human development. At the same time, poverty—the most visible sign of underdevelopment—increases the likelihood of conflict (Collier 2003). Recognizing this close linkage between conflict and development, the international community is increasingly more concerned with how peace-building and development goals can be combined in fragile, conflict and post-conflict states. Over the years, there have been numerous calls to ensure that development assistance contributes to peace-building. However, the challenge that remains is how to do it.

Mindanao, the southern island of the Philippines, is among the places where this challenge is most evident. Prolonged low intensity conflict, combined with clan feuds and natural disasters, resulted in displacement of approximately 750,000 people and chronic poverty of communities (OCHA 2011). While reoccurring cycles of humanitarian assistance provide for immediate needs of the population, conflict affected communities in Mindanao are in dire need of development assistance that would ensure long-term livelihoods. Yet, the goal of development assistance in these communities is not limited to economic development. Its traditional development goals are compounded by the need to contribute to peace-building. This paper explores the dilemmas of aid and development in Mindanao, aiming to add to the debate about effective strategies of aid delivery in conflict-affected areas.

## **Donors and Government Agencies: Coordination Puzzle**

A closer look at the socio-economic development in Mindanao shows a significant development vacuum created by years of reoccurring fighting, population displacement and natural disasters. Conflict-affected areas of Mindanao have the highest poverty incidence rate, the lowest average life expectancy and the highest infant mortality rate in the Philippines. In the Autonomous Region of Muslim Mindanao (ARMM), maternal mortality is twice the national average and average male life expectancy is 11 years less than the national average (OCHA 2011). As the Philippine government struggles to

continue with the peace process and to create a comprehensive development strategy for Mindanao, international development assistance remains a crucial element for addressing the socio-economic needs of the population.

A full spectrum of development actors, from bilateral actors to regional development banks and multilateral institutions, operate in the Philippines. In 2009, net official development assistance (ODA) to the Philippines was \$310 million, out of which donor countries provided \$244 million and multilateral institutions provided \$65 million.<sup>19</sup> The main bilateral actors that contributed to the Philippines ODA portfolio in 2009 were Japan, the United States, Australia and Germany with gross ODA numbers of \$580, \$113, \$85 and \$58 million respectively (OECD 2009).

Not surprisingly, major donors direct significant part of their assistance to the Philippines to conflict-affected areas in Mindanao. The United States Agency for International Development (USAID) is directing 60 percent of its total assistance to Mindanao. USAID projects on the island range from development programs that address socio-economic factors to programs that address governance issues and causes of conflict. The most visible USAID project in Mindanao is the Growth with Equity in Mindanao (GEM) Program, designed to promote economic growth through infrastructure development, workforce preparation, business growth, governance improvement and former combatant reintegration (USAID 2011). The Japan International Cooperation Agency (JICA) also prioritizes socio-economic assistance to Mindanao. In 2006, JICA launched Japan-Bangsamoro Initiative for Reconstruction and Development (J-BIRD) to contribute to the development of conflict-affected areas in Mindanao. This initiative includes grant assistance for Grassroots Human Security Projects (GGP), technical cooperation projects and a development study of socio-economic reconstruction of conflict-affected areas. Among other development actors operating in Mindanao are

---

<sup>19</sup> As defined by OECD, ODA includes grants and loans given by governments and international institutions to recipient government with the goal of promoting economic development and welfare of a recipient country. ODA loans must be granted on concessional terms with at least 25% of a loan having a grant element. ODA includes technical assistance but excludes loans given for military purposes.

UNDP, the Australian Agency for International Development (AusAID), the Asian Development Bank, and the World Bank.

Even this short description of ODA flows and bilateral assistance shows that aid is delivered to Mindanao by a multiplicity of actors and in a variety of ways. The multiplicity of development actors is not unique to the Philippines. Potential negative impacts of fragmentation of aid delivery are well documented. According to Acharya (2006), these costs could be separated into direct transactions costs and indirect transactions costs. Direct transaction costs include time and manpower that recipient governments spend on communicating with multiple donor agencies and on accommodating different procedural norms and requirements of multiple donors (Acharya et al. 2006). Indirect costs of donor proliferation to recipient governments are more difficult to observe but are also significant. To name one, the multiplicity of donors and aid projects complicates the accountability for the outcomes of aid, as no single donor is willing to take responsibility for the overall aid performance in a recipient country (Acharya et al. 2006). The diffusion of responsibility also creates incentives for individual donors to sacrifice activities that contribute to the overall development in favor of activities that promote donor-specific goals (Knack and Rahman 2008). Under these conditions, the importance of donor cooperation cannot be overemphasized.

Effective donor cooperation is even more important in unstable political and security environments like Mindanao. While working in conflict environments, donors have to take into account that development policies that are aimed at reducing poverty can have negative consequences on internal stability. Thus, development should be seen through a ‘conflict lens’ in conflict environments, which implies that donors and agencies should understand how their programs could contribute directly or indirectly to conflict escalation and peace-building (Paffenholz 2007). As JBIC Institute’s report points out, “Despite the fact that almost all development partners in Mindanao share a common view regarding the root cause of the conflict ... their priorities vary in accordance with their policy on Mindanao or their interests. In other words, they share the same fundamental objective but adopt different approaches to pursue this common goal” (JBIC 2008). As a result, harmonization of practices among donors and an overall agreement among donors

on what strategies best address conflict dynamics in Mindanao are necessary to ensure coherence of strategies.

As emphasized in the previous section, the multiplicity of development actors is not unique to the Philippines. The proliferation of development actors and the fragmentation of aid delivery are now prominent trends in aid delivery architecture. A number of policy solutions have been identified at the country level to ensure donor cooperation. Among these solutions is the establishment of a government agency with the authority to streamline and coordinate development work in targeted areas. Unfortunately, this solution for donor coordination became the source of another problem in Mindanao. Instead of a single body, over the years there were multiple authorities created to coordinate development assistance and to promote economic development in conflict-affected areas of Mindanao.

In fact, the multiplicity of donors in Mindanao is matched by the multiplicity of government agencies in charge of economic development. First, there is the Mindanao Development Council (MEDCO), a national government agency based in Davao, Mindanao. Created by Philippine Executive Order 512 in March 1992, MEDCO's primary functions are to "coordinate development in Mindanao and to formulate and implement policies and programs" (Asian Development Bank 2002). The recently created Mindanao Development Authority (MinDA) is another agency that is charged with the economic development of Mindanao. MinDA's vision is "to strengthen the existing MEDCO and to ensure the continuity and consistency of interregional and Mindanao-wide programs as well as to ensure a permanent mechanism that provides a coordinated and rationalized platform for program implementation and monitoring, investment promotion, as well as policy advocacy for Mindanao" (Mindanao News and Information Cooperative Center 2011). The ARMM Social Fund for Peace and Development (ASFP), yet another agency created by Executive Order in September 2002, has a similar goal of fostering sustainable development in Mindanao. As stated on ASFP's website, the agency's "main objective is to reduce poverty and help build sustainable peace in conflict-affected areas in the Autonomous Region in Muslim Mindanao, by financing small-scale sub-projects of social and economic infrastructure with the participation of local communities and by providing technical assistance for strengthening institutional

capacity.” These three agencies clearly have the same functions; yet, it is quite difficult to determine how they cooperate, delegate their responsibilities and compete for funding.

### **GRP-MILF Peace Process and Development in Mindanao**

The causes of armed conflict of Mindanao could be found in the growing marginalization of the Muslim population that accelerated in the last part of the 20<sup>th</sup> century. In 1996, the Government of the Republic of Philippines (GRP) signed the peace accord with the Moro National Liberation Front (MNLF). To date, the government continues to negotiate with the Moro Islamic Liberation Front (MILF), which separated from the MNLF in 1984. The most recent outbreak of fighting between the MILF and the government forces took place in mid-2008 resulting in hundreds of thousands of people displaced from their communities. Instability on the island is further complicated by clashes among clans in competition for land, resources and political positions.

As negotiations between the GRP and MILF continue to move between high and low points, development initiatives in Mindanao continue to depend on the progress of the peace process. Among these initiatives is the Bangsamoro Development Authority (BDA), an agency designed to be a development arm of the Moro Islamic Liberation Front by the GRP-MILF Tripoli Agreement on Peace of 2001. “Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of the GRP-MILF Tripoli Agreement on Peace of 2001” outline the BDA’s responsibilities regarding rehabilitation and economic development, and require government agencies to continue their development activities in coordination with the BDA. Nonetheless, the BDA struggles to become a functional body due to mistrust between the Philippine government and the MILF.

The Philippine government and the MILF see development assistance in Mindanao through different lenses. The government is concerned that development assistance will reinforce unofficial MILF structures in the region. On the other hand, the MILF is concerned that aid will be used for ‘counter-terrorism’ purposes. Both of these concerns are partially justified. Until the peace process between the MILF and the government produces definite results, the MILF will continue to be suspicious of government development initiatives and the BDA will continue to lack capacity.

The Mindanao Trust Fund (MTF), administered by the World Bank, is another development initiative that depends on the progress of negotiations between the GRP and the MILF. Created with the dual objective of promoting the peace process and contributing to the economic development in Mindanao, the MTF conditions disbursements of funds on the final peace agreement between the GRP and the MILF. With continued uncertainty about the conclusion of peace negotiations, the MTF's development objectives are jeopardized by the continued lack of progress in the peace process.

## **Recommendations**

### For International Donors

- **Perform joint peace and conflict assessments across donors.** It is essential to develop a joint understanding of what factors fuel conflict and a joint vision of what factors contribute to peace-building.
- Analyze the existing programs and strategies' relevance with regard to peace and conflict assessment. **Aim to ensure that existing programs and strategies 'do no harm'** in conflict environments on their own and in conjunction with other programs and strategies of other donors.
- **Align with the GRP strategies and policies where possible and advisable.** Pursue a strategy of 'shadow alignment'—alignment behind national systems and procedures instead of recipient government's policies and priorities—where alignment with government strategies and policies is not possible.
- **Agree on practical cooperation mechanisms, especially throughout transition between humanitarian, stabilization and long-term development phases.** These practical cooperation mechanisms may include joint donor offices, an agreed division of labor among donors, delegated co-operation arrangements, multi-donor trust funds and common reporting and financial requirements.
- **Jointly develop indicators to measure the progress of development strategies.**

For the GRP

- **Harmonize, reform and simplify the regional development agencies in charge of rehabilitation and economic development in Mindanao with the goal of creating one institution with authority to streamline development-related work.**



# **Poverty, Economic Development and Peace in the Bangsamoro Conflict**

**Theodros Roux**

The objective of this paper is to determine the role of poverty and economic development in the Bangsamoro conflict opposing the Moro Islamic Liberation Front (MILF) to the Government of the Republic of the Philippines (GRP) and to provide actionable recommendations based on our assessment of the situation. The first part of this study will briefly describe the socio-economic disparities between Mindanao and the rest of the country and seek to determine the role of poverty in the conflict. The second part, will discuss how the different actors—mainly the Bangsamoro people and the MILF in particular—perceive the questions of poverty and economic development. In the third part, I will provide some perspectives on the role that economic development could play in supporting the peace process between the MILF and the GRP. This last part will emphasize the potential contribution of solutions focused on the private sector and ownership in alleviating poverty and reducing violence.

## **Mindanao: the Paradox of a Resource-rich Poor Region**

The objective here is not to conduct an in-depth analysis of the socio-economic variables in Mindanao but rather to highlight the socio-economic disparities between Mindanao and the rest of the country. First, however, it is critical to measure the importance of Mindanao's economic contribution to the national economy. Indeed, to quote Dr. Eduardo Climaco Tadem, professor of Asian Studies at the University of the Philippines Diliman: "The island has been a major performer and a primary contributor to the country's productive capacities and (...) Mindanao's large productive base enables it to contribute significantly to the country's economic growth."<sup>20</sup> More specifically, to cite just a few statistics compiled by Dr. Tadem:

- The island produces 43 percent of the Philippines' agricultural produce and supplies 40 percent of the country's food requirements. In the minerals sector,

---

<sup>20</sup> <http://www.up.edu.ph/upforum.php?i=301>.

Mindanao's share of the national total is about 25 percent. Gold, copper, nickel, chromite and coal are the major mining products of Mindanao as well as silver, zinc, and lead. The world's largest nickel reserves are in northeastern and southern Mindanao.

- The waters around Mindanao and Sulu contribute 32 percent of the country's total fishery products and more than half of the country's total commercial fish catch.
- Mindanao is also the main producer for coffee (75 percent) and accounts for one-third of the national livestock products.
- Mindanao accounts for one-fourth of the country's total export receipts. Its coconut products account for 43 percent of the country's coconut exports, while wood products represent 60 percent of the national total. The country's export of fruits is composed almost entirely of bananas and pineapples. One hundred percent of these exports, comprising 90 percent of Philippine fruit exports, come from Mindanao.

Nonetheless, despite its significant contribution to the national economy, Mindanao lags behind the rest of the country on numerous economic indicators accounting for example for less than 18 percent of the national GDP (Philippines National Statistical Coordination Board 2008). Beyond the economic disparities, Mindanao, also seriously lags behind the rest of the country in terms of human development. Indeed, according to the 2006 UNDP Human Development Index (HDI) the five bottom-dwellers among provinces were all in Mindanao with provinces such as Tawi-Tawi and Sulu displaying HDI scores of respectively 0.332 and 0.326—far below the national average (0.638). These low HDI scores translate into lower life expectancy, higher incidence of poverty and a lower level of education.

**Human Development Index-1 (2006)**

Top Ten	Index	Per capita Income Rank minus HDI rank	Bottom Ten	Index	Per capita Income Rank minus HDI rank
Benguet *	0.787	0	Romblon	0.487	2
Rizal*	0.725	6	Zamboanga del Norte	0.487	2
Cavite *	0.718	4	Eastern Samar	0.484	-3
Bataan *	0.716	0	Sarangani	0.475	-3
Laguna	0.708	0	Masbate	0.457	2
Pampanga	0.706	0	Lanao del Sur	0.445	0
Ilocos Norte	0.700	2	Basilan	0.434	1
Batanes	0.699	-5	Maguindanao *	0.430	-6
Nueva Vizcaya	0.699	-7	Tawi-Tawi *	0.332	1
La Union	0.692	4	Sulu *	0.326	-1

Mindanao, therefore, displays the paradox of a resource rich but relatively poor region within the Philippines. We should, however, be cautious in establishing causal relations and concluding that poverty is a root cause of the conflict opposing the MILF to the GRP. Indeed, in analyzing conflicts, it is important to resist the temptation to apply pre-established frameworks and to jump to conclusions. The link between poverty and conflict is not only complex and indirect but also, according to some scholars and conflict management practitioners, has yet to be clearly established. In addition, it is essential to realize that poverty is not only the result of unequal patterns of distribution but also a question of perceptions and relative deprivation. This question of perception is particularly interesting in this conflict because if the issue of poverty and economic development—or lack thereof—is certainly a key dimension of the Bangsamoro conflict there is no consensus among the actors involved and in the literature on whether or not poverty is a root cause of the conflict.

### **Economic Development: Perceptions, Divergences and Biases**

While the MILF argues that poverty, more than a root cause, is a direct consequence of the injustices to the Bangsamoro and that the main bone of contention is the issue of self-determination, the official view of the GRP is that the Bangsamoro conflict derives mostly from the state of under-development of the Mindanao province (SAIS Group Meetings with Bangsamoro Civil Society, MILF and GRP representatives, January 2011). In an attempt to reconcile these two positions we asked the MILF peace negotiation panel if

economic development could contribute positively to the peace initiatives between the MILF and the GRP.

From that perspective, it appears that the MILF views economic development as a secondary issue and believes that economic development should and will happen only when the core issues related to self-determination—including the question of ancestral domain and self-governance—will have been addressed. The MILF, in that sense, sees economic development as a diversion and feels that the focus should remain exclusively on the core issues. In response to our question, a senior official of the MILF peace panel even characterized economic development as a “counter-insurgency tool of the GRP.”

To clarify the MILF position and correct any potential bias, we then asked various interlocutors in Mindanao what they felt were the major priorities of the Bangsamoro people and in particular, the youth. Although all mentioned that the two answers cannot be dissociated and/or looked at in isolation, it is interesting to note that “opportunities” systematically preceded “right to self-determination.” This point was supported by testimonies from IDPs, ARMM officials as well as numerous young Bangsamoro men and women interviewed during the duration of our stay. “Self-determination” and “identity” issues were always mentioned but in terms of priorities, contrary to the MILF’s position, “economic development” and “opportunities” always came first. The best illustration of this point came from IDPs we interviewed who mentioned that they were certainly supportive of the MILF cause and perceived the MILF as the best representative of their interest, but when asked about their hopes for themselves and their children they replied: “We want to go back to our farms and receive some support—fertilizers and planting techniques. For our children I want education and opportunities.” “We support the ideas of the MILF but we are not part of it. We are too busy surviving” (SAIS Group Meetings, Cotabato City, 21 January 2011).

The next objective was then to explain the disconnect between the aspirations of the Bangsamoro people as expressed in these testimonies and the position of the MILF.

I consider two hypotheses:

- i. First, a bias held by the MILF leadership due to their strong desire to maintain the focus on the political agenda and the core issues of self-determination.

- ii. Second, a misconception by the MILF leadership of what economic development means or could mean for the Bangsamoro people.

Although the first hypothesis could be part of the explanation, it does not appear that this bias is the major reason for the rebel group's singular views of economic development. The MILF certainly wants to maintain the focus on the political agenda, and its bias could be explained by the generational gap between the leadership of the movement—which has been fighting for the last three to four decades—and the younger generations. However, even though those could be valid arguments, it is essential to keep in mind not only that the MILF fights for the self-determination and the dignity of the Bangsamoro people, but also that the vast majority of the Bangsamoro people support and trust the MILF as a legitimate representative of their interest. Since economic development could only contribute to restore this dignity, there should be no reasons for the MILF to oppose it. In other words, it is improbable that the intention of the MILF is to keep the Bangsamoro people poor while focusing exclusively on the political agenda.

On the other hand, the second hypothesis seems to provide a better explanation. Indeed, the reservations of the MILF and the majority of the Bangsamoro civil society towards economic development seem to derive from their conception of economic development. From that perspective, it is interesting to look at who are (and have been) the main providers of economic development in Mindanao i.e., international donors and the central government. According to most local actors, and as reflected by the socio-economic indicators, four decades of traditional international aid and national redistribution have produced relatively little result on the ground. The objective in this paper is not to perform an assessment of aid effectiveness in Mindanao over the last decades. However, it is important for our analysis to note that, despite the substantial sums injected over the last decades, international aid has contributed only marginally to reduce the socio-economic disparities between Mindanao and the rest of the country.

Economic development as delivered by the central government seems to be at the heart of the problem and can explain the MILF's reservations on economic development. Tadem (2010) rightly notes: "Mindanao development strategies are driven essentially by the Philippine state's objective of integrating the southern economy into the national

mainstream. The focus is on large-scale infrastructure development to attract investments in export-led and market-driven growth(...)Scarce attention, however, is paid to the actual needs of Mindanao's peoples such as directly addressing poverty and inequality."

The MILF grievances on this question are closely related to broader questions of self-governance and autonomy. The region, for example, has very little control over its resources and the Autonomous Region in Muslim Mindanao (ARMM) relies heavily on the central government's budgetary transfers for its administration and delivery of public services. According to a study conducted by the World Bank, "the central government control of the bulk of the ARMM expenditures underlines governance issue of a legally autonomous regional government that has no more real or practical autonomy in deciding the level and allocation of funds...Furthermore, the structure and itemization of the national government budget for ARMM is too detailed and gives no flexibility for management discretion and accountability" (2003, 29). On a related note the ARMM, despite the fiscal autonomy granted by the Organic Act, lacks the capability and resources to effectively raise taxes.

The MILF therefore feels that unless these core questions are addressed, economic development programs initiated by the central government, such as the infrastructure development program announced in 2009 by Gloria Macapagal Arroyo, should be viewed at best as band-aid solutions or a carrot from the central government to influence the negotiations. In addition, according to the MILF, this type of economic development has not only failed to produce sustainable result but is counter-productive as it perpetuates as a vicious circle of dependence, poor governance and corruption. These problems are exacerbated by serious trust issues between the two parties and the high-level of corruption and cronyism in the Philippines.

The following section looks at ways to reconcile the MILF approach with the aspiration of the Bangsamoro people and the GRP position and discusses the outlines of economic development that could support the peace process.

### **Economic Development and Peace Initiatives**

Two of the most respected third-parties involved in the peace process—the International Monitoring Team (IMT) and the Archbishop of Mindanao His Excellency Orlando

Beltran Quevedo (SAIS Group meeting, Cotabato City, 21 January 2011) both argued that economic development *does* have a role to play in any durable peace process between the MILF and the GRP. The IMT explicitly noted in its final assessment that “increased economic development is crucial in motivating people’s support towards the ongoing peace process and reducing people suffering.”

Economic development not only holds the potential to address one of the main grievances of the Bangsamoro people—the need for opportunities—but can also lower the level of violence and tension, thus producing a conducive environment to the negotiations by addressing another key grievance of the Bangsamoros—the need for recognition and dignity. In addition, stronger economic foundations in Mindanao, far from hindering the political negotiations, can only contribute further to a lasting and sustainable peace. However, the failures of the past call for a new approach to economic development in Mindanao, an approach that has the potential to bypass the central government and traditional forms of international aid and that seeks to minimize the impact of corruption, poor governance and the inefficiencies of top-to-bottom solutions to poverty. The type of economic development that has the potential to achieve this objective builds on the concept of enterprise solutions to poverty, which consists in fostering entrepreneurship and leveraging private sector initiatives to alleviate poverty. Grassroot solutions to poverty should be based on the needs of the population and supported by a private sector-led approach to development. These types of enterprises solutions have many advantages. First, they break the cycle of dependence. Second, they provide the appropriate incentives for a more sustainable economic development. And third, by allowing the people to take ownership of their future, they contribute to restore their dignity. Given the fact that the dignity issue is at the core of the conflict, we can easily see how these solutions hold the potential to reduce tensions.

Many of the complaints we heard from the Bangsamoros people were related to discrimination particularly concerning education and employment. Yet, Mindanao, despite its relative poverty, is a resource-rich province and opportunities are there to be taken. From that perspective, it is interesting to note that with some capacity building efforts and by fostering entrepreneurship, the Bangsamoros, with the appropriate support, are uniquely positioned to leverage these opportunities and take ownership of their future.

They should undertake these development initiatives even while the MILF and the GRP are at the negotiation table. An interview conducted with an IDP we met in Mindanao, clearly supports this point: when asked what he needed the most, he mentioned without hesitation, “support for entrepreneurship.” (SAIS Group Meeting, Cotabato City, 21 January 2011).

This approach has in a sense started in Mindanao with USAID’s sponsored Growth with Equity Program in Mindanao (GEM). Holistically, GEM contribute to the creation of an enabling environment required for sustainable economic growth<sup>21</sup>. Building on David Kilcullen’s doctrine (2009), the GEM program seeks to preserve cultural identity and promote long-term peace through sustainable economic growth. Throughout Mindanao, GEM operates with a special focus on the Autonomous Region in Muslim Mindanao (ARMM) and other conflict-affected areas of Mindanao. The GEM program’s Business Growth pillar, which focuses on business support organization development, targeted commodity expansion and developmental investment promotion, has been delivered in partnership with the Mindanao Economic Development Council (MEDCO) and has produced some tangible results on the ground and established a strong track record at a relatively low cost. On this basis, I believe that aid in Mindanao should shift more towards these types of programs. Unfortunately, for political reasons, GEM has chosen not to include MILF combatants in its program until an acceptable Peace Agreement between the GRP and the MILF has been reached.

## **Conclusion**

In this paper I analyzed the role of poverty and economic development in the conflict opposing the MILF to the GRP. Acknowledging the fact that poverty is not only the result of unequal patterns of distribution but also a question of perceptions, I then explored and sought to explain the various perceptions and biases of the different actors involved in this conflict. From there, I tried, not only to better understand the MILF leadership’s position but also to reconcile the views of the MILF leadership with that of the Bangsamoro people, who do recognize the MILF as a legitimate representative of their interest. My conclusion is that economic development has a role to play in

---

<sup>21</sup> <http://www.ndu.edu/press/mindanao.html>.

supporting the peace process; however, I argued that the level of mistrust between the MILF and the central government, combined with the failure of traditional international aid, call for a new approach to poverty alleviation and economic development in Mindanao. My view is that economic development initiatives in Mindanao should focus on private sector oriented initiatives tailored to the needs of the populations and shift towards entrepreneurship, ownership and capacity building. Such initiatives, such as the GEM program initiated by USAID, have numerous advantages and hold the potential to support sustainable peace efforts by providing better opportunities, breaking the circle of dependence and lowering the sense of relative deprivation.

### **Recommendations**

In providing recommendations to the different actors involved in this conflict, it is important to emphasize that addressing the poverty question alone will not solve the conflict in Mindanao. This conflict has other critical and complex dimensions that have to be addressed for peace to be reached in this four decades-long conflict. However, providing the right type of economic development can not only contribute to lower the tensions, thus creating a conducive environment to the on-going peace negotiations, but also build the foundations of a sustainable peace in Mindanao.

#### To the GRP

- **Acknowledge the status of the relative poverty of Mindanao in comparison to the rest of the country.**
- Recognize that poverty if not a root cause, is a proximate factor of the conflict and that **economic development has a critical role to play in supporting the peace process.**
- **Promote economic development initiatives in Mindanao independently of the peace talks** as linking these two issues appear counter-productive in supporting the latter. **In addition, economic development initiatives in Mindanao should not be undertaken** with the sole objective of integrating the province's economy into the national mainstream. From that perspective, the development strategies of the GRP should shift their focus from promoting the large-scale infrastructure

development designed to attract investments in export-led growth to more sustainable and inclusive programs.

- **Reinforce the economic governance capacities of the ARMM**—including the capacities and resources to raise taxes—and support a greater autonomy of this entity in managing and disbursing the funds transferred by the central government.

#### To the MILF Leadership

- Acknowledge the fact that in addition to the questions of self-determination and identity, **another major concern of the Bangsamoro people in Mindanao—particularly the youth—is the need for opportunities and greater economic development.** This is particularly important not only to reconcile the MILF with its base, but also for the MILF to maintain its positions as a legitimate representative of the interest of the Bangsamoros.
- **Recognize the importance of greater economic development in supporting the peace process** and in building a durable peace in Mindanao.
- **Support economic development initiatives and collaborate with development actors** including local and international NGOs, DFIs and the ARMM.

#### To International Donors, Development Finance Institutions and NGOs

- **Acknowledge that the level of mistrust between the MILF and the central government, combined with the failure of traditional international aid require new approaches to alleviate poverty in Mindanao and encourage economic development.**
- **Recognize that private sector oriented strategies, have numerous advantages and hold the potential to support sustainable peace efforts** by providing better opportunities, breaking the circle of dependence and lowering the sense of relative deprivation.
- **Design, promote and implement private sector oriented development strategies tailored to the needs of the population and focused towards entrepreneurship, ownership and capacity building.**

- To the GEM program in particular: **start engaging the MILF leadership and the MILF combatants in its Livelihood Enhancement and Peace (LEAP) program.**



## **Part III: Fundament Issues to be Negotiated**



# **The Inter-Religious Dimension of the Conflict in Mindanao: Catholic Leadership for Peace**

**Julia C. Schilling**

## **The Religious Dimension of the Conflict**

### Religion

Extensive research has been conducted about the influence of religion on intra- or inter-state armed conflicts and their settlements. In a recent publication, Isak Svensson (2007, 944, 937) distinguishes between specific religious demands made by the conflicting parties on the one hand and mere religious affiliation that gives rise to different religious traditions of the parties on the other hand. He argues that “when the belligerents raise conflicting religious positions regarding the state, then the subjective value [of the state] will be increased.” A distinction must therefore be made “between religion as part of group identity and religion as part of the incompatibility.” The former does not preclude a peace process, whereas conflicts where strong religious claims have been made are less likely to be settled through negotiations.

This report will argue that in the civil war in Mindanao no incompatible religious claims with a subjective value for Muslims and Christians regarding the state have been made. Separation of church and state is guaranteed by the Constitution and this has not been called into question during the ongoing peace talks. Filipinos, and especially people in Mindanao, consider Islam and Christianity as the defining factors of group identity, but religion has not been found to be the basis of fundamental incompatibilities in the conflict. Religious differences are not the root cause of this conflict. However, religious identity, together with social, economic and political inequalities, is what eventually triggered the war in the Philippines in 1972 after several decades of injustices and suffering on both sides.

Therefore, as will be explained, even with the existence of different religious identities and traditions, peace in the Philippines is possible. However, the underlying forces of these religious affiliations and their possibly negative influence on all stakeholders in the conflict cannot be dismissed. It is the task of Muslim and Christian

leaders alike to actively promote a multi-religious and multi-cultural society at the political leadership level and at the grassroots level.

### Muslims and Christians in the Philippines and in Mindanao

#### *Brief Historical Overview*

Islam was brought to the Philippines in 1380 when Muslims settled on the islands of Sulu and Tawi-Tawi. They established first sultanates in Mindanao in the mid-15<sup>th</sup> century.

In 1565, the Philippines became part of the Spanish Empire and General Miguel Lopez de Legazpi initiated three centuries of Spanish colonial rule. Christianization was one of the main goals during this period. With reference to the Arab ‘Moors’ in Southern Spain, Muslims in Mindanao were called ‘Moros’ by the Spanish rulers. As a result of the Spanish-American War, the United States claimed the territory of the Philippines, including Mindanao and the Sulu Archipelago in 1898. The Moros successfully resisted the Spanish as well as the American rulers and made up approximately 98 percent of the population in Mindanao and in Sulu at the end of the 19<sup>th</sup> century (USIP 2005, 1). In 1946, the Treaty of Manila established the Republic of the Philippines and the country gained independence from the United States. Despite petitions submitted to the U.S. Congress by Mindanaoans, the island and the archipelago was made part of the new Republic of the Philippines that ranged from Calveria in Northern Luzon to Sarangani in Southern Mindanao.

Soon afterwards large-scale Christian migration to Mindanao, which had already begun in the 1930s and was now strongly supported by the government, began. Moros started claiming their right to self-determination, which was not being granted, and less than thirty years after independence a civil war erupted in the Philippines. Until today, the conflict has been mostly limited to the island of Mindanao and the Sulu Archipelago. The Moros call this region Bangsamoro (homeland of the Moro) and do not regard themselves as Filipinos. For most of them a Filipino is a Christian who is governed by a Christian government with Christian leaders.

Today, this division of society however does not exist merely along religious lines. All Mindanaoans—be they Muslim or Christian—share equal standards of living and face the same challenges. Muslims as well as Christians of Mindanao are not strongly

attached to the North. Nevertheless, as will be seen in the following section, religious differences do play a role in the Philippines.

### *Christianity in the Republic of the Philippines*

The Republic of the Philippines is considered the largest Catholic nation in Asia, and the late Pope John Paul II paid two visits to the Philippines. All thirty members of the current government including President Benigno Aquino III and Vice-President Jejomar Binay are Christians and Roman Catholics.

There are sixteen Archdioceses and 56 Dioceses in the Philippines. Mindanao is divided into five Archdioceses: Cagayan de Oro, Cotabato, Davao, Ozamis and Zamboanga. There are 86 ecclesiastical territories with Archbishops and Bishops presiding over them (Catholic Bishops' Conference of the Philippines, 2011). The Catholic Bishops' Conference of the Philippines has 95 active members. Due to the hierarchical and well-organized structure of the Catholic Church of the Philippines, it can rely on an international network—also concerning financial matters. This hierarchical structure stands in stark contrast to the way Muslim communities are organized. Muslims of the Philippines are part of the global *ummah*. The Ahmadiyya Muslim Community, established in 1985, is divided into nine local chapters across the country and has established six of the largest mosques in the Philippines.

### *Facts and Figures*

According to UNDP, there were 93,616,900 people living in the Philippines in 2010. On the island of Mindanao, the population numbered approximately 22 million. 81 percent of Filipinos are Roman Catholic; five percent are Muslim (CIA World Factbook, 2010). The majority of Muslim Filipinos (Moros) lives in the Western parts of Mindanao, which constitute the Autonomous Region of Muslim Mindanao (ARMM). There are 2.8 million people living in the ARMM provinces of Maguindanao, Lanao Del Sur, Basilan, Sulu, Tawi-Tawi and in the City of Marawi. Not all of them are Muslims.

The Philippine Human Development Report of 2009 presented the following data: Life expectancy in 2006 was highest in the Northern island of Luzon and it was lowest in areas of Mindanao: La Union, Bulacan and Ilocos Norte had life expectancy rates ranging

from 73 to 74.6 years, whereas these rates were between 53.4 and 57.6 years in Maguindanao, Sulu and Tawi-Tawi. In the same year, the high school graduate ratio was highest in Beguet, Luzon (76.6 percent) and lowest in Davao Oriental (29.9 percent), Sarangani (28.4 percent) and Sulu (23.1 percent), all three of which are regions located in the ARMM. When looking at real per capita income, seven provinces out of the lowest ten are located in Mindanao and on the Sulu Archipelago: In Basilan, Sulu and Tawi-Tawi real per capita income ranges from 6,664 Philippines Pesos (153 USD) to 12,206 Pesos (281 USD). All top ten provinces are located in Luzon with real per capita income ranging from approximately 29,546 Pesos (679 USD) to 36,355 Pesos (836 USD). According to the Human Poverty Index (HPI), Laguna, Bataan and Bulacan ranked highest, whereas Sulu, Maguindanao and Tawi-Tawi ranked lowest. The HPI measures deprivation beyond income poverty and also takes longevity and primary education measures into account (Philippine Human Development Report 2009, 102, 103, 109, 117).

The above numbers prove the strong division of the society of the Republic of the Philippines—into North and South. This is not necessarily a direct division along religious lines. However, economic power is in the hands of the Christian North and so is political power. This division might not be felt by Mindanaoans. Ultimately, economic strength and political influence lie in the hands of the Christians in the Philippines and the result is an indirect division along religious lines. As will be seen in the next section, despite these facts, when envisaging a peace agreement for Mindanao, Christians on the islands are among those who most strongly oppose the granting of self-determination and the expansion of autonomy for Muslim Mindanao. They fear loss of land and limitation of their rights as Christians if they are forced into living under Shari’ah law.

## **Supporting and Opposing a Settlement**

### Active Support of a Settlement

General support for the cessation of violence and for the end of insecurity, as well as for a peace agreement in Mindanao, is widespread across all denominations and levels of society in the Republic of the Philippines. Muslims and Christians alike suffer from the

civil war—especially the ones in Mindanao. Muslims and Christians advocate peace. This support is however not unanimous.

What separates the large group of advocates can be summarized in two categories: First, there is the question of whether support for the peace process is active by openly and strongly advocating a peace agreement or whether it is rather passive and through general rhetoric. Second, there may be active support for peace in principal. However when it comes to formulating specific strategies, ideas and proposals of what a settlement of the conflict may look like, and when it comes to advocating such a proposal at all levels of society and across all religious groups, the number of supporters becomes quite small. The following peace advocate is one of very few among Christian Filipinos in general and among the Catholic hierarchy in particular.

#### *Archbishop Orlando Beltran Quevedo*

The Archdiocese of Cotabato covers a population of about 1.5 million people, 52 percent of which are Catholics in parts of Cotabato, Sultan Kudarat and Maguindanao. Twenty-four parishes with approximately 67 priests as well as seminaries, one university, colleges and schools belong to the Archdiocese of Cotabato.

Most Rev. Orlando Beltran Quevedo has been the Archbishop of Cotabato since September 8, 1998. With reference to the above mentioned categories, he can be considered an active supporter of peace with specific proposals for a future peace agreement. However, his strong advocacy for peace in Mindanao represents a minority view—especially among the Christian population of the country. His proposal for comprehensive peace incorporates three main aspects: territorial integrity, self-determination and juridical sovereignty. Between 1930 and 1960, the Moros rapidly became a minority in Mindanao. Traditional leadership structures led to a lack of political power and injustices. According to Archbishop Quevedo a peace process must therefore find a way to combine the granting of the right of self-determination for the Moro population and the preservation of national integrity.

In his activism for peace, he reiterates the words of the late Hashim Salamat who was the leader of the Moro Islamic Liberation Front (MILF) until his death in July of 2003. In early 2000, Salamat showed great willingness for continued peace negotiations

with the Philippine government. His reasoning was that a peace process can only be based on the current situation of land distribution in Mindanao and past grievances should not hold up negotiations. Archbishop Quevedo adds on to this view when he strongly criticizes the myths surrounding the failed Memorandum of Agreement on Ancestral Domain (MOA-AD) of 2008. Christian farmers in Mindanao feared that they would lose their land, be left marginalized and be governed by Shari'ah law in a theocratic state. These views were echoed by the majority of Christians in the country. Because of such deeply rooted concerns about land loss, Archbishop Quevedo also emphasizes the need to define clear boundaries of the *barangays* (Tagalog: *village, district*) so that it can be easily determined which districts can be made part of the Autonomous Region of Muslim Mindanao (ARMM) through a referendum.

In light of the renewed fighting that erupted after the break-down of the MOA-AD in 2008, the Archbishop issued a statement that included the following appeal:

“For the sake of our evacuees and in the name of our one God of Peace, end your war! Go back to the negotiating table. Let the thousands of evacuees return safely to their home. Collaborate with one another towards this objective. *Together*, rehabilitate their destroyed properties. Give them another chance for a truly human life. With the grace of the Most Merciful, Most Beneficent, Most Compassionate God, *the one unique God we all believe in*, there is no human conflict that cannot be solved through a genuine honest dialogue of the heart.” (Archbishop Quevedo, 23 July 2009)

Archbishop Quevedo has identified four challenges that must be met as necessary ingredients for peace: First, there is the recognition that all Catholic priests should be made active partners in this cause and that their education must lead towards this goal. Prejudices against the Moro people persist. One way of addressing these is through work at the community level in all parishes. All priests must be made active advocates of peace.

Second, the Muslim members of the peace panel together with Muslim community leaders should issue a binding and clear statement to again address the fears of the Christian communities in Mindanao. Skeptics on all sides should understand that

Muslim independence is not on the agenda and that the integrity of the territory is not being questioned. Christians who are part of the majority in Mindanao today might become the minority in a *barangay* if people there vote to become members of the ARMM. Marginalization and discrimination based on minority-majority relationships cannot and will not be part of a peaceful Mindanao. Nevertheless, such a binding statement would also have to include specific guarantees regarding minority rights. In 2008, the Archbishop explained the following: “The MOA expressly enjoins that ‘Vested proprietary rights upon the entrenchment of the Bangsamoro Juridical Entity (BJE) shall be recognized and respected subject to paragraph 9 of the strand on Resources.’ [...] By such reference, *privately owned farms and other properties would be respected* by the BJE.” (Archbishop Quevedo, 6 August 2008)

Third, representation of Muslims such as in the government of the ARMM but also in the Office of the Presidential Advisor on the Peace Process (OPAPP) needs to be increased. The voices of those affected need to be heard and a more equal representation sends a first message in a process that will eventually enable the people of Mindanao and all Filipinos to live in one society where all opinions are brought to the table.

Fourth and finally, in light of a more equitable representation and sustainable peace, everybody and especially all people at the grassroots level must be included in the peace process.

### A Strong Opposition

As stated above, Archbishop Quevedo still represents a minority in the Philippines and his proposals have not been heard by everybody. It is not an anti-peace rhetoric that the Catholic Church engages in but rather an indirect and subtle resistance. In October 2005 Archbishop Fernando R. Capalla of Davao, one of the Conveners of the Bishop-Ulama Conference (BUC), issued a statement that contained the following lines: “In the midst of armed conflict, the Bishop is a shepherd who, while *exhorting his flock to assert their rights*, must always remind them that Christians are obliged in all cases to reject vengeance and to be prepared to forgive and to love their *enemies*.” (Archbishop Capalla, 17 October 2005) In light of a resolution of the conflict in Mindanao, everybody’s rights have to be granted. However, with a lack of a definition of specific rights and with a

continued referral to enemies, statements like the one above might create unnecessary and hindering apprehensions.

Three years later and only a few weeks before the MOA-AD was planned to enter into force, Fr. Antonio Samson, President of the Jesuit-run Ateneo de Davao University expressed strong concerns about the agreement in a meeting with government and peace panel representatives in Davao City. He noted that the MOA-AD had no provisions with reference to the Constitution of the Republic of the Philippines, which should be the framework in the negotiations. Fr. Samson furthermore questioned whether the provisions of the MOA-AD could be generally reconciled with existing laws, and he expressed concern about limited control of the central government in the Ancestral Domain: “What is it? Is it still part of the Philippines? Will there be a foreign country in place in Mindanao? It is not clear to me what this animal is.” (Fr. Antonio Samson, 15 August 2008)

As a result of far-reaching political and economic concerns of Christian leaders and residents, Christian politicians filed a suit with the Philippine Supreme Court (Thomas Lum 2011, 14) because the “MOA-AD cast some uncertainty over the future of investments in Mindanao and was ostensibly a threat to the economic and political base of the Christian political elites who stood to lose part of their territory to an expanded BJE.” (Lara and Champain 2009, 17) The Supreme Court proceeded to issue a temporary restraining order to block the MOA-AD in October 2008.

The break-down of MOA-AD in 2008 sparked renewed fighting between the Armed Forces of the Philippines (AFP) and MILF and led to several casualties and hundreds of thousands of internally displaced people (IDP). However, North Cotabato Vice Governor Emmanuel F. Piñol’s reaction to the failed MOA-AD ratification echoes what a large share of the Filipino population believed at that time:

“Today, we, the ordinary Filipino people, celebrate an extra-ordinary day in our lives as we savor what for us is a manifestation of a long cherished belief that power truly resides in the people. [...] We express our deepest thanks and appreciation to the Honorable Justices of the Supreme Court for listening to our voices however far we are from the center of government and for defending our basic right to demand that we be

consulted on matters that involve our lives and well-being. [...] As we rejoice over the triumph of our struggle to fight for our right to know and be heard, we also fervently pray that peace would finally come to our troubled land. [...] That Divine Intervention by the true Prince of Peace averted a bloodshed of catastrophic proportion that would have divided the nation for years to come.” (Emmanuel F. Piñol, 14 October 2008)

Opposition of Catholic politicians and community leaders is still wide-spread and deep-seated even on an international level. *The Voice of the Martyrs*, an organization that is based in Oklahoma, USA, identifies the Philippines as a “hostile nation” where a “Muslim minority [tries] to establish an independent Islamic state on the island of Mindanao.” Such rhetoric can be extremely harmful for a peace process.

The renewed peace talks in 2011 must take this national and international opposition into account and develop strategies that clearly demonstrate benefits of a peace agreement and that openly address all concerns: All voices have to be heard in an effort to reach sustainable peace in Mindanao. The following section will give specific recommendations for facing the inter-faith challenge in Mindanao.

### **Recommendations: Towards Peace for Muslims and Christians in a Multi-Religious Society**

From the information above it has become clear that the civil war in the Philippines is one of inter-related and multi-layered challenges. Therefore, Francisco Lara and Phil Champain (2009, 5) argue that peace building efforts towards societal change in the Philippines must “develop practical and strategic reforms—since dialogue in and of itself is only a means to an end – [and] work at multiple levels—since managing conflict is the responsibility of many.” The authors report that “the discourses of injustice and discrimination [...] resonate in the proposition that a solution to the historical injustice of land grabbing and economic exclusion perpetrated against the Bangsamoro is to be found in autonomous self-rule, which is critical to achieving peace and development.” (Lara and Champain 2009, 7)

The conflict between government forces and Muslim fighters, which has lasted for almost forty years, is not a purely religious conflict. Lack of education, hunger, poverty, unstable economic conditions, inequalities and poor access to basic services are results and new sources of the conflict. The inter-religious dimension plays a role in the conflict in Mindanao but more as a nation-wide tool for resolving it. Lara and Champain provide an explanation for the break-down of the MOA-AD, which gives valuable insights into how future peace strategies need to be adapted to a new situation in the 21<sup>st</sup> century:

“The peace process actually excluded several groups that could have rallied behind the agreement, including the local business and church leaders sympathetic to the cause of a lasting peace in Mindanao. In addition to the social exclusion experienced by poor Muslims, there exists an equally deep experience of exclusion amongst women and the indigenous people of Mindanao, whose constituencies contain widespread support for lasting peace.” (Lara and Champain 2009, 18)

A precondition for peace will be for every citizen to accept the existence of a multi-religious and multi-cultural society in the Philippines, in which everybody deserves just representation and equal rights. No clear distinction can be made between the importance of the grassroots level, religious leadership level and political leadership level, as an integrated approach towards peace must include strong efforts at all levels.

### Religious Leaders

- Muslim and Christian religious leaders need to understand that they can bridge gaps between the grassroots level and the political leadership level. One crucial aspect is **communication between these two levels**. Unbiased and informed media play a large role in this inter-faith dialogue and in societal understanding. Catholic leaders have been found to be very influential in the Philippines especially in the realm of politics. However, the hierarchy of the Catholic Church of the Philippines is strongly divided when it comes to proposing a strategy for peace in Mindanao. **Internal consensus is indispensable so that the Catholic Church can speak with one voice.**

- The Catholic Church of the Philippines has a strong affiliation with the Vatican. At the same time, victims of the conflict have been calling for more international involvement in this conflict to increase the pressure especially on the government. **The Vatican would be a valuable ally for the international community to positively influence all bishops and priests in the Philippines and make them strong advocates of a peace agreement.**
- The BUC has been an example of inter-religious dialogue at this level. It was established during the peace process under President Fidel Ramos in 1996 and meets for Dialogue Assemblies twice to four times per year. The BUC consists of 24 Catholic bishops, 26 Ulama and 18 Protestant bishops and pastors (Fitzpatrick 2008). It has been a strong advocate of inter-faith dialogue, has given advice in the ongoing peace process, and has been working towards a better understanding of Islam and Christianity in the country. Going forward, **the members of the Conference must make sure that they openly address concerns from the grassroots level in their meetings.** This is the place where challenges can and must be discussed in a frank manner. Furthermore, **these messages and potential solutions for problems that are being raised must then be carried to Manila.** In this regard, ‘friendship among religious leaders’ can serve as a good example for more widespread understanding.
- **The annual Week of Peace should be made a national event** that is being celebrated throughout the country. **The youth programs and the Tripartite Youth Peace Camp, which are being organized in Mindanao, should include more children and teenagers and should take place more regularly.** The conflict in Mindanao can change rapidly and profoundly. Citizens continue to face new circumstances and it is therefore not enough to involve the youth in such initiatives only every other year. Moreover, **constant exchange of information with the Imam-Priests-Pastors Forum must be enabled** and different opinions must be discussed. **The BUC inter-faith dialogue must become present at a national level but should always be grounded at the local level in Mindanao.** The source for inter-faith dialogue is in Mindanao. Ideas and solution must be discussed in Mindanao where the conflict is taking place. But only by carrying

this dialogue to the national level will it be given the weight and influence it needs for truly shaping policy. **The Bishop-Ulama Conference could assume a lead role in communication and dialogue across the country.** Equitable representation of faith groups is key in this process.

Assessing the outcomes of all of these initiatives is crucial when trying to assess whether these means truly lead to the desired ends.

### Grassroots Level

- Without Catholic leaders taking a stronger stance for peace, their communities will not be encouraged to hold politicians accountable for failed efforts in the peace process. When assessing the role of the grassroots level in the peace process, **it is crucial that within Muslim and Christian communities, people speak with one voice.** Advocating peace passionately and strongly can only be achieved if dissenters can be assured of the benefits of peace to all of them.
- **A real impact for sustainable and lasting peace in the future can be made when the youth is reached.** Proper education about the history of Filipinos and Bangsamoro and friendship across religious lines will provide children and young adults with opportunities in the future and will prevent them from following in the footsteps of their parents who have suffered and who may feel grief and anger. Education in schools must not threaten cultural and religious identity, but rather be comprehensive and inclusive.
- In light of a comprehensive peace effort, **NGOs need to partner across religious lines and establish continuous dialogue.** With reference to Isaak Svensson (2007), it is important that conflicting parties are prevented from making specific religious claims, which would only make it more difficult to reach a solution.
- **These exchanges of information should include reports about specific concerns and proposals for a future multi-religious community. Inter-faith dialogue must be accompanied by intra-faith dialogue.** Lara and Champain conclude their article as follows:

“The poor and vulnerable peasant communities (mostly Muslim), women, and indigenous people are the new faces of social exclusion

in Muslim Mindanao, and their continued marginalization from the peace process and the benefits of economic growth present formidable barriers to the cause of lasting peace.” (Lara and Champain 2009, 18)

- Above all there must be **clear political and economic strategies to ensure the inclusion of everybody in the peace process and in a prosperous future.** Mindanao must be made attractive for business investment and local ownership must be guaranteed.

#### Political Level

- Finally, at the political level **there should be a more equal representation of all religious and ethnic groups. Government officials in Manila must be made aware of the violence and suffering in Mindanao and must be held accountable for ongoing violence.** There need to be specific strategies of the government and of the Office of the President’s Advisor in the Peace Process (OPAPP) for addressing the fears and concerns of the people concerning land loss and marginalization in Mindanao. Moreover, **legislation must address the injustices that persist on the island** and should not prevent the peace process from successfully reaching an end in the very near future. Initiating this process from the current status of land division might be the best strategy for the government. It would be highly complex to analyze land distribution in the past. It would however be close to impossible to agree on a specific time as the starting point for analysis. **The government should rather try to provide all Mindanaoans with a fair share of arable land or an equivalent compensation.** It is crucial to understand that any forceful eviction has the potential to start conflicts. A political campaign combining fair shares of land and compensation might be a financial and political commitment but would also provide for a sustainable path towards long-term peace.

### An Integrated Approach for Mindanao

- **Lasting peace** in a multi-religious and multi-cultural Republic of the Philippines **can be achieved through the principle of inclusion.** In view of a successful outcome of the current peace talks in Kuala Lumpur (Malaysia) and Oslo (Norway), **it is the duty of every single person involved in the peace process to avoid making specific religious claims regarding the state.** Different religious identities by themselves do not prevent the current conflict in the Republic of the Philippines from coming to an end, but religious leaders and communities play an important role in solving the conflict. Religion helped to spark the conflict in the 1960s; religion can be a strong driving force towards peace in 2011. Today, Mindanao presents itself as the home of Muslims, Christians and indigenous people. This must be taken as a fact and all other strategies must start from here into a peaceful, just and equitable future for all.

# **Peace talks in Mindanao: What do they really want?**

**Soo Kook Kim**

## **Starting From the 2008 MOA-AD**

The final day of eleven years of peace negotiations between the Philippines Government and the Moro Islamic Liberation Front (MILF) came in 2008. In August, peace panels from both parties as well as observers took off on a flight to Kuala Lumpur en route to sign the historic Memorandum of Agreement on Ancestral Domain (MOA-AD). When they landed in Malaysia, however, an unexpected order from the court was waiting for them. Alas! Their endeavor of the last eleven years turned out to be in vain. The MOA-AD would not be signed. Nor has any other peace agreement materialized since then.

The MOA-AD was a brilliant outcome from both parties and other numerous international facilitators, intended to be a cornerstone for a prospective Comprehensive Compact, or a final peace agreement. However, its collapse at the very last moment demonstrated how fragile the peace process in the Philippines had been. At the same time, it revealed lacunas behind the negotiation scenes. Although the MOA-AD was toppled at the end, it showed a great amount of concessions made from both parties and revealed possibilities for the continuation of peace talks. In this sense, the breakdown of the MOA-AD does not have to signal the doom of peace talks, but rather the outset of another peace process.

The positive contribution to the peace process from the collapse of the MOA-AD was the revelation to the public of the two parties' quasi-bottom lines, or the points below which the negotiators simply would not accept any offers. Before the MOA-AD, it was hard to examine where the government and the Moro people were standing in their political views. Thanks to the announcement of the MOA-AD and the series of counter-attacks toward the agreed memorandum, the arguments of the two parties became more transparent.

Therefore, the following paper will focus on the two parties' position in the bilateral peace process between the Philippines government and the MILF, based on the MOA-AD. First, it will delve into the gaps in demands between the government and the MILF in peace negotiations, which overturned the MOA-AD. In order to gauge their

positions, it will incorporate a notion of “bottom line” from negotiation theory. Then, this paper will see if there is any zone of possible agreement (ZOPA), where both parties could reach a compromise. Lastly, the paper will suggest recommendations to the Philippines government and the Moro community for the short-term, mid-term, and long-term that could be implemented in order to reach a peace settlement.

### **What Do Both Parties Really Want?**

The Government of the Republic of the Philippines (GRP) and the MILF—and the Moro National Liberation Front (MNLF) before them—have been exchanging demands for decades. Yet, the demands from the two sides are sometimes overblown and vague. These shared uncertainties may affect the parties’ abilities to discuss practical concessions and to assess potential mutual benefits. Parties may be unrealistically optimistic about the possibility of agreement as they had been in the cases of the 1996 peace agreement between the government and the MNLF as well as the 2008 MOA-AD. Because of their high expectations from their opponents, the two peace panels agreed on provisions that exceeded what politicians and the public actually were prepared to give up. Therefore, the 1996 agreement was never fully implemented and the 2008 MOA-AD was never signed. Thus, perceiving what each party fundamentally wants is crucial for advancing further negotiations.

In order to gauge what the GRP and the MILF really willing to accept in a new agreement, it is necessary to see what their bottom line is. A bottom line signifies the worst possible outcome that a negotiator might accept. It is often used as the final barrier below which no agreement may be reached (Fisher & Ury 1981, 10; Hopmann 1996). This chapter will see what the bottom lines are in major issues for the Moro people and the Philippine government.

### Bangsamoro

The Consensus Points from the GRP-MILF talks in 2005 indicate that the Bangsamoro—a population of Muslims in the Philippines—have a claim on the “entrenchment of the Bangsamoro homeland as a territorial space that aims to secure the identity and posterity of the Bangsamoro people, protect their proprietary rights and resources and establish a

system of governance suitable and acceptable as a distinct and dominant people” (Lingga 2007, 11). As seen in this statement and also in the MOA-AD, the three major issues in discussion are governance, resources, and territory.

### *Governance*

The ultimate goal for the Moro people is regaining sovereignty in their ancestral domain. They have been requesting autonomy from the GRP since 1946, when the United States granted independence to the Philippines as a single, unitary state. Moro civil society organization members (2011) say that they first demanded total independence from the Philippines, but since the GRP never recognized this claim, they reduced their demands to sovereignty, or the creation of a sub-state. The words “sovereignty” and “sub-state” also became problematic from the viewpoint of Manila politicians, since these arrangements could eventually lead to demands for full independence. As a result, the Moro people trimmed down the words again and settled on the word “self-determination.”

Currently, the Moro people ask for self-determination in three areas, namely political, economic, and social. Politically, the Moro people, who comprise 5 percent of the total Philippine population, constitute only 3.8 percent in the House of Representative of the Republic of the Philippines and are totally absent in the Philippines Senate (Mitmug, 2011; United States Institute of Peace, 2005). As a result, the Moro people have been seriously marginalized in the political realm, and demand greater representation. They also want a democratic electoral system to choose their leaders in the local government, the Autonomous Region in Muslim Mindanao (ARMM), as it has been strongly controlled by the Central Government. The head of ARMM has been chosen by the Central Government—a process which people call “selection, not election” (Montesa, 2011A). The inability to control security in Mindanao also demonstrates the limited power of the ARMM (Payapat, 2011). In short, the Moro people ask for greater political autonomy to rule their ancestral domain.

Economically, the ARMM is a subordinate local government to the Central Government, even though the ARMM is an autonomous area. It is not allowed to allocate financial budgets within its region. In addition, the effort to induce foreign investment in

Mindanao has been futile. A monograph written on the ARMM (Thomas, 2009) argues that foreign companies are not ready to invest in this unstable region. A travel warning issued by the U.S. State Department for Mindanao has also discouraged American investment in the area. Thus, the Moro people demand authority to set their own economic policy.

Socially, the rate of mortality, malnutrition, illiteracy, poverty, and other measures compiled in the Human Development Index (HDI) in Mindanao show that the Bangsamoro people are seriously disadvantaged relative to the rest of the country. According to a leading Filipino newspaper *Inquirer.net* (2010), the Mindanao provinces fared badly compared with other Philippine provinces in terms of HDI. Mindanao's average HDI was only 0.635 in 2003, or 15 percent lower than the national HDI of 0.747. Mindanao's per capita income of \$1,546 is only 59 percent of the national per capita income of \$2,609. Regarding the current state of development, the Moro people are demanding self-determination regarding their development projects.

In brief, the bottom line for the MILF in governance is obtaining self-determination on their ancestral domain. This self-determination includes proper political representation, direct and just elections, financial independence, and development of the region. After listening to claims from the Moro population, the MOA-AD (2008) prescribed the creation of a new Bangsamoro Juridical Entity (BJE) that would have been more independent than the ARMM. Also, the MOA-AD allowed the BJE to establish its own civil service, electoral system, financial and banking system, education, legislation, legal institutions, police, judicial system, and correctional institutions. In addition to this, the MOA-AD Resources strand Article 4 (2008) states that the BJE can form any economic and trade connections with other countries.

At that moment, the Bangsamoro people, satisfied with those provisions, yielded in return on their aspiration to have their own Department of Foreign Affairs, Department of Finance, and Department of Defense (Payapat, 2011). However, as the MOA-AD was not signed, the Moro claims for their self-determination have not been resolved.

### *Resources*

The Bangsamoro people's claim on resources is straightforward, namely a demand for a greater percentage of wealth-sharing between the Central Government and the ARMM. Rich in natural resources, Mindanao has the potential to become an affluent province. Yet, it remains the poorest region in the Philippines. Rahib Payapat (2011) from the United Nations Youth for Peace and Development (UNYPAD) argues that under the current political system, the local government has no power to utilize natural resources in Mindanao and its coastline. According to the Tripoli Agreement (1976), all natural resources within the thirteen areas of Mindanao and Sulu that would comprise the autonomous region belong to the GRP. Consequently, the Bangsamoro people's revenue from the natural resources in Mindanao and its coastal waters is merely determined by Malacañang, the official workplace of the President of the Philippines, and the House of Representatives.

According to the MOA-AD (2008), the BJE would have jurisdiction over all natural resources found in internal waters and ancestral lands. Specifically, the BJE would have the control of exploration, production, and use of onshore and offshore oil and gas (MOA-AD, 2008). The MOA-AD also presented a mutually-agreed percentage ratio of wealth-sharing between the Central Government and the BJE obtained from any resources within the territory. Surprisingly, the newly proposed ratio was 75 percent to 25 percent, in favor of the BJE, given that Manila used to take around 80 percent of income and revenues from natural resources in Mindanao.

The MILF has demanded its share of the ongoing oil exploration in the Sulu region by Exxon Mobil, an international energy corporation. The MILF reminded Exxon Mobil "not to forget that it is operating within the Moro ancestral homeland" and that the "unsigned and yet initialed" MOA-AD has already provided for the future Moro state 75 percent of oil or gas production (*Sun Star*, 2010). Payapat (2011) even suggests that if the Central Government gives full financial independence to the region, the Moro people may be willing to accept the notion of "powerful local government," instead of "sub-state," although this view is not necessarily shared by any Moro leaders.

### *Territory*

The Moro people have been asking to redraw the boundary of their ancestral domain since the ARMM zone was not extensive enough to cover the Bangsamoro territory. Also, they were concerned about Christians and indigenous people residing in Mindanao. A majority of the Christian population does not want to be part of the autonomous region or to support the MILF. Indigenous people, marginalized even within Mindanao, claimed their own right to a decent livelihood, which produced the 1997 Indigenous Peoples Rights Act (IPRA). Thus, the Moro people were asking the Central Government to give them the free choice of joining the BJE.

Consequently, the MOA-AD allowed the BJE to occupy a more comprehensive territory than the initial ARMM area. The agreement stated that “the core of the BJE shall constitute the present geographic area of the ARMM” including six municipalities. In addition, the government stipulates to conduct a plebiscite to choose whether to be included in the BJE, covering the 737 *barangays* (Bangsamoro communities) enumerated in Category A of the Annex. For the other 1,459 areas covered by Category B, the “conflict affected areas” outside the BJE, the Central Government was supposed to conduct a plebiscite in those areas 25 years after the signing of the Comprehensive Compact, a detailed peace agreement mentioned in the MOA-AD. Nevertheless, the MOA-AD was nullified and none of these remarkable provisos is in operation.

### Government of the Republic of the Philippines (GRP)

The Philippine government’s position is complex, with frequent frictions within the government. Disagreements among the Arroyo administration, the peace panel, politicians in Manila, and local government officials were critical enough to undermine the negotiated outcome in 2008. In order to find a feasible peace settlement, this paper will limit the government position to a single actor, the current administration.

Upon examining the October 2008 Supreme Court decision, the issues in Manila become more apparent. The Supreme Court harshly criticized the MOA-AD and declared that it was unconstitutional. The Court says that, “the MOA-AD as designed and crafted runs contrary to and in excess of the legal authority, and amounts to a whimsical, capricious, oppressive, arbitrary and despotic exercise thereof.” (p. 71)

The Supreme Court's decision was based on three major features. First, the MOA-AD was a violation of the 1997 Indigenous Peoples Rights Act (IPRA). Although the MOA-AD (2008) mentions that indigenous tribal communities can choose whether to be included in BJE or not, the Court said it was "not complying with the IPRA" and "transcended the boundaries of their authority" (p. 38). Subsequently, the Court cast doubt on the term "associative relationship between the Central Government and the BJE." The judges argued that the terminology "associated state" has "usually been used as a transitional device of former colonies on their way to full independence" in international practice. They concluded that the concept of association is not recognized under the present Constitution (pp. 41-2). Lastly, the Supreme Court brought up the proposed change to the Constitution in terms of the idea of a "sub-state," addressed in the MOA-AD. The Court criticized President Arroyo for having overstepped her authority. The Supreme Court Justice said that the MOA-AD in fact guarantees the amendments of laws and usurps legislative power (p. 72).

As seen in the Supreme Court decision, the BJE was a far more powerful entity than the autonomous region recognized in the Constitution. Nonetheless, The Court, when stating that "the MOA-AD [...] is contrary to law and the constitution," did not entirely annul the MOA-AD (Diaz 2011, 20). The Court opened the path to follow the MOA-AD, while stating that "proposed amendments to the Constitution when properly done are not unconstitutional" and "the Constitution may be amended to end the Mindanao conflict and bring lasting peace." (ibid.)

### *Governance*

Regarding the amendment of the Constitution, the GRP stands firm on its stubborn position. Bong Montesa (2011B), former legal counsel for the Office of the Presidential Advisor on the Peace Process (OPAPP), says that the ideal outcome for the GRP is for the MILF to accept a certain degree of autonomy that is allowed under the present Constitution. According to his own experience working at the OPAPP, he expects that the GRP will not negotiate beyond what is allowed by the Philippine Constitution. Also, Maria Austria (2011), Minister for Political Affairs at the Embassy of the Philippines in Washington DC, argues that only within the territorial integrity and the range of the

Constitution, autonomy is discussible. Hence, the bottom line appears to be that autonomy of Mindanao is permissible within a formally unitary state, but independence is not. For the GRP, changing the Constitution can be problematic at this point if it appears to undermine the notion of the unitary state.

This bottom line was revealed in the Supreme Court's declaration. When Governor Emmanuel Piñol criticized the creation of the BJE on July 2008, arguing that "the BJE would be tantamount to a separate state with sovereign powers," the Supreme Court accepted his claim, albeit by 8 to 7 margin (International Crisis Group, 2008). Autonomy in Mindanao within the Constitution means far less power than the pure autonomy that the Moro population is looking for. As the MOA-AD was surpassing this bottom line, it encountered hostility from the Supreme Court and national political elites.

### *Resources*

According to the MOA-AD, the GRP would dramatically increase the rights of the Moro people to explore, exploit, utilize, and develop all natural resources found in the Bangsamoro ancestral domain, under the name of "reinforce[ing] their economic self-sufficiency" (MOA-AD, 2008). The Central Government might have thought about giving up a large portion of the resources and gaining something else from the MILF. The current Aquino administration seems to stand on the same line with the Arroyo administration on this issue. Austria (2011) says that the distribution of resources can be discussed immediately. Thus, the bottom line of the GRP in resources is relatively flexible, leaving much room for negotiation.

### *Territory*

The least preferable outcome for the Central Government would be the division of the Philippines territory. Both Austria (2011) and Patricio N. Abinales, fellow at Woodrow Wilson International Center for Scholars, point out that the essential issue in the government's position is to keep the territorial integrity of the Philippines. For the GRP, the bottom line would be that the Republic should not be splintered, with a large portion of Mindanao island separating from the Philippines (Abinales 2011). In fact, the Central

Government originally refused to hand authority to rule the ancestral domain over to the Moro people in 1996.

The GRP is now more flexible on granting land to the Bangsamoro people, but the right of the Christian and indigenous populations residing in Mindanao still raises debates. In MOA-AD (2008), the government offered the MILF 737 villages that could be included in the BJE in addition to those already in the ARMM, which was negotiated in 1996. These 737 villages would have the opportunity to vote in 2009 whether to be included in the BJE. An additional 1,459 villages comprised of a Christian majority population would have the opportunity to vote on whether to be part of the BJE 25 years after the signing of the MOA-AD. However, Eugene Martin, former executive director of the Philippine Facilitation Project at the U.S. Institute of Peace and former U.S. Foreign Service Officer, argues that such a measure could be still unfavorable to the Bangsamoro people. He says that “the agreement called for plebiscites in Mindanao but was worded in a way that unless the province had a Moro majority, the non-Moro population would inevitably reject joining a future BJE. The GRP manipulated the situation so that the Moros had little opportunity to ‘rule’” (Martin, 2011). Nevertheless, the provisions of plebiscites are significant for further discussion, since the Moro people are willing to accept those provisions, albeit they could be less beneficial than how they appear to be.

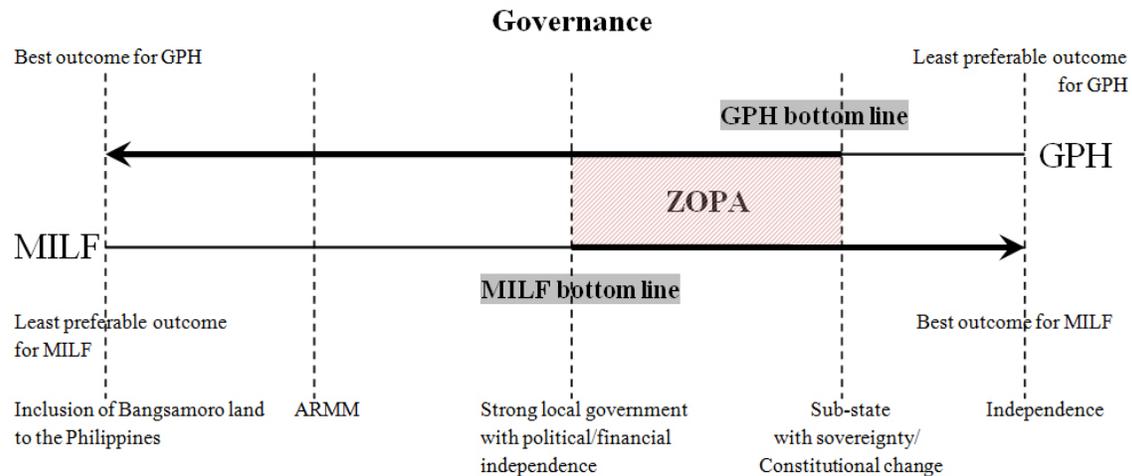
Other impediments to territorial redistribution are controversial regions, such as the province of North Cotabato, which have not easily accepted the creation of the BJE. Although the MOA-AD let local villages choose whether to be a part of the BJE or not, its provisions were viewed as unfavorable in the eyes of politicians in Manila and local officials. Governor Piñol of North Cotabato and Mayor Celso Lobregat of Zamboanga City first brought the agreement to the court, attacking the negotiation process for not seeking their consultation.

As long as local residents compromise on the territory through inclusive consultations and plebiscites, the GRP would be willing to redistribute lands in Mindanao according to the local dwellers’ choice and establish a juridical entity of the Moro people. Therefore, the bottom line for the GRP concerning territorial issues seems to be also low.

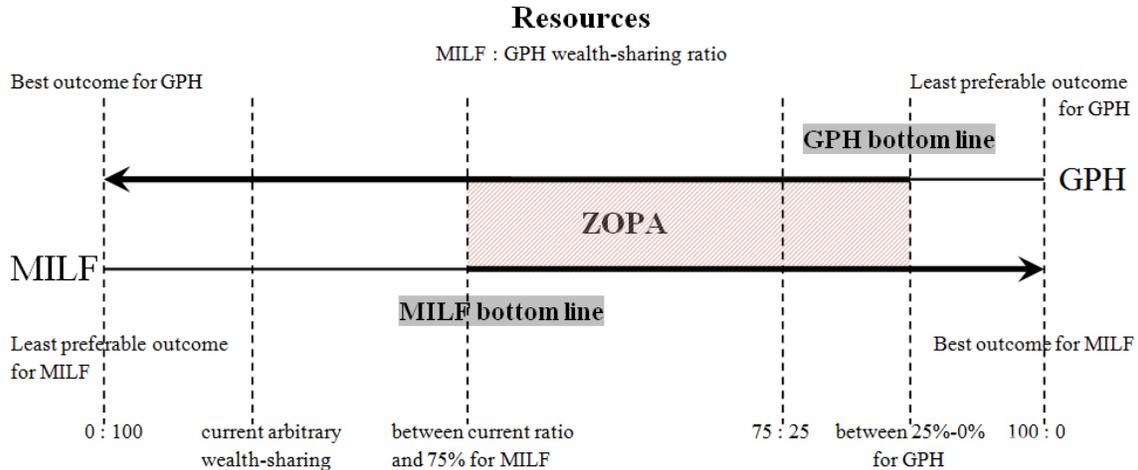
## Zone of Possible Agreement (ZOPA)

Upon investigating both parties' interests, the common ground can be found in three areas: governance, resources, and territory. When observing the MOA-AD and other claims from the GRP and the MILF, two parties have their maximum expected outcome and also their bottom line. The differences between the respective lows and highs of both are their range of expectations. When there is an overlap between these two different ranges, this is called the Zone of Possible Agreement or ZOPA (Lewicki, Minton, and Saunders 1999).

### Governance, Resources, and Territory

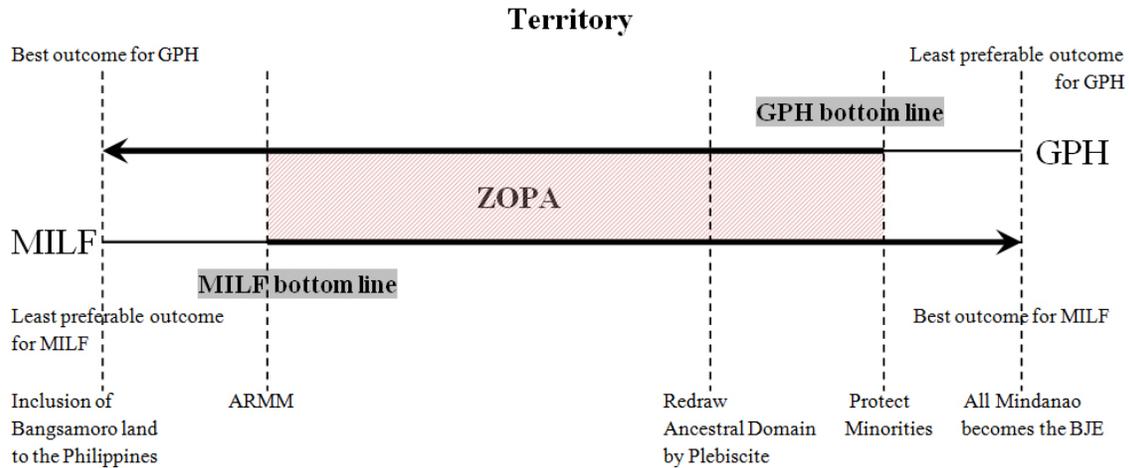


Concerning the issue of governance, the MILF's bottom line for self-determination is greater than the current authority of the ARMM, as previously mentioned. They ask for powerful self-determination in political, economic, and social realms. On the contrary, the GRP's bottom line is the unchanged Constitution, meaning, no separate sovereignty and limited autonomy. Therefore, the degree of autonomy will be negotiated between the two ranges.



The utilization of resources produced in Mindanao is closely related to the financial self-sufficiency of the Moro land. According to the 2003 Organic Act for the ARMM, the revenue from natural resources shall be distributed to the local provinces, the ARMM, and the Central Government, with a respective ratio of 35: 35: 30 (Department of Environment and Natural Resources in the Philippines, 2003). However, the ARMM currently receives very little share of revenue.<sup>22</sup> since Manila arbitrarily decides the wealth-sharing percentage ratio (Papayat 2011). This fact has generated hostile sentiments among the Moro people toward the Central Government. Therefore, the Bangsamoro community has strongly demanded higher returns from the use of their natural resources. In contrast, Manila is relatively flexible regarding the resources. In 2008, the GRP was willing to defer to the BJE its rights to explore, exploit, utilize, and develop all resources (MOA-AD, 2008). In turn, the GRP wanted to talk more about the issue of governance. The proposed ratio of 75-25 in the agreement, which was not challenged by either the Supreme Court or political elites in Manila, indicates that the government still has a lot of room for negotiation on resources.

<sup>22</sup>According to several interviews, the opinion on this current ratio of wealth-sharing between the ARMM and the GRP varies from 4:96 to 20:80. However, the actual wealth-sharing ratio is unknown.



In regards to territory, the MILF seeks more comprehensive territory than the ARMM region. The Moros claim that the existing ARMM territory has not fully represented the ancestral domain, which should encompass ancestral, communal, and customary lands, maritime, fluvial and alluvial domains, and all natural resources therein (MOA-AD, 2008). While the GRP is open to redrawing the territorial boundary of the ancestral domain, they insist that the local residents should agree on it. The government focuses more on the protection of the rights of non-Moro minorities (e.g., Christians and Indigenous Peoples) in all areas of Mindanao. As previously mentioned, peace panels from the two sides agreed in 2008 on conducting plebiscites in villages in Mindanao so that residents could decide whether to be included in the BJE or not. Technically, the two parties found a common way to determine geographic areas of the BJE.

### Other Common Ground

Issues other than governance, resources, and territory—such as acknowledgement of Moro history and reinforcing consultation—should be discussed as well. They help lay down common ground to narrow down the two parties' positions. The inclusion of Moro history in the Philippine educational system is a subject which the two sides generally understand. The process of including Moro history into the textbooks, however, is being delayed. The non-implementation of agreed principles by the Central Government is viewed as the lack of sincerity by the Moro people.

The problem of consultation, addressed in the 2008 Supreme Court decision, is also the part that both parties agree with. It is necessary to consult not only the Christians and indigenous people in Mindanao, but also Manila politicians and various stakeholders. The former Philippine President Fidel V. Ramos (2011) proposes all involved people, including the GRP, the MILF, the militia, politicians, Moro civil society organizations, women, and so forth, gather around a single table and discuss. A comprehensive and transparent consultation as such would prevent the last minute nullification of the eleven year-negotiated outcome. Another reason to consult is to bolster the negotiating power. Abinales (2011) recommends the MILF to reach out to the other communities so that the three “tri-people”—Muslims, Christians, and indigenous—could jointly demand greater autonomy from Manila.

In short, the analysis of bottom lines and ZOPAs reveals that the only difficult issue for both parties would be governance. The GRP and the MILF are greatly flexible with resources and territorial redistribution and they have already found some common ground on those areas. Other issues such as implementation of agreed principles and fortifying local consultation will eventually support the GRP-MILF negotiation by building mutual trust. As the new phase of negotiation has started in early 2011, the public will focus on how the GRP and the MILF will resolve the question of governance within their interests and values.

## **Recommendations**

### Short-term

Today, politicians and the public in Manila still ignore the Mindanao issue and do not actively participate in the peace process. They prefer to remain *in situ* and maintain existing privilege unless the Moro people seriously harm their life. However, they need to realize that the *status quo* in the Philippines is problematic. Some experts predict that the Moro may become violent in order to attract attention (Eugene Martin, personal interview, Washington, DC, 2011). Before anything violent happens, **the Administration, Congress, and the constituencies should be involved together in the peace process.** Attorney Anwar Malang from the Bans-lawyers Network in Mindanao supports this view, saying, “in order for the government to reconcile with the Moro

people, peace process has to start immediately” (Malang 2011) The recent resumption of GRP-MILF talks in February 2011 reflects this view and it will be a great step toward peace in the Philippines.

#### Mid-term

Based on the ZOPA, **the GRP and MILF should form a roadmap for a Comprehensive Compact.** As Martin observes, it is necessary to set up a methodical implementation roadmap after an initial agreement, so as to ensure that it will be implemented correctly and to make adjustments to the agreement if needed (Martin, 2011). **The roadmap should be more practical and less burdensome than the MOA-AD.** During the period of reaching consensus, **the GRP and MILF should continuously work on consultation, polling, and conducting plebiscites to keep up with public opinion.** In this way, the two parties would be able to gain support from the public.

Another way to minimize divergence among stakeholders is for the government to **publicize the Moro issue to the Philippine population.** Then, the GRP should push people to focus on the national interest rather than personal interest (Martin 2011). The government’s effort to bring up the Moro issue to the public and its persuasion of elites and politicians to cooperate in the peace-building process would be the most powerful and transparent method to attain sustainable peace.

#### Long-term

The outcome from the peace talks should be a comprehensive, just, and durable peace in the Philippines (Maria 2011). **The negotiation procedure should also be more inclusive and transparent than in the case of the MOA-AD.** In order to achieve the goal, **the accumulation of small steps to implement existing agreements is crucial to build trust. The panels from both sides should meet regularly every six months after reaching a compromise, to confirm if the agreed steps are being implemented** (Martin 2011). Based on trust, the two parties can finally build a Comprehensive Compact for durable peace.

In sum, the Philippines constituency would acknowledge that peace is not free. They should give up some of their interests to earn a greater benefit, which would bring

stability and peace in the Philippines. Analyzing both parties' bottom lines and the ZOPAs would help not only the GRP and MILF, but also the involved people to distinguish what to demand and what to concede. The GRP and MILF should start contemplating how to include the views of various stakeholders in these peace talks before getting into practical negotiations. The trust-based peace talks should be inclusive and transparent, heading toward a comprehensive, just, and durable peace in the Philippines.



# **Mapping the Boundaries of Self-Determination in Mindanao: Negotiating Autonomy and the ARMM**

**Allison Fajans-Turner**

The *right* of the Bangsamoro to self-determination is an inflexible demand at the heart of the conflict between the Moro of Mindanao and the Government of the Republic of the Philippines (GRP). The *degree, configuration, and process* to and through which the Bangsamoro can self-determine, however, has been and continues to be dynamic and subject to negotiation. Still, a mutually satisfactory mandate on the extent of self-determination and the institutionalized form it will take continues to elude stakeholders to the conflict.

The Autonomous Region in Muslim Mindanao (ARMM) is, by far, the most developed experiment in Bangsamoro self-determination; however, it is manifestly dismissed as deficient and illegitimate, denigrated as nothing more than a “paper autonomy.” The dissatisfaction with the ARMM makes clear that any durable solution to this conflict will have to increase the effective autonomy of the Bangsamoro in Mindanao. The configuration and extent of this autonomy, however, is not only up to question but cast in doubt by the defeat of the Memorandum of Agreement on Ancestral Domain (MOA-AD) and proposed Bangsamoro Juridical Entity (BJE) in 2008.

While not an insurmountable obstacle to resuming talks on self-determination, the Philippine Supreme Court’s (SC) ruling on the MOA-AD has narrowed the Zone of Possible Agreement (ZOPA) that will hold in renewed negotiations between the Moro Islamic Liberation Front (MILF) and the GRP (Diaz 2010, 20-21). Moreover, these events suggest that whatever autonomy arrangement the MILF are likely to win will closely resemble the ARMM, and will, for all intents and purposes, reinforce rather than supplant that institution. If the ARMM will remain at the core of the autonomy apparatus born out of a future agreement, then the systematic disregard with which political, military, and development actors treat the ARMM is a mistake. These stakeholders should reassess their policies of engagement with the ARMM, stop their practice of

circumventing it, and invest resources and effort in making the ARMM a viable authority in Mindanao.

### **Describing the New ZOPA**

On 9 February 2011 the GRP and the MILF returned to negotiations. The previous iteration of talks had collapsed in 2008 when the GRP rescinded its commitment to the MOA-AD and the Supreme Court of the Philippines, shortly thereafter, ruled certain provisions of the agreement unconstitutional. Although political and nationalist agendas motivated the legal ruling of the SC, decision G.R. No. 183591 has imposed severe constraints on the ZOPA that have shaped how it will manifest in the new talks. The Supreme Court ruling on the MOA-AD declared:

The MOA-AD cannot be reconciled with the present Constitution and laws. Not only its specific provisions but the very concept underlying them, namely, the associative relationship envisioned between the GRP and the BJE, are unconstitutional, for the concept presupposes that the associated entity is a state and implies that the same is on its way to independence. (G.R. No. 183591, p. 72)

The SC interpreted the ‘associative’ relationship established in the MOA-AD to be one of near-equality between the Central Government of the Philippines and the BJE (referred to in the decision as a ‘state’). Moreover, the MOA-AD sought to enable areas that had opted through plebiscites to join the BJE, administered in two waves after the MOA-AD, to hold a referendum for full independence 25 years out from the date it was signed (MOA-AD, Art. 4, sec.4). The Supreme Court decided that the “underlying aspect” of eventual independence was “contrary to law” and violated the integrity of the unitary nation-state enshrined in the Constitution of the Republic of the Philippine. The MILF are adamant in their continued *desire* for independence (MILF Peace Panel, SAIS Group Meeting, 20 January 2011); however, in September 2010, they announced they would not bring a demand for independence to the table in recognition that it is non-negotiable for the GRP (Rosauro 2010).

Therefore, the ZOPA for these talks will likely fall between the maximal position the MILF will bring to the table, the MOA-AD stripped of its powers to bestow eventual independence, which may still be intolerable to the GRP (especially in regards to the additional territories the MILF will likely demand), and the existing lower threshold of autonomy, embodied in the ARMM, which is intolerable to the MILF. The MILF have taken further precautions to increase the likelihood that consensus can be found within this ZOPA. The MILF are trying to secure a commitment from the GRP that negotiations with the Aquino administration will not be bound by a constitutional framework (Diaz 2011, 20-21). Without this commitment SC Decision G.R. No. 183591 on the MOA-AD would still hold precedence (a common law element in the hybrid legal system of the Philippines). Instead the MILF have sought to ground the negotiations in paradigms of international law, moving the discussion beyond the reach of domestic checks and balances. Reframing the negotiations to align with international guidelines is one manifestation of a larger MILF strategy to internationalize their conflict.

While the GRP is largely opposed to internationalizing the Mindanao conflict, the SC ruling had also severely curtailed the mandate of the government peace panel and Office of the Presidential Advisor to the Peace Process (OPAPP):

Neither the GRP Peace Panel nor the President herself is authorized to make such a guarantee [the MOA-AD]. Upholding such an act would amount to authorizing a usurpation of the constituent powers vested only in Congress, a Constitutional Convention, or the people themselves through the process of initiative. (G.R. No. 183591)

If the GRP agreed to reframe negotiations in accordance with international law it would release the executive branch from SC-imposed obligations to consult with the Congress on the peace process. By shifting the negotiating arena away from the Constitution, the highly controversial MOA-AD can be resurrected. Although the GRP favors wider consultation in the renewed talks, OPAPP and the executive branch may find reframing the jurisdiction of the negotiations an attractive proposition.

Generally, however, it is hard to gauge the position of the GRP on anything concerning the latest round of talks because they have yet to formulate one. The absence

of a strong and well-communicated GRP position imperils the prospects for agreement and suggests that the level of political will, on the part of the government may not be very high. The GRP has announced two issues they will discuss at the talks, namely General Kato's break-away faction within the MILF [known as the Bangsamoro Islamic Freedom Fighters (BIFF)] and the MILF's Comprehensive Compact, the group's substantive plan on governance. While this announcement shows GRP engagement with the Peace Process, it does little to clarify the Aquino Administration's position on how much effective autonomy it is willing to devolve to the MILF.

Despite or, perhaps, because of these worrying signs, the MILF have taken two further steps to make an agreement more palatable to the GRP and its constituents. First, as of February 2011, the MILF announced they would only ask for seven percent of the expanded territory they had proposed in the MOA-AD (Panares 2011). Second, the MILF have relabeled the kind of 'associative' relationship they are seeking as a "state/sub-state arrangement" akin to the federal relationship that exists between a state in the United States and the U.S. Federal Government (Mastura 2008, 11-15). These further stipulations address two of the most controversial aspects of the MOA-AD: namely, territorial expansion and how 'equal' a Bangsamoro governing unit would be to the national government. The first concession is intended to avoid a similar uproar from landowners and Local Governing Units (LGUs) that brought the MOA-AD to the Supreme Court in 2008. The second stipulation uses the word 'sub-state' to imply a *supra-state*. The new terminology banishes the intentional ambiguity of the former term, 'associative relationship,' and clarifies that the authority of the BJE or its equivalent is subordinate vis-à-vis that of the central government. Semantically, the state/sub-state arrangement connotes autonomy, but the choice of the MILF not to refer to it as an 'autonomy arrangement' is intentional and significant.

Autonomy is a term endowed with very little credibility in Mindanao's historical record. From its early use in the region, the word 'autonomy' has been associated with broken promises and disappointing results. During the 1976 Tripoli Agreement, Nur Musauri and the Moro National Liberation Front (MNLF) blamed the Organization of Islamic Conference (OIC) for coercing them into settling for autonomy in lieu of independence, in betrayal of MNLF trust. The MNLF then withdrew from the "full

autonomy referendum” born out of the Tripoli agreement because they objected to the control the Marcos dictatorship had over the process (Harish and Liow in Rubin 2010, 149-155). The next major bid for autonomy resulted in the ARMM.

The MILF regard the MNLF and ARMM as cautionary tales of limited autonomy. In response to questions posed to the MILF peace panel, its members rejoined “Where has political accommodation gotten them [the MNLF]...we [the MILF] do not accept the ARMM. It is only an administrative unit, not a state, not even a sub-state body” (MILF Peace Panel. SAIS Group Meeting, 20 January 2011). Nevertheless what the MILF are ultimately likely to achieve through a negotiated settlement is an entity that will reinforce rather than supplant the ARMM. If the ARMM and discussion on how to address its principal deficiencies will feature prominently in the talks, then it is necessary to better understand both the functions and dysfunctions of the institution and how the various actors in Mindanao perceive its functionality.

### **Introduction to the ARMM**

Born out of the 1989 Republic Act (RA) No. 6734, known as the Organic Act, and expanded in the 2001 Republic Act No. 9054, the ARMM was essentially created to fail. Designed to be dependent on the Central Government, the ARMM has been a thoroughly discounted institution. It is commonly ridiculed as nothing more than a “paper autonomy,” “a political accommodation,” or “an *arm* of Manila and the Presidential administration.”

RA No. 6734 endowed the ARMM with the following effective legislative powers: it can create 1) sources of its own revenue (however, any taxes the ARMM levies are in addition to Central Government taxes); ARMM officials state that they are unwilling to issue their own taxes because of the high incidence of poverty in ARMM provinces, which number among the poorest in the country (ARMM panel, SAIS Group Meeting, 20 January 2011); 2) set investment, tourism, and education policy; 3) set policy to preserve and develop cultural heritage with powers of eminent domain (RA No. 6734 Art. V, sec. 2). What the ARMM is, by law, empowered to do is far outnumbered by the capacities it does not possess:

[the ARMM cannot set policy on]: foreign affairs, national defense and security [the ARMM has no army], postal service, coinage and fiscal and monetary policies, administration of justice (with the crucial exception of Shari'ah), quarantine, customs and tariff, citizenship, naturalization, immigration and deportation, general auditing, national elections, maritime, land and air transportation, communications, patents, trademarks, trade names and copyrights, and foreign trade. (RA No. 9054 Art. IV sec. 3)

The ARMM's lack of control over its own budget is regularly identified as the single greatest impediment to its efficacy. Although the Local Government Units (LGUs) within the ARMM receive, on average, 1 billion Pesos annually (approx. 23 million USD) more than the ARMM Regional Government (ARG), the ARMM is not as starved for funding as most actors think it is. A Canadian International Development Agency (CIDA) investigation into ARMM finances found that over a five year period, from 2000-2005, the ARMM had an available 76.3 billion Pesos (approximately 1.7 billion USD) in disposable funds, averaging about 15 billion Pesos (345 million USD) annually. Over that same five year period, the Autonomous Regional Government received approximately 26.9 billion Pesos (618 million USD) or 35 percent of those funds, an average of 5 billion Pesos annually (115 million USD) (CIDA 2007, 37). However, the ARMM lacks the capacity to absorb these funds as well as the authority to allocate them and has never managed to diversify its funding sources.

An astonishing 99.96 percent of funds given to the ARMM come from the GRP. The ARMM is, therefore, not only utterly dependent on the GRP but is extremely vulnerable to changes in the Central Government's cash flow. Moreover, the GRP sets the budget for the ARMM and almost exclusively dictates how funds should be used. Unlike other LGUs, the ARMM is not given a lump sum to allocate as it sees fit. In fact, the CIDA report determined that the GRP allocates an estimated 55.7 percent of ARMM funds, and the LGUs allocate an additional 40.2 percent, leaving the ARG in charge of a pitiable 4.1 percent (CIDA 2007, 42).

These patterns of allocation and funding mean that the ARMM is not only powerless in its relationship to Manila but is also increasingly overwhelmed at the local level by the growing wealth and strength of LGUs. In theory, if the ARMM could generate new sources of revenue over which it would have allocation rights it could begin to repel the forces that threaten to swallow it. However, because the ARMM cannot impose tariffs or customs duties and is loath to implement its own tax regime, the ARMM has little recourse to other sources of its own revenue. The ARMM is legally allowed to retain only 4 percent of the revenue from natural resource extraction within its territories (ARMM Executive and Legislative Officers, SAIS Group Meeting, 20 January 2011). The MOA-AD had pushed for a revenue-sharing arrangement of 75 percent to 25 percent in favor of the Bangsamoro, as one of its central provisions (MOA-AD sec. 4.6). The ARMM has since co-opted that proposal and recently introduced a law to reset the revenue-sharing arrangement to reflect that ratio and extend exploitation rights to uranium, natural gas, and oil believed to be within its borders (*Inquirer* 2011). That law is currently in committee. In the interim, fiscal autonomy is still not a reality in Mindanao.

Lacking fiscal autonomy, the ARMM also lacks political autonomy; its top leadership has always been politically compromised, “*selected* rather than *elected*” by political elites in Manila. Control of the ARMM governorship preserved Manila’s control over most of the Muslim majority areas of Mindanao. Through this indirect control Manila business elites could maintain access to the natural resource wealth of Mindanao, while political elites used Mindanao for an entirely different purpose. Encompassing a total of five provinces and a population of 4.1 million, the ARMM is an invaluable source of votes for candidates in national elections. The ARMM is the cheating capital of the Philippines, but, more accurately, as Steven Rood cleverly punned, “cheating is its capital.” Election fraud in the ARMM was decisive in delivering the 2004 Presidential elections in favor of then incumbent Gloria Macapagal Arroyo (Kruezer 2009).

The collusion between the GRP and the ARMM governorship was particularly egregious while the Ampatuans presided over the ARMM. They were said to have “run the ARMM as a family business” (Martin 2010). The arrest of ARMM governor Zaldy

Ampatuan, as well as ARMM Department of Agriculture secretary Keisi Usman, and ARMM Department of Environment and Natural Resources Secretary Kabuntalan Emblawa, in connection with the 23 November 2009 massacre of political rivals of the Ampatuan clan (see chapter by Solmaz Khorsand), illustrates the political rot that existed within the ARMM. However, it has also loosened the Ampatuan chokehold on the institution, opened a leadership vacuum in it, and may present a unique opportunity to build a stronger ARMM (Romero 2009). Little is known about the current acting ARMM governor, but it is possible that Manila's leverage over the institution has been dealt a critical blow. This may be a ripe moment to work to strengthen the ARMM and enhance its ability to operate independently of the capital.

The massacre was a gross abuse of power, but most stakeholders interviewed during our research trip identified the ARMM as an “ineffective and benign” organization as opposed to one that is “malicious and rent-seeking.” In the twenty years since its establishment, those who staff the ARMM have gained considerable experience governing and allegedly some political will to govern well. Representatives within OCHA identified political will within the institution, with some departments, such as the department of urban planning, more readily attributed with political will than others (OCHA 2011). Several representatives of the civil society organizations (CSOs) we met with held second jobs in the ARMM administration or had spouses who worked in the ARMM. Many of these individuals were passionately committed to the Bangsamoro cause. However, these individuals are primarily motivated to take part in the ARMM for the steady paycheck and not out of the conviction that the ARMM can enact effective change (Rasol Mitung at MinHRAC, Personal communication, 20 January 2011).

The fact that these individuals staff the ARMM does inspire more confidence in the institution than it normally receives. While the officials we met with at the ARMM did not answer all of our questions, they not only answered most of our questions, but they tended to answer them frankly and in great detail. Our meeting with the ARMM made plain that they were well aware of the challenges of governing and keenly aware of the shortfalls in the implementation of their powers as well as the deficiencies in the scope of what is legally allowed them.

ARMM officials hope that the ongoing review of the Organic Act and the 1996 Final Peace Agreement (FPA) between MNLF and the GRP will help redress the capacity and resource problems which hamper the complete implementation of the abilities legally devolved to them. This second set of negotiations, known as the Tripartite Review and facilitated by the OIC, began in 2007. The Review investigates where, in actuality, the ARMM has been blocked from realizing its lawful powers and will seek to dismantle those obstacles so the provisions in the Act can be implemented to their fullest extent. Working off of existing constitutionally-sanctioned documents, “the MNLF say nothing they are going for will require a constitutional amendment” (Rood 2011). The MNLF and ARMM seem to adhere to a strategy of maximizing their gains within the existing socio-political system.

However, the Tripartite Review is not generally perceived as a panacea to the grievances of the Bangsamoro. It is unclear if the Review will actually seek to redress the shortfalls in implementation, let alone ever produce a report of its findings. Even if it did, and the provisions of the ARMM were implemented to the fullest degree possible, the constraints on its legally-ascribed powers (laid out in prior paragraphs) means that the degree of autonomy the ARMM can ever hope to champion is inadequate and unacceptable to a large proportion of the Bangsamoro population.

### **Clarifying the Limits on MILF Cooperation with the ARMM and MILF Buy-In to the Existing Socio-Political System**

Any acceptable agreement to the MILF will need to significantly expand the mandate of the ARMM, endow it with new lawful powers, and widen the scope of the legal autonomy granted to the Bangsamoro. Recent developments within the MILF position, namely the move to relocate negotiations outside constitutional parameters, demonstrate an interest in finding extra-systemic solutions to shortfalls in representation and authority. Michael Mastura, Mohagher Iqbal, and the other members of the MILF Peace Panel affirmed these interests when they stated bluntly, “we [the MILF] do not accept the validity of the Constitution [as it currently stands] and can no longer lead or follow a unitary state” (MILF Peace Panel, SAIS Group Meeting, 20 January 2011). While Mr. Mastura is a former-Senator, the MILF further specified “that they had not sought to

become a political party or to run for political office because they fundamentally refuse to integrate with the current State.” (ibid, 2011).

Since the MILF do not seek official access and representation in the existing political system of the Philippines, they do not have official relations with the ARMM (technically part of the State). The MILF officially declare they have no desire to be part of the ARMM (ibid), which parallels the ARMM’s official position that, “the MILF remains a rebel group and the ARMM has no official relationship with them” (ARMM Executive and Legislative Officers, SAIS Group Meeting, 20 January 2011). Unofficially, however, there are signs that the MILF and ARMM are not rigidly separated and do communicate with one another. Families whose members hold leadership positions in the two organizations, such as the Mastura family, where the father sits on the MILF Peace Panel and the son is the Chairman of the Board of Investments of the ARMM, attest to the close relations connecting these two organizations. In discussions with residents of Cotabato, the supporters of one organization were often the supporters of the other and often recognized both organizations as representatives of the Bangsamoro cause.

If the interests of the MILF and the ARMM are, in some capacity, aligned with one another, then it is a logical conclusion that the MILF is not trying to undermine the ARMM. In the MOA-AD, the MILF-proposed BJE was not intended to supplant the ARMM but rather to graft onto it. Theoretically, there is the possibility for a relatively benign fusion between the existing ARMM and whatever greater autonomy the MILF successfully negotiates. Although the MILF may have seen the origins of the ARMM as an illegitimate MNLF compromise with the GRP, the ARMM is now only nominally-MNLF. MILF acknowledges that many of the men and women who staff the ARMM have gotten critical experience in running a government and therefore, their expertise will be needed to govern any new autonomous entity the MILF works out with the GRP. The staff of the ARMM also understands this and is, therefore, not threatened by MILF negotiations for increased and new autonomy arrangements. Therefore, these two organizations are not spoilers to each other’s efforts.

### **Engagement or Lack Thereof of Other Stakeholders with the ARMM**

The MILF may actually engage with the ARMM, but numerous other stakeholders still do not. The growing tendency of giving aid through community driven development (CDD) and not through a government body in Mindanao is, arguably, ultimately detrimental to the actual and perceived institutional strength of any government structure, namely the ARMM, in the region. When we met with the representative from Growth with Equity for Mindanao (GEM) he said “actually I don’t have a high opinion of the ARMM...and therefore we try not to coordinate with the ARMM very much; instead, we try and work directly with municipalities and *barangay* leadership or LGUs and through CDD.” Upon a follow-up question, however, he conceded that, in his opinion, “the ARMM is mostly a benign and not a rent-seeking organization.” (Richard Hirsch, SAIS Group Meeting, 18 January 2011)

Decisions of aid organizations, like GEM, not to engage the ARMM are irresponsible and destructive to that institution’s legitimacy. It undermines the ARMM’s mandate to provide goods and services to its constituents. It even undermines the ARMM’s mandate to the extreme that Internally Displaced Peoples (IDPs), with whom we met, identified the international community as understanding their plight better than the ARMM (SAIS Group Meeting, 21 January 2011). While the ARMM is also at fault for this neglect, in the absence of increased legal powers of effective autonomy, and given the perception that it is benign and not predatory, the international donor and advocacy community could bolster the ARMM considerably by channeling its resources through the institution. If donors and other INGOs were to channel resources through the ARMM, it could increase the ability of the ARMM to implement its mandate, enable it to partially mend the tears in its legitimacy, and allow it to improve the way its constituents perceive its functionality. These measures could be a great boon to the ARMM, refocus efforts on strengthening that institution, and, therefore, diminish inadvertent tendencies to atomize power and leadership in a part of the world that desperately needs to consolidate its constituency.

## **Retaining Legitimacy in the Face of the ZOPA**

The way forward for negotiations on autonomy is fraught with risks of derailment from both sides of the conflict. The MILF's proposed State/sub-State arrangement may be the best it can negotiate at present; however, it is less certain if the MILF can still retain its legitimacy vis-à-vis its own members and its wider constituency if it continues to negotiate towards any agreement that falls so short of its maximal position (both the position it brings to the table, described towards the beginning of this paper, and the one that it cannot, namely, independence).

If the MILF perceive that the ZOPA has narrowed too much or fallen too far below what they are willing to settle for, the group might take one of two actions. One, the MILF might decide to change their strategy and, perhaps, as meetings with various stakeholders hinted, rebuild their military or, at least, their terrorism capabilities in order to resume fighting in Mindanao or even to take the battle to Manila. Or, two, the importance to the MILF of keeping their legitimacy intact might necessitate that they withdraw from talks if they feel they will not be able to achieve a respectable increase in the effective autonomy of Mindanao. The MILF are acutely aware of the fragile state of their legitimacy and have already seen their membership splinter into the BIFF, ostensibly because of MILF failure to secure independence or any enhanced powers of self-governance (Mogato 2011). If further fractures follow suit, the MILF may be so weakened that they will lose their mandate to negotiate on behalf of the Bangsamoro and become overwhelmed by the growing strength of the LGUs and local strongmen that surround them. Any decision the MILF makes at the negotiation table will be strategized to minimize their loss of legitimacy and power among their constituents.

Alternatively, the GRP could be the first party to walk away from the negotiations or throw a wrench in the proceedings. In his article, "The MOA-AD Debacle," Williams (2010) quips that all parties generally acknowledge they are stalemated in Mindanao but the GRP do not particularly feel the stalemate as 'hurting.' While the conflict in Mindanao requires constant Armed Forces of the Philippines (AFP) presence in the region, costs the GRP money and some lives, the status quo of "no peace, no war" works to the benefit of numerous powerful actors within the GRP side, many of whom the GRP can control but an equal number of whom it cannot effectively reign in (e.g., Christian

landowners in Mindanao, clergy). More importantly, Mindanao is a peripheral issue to most of Manila. If the GRP has no strong impetus to make concessions it may insist on keeping the negotiations grounded in a constitutional framing, and OPAPP may decide not to grant any substantially increased autonomy to Mindanao, drawing on the precedent set by the Supreme Court's ruling on the constitutionality of the MOA-AD to justify their actions.

In a third scenario, if both parties are invested in reaching an agreement, and can procure the support of their constituents, they could potentially come to a consensus relatively quickly. The MOA-AD, a broad strokes agreement between the two sides produced through years of negotiating, can be resurrected with some large substantive changes and the MILF's Comprehensive Compact can be partially adopted as the foundational text for a more substantive agreement. These documents will catalyze discussion in the current iteration of peace talks, center those discussions on the right of the Bangsamoro to self-determination, and hasten those talks towards a resolution.

## **Recommendations**

### Short-term

#### *Concerning the MILF*

- **The GRP and the MILF should make a decision soon on what body of law they will use to frame the negotiations between them: national constitutional law or international law.** Once they have made this decision they should, soon after, make their decision public and communicate the justifications for that decision clearly and completely to establish control of the source from which the public hears about the peace process and to avoid the same pitfall in public communication that sank the MOA-AD in 2008.

#### *Concerning the ARMM and MNLF*

- **Good faith efforts should be made by both the GRP and the MNLF review panels to conclude the Tripartite Review** in an expedient manner and begin working to correct the shortfalls in the implementation of the 1996 Final Peace Agreement identified during the Review.

- **The ARMM law that proposes to increase ARMM control, exploration, and exploitation of the natural resources** (particularly fossil fuels and uranium) within its boundaries and aims to re-allocate the revenue derived from mineral extraction according to a 75–25 percent split favoring the ARMM **should move through committee quickly and be passed in full.**
- The international donor and advocacy community should reevaluate their policies on aid delivery and halt the detrimental practice of circumventing the ARMM. **Donors and other INGOs could bolster the ARMM considerably by channeling their resources through the ARMM, thereby:**
  - increasing the ability of the ARMM to implement its mandate,
  - enabling the ARMM to partially mend the tears in its legitimacy,
  - and allowing the ARMM to improve the way its constituents perceive its functionality.

These measures could refocus efforts on strengthening the ARMM, and, therefore, diminish inadvertent tendencies to atomize power and leadership in a part of the world that desperately needs to consolidate its constituency.

Mid-term (6-12 months out)

*Concerning the GRP and MILF*

- **The GRP must work hard to consolidate a position on how much autonomy it is willing to cede to Mindanao.** The fact that the GRP has never formulated an official vision for how to resolve the Mindanao conflict has bred uncertainty and undermined good faith efforts to negotiate.
- **The MILF and the GRP should convene broad-based consultations within Mindanao (both within Muslim-majority and Christian-majority areas) and throughout Northern Philippines to determine how acceptable proposed changes to the MOA-AD would be to the Filipino public and affected communities in Mindanao, including, omission of the independence clause, clarification on the associative arrangement sought, and the MILF's recent proposal to drop their demands on territorial expansion to just 7 percent of what they had previously sought .**

### *Concerning the ARMM*

Characterizable as both a window of opportunity and a window of uncertainty:

- **Elections for the ARMM governor and Regional Assembly currently scheduled for August 2011 should take place when scheduled and should not be postponed** to coincide with national and local elections in 2013. **Considering the current gap in elected leadership in the ARMM (due to the removal and arrest of former Governor Zaldy Ampatuan) elections to determine the new leadership of the ARMM are crucial to mending the reputation of the institution and building its effective capacity.** This course of action certainly carries risks with it. As the State Department Office of the Coordinator for Reconstruction and Stabilization Interagency Conflict Assessment Framework (S/CRS ICAF) Report emphasizes “election times are violent in the Philippines, the incidence of attacks and intimidation rise along with the death count and risk sparking new separatist violence.” However, this will be the first ARMM election under the new GRP Aquino administration. It will be an important test of the political will of the new administration to work toward alleviating tensions and conflict in Mindanao. It will be a litmus test to see if Aquino’s administration is still as interventionist in ARMM politics as was the Arroyo administration. That litmus test can be worded as follows: will the Aquino administration ‘select’ the new governor or allow him or her to be ‘elected?’

### Long-term

#### *Concerning the ARMM*

Several long-term measures should be undertaken to fix major structural deficiencies of the ARMM including:

- The ARMM’s lack of diversity in sources of revenue. **Passage of laws that increase the share of natural resource revenue that the ARMM is able to keep will help redress this problem.** However, the ARMM can make strides to design a tax system that imposes a light tax burden. The ARMM should also take steps to increase the efficiency with which it uses available funds. For instance, **the ARMM should undertake a comprehensive review of the personnel needs**

**of the ARG to identify wastage** and trim the bloated overhead costs described in the CIDA report.

- **Steps must also be taken to improve the ARMM's capacity to absorb any funds that accrue to it.** International NGOs and the Philippine Government should begin capacity-building measures and set up technical assistance trainings.
- **The GRP should devolve greater control over the allocation of ARMM funds to the ARMM Regional Government.** The ARG should, at least, be given control over more funds than the percentage that the LGUs within the ARMM are allowed to oversee and allocate as they see fit.
- **Greater attempts should be made to reverse the trend of increasingly atomized leadership amongst the Bangsamoro.** The MILF and MNLF elements who still nominally lead the ARMM should enter into dialogue to facilitate a benign fusion of these groups and their aspirations on behalf of the Bangsamore people.

# Land, Law, and Violence

Ben Miller

A common view in Manila is that the Moro conflict is rooted in poverty and that development is therefore the solution. The Moros counter that they need autonomy, because the rebellion is due to economic and military aggression on the part of the national government. The struggle for control over the natural wealth in Mindanao, however, is often the elephant in the room. This struggle is playing out on two economic levels—elite control over the systems that make those resources profitable, and the instability facing common farmers—and across at least three other domains: legal, political, and through the use of violence. This chapter will examine how issues of land have affected the Moro conflict, exploring land's connection to legal, political, and economic systems, and how those connections have led to continuing conflict.

The issues in the conflict are exemplified by ongoing disagreements. The Memorandum of Agreement on Ancestral Domain (MOA-AD) was the final sticking point of the Arroyo government's negotiations with the MILF that began in 2003. Just prior to its intended signing in 2008, a concentrated campaign to derail the agreement caused its delay and it to eventually be ruled unconstitutional by the Supreme Court. Moros attribute this failure to the lack of political will on the part of the national government, while opponents of the agreement generally cite the dangers the agreement posed to the republic and the process leading to the agreement itself. What is clear from the speed and ferocity of the backlash against the territorial aspect of the agreement is that powerful interests were threatened: the failure of the legal system to resolve the struggle for economic and political control led to renewed violence and the exacerbation of initial conditions. This same story is happening on the micro level, where the lack of legitimate local systems of authority, particularly justice, lead to escalating violence and corresponding economic aggression.

Although the issue of legal contentions over Ancestral Domain may appear at first glance to be a straightforward fight for territory and resources, in fact it has much deeper roots in the relations of the state system to past and current power structures. The Philippine state—initially demarcated by the Spanish, then a product of American

colonial engineering, and finally in its current sovereign form—has failed to control or effectively administer the Mindanao region. The idea of the territorial nation-state is premised on a monopoly on the legitimate use of force, which has never been the case in the southern Philippines. Hutchcroft (1998) adapts Weber’s theory to the Philippine context, explaining that not only is the Philippine state weak in terms of control, it also lacks the rational-legal bureaucratic institutions necessary to effectively administer its territory. In other words, not only is the state unable to control its territory militarily, it is also unable to effectively implement and enforce laws or a system of justice.

A glimpse into history provides clues to why the western model has failed. Until the American subjugation of the Moro sultanates of Bongsu (Sulu) and Kudarat (Maguindanao) in the early 20<sup>th</sup> century, political systems in Muslim Mindanao were based in localized networks of *datus*, or chieftains, and followed a mix of Islamic and indigenous practices. Elite power was maintained not through territorial rights and bureaucratic systems, but through kinship bonds, patronage disbursements, negotiation, and the ability to project armed power (Abinales 2000). The American colonial administration grafted voting systems onto these power structures, but supposed democratic accountability did little to change real power relations and the dynamics of the system. The “public” monies involved did succeed in co-opting the elites and therefore ending the Moro’s fight to maintain independence. With the local elites remaining the *de facto* state authority in their areas, however, there was no incentive and little authority with which to construct the rational-legal institutions upon which the state system was itself premised.

These political issues are intimately intertwined with the economic systems at work in Mindanao. Unlike much of the rest of the Philippines, which had been dominated by Spanish plantations, haciendas, and friar estates prior to American colonization, the Moros were primarily traders, small-scale cultivators, and fishermen. Moro elites controlled public lands, enforced monopolies on tradable products, and employed slave labor. While American rule severely dampened the former trading economies, it brought capitalist modes of production, foreign investment, and a reorientation of trade away from Southeast Asia and other European colonial powers toward the American market. Export agriculture and extractive industries thus provided new methods of wealth

creation for elites, but this new wealth remained out of reach—economically and politically—for the vast majority, who continued to rely on small-scale local agriculture.

Over the course of the twentieth century massive in-migration of Christian Filipinos from other parts of the country shifted the political and economic landscape. The in-migration gradually changed two things: it made land scarce, which threatened the livelihoods of both elite and common Moros; and it shook the hold of the Moro elites on their political power by creating new Christian majorities. In the context of the weak Philippine state, the escalating contest for political and economic power exacerbated economic issues through conflict, displacement, and corruption, coming to a head in 1972 with the outbreak of armed struggle between the Moro National Liberation Front and the Marcos regime. Since then there has been continual armed violence, resulting in thousands killed and millions displaced. The vast majority of those affected have been Muslims, although poor Christian settlers—many who had already lived in Mindanao for generations—have also suffered.

The MOA-AD agreement attempts to address the root issues of the conflict by reshaping state power in the ARMM region. At the heart of the MOA-AD is the creation of a Bangsamoro sub-state with many of the powers typically associated with sovereign nations: taxation and rights to natural resources (although it would share 25 percent of the revenue with the national government), legislative powers, and the ability to deal directly with foreign states in economic matters. The ARMM would administer its own justice system and system of property rights. Provisionally, the government body that would accomplish this is referred to as the Bangsamoro Juridical Entity, or BJE. However, it is unclear whether this would be an expansion or overhaul of the current ARMM government, and its exact structure appears to be left purposefully vague in current agreements. (See chapter by Allison Fajans-Turner.)

Had the MOA-AD been successful, it would have opened the possibility for a drastic overhaul of the political and economic systems in Mindanao. Whether it would have actually solved any of Mindanao's problems is another question: the inequity and poverty are not simply a matter of economics. Rather they are rooted in a failing political apparatus that houses conflicting structures of authority. The MOA-AD ostensibly provides the legal framework to address these issues, without which the

economic questions of land and resources cannot fully be addressed. The question is whether reform could lead to improved governance and the consolidation of legitimate authority, given the explosive economic imbalances and continuing tension between traditional and imported institutions: political-administrative (patron-client personalistic versus rational-legal) and legal (e.g., differing conceptions of property rights and justice).

### **Economics, Politics and Land—Seeds of Conflict**

This section will explore in detail the economic relevance of land, linking it to political structures and arguing that ultimately the economic factors can only be fully understood in relation to the political. Land is a key element the Mindanao economy: agriculture makes up 37 percent of the region's GDP and the island is rich in undeveloped natural resources (Conception 2003). The profits associated with these lands and resources are a crucial component of the elite struggle: rents are obtained through direct appropriation of revenues in the case of some resources, or through either outright ownership or informal rent extraction in the case of export industries or lands. Competition for these rents, tied as they are to political control, was an important impetus for the initial elite break with the Philippine government. For the poor Moros, however, the existence of an initial economic impetus for the conflict is somewhat more ambiguous—views differ on what their historical motivations were. What may have been ambiguous initially, however, has since been made explicitly clear: the conflict itself drives or facilitates many of the economic issues faced by the poor, such as displacement and land grabbing. The conflict for them is about ending the encroachment and cycles of violence that resulted in displacement and land grabbing. It is also about the reestablishment of a legitimate structure of authority that can protect their rights and interests—this has become synonymous with a Bangsamoro homeland with greater autonomy.

A short diversion into the history of property rights in Mindanao may be useful. Legal structures governing land use in the Bangsamoro societies existed for centuries before the American invasion. During the prior Spanish era the Moros had successfully resisted Spanish influence and control, which kept them out of the various systems of *encomiendas*, *haciendas* and friar lands. Instead, land use was generally governed by a traditional legal system that passed land usage rights down through generations without

assigning outright ownership. The use of these lands could be gifted or used as a bride price; local *datus* served as administrators, but no one owned them outright. There were also public lands, typically common areas or uncultivated forests. These were also administered by the *datu*, who owned their produce. As Islam became more pervasive in the Bangsamoro society the new concepts tended to be interpreted in similar fashion to the traditional legal structures. Though the Americans brought with them a westernized system of property rights based in saleability and a new legal system, in general “the indigenous modes of land ownership, control, and use persisted through the American period” (Abreu 2008, 60). Their persistence, however, set the stage for later conflict.

Although land ownership patterns were slow to change, the American occupation did have important economic effects. American rule cut off Mindanao from traditional Southeast Asian trading routes, which had both support elites and provided a livelihood for many Moros (Tan 2000). Additionally, American rule brought the entry of foreign (mostly American and Japanese) capital. The Americans saw the island’s productive potential and, treating it as a new frontier, and encouraged foreign-financed capitalist development. They brought in major investments in export industries like pineapples, bananas, and coconuts. The first half of the 20<sup>th</sup> century also saw the birth of the timber industry and other extractives such as mining. As American influence gave way to Manila’s after the Second World War, many industries came to be dominated by migrant Christian elites, particularly those with close ties to the national government. Many of these new industries were started in the areas not under Bangsamoro control, like Eastern and Northern Mindanao. The relatively low population density of Mindanao in the first half of the 20<sup>th</sup> century meant for the most part that the economics were not sufficiently zero-sum to be worth contesting. The twentieth century thus saw the dominant economies of Mindanao shift from Moro trade networks with Southeast Asia dominated by Moro political-economic elites, to capitalist export industries directed at the United States and Japan and dominated by foreign and then Christian Filipino elites.<sup>23</sup>

---

<sup>23</sup> It should be noted that the legal trade networks are not the whole picture. Muslim migrants with Mindanao connections can be found selling pirated DVDs in any market in Manila, and there is good reason to suspect that the trade of less innocuous goods plays a pivotal role not only in the Mindanao economy but also in elite wealth, and political and military power. For obvious reasons expanding on these economic issues would be little more than speculation.

While the economic and political changes of the colonial and post-colonial eras gradually saw the rise of a new non-Moro elite, this rise was accompanied and facilitated by remarkable demographic changes. Due to the relative abundance of land in Mindanao, migration from other regions of the Philippines was encouraged from the early 20<sup>th</sup> century onward. This migration played a crucial role in solidifying Filipino state power both in Mindanao and the out-migration regions. Offering poor and middle class farmers land helped diffuse difficult situations around the country. In the postwar period, for example, many poor farmers displaced by the expansion of sugar plantations in Negros moved to the Cotabato area. A solidly Christian Mindanao was also seen as a desirable solution to the Moro “problem” (Abinales 2000).

Unsurprisingly, the large waves of migration that followed created their own “problems.” The numerous migratory initiatives, which spanned over 50 years through the colonial period through to the 1970s, had many incarnations but in general gave preference to people who were currently farming, blocking opportunity to the landless poor who needed it most. The weak Philippine state exacerbated the conflicting tension between traditional and rational-legal administration systems and the corrupt, error-ridden, and overtly biased system of allocation of “new” property (presumed unoccupied and therefore the state’s to give away) often provided scant opportunity to the poor, while providing spoils to those in the right positions or with the right connections. Abinales notes, however, that despite these issues, the waves of in-migration were not overly problematic at first: there was enough land to go around and feudal social organization kept possibly-contentious social relations in check (2000).

It is important not to view relations between Bangsamoros and new in-migrants to Mindanao as simply horizontal, that is, between Muslims and Christians. The American occupation and later the Philippine national government co-opted Bangsamoro elites through patronage funds, meaning that in many cases oppression was more vertical in nature as elites kept land rents, profits from new industries, and development monies to themselves. Additionally, some Bangsamoro elites were able to leverage their political power and wealth into new businesses. There were periodic instances of resistance from local *datus*, but little sense of collective Moro identity; this is perhaps unsurprising given the linguistic, cultural, and spatial divides between the various Moro groups. The conflict

did not coalesce into a united Moro front until the late 1960s, when a confluence of factors brought the conflict to a head. The Jabidah massacre of uncooperative Muslim soldiers galvanized Moro sentiment against the national government, and Muslim intellectuals in Manila introduced a broader sense of Moro identity and consciousness (Abinales 2000, 166-167). Elite economic and political interests were threatened from the top and the bottom: the Marcos government became increasingly belligerent and began to centralize power in Manila, and a critical mass of Christian migrant voters in Mindanao began to cost the Muslim *datus* their political positions and thus also their patronage funds from the national government.

The factors determining elite rebellion, however, say little about the perspective of the non-elites. Were the “masses” simply mobilized in response to elite interests, or did they themselves have economic reasons for joining the rebellion? What was the real situation of small-scale cultivators, the most prevalent economic role at the time? Sources differ considerably on this issue. Many commentators downplay the role of land, noting that despite the many problems associated with the frontier land-giveaways, much of the land was previously uncultivated and contested land did not seem to be a major issue sparking the conflict. Several Moros we met with spoke of the relative prosperity of the Moro regions prior to the rebellion. Official land claims for disputed lands or resettlement in the ARMM appear to be minimal—although the Indigenous Peoples Rights Act (IPRA) does not apply to the ARMM areas and it is doubtful that current combatants put much faith in the national government’s land programs. There also seemed to be a widespread recognition that many of the Christian settlers were poor themselves and therefore more deserving of solidarity than enmity. While this may be an issue of pragmatism—there was little possibility that the Moros would have been able to remove the Christian settlers if they wanted to—it also fits the historically cooperative attitude of Moros toward in-migration. In contrast to this relatively rosy picture, however, others claim that by the 1970s the economic situation of Moros was in fact lagging far behind that of settler Filipinos, and that this was due to differential treatment by the national government. Land allocation laws were clearly discriminatory, allocating larger plots to settlers, for example.

Given the complexity of the situation it is difficult to tell if the impetus for the rebellion came more from elites or non-elites—likely it was both. What is clear is that Moros of all statuses situate the Christian in-migration solidly within a narrative of encroachment and aggression on the part of the national government. National government policies, in their view, have brought violence and eroded authority. These in turn have given rise to widespread displacement and land grabbing in the forty years the conflict has dragged on. As the next section will show, this narrative contradicts the dominant Filipino discourse proclaiming development as the answer.

The real issue for the majority of Moros is only indirectly economic: the core of the matter is political autonomy. As Americans and later Filipinos projected their authority into the Moro areas, they failed to fully supplant the existing formal and informal institutions and power structures on an elite level. Exacerbated by the Marcos regime, the gap between, on one hand, the traditional Moro power structures and legal and economic systems and, on the other hand, the imported power structure and governance and economic systems of the American and later Philippine state “trickled down” as chaos and conflict for the majority of Moros and also for many Christian settlers. As the conflict dragged on, violence served to further increase the space between old and new authorities. Ultimately this space is where the powerful and well-connected (or as it is commonly put in the Philippines: those with the “guns, goons, and gold”—and, I would argue, the right friends and family) are able to increase their power and wealth at the expense of the relatively (e.g., Moro elites less well-connected to the national government) or absolutely (e.g., poor farmers or fishermen) disadvantaged. The Moros are thus fighting not only for a restoration of their authority, but the restoration of authority in the abstract. While there is some hope among Moros that an end to the fighting will restore them to land that has been stolen since the fighting began, more important is the restoration of a political order that is not willfully abusive toward the Moro population.

### **Untangling Narratives of Land, Poverty, and Conflict**

The relationship between land and conflict being complex and difficult to untangle, different sides of the conflict rely on historical narratives to shape their actions today.

National narratives echo neoliberal claims that development is the answer. As we have seen, however, the root causes of poverty are directly tied to systems of political and economic power as well as the violent conflict itself. Moro narratives of the conflict focus on their original sovereignty and the cycles of developmental and military aggression that have led to their collective marginalization, impoverishment, and political powerlessness. Neither side, however, dwells on the vertical aspects of conflict—which is understandable if the conflict is being led on both sides by elite interests. This section will expand upon current narratives of the conflict and the role land plays in those narratives.

As explained above, discontent among Moro elites regarding the national government sparked the Bangsamoro rebellion in the 1970s and caused the resurgence of violent conflict in Mindanao. While the precise role of poor Moros is more difficult to determine, they were successfully mobilized and have remained so until today. Compared to questions of “who started” the conflict, the Moro narrative of the ongoing conflict itself is somewhat more clear cut—if only because poor Moros have so obviously suffered the most in terms of displacement and poverty. Interspersed with forty years of negotiation, the cyclical outbreaks of violence are typically sparked by worsening relations between the Philippine state and Bangsamoros. The breakdown occurs due to some real or imagined lack of good faith in negotiations and subsequent implementation of agreements; it is manifested either in political or legal procedures or in violent physical action. Beyond the actual human toll, and its impact on the political dynamics (for example in 2001 when President Estrada realized “all out war” was not a feasible option), a major fallout of the violence has been land changing hands: violence creates massive displacement, and many times this displacement means permanent disenfranchisement or the loss of ancestral lands. Moro inhabitants are pushed off their traditional land into swamps and forests, and several years later large swaths of formerly inhabited property are in control of well-connected politicians or retired AFP generals.

The Moro narrative of gradual encroachment by in-migrants, and particularly those who are wealthy or well-connected, is conspicuously absent from the national media, however, which either presents the Moros as poor and backward or gives decontextualized reports of the violence. The TV news reports concerning Mindanao I

remember from my two years in the northern Philippines as a Peace Corps volunteer included national television personalities donating flip-flops to children in remote Sulu villages, and coverage of the fighting between the MILF and AFP. While the MOA-AD failure made the national news, there was little coverage of the historical background or fallout from the conflict. In two years of watching the national news and reading the paper, I failed to gain any sense of the historical context for the conflict.

While it is unlikely that the Moro narrative is a flawless and objective account of history, in many regards it is effectively unchallenged. The standard national government narrative of development and poverty does not adequately address Moro grievances. In essence it attempts to delegitimize Moro claims by arguing that the Moro desire for autonomy is due to their poverty; simplistic claims of “backwardness,” however, ignore the political and structural situation that has caused the lack of development. Arguably, many of the Filipinos that are familiar with the conflict understand this: the MOA-AD, which came close to passing in 2008, tacitly or implicitly, acknowledges many of the Moro claims. Williams (2010) chronicles the failure of the MOA-AD and the arguments advanced against it, none of which challenge the Bangsamoro’s primary moral claims, that is, the original sovereignty of the Moro people and the impingement on that sovereignty by the national government. With this claim in place, it may not particularly matter “who started it,” e.g., if bombings were in fact staged by AFP in order to legitimize their attacks, or if poor farmers had been marginalized by pro-Christian policies. What remains to be seen is whether Moro claims will be able break through the political processes of the national government.

## **Conclusion**

In conclusion, the future success of any settlement rests on two overlapping issues. First, can it stop the cycle of violence? And second, can it facilitate the creation of a legal and political system able to democratize power and reconcile traditional economies, laws, and values with globalized rational-legal capital (and in particular its Philippine variant, patrimonial oligarchy)? A further question that may or may not be crucial, given the resilience of elite dominance in the Philippines, is whether the new sub-state would adequately address the vertical power dynamics that may or may not be driving factors

behind the participation of the MILF members. One theory of democratization is that a successful armed rebellion is conducive to post-rebellion democracy because elites have to contend with an armed populace (Di John 2008). This theory is, however, a bit simplistic, and political engagement, violent or not, depends on a number of factors such as regime legitimacy and education levels. The question of real democracy will ultimately depend on both the populace, whether they “buy in” to the new regime and the democratic processes, and the leaders themselves, who will have to contend with a diverse group of strong local leaders.

With regard to the first question, the International Monitoring Team (IMT) and the CPC have proven to be effective at managing small-scale conflict, but given the outbreak of violence in 2008 (when the IMT was in place but MinHRAC and the CPC were not yet in existence) they seem unlikely to be able to contain violence without conducive political circumstances. That is: if the MOA-AD continues to move forward, there may be real hope for reducing the violence.

The second question is of course far more complicated. Will the MILF and the rest of the Moros be able to fashion their sub-state into an entity capable of dealing with the many levels of conflict still present in the system? The fact that “having the right to fail” is an important aspect of sovereignty does not render this question academic. Building a new state is a complex enterprise, and the tensions that will undoubtedly still be present in Mindanao after any legal resolutions present an enormous challenge.

From the Moro perspective, contentions over land explain why the GRP would not be negotiating in good faith: conflict in fact enables further land grabbing and pillaging by elites. This perspective makes the benefit of the Civilian Protection Component and a legitimate international presence clear: they provide a defense against national government aggression. In a sense these monitoring institutions are the first steps in restoring a power structure and political system that are not based on guns, goons, and gold. They challenge the vicious, disruptive cycle of political violence that has arisen—where contention for land and power drives the conflict, and conflict in turn erodes political stability and systems of rights and justice.

In terms of land, the MOA-AD stands a good chance of substantially reducing violence in the ARMM: breaking the cycle of violence and the associated land grabbing

would be a huge step forward for law and property rights. The agreement would give the ARMM government legal authority to begin to right some of the wrongs that have been done, but regardless of how accommodating of the status quo the MILF claims will be, in some sense this is a zero-sum game and powerful interests will be threatened. (One could of course argue that they already are being threatened, simply by the passage of the MOA-AD, which is why it encountered such vehement resistance.) Moreover, the powerful interests are linked through cultural, if not necessarily economic, ties to less powerful interests: despite Moro claims to the contrary and apparent willingness to accommodate the status quo in terms of many land rights, poor Christian farmers will still face an unknown and potentially hostile new authority. The new government will have to proceed cautiously, transparently, and accountably in their establishment of new legal systems to deal with land claims.

Success or failure will hinge on whether the MILF can transition their current influence into an administrative body that can deal with these issues, accommodating the continuing tensions between legal and political systems and various economic interests. Given the broader Philippine context, the rational-legal functionality of this new administration should be made a priority, as well as the establishment of democratic processes. The restoration of the old order of sultans and *datus* may be possible in some sense (if indeed their power has ever waned), but it is not in the interest of the majority.

The land question remains tricky, intertwined as it is with sovereignty and rights. Here are several recommendations for the smooth resolution of contested land issues:

- **Continue to pursue the aims of the MOA-AD**, as the quest for limited sovereignty is clearly a driving force behind the conflict regardless of “who started it.”
- **Continue to strengthen the monitoring and violence-prevention systems**, which are crucial to keep the continued land grabbing and power abuses in check.
- **Integrate successful civil society initiatives with government in order to establish a transparent, fair, and effectively enforced and administered legal system**; without this system in place any attempts at reform will remain personalistic and thus fail to address root causes of the conflict.
- **Involve a range of elites (MILF, non-MILF Moro, and non-Moro) and civil**

- In contrast to this rational process, **large seizures of land by elites since the conflict began should be divided up and returned to traditional inhabitants using political processes**—political solutions will likely be necessary given that legal processes are unlikely to succeed in the face of intense class conflict.

More generally:

- **Build democratic values and empowerment of citizens** that can better fight for their own interests and hold politicians and elites accountable for policies and actions.
- Start as soon as possible to **create an effective, meritocratic ARMM bureaucracy, justice system, and police force.**
- Anticipate future changes in power and authority and plan how those might be accommodated by the new system through democratic or nonviolent means.



**Part IV: Negotiating a New Peace Agreement:  
Prospects and Obstacles**



# **Sovereign Sensitivities: The Impact of Nation-States as Mediators in the Mindanao Conflict**

**Suraj Mungara**

The Mindanao peace talks have been mediated by foreign nations since the 1970s, which has profoundly shaped the conflict as it exists today. The four decades of negotiations have been in part shaped by the internal and strategic priorities of these outside states, which have had a substantial impact on the trajectory of the conflict. Indeed, this paper argues that the Mindanao conflict has evolved to its current form in large part due to the role of sovereign nation-states acting as mediators. This scope of this paper is limited to the role of mediators in Track One negotiations, as the role of other third parties, such as the United States Institute of Peace, the Asia Foundation, Conciliation Resources differ significantly from that played by the mediators within the formal peace talks.

## **Nation-States as Mediators**

From a historical perspective, the use of third party mediation in insurgent conflicts is relatively new. Such disputes were primarily viewed as domestic, sovereign matters. However, increasing global connectivity, the spillover effects of sub-state conflicts and potential economic, political and humanitarian consequences for other nation-states have created greater pressure for such conflicts to become internationalized. In their analysis of pacific interventions of third parties, Fisher and Keashly (1990) propose six primary methods of intervention:

Conciliation: A trusted third party provides a communication link between the antagonists to assist in identifying major issues, lowering tension, and moving them toward direct interaction, typically negotiation.

Consultation: A knowledgeable and skilled third party attempts to facilitate creative problem solving through communication and analysis using social scientific understanding of conflict processes.

Pure Mediation: A skilled intermediary attempts to facilitate a negotiated settlement on a set of specific substantive issues through the use of reasoning, persuasion, control of information, and the suggestion of alternatives.

Power Mediation: The intermediary provides the functions of pure mediation and adds the use of leverage in the form of promised rewards or threatened punishments to move the parties toward a settlement.

Arbitration: A legitimate and authoritative third party provides a thorough considering of the merits of the opposing positions and imposing a settlement deemed to be fair and just.”

Peacekeeping: An outside third party (typically the UN) provides military personnel to supervise and monitor a ceasefire between antagonists. (Fisher 1997, 164-165)

Several of these categories may overlap and, in the case of the Mindanao conflict, several of these forms of intervention can be said to apply to the role played by former and current mediators, with the exception of arbitration. As Lingga notes, power mediation has been the primary method employed by state mediators from the Organic Islamic Conference (Lingga 2008). This includes the Malaysians, as well as their threat of withdrawing troops from the International Monitoring Team could have been perceived measures to influence the course of the negotiations or to express their displeasure with the status of negotiations.

From an objective point of view, an ideal mediator should not have any direct stakes in the conflict (Penetrante 2010). Another general rule of thumb for conflict mediation is that mediators should not be burdened with perceptions of bias towards a particular outcome (Penetrante 2010). However, the very nature of the nation-state can make it an inherently biased mediator-even if it does not necessarily have any direct interests within a conflict. Jacob Bercovitch notes that mediators are “political actors; they engage in mediation and expend resources because they expect to resolve a conflict and gain something from it” (Bercovitch 1997). Likewise, adversaries can also have an

interest in outside mediation as it may move them closer to a settlement (Bercovitch 1997). Achieving a settlement may actually make an inherently biased mediator such as a nation-state an appealing choice to a secessionist insurgent group if it has the ability and motivation to bring both sides closer to a negotiated agreement.

One of the distinctive characteristics of a nation-state is the keen sensitivity towards the loss of territorial sovereignty. Often the constitutions of nation-states, particularly those long established, do not sanction the right to self-determination. In line with much realist thinking, maintaining the territorial integrity is the foremost priority of a state. Theoretically, the reverse holds true for large supranational bodies such as the United Nations, which is often viewed as being biased in favor of smaller groups struggling for self-determination (Penetrante 2010). In contrast to the emphasis on territorial and symbolic cohesion that is emphasized in state constitutions, the United Nations Charter in Chapter 1, Article 1 explicitly champions the concept of self-determination:

To develop friendly relations among nations based on respect for the principle of equal rights, self-determination of peoples, and to take other appropriate measures to strengthen universal peace. (www.un.org)

It is true that the Charter does not specify any particular outcome that should result from the recognition of the right to self-determination such as secession, federalism or the granting of greater autonomy. The term itself could be construed in an abstract manner as well. Nonetheless, it can be argued that the recognition of the principle of self-determination can itself create potentially threatening demands, which directly conflict with a state's desire to maintain territorial sovereignty as it inherently champions the rights of citizens to vocalize political demands in a collective manner. The political aspirations of "a people" rather than just a collection of citizens is given a larger degree of sanctity and is now conceived as an inalienable right. Thus, for a central government of a unitary state hoping to quell secessionist demands, such as the GRP, another nation-state as mediator is ultimately preferable to one that champions the principle of self-determination. Secondly, larger supranational bodies such as the United Nations often

have sufficient international legitimacy so that allegations of bias are less likely to be considered seriously in the event the facilitator/mediator pushes for an outcome that is adverse to the central government. Nor for that matter, would they be burdened by less friendly relations from nations that lack sufficient capabilities in the global arena.

In addition to a natural bias towards territorial integrity, states playing the role of mediator can become vulnerable to both domestic and international scrutiny if an agreement is not reached. Drawing on Takeshi Odaira's analysis of contextual variables, international and domestic contexts can play an important role in influencing the behavior of the mediator (Odaira 2010). Domestically, the public can grow impatient with a government's efforts towards mediation as it entails the use of taxpayer money. Internal political calculations can play an important role in determining the actions of the mediator as well.

Nation-states also have the ability to offer resources to insurgent groups that supranational bodies by definition cannot, which is physical sanctuary and training facilities. Most international organizations lack the ability or wherewithal to carry out covert and illicit activities to aid insurgencies. However, nation-states, particularly those with strong ideological motivations or who view such groups as positive for their own security and territorial integrity, have often assisted in aiding insurgents.

Both the negotiations with the MNLF, held under the auspices of the OIC but primarily mediated by Libya and then Indonesia, as well as the negotiations with the MILF which are mediated by Malaysia with a mandate from the OIC, demonstrate the impact of having nation-states serve as mediators. Theoretically, the fact that these were Muslim majority states would make them acceptable to the Moros. However, in reality, sensitivity towards territorial integrity influenced individual OIC members and Malaysia to push against full independence by the MNLF and the MILF, as well as an implementation of a less than satisfactory autonomy. In the case of the MNLF, this resulted in the creation of a new faction.

### **Nation-States as Mediators in the Mindanao Conflict**

While Malaysia is serving as the current mediator in the GRP-MILF talks that have taken place since 1997, the first major push for third party intervention was by the Organization

of Islamic Conference. The OIC is a supranational body; it is comprised entirely of single member states. However, unlike the United Nations which also comprises large offices for transnational, functional issues, the OIC is primarily a forum for Muslim majority nations to discuss the possibility of policy alignment, as well as to work towards developing a more coherent and stronger policy voice on issues that are of concern to the Muslim world. In effect, however, the OIC cannot truly be said to be a corporate body. The negotiations between the GRP and the MNLF were primarily dominated by Libya and for a short period by Indonesia. While the OIC did act in unison to pressure the GRP through oil blockades, the unique concerns and actions of these two states played a large role in shaping the conflict's trajectory.

Rather than being invited by both parties for facilitation, the Organization of Islamic Conference took notice of the conflict and then offered to assist as mediator. An interesting point to note is that the interest in intervention came primarily from the side of the OIC, rather than the Bangsamoro or the GRP. At the third Islamic Conference of Foreign Ministers (ICFM) which took place in Jeddah, Saudi Arabia in 1972, the OIC issued a statement with its intention to "seek the good offices of the Government of the Philippines to guarantee the safety and property of the Muslims" (Lingga 2008). The statement authorized the OIC Secretary-General to contact the Philippine government. The following year, the OIC also sent a fact-finding mission to Mindanao comprised of the foreign ministers of Libya, Senegal, Somalia, and Saudi Arabia. The OIC also encouraged Indonesia and Malaysia to work with ASEAN in order to help bring forth options for resolution.

In order to understand the desire of the OIC to intervene, it is necessary to look at the organization's history; the OIC's push for mediation must be seen within the geopolitics and ideological developments of the 1970s. Reeling after the defeat of Arab forces during the Arab-Israeli War of 1967, various Islamic countries sought to create an organization that could provide a powerful collective voice in the global arena. The OIC was established in Rabat, Morocco at a meeting of Muslim leaders in September 1969. Though unrelated ideologically, the OIC also arose during the waning of pan-Arabism that was caused by the results of the war of 1967; thus, though the OIC was Islamic in its orientation, its membership was comprised of several nation-states that had secular

nationalist regimes in place as well. In a sense, the OIC was not a corporate entity—the Islamic umbrella under which it was formed sheltered diverse regimes with various national strategic interests. Though the desire to become involved in conflict mediation as well as to facilitate settlements in Muslim areas that were experiencing conflict was a collective one, certain states were more enthusiastic about the idea than were others. Libya, in particular, was notable in its desire to expand its own international influence, and the OIC provided an excellent channel for achieving that.

Thus, for the OIC, Mindanao provided an excellent opportunity for a greater international role and influence. Initially, the Philippines under the dictatorship of Ferdinand Marcos was unenthusiastic about the OIC's intervention efforts; the Bangasomoro issue was largely seen as a domestic issue and thus not open for mediation.

However, the OIC was eventually accepted as a mediator by both sides. This was in no small part due to its coercive capabilities. First, it established the Quadripartite Ministerial Committee with the express purpose of looking into the conditions of the Muslims in the Southern Philippines, which was meant to signal to the GRP that the OIC was serious about its concerns. Another measure that the OIC took to demonstrate its seriousness to Manila was the recognition of the MNLF under the leadership of Nur Misuari as the sole legitimate representative organization of the Muslims in the Philippines and its acceptance of the MNLF as an observer in the OIC in 1977, a designation normally granted only to established nation-states. The results of OIC assistance and recognition had an encouraging effect on the MNLF in its campaign against Manila's rule in Mindanao through the provision of diplomatic support and international awareness. However, the prime motivating factor for the GRP to acquiesce to negotiations and OIC mediation was the threat of an oil blockade by OPEC members, who largely coincided with the membership roster of the OIC. Libya largely spearheaded the move to threaten a blockade, as it felt that coercion was the most likely way to draw the GRP into a negotiation. Secondly, itself a state affected by international context, the Philippines also could not afford to sour relations with Indonesia, another OIC member that pushed for mediation, as it already had strained relations with Malaysia over territorial disputes.

While international recognition of the Moro struggle was formally through a supranational body, it was ultimately the actions of individual nation-states within the OIC that supported the MNLF through the provision of arms, training, and physical sanctuary. In the case of Libya and others such as Pakistan and Saudi Arabia, the move to support the MNLF was driven mainly by affinity based on common religious sentiment. While the OIC as an organization has a mandate to support the global Ummah, it was the possibility of support by individual nation-states such as Libya for arms, training and sanctuary that encouraged Misuari to begin pushing forth the Islamic identity of the Bangsamoro struggle (Rubin 2010). The key point to mention is that although the OIC may have been the driver for pushing a Muslim identity among the Moros, only individual states actually have the authority and ability to arm, train and house insurgents.

Conversely for Malaysia support was primarily motivated by its own security calculations and its own desire to maintain its territorial sovereignty. After the Philippines was granted independence in 1946, the struggle for self-determination among the Bangsamoro initially was pursued through Congress. The birth of the MNLF and the transition of the Bangsamoro struggle from one that was primarily carried out through Filipino governmental processes to a violent armed insurgency has its roots in the disputed Malaysian province of Sabah, on the eastern end of northern Borneo. Sabah at one point had been a part of the Sultanate of Sulu, as was most of Mindanao, which was formally included in the Philippines at the time of independence from the United States. However, long before independence, the Sultan of Sulu had negotiated a term of lease with the British who were the occupiers of Malaya. Sabah was eventually incorporated into the Federation of Malaya. In 1968, Marcos attempted to launch an invasion of Sabah in order to destabilize the province and when 28 Muslim soldiers refused to do so, they were massacred. The Jabidah massacre triggered the birth of the armed struggle; but now aware of the threat to Sabah by the Philippines, Malaysia began to provide arms and sanctuary to the MNLF. Thus, it was initially Malaysia's own perceptions of its security concerns as a nation-state that underlay its decision to become involved in the conflict.

Similar concerns about how the conflict could affect their own national security were shared by other members of the OIC, most notably by Indonesia, which was itself an ethnically, linguistically and religiously fractious state. However, Indonesia, unlike

Malaysia, had an initial bias towards the GRP. Facing its own internal secessionist movements, Indonesia felt that the precedent of independence would have the potential to encourage their own internal separatist movements that were brewing in various ends of the country, primarily Aceh, East Timor, and West Papua (formerly Irian Jaya). As a result, Indonesia often pressured the OIC to commit to a solution that disallowed full independence. Indonesia's internal conflict with East Timor in some ways was the reverse of that in Mindanao, with East Timor being a predominantly Christian entity within a majority-Muslim nation. Though a member of the OIC, Jakarta largely tilted towards Manila (Malang 2011). Perhaps the most telling example of Jakarta's own security concerns was seen in Manila's reluctance to recognize the independence of East Timor, despite overwhelming public support to do so (Malang 2011). The common fear of losing territorial sovereignty had bound Indonesia and the Philippines into a quid pro quo style relationship. Thus, Indonesia's inclusion in the Group of Six that mediated the 1996 peace talks between the GRP and the MNLF certainly played to the GRP's favor in terms of ensuring that its own interests would be heard with a sympathetic ear.

Both the 1976 Tripoli Agreement and the 1996 Peace Agreement between the GRP and the MNLF thus ensured that the MNLF would compromise on their demand for independence, which caused various factions within the group to protest. The push by mediators for the maintenance of sovereignty under the Philippines Constitution produced the largely flimsy autonomous structure that gave rise to the Autonomous Region of Muslim Mindanao (ARMM). The establishment of the ARMM and the lack of resolution concerning the issue of Ancestral Domain created splinter groups that did not accept the compromises agreed to by the MNLF. Created in 1984, the MILF did not quite give up its bid for independence as its goal until it finally stated publicly in late 2010 that it had shifted to a demand for a sub-state within the Philippines, with Manila responsible for issues concerning defense, currency and foreign relations. The MILF, however, had appeared to have moderated its demand for independence several years prior under pressure by Malaysia. The rise of the MILF, however, marked a stronger degree of Islamic identification of the Bangsamoro struggle as the organization while claiming to represent the Bangsamoro explicitly, identified religion as part of that identity. The implementation of Shari'ah law is an important goal of the MILF (Rubin 2010). Though

some may argue that the demand for Shari'ah and what it may actually entail is unclear, its symbolic value is fairly clear—it allows the group a further degree of legitimacy under the banner of religious identity. The push by these mediator states for an acceptance of the autonomous structure in line with the Philippines Constitution in part led to a narrowing of the zone of possible agreement, which has created greater factionalism among the groups. The creation of the Abu Sayyaf group in 1991 can in part be attributed both to the push towards Muslim identity as well as the popular reluctance to accept the implemented autonomous structure.

On one hand, Malaysia's role as mediator is in line with the country's encouragement of regional cooperation, but to some extent Malaysia's involvement as mediator in the GRP-MILF negotiations is an anomaly. The GRP still maintains a claim to a substantial portion of Sabah. In fact, it was Gloria Macapagal Arroyo who approached Malaysian Prime Minister Muhammad Mahathir to request Malaysia's assistance as a mediator (Malang 2010). This was in part because of Arroyo's desire to detract from her predecessor's, former President Estrada's, policy of all out-war, and, the involvement of Malaysia, a Southeast Asian member of the OIC, was thought necessary to bring the MILF back to the negotiating table. While accepting the request, Mahathir initially wanted to ensure that the mediation of the conflict would remain within ASEAN, as he eschewed the involvement of extra-regional powers and international organizations. This may have been the primary reason behind Arroyo's decision to request Malaysian assistance. It was a core national interest of Malaysia during the Mahathir period to push for a reduction of external powers in Southeast Asian affairs. In addition, despite the Philippines claims to parts of Sabah, there is little fear in Kuala Lumpur of a loss of sovereignty. The level of development in Sabah is much higher than any part of the Philippines (perhaps barring a few sections of metro Manila), and it is highly unlikely that the citizens of Sabah would opt to join the Philippines. In addition, as has been noted by the Chairman of the Malaysian team, Datuk Othman bin Abd'Razak, Malaysia has significant national security and economic interests in resolving the conflict. Despite its previous history, Malaysia now has little incentive to aid in a secessionist movement. If granted full independence, the state would almost certainly become a ward of the international community and the prospect of poor or nonexistent governance would prove

to be a security concern for Eastern Malaysia. Secondly, greater cooperation by the AFP also creates a better possibility of controlling the movement of illicit commerce and piracy in the Sulu and Celebes Sea.

Malaysia's concerns as a sovereign nation-state certainly made it eager to push the MILF into accepting a solution that does not include full independence. However, by and large, it did not have any particular reason to be seen as a biased mediator, particularly with regard to issues such as the agreement over the Memorandum of Agreement on Ancestral Domain (MOA-AD). In fact, after the MOA-AD was declared unconstitutional by the Supreme Court of the Philippines and talks collapsed, Malaysia threatened to pull out of the IMT as a way of expressing its displeasure. In private, however, Malaysia largely blamed the collapse of talks on the GRP is reneging on an agreement that had taken almost ten years of negotiation to draft. The GRP, especially under the new administration headed under Benigno "Noynoy" Aquino, responded that Malaysia was biased towards the MILF and claimed that they would prefer a new mediator. The MILF, however, was against the removal of Malaysia. In many ways, this would make sense. The MILF has long dropped the inclusion of Sabah into any future Bangsamoro political entity (Mastura 2011), and Malaysia's lack of bias, beyond that typical of any nation-state towards Manila, made it a favorable choice. This would not necessarily have been the case if Indonesia had been chosen as a new facilitator. Mr. Othman will eventually be replaced as the head of the Malaysian facilitation team; it is still uncertain as to whether the current round of peace talks that are being mediated by Malaysia will produce substantial progress towards an agreement. However, with a new proposal from the MILF over the issue of Ancestral Domain, there is greater hope that an acceptable solution may eventually come to pass. However, the emergence of a new group, the Bangsamoro Islamic Freedom Fighters, which is largely due to the resentment towards the MILF leadership in acknowledging that a resolution will have to be made in line with the Philippines Constitution, may cause the GRP to hesitate further in reaching an agreement (Ortigas 2011).

## **Recommendations**

- Malaysia has continued to be an effective mediator. As a nation-state, its role as mediator will be heavily influenced by its own strategic concerns and national interests. However, this is what makes Malaysia an acceptable choice as a mediator. Malaysia's main interest is in an agreed upon resolution of the conflict, as the instability in Mindanao makes for a potential security threat. **Malaysia should continue its role as mediator, though the GRP may likely prefer another country, such as Indonesia, to eventually take over that role.**
- **Mr. Othman must step down and a new facilitator should be selected.** This is not necessarily a result of Mr. Othman favoring one side over the other. Rather, it is essential that the mediator be perceived as unbiased in order to remove a potential stumbling block.



# **Women in Mindanao**

**Margaret O'Connor**

The UN Security Council unanimously adopted UN Security Council Resolution 1325 on Women, Peace, and Security in October 2000. This groundbreaking measure is the first to exclusively address issues surrounding women and gender in peacemaking, peacekeeping, and peace-building processes. While UNSCR 1325 has potentially far-reaching implications to create fundamental change in the international community's approach to peace operations, the resolution does not include any enforcement mechanism, meaning the Security Council has no way to hold states accountable for failing to implement UNSCR 1325. However, twenty-four states, including the Philippines, have developed National Action Plans (NAP) to define their priorities, devote resources, and take tangible steps toward fulfilling their commitments under UNSCR 1325.

The Resolution focuses on four distinct but connected areas: “1) increasing the participation of women in decision-making and peace processes; 2) including gender perspectives and training in peacekeeping; 3) encouraging the protection of women; and 4) integrating gender mainstreaming in UN reporting systems and programmatic implementation mechanisms” (Porter 2007, 17). The Philippines NAP, officially adopted in August 2009, largely mirrors the major themes laid out in UNSCR 1325—Protection and Prevention, Empowerment and Participation, Promotion and Mainstreaming, Capacity Development and Monitoring and Reporting—and has laid out specific goals and indicators under each of these topics. Codifying these principles is a necessary but insufficient first step in incorporating and institutionalizing women's and gender issues into all aspects of the peace process and society more generally. Our interview with government and MILF representatives, civil society actors, and international stakeholders highlighted the significant gap that remains in moving from principles to practice. The following analysis details both the strides that the Philippine government has taken and the remaining shortfalls. Recommendations based on the current situation conclude the paper.

There certainly exists a higher level of awareness of women's and gender issues and a willingness to engage in discussions around these subjects. The government has seemingly made women's issues a priority with the development of the NAP, the passage into law of the Magna Carta of Women,<sup>24</sup> and various laws on promoting women in development and in the protection of women.<sup>25</sup> Additionally, there is a fairly good track record of women's involvement in public life, and the state has institutionalized many laws designed to strengthen and protect women. In the political realm, there have been two female presidents as well as modest female representation in the Congress.<sup>26</sup> The Office of the Presidential Advisor on the Peace Process (OPAPP) is currently headed by Teresita Quinto-Deles, who has a strong history of working on women's issues. In addition to legislation, the 1987 Constitution articulates the principle of gender equality (Art. II, S. 14), and the Magna Carta of Women provided for the creation of the Philippine Commission on Women (PCW) to replace the National Commission on the Role of the Filipino Women (NCRFW), giving it more power and authority. On paper, these steps represent important strides and demonstrate a greater commitment to, and involvement of, women than most other countries. However, in reality, it seems that internalizing these values has proven difficult, and implementation remains slow.

In our interview with Colonel Asto, the Civilian Relations representative of the AFP in Mindanao, it became clear that if the Magna Carta of Women is being formally implemented, it has not trickled down the ranks very effectively. In response to a question about the AFP's gender strategy, Colonel Asto provided a cursory—and dismissive—answer, simply saying, “We know the rights of women,” and pointing to his female assistant as *prima facie* proof of the military's integration (SAIS Group Meeting,

---

<sup>24</sup> Also known as the National Bill of Rights of Women, the Magna Carta of Women has important provisions including protection against all forms of violence, promoting participation and representation of women in the political sphere, equal access and elimination of discrimination against women.

<sup>25</sup> These measures include the Republic Act (RA) 7192, “Women in Development and Nation-Building;” “The Philippine Plan for Gender-Responsive Development;” RA 8353, “The Anti-Rape Act of 1997;” RA 8505, “The Rape-Victim Assistance Act;” and RA 9262, “The Anti-Violence Against Women Act” (according to the Philippine NAP, 7).

<sup>26</sup> See a critical analysis here: <http://the-diplomat.com/philippines-election-2010/insiders-diary/women-power.html>.

21 January 2011). The Colonel's reply was instructive based both on what he did and did not say. The superficial response demonstrated a check-the-box attitude and seemed to reinforce that, while there may be formal efforts at gender mainstreaming, integration, and education as a result of the Magna Carta of Women and NAP, it has yet to be taken seriously. It is notable that women's civil-society actors said that they feel relatively safe around the AFP and are essentially left alone today.<sup>27</sup> However, it is unclear whether this change is due to the implementation of the NAP's principles and a clearly delineated gender policy on the part of the government or for some other, such as concerted efforts to increase the reputation and legitimacy of the AFP in the region.

The International Monitoring Team (IMT) has begun to institutionalize some aspects of UNSCR 1325, but it is far from internalizing the principles of gender mainstreaming or gender equality. There are only two women on staff at the IMT as of January 2011 working on Humanitarian, Rehabilitation and Development (HRD) Coordination and no female members of the international police or military force that makes up the IMT (Major General Baharom, Mindanao, SAIS Group Meeting, 21 January). The Civilian Protection Component (CPC)<sup>28</sup> recently launched one all-women's unit (Ibid.). The CPC's Terms of Reference explicitly mandate the protection of women and girls from violence during armed conflict consistent with UNSCR 1325. Publicly, the CPC's female unit has been lauded as a significant step in realizing the goals of UNSCR 1325, especially in increasing the representation of women in

---

<sup>27</sup> A woman from Sulu provided a much different picture of the military situation and the AFP's treatment of women and children. She essentially stated that the Philippine government is no longer concerned with the NAP's or the Magna Carta of Women's commitment to protecting and ensuring the safety and security of civilians. The presence of Abu Sayyaf and Jamiyat Islamiyya in the archipelago explains much of the difference in the AFP's strategy there. It is also important to note that this is one account and would need corroboration from other sources. We did hear from others that the situation is markedly different in the regions where terrorists operate, however, compared to mainland Mindanao.

<sup>28</sup> The CPC was formed after the GRP and MILF agreed to "take constant care to protect the civilian population and civilian properties against the dangers arising in armed conflict situations." The agreement also calls for the creation of the Civilian Protection Component to assist the IMT in ensuring the protection of civilians.

peacemaking roles (Rasauro, 2010)<sup>29</sup> However, it remains to be seen how this force will be utilized and how effective it will be in providing protection for women and children. It is also unclear whether the other CPC units receive gender mainstreaming training or if they are equipped to address these issues. Further, the IMT's mandate during conflict includes assisting internally displaced persons (IDPs) and after armed conflict it calls for facilitating conflict resolution, peace building, and civic action activities. These efforts require a holistic view of society and the incorporation of the parties involved in violence as well as the civilian population. It falls to the HRD section of the IMT to address the rehabilitation and development of the IDP community, but this component did not become operational until January 2011. While these are all important steps and demonstrate some commitment to UNSCR 1325, the sole focus has been protection. Little emphasis has been placed on empowerment or on education, training, and mainstreaming within the IMT.

While there are clearly shortcomings in the IMT's approach, there has been a concerted effort to begin addressing women's issues. The MILF, on the other hand, has essentially been antagonistic toward these concerns. In our meeting, the MILF leadership gave little credence to including women in the peace process and even less to seeing women in formal leadership roles. In fact, an MILF spokesperson explicitly stated that "when a woman leads, problems will crop up." He cited biological differences between men and women, claimed that women cannot handle leadership positions, and argued that men are more stable as leaders than women (SAIS Group Meeting, Mindanao, 20 January 2011). These statements may not accurately represent the Movement as a whole, but they do provide insight into some of the MILF's members' perspective on women and gender roles. Individual members also suggested that women's roles within the movement were very specific—they run the "social welfare committee" and take care of domestic concerns. The values expressed in this interview directly oppose the principles stated in UNSCR 1325 and the NAP.

---

<sup>29</sup> See also: Philippines Information Agency. "Time for Women in Mindanao's Conflict Areas to Have More Peacemaking Roles." 28 Sept 2010.

[http://mpc.org.ph/index.php?option=com\\_content&view=article&id=48&Itemid=1](http://mpc.org.ph/index.php?option=com_content&view=article&id=48&Itemid=1) and "All-Women Peacekeepers Pledge 24/7 Protection." 5 Oct 2010.

[http://www.peacewomen.org/news\\_article.php?id=2070&type=news](http://www.peacewomen.org/news_article.php?id=2070&type=news).

The MILF's views—and the government's response to them—are particularly worrisome because with the conclusion of a peace process, there will be an autonomous region led by the MILF (or a political body that grows out of it). Failing to include a gender perspective and women's interests in the official peace process essentially ensures that women under MILF leadership will not enjoy the rights and protections put in place by the NAP and UNSCR 1325. At this point there have been many efforts taken by the GRP, the international community, and civil society to implement some of the principles of UNSCR 1325, but these endeavors are conspicuously absent among the MILF. While the GRP requested that a woman be on the peace panel, the MILF refused, and the government has agreed to negotiate anyway. This approach is unsurprising, but failing to include a gender perspective and women's interests in the official peace process makes women under MILF leadership vulnerable to losing the rights and protections put in place by the NAP and UNSCR 1325. Despite the positive movement taking place among other actors, failing to create a space for women's voices in the decision-making process will severely hamper any fundamental change in their status or in realizing the objectives of UNSCR 1325. The provisions of including gender perspectives and training in peacekeeping, ensuring the protection of women, and integrating gender mainstreaming into programming are equally important but cannot be fully realized without advocates explicitly representing those needs and concerns in the peace process (and subsequently in leadership positions).

There is certainly legitimacy in taking indigenous social structures and cultural norms into account in conducting peace negotiations and setting up political arrangements. However, there are also norms that have been established by the international community and agreed to by most states, including the Philippines. The implications are far-reaching if the MILF enters into an agreement. It would become a political body that is held accountable to its people. The realities of governing would force the MILF to alter its approach in certain areas, but it is unclear how much it would alter its position on women's rights and representation. Importantly, it remains the GRP's responsibility to ensure that all of its citizens are afforded the same rights (particularly those expressed in international law), and it must be careful that Moro women under any autonomous arrangement are included in this consideration. It is these

concerns that lead to the conclusion that women's interests must be represented in the peace negotiations; otherwise, their needs can too easily be pushed aside and forgotten.

It is important to note that grassroots civil-society organizations are incredibly active in Mindanao and Manila. Speaking with women's civil-society groups revealed their role in the community. Their relation to the MILF became clearer and provided insight into how women influence and participate in society. Given the constraints placed on women by the MILF (and to a lesser degree by the MNLF), these women's groups have found other ways to empower women and make their voices heard, at least on some level.

Amina Rasul, director of the Philippine Center for Islam and Democracy (PCID), works closely with the Muslim community and its leadership to organize and mobilize this influential group that has been largely absent from the national peace negotiations. The Muslim leadership is incredibly influential within the community, providing moral guidance through Friday sermons, running the *madrassas* (religious schools), and supplying important social welfare services to the community. However, given the non-hierarchical structure of Sunni Islam, the *ulama* (Muslim leadership) has never been well organized nor has it played an active role politically in the Philippines. The PCID seeks to strengthen the existing Muslim network through organizing the *ulama* and assisting them in establishing leadership structures so they can act as representatives for, and lend a voice to, this population. Within the PCID, Rasul's agenda explicitly seeks to empower the *aleemat*, or the female religious leaders. Some progress has been made—two of the 15 seats in the National Ulama Council are reserved for women. However, they still largely play supporting and administrative roles rather than taking on more substantive tasks. The PCID is actively working to address this issue through education, training, and capacity building,<sup>30</sup> but the challenge of creating a cultural shift to include women in leadership roles remains a significant problem. From the grassroots to security forces to high-level official channels, this theme is continually repeated.

In addition to the work being done in the religious community, there are many grassroots civil-society organizations, a number of which focus specifically on women's

---

<sup>30</sup> For the complete interview see: <http://berkeleycenter.georgetown.edu/interviews/a-discussion-with-amina-rasul-bernardo-lead-convenor-philippine-council-for-islam-and-democracy>.

empowerment. Speaking with women from three different groups—the Moro Women’s Development and Cultural Center (MWDECC), the Bangsamoro Women’s Network, and the Mindanao Commission on Women (MCW)—clearly established where the majority of effort is spent. These organizations are locally oriented and focus on empowering women within their communities but tend not to seek representation in the negotiation process or in the political sphere. However, the MCW has taken some steps to organize women in the political arena and to advocate for their participation in the peace process and in government. Specifically, the Commission states that “it has mobilized, educated, persuaded, and lobbied to make women’s issues central to the decisions about peace, believing that no peace agreement can be implemented or can peace be sustained without the leadership and participation of women...the MCW chose three inter-linked areas of work, namely, peace and multiculturalism, poverty reduction, and politics and governance” (MCW website). One of its many activities does include actively engaging with the government on bringing women into the peace process, but its focus is on the need for gender equality (more generally) and social and economic justice.

The other civil society organizations focus on three main areas: advocacy, empowerment, and assistance. In addition to the MCW’s advocacy work, human rights concerns remain the primary concern, particularly in light of the treatment by the Armed Forces of the Philippines (AFP) and the Philippines National Police (PNP) against civilians. Women’s empowerment is central to all of the groups’ missions. Making economic opportunities available to women through education (including literacy courses), technical skills training, and access to resources was a consistent theme. These groups argued that providing women with economic and financial independence empowers them within their family, as well as within the community more broadly, and can open an avenue for greater participation in society (personal communication, 19 January 2011). Other efforts include capacity building in conflict management and peace-building to enable women to work within their communities to address problems that arise locally. Enhancing capacity and activity on this level is incredibly important, but these efforts do not seem to rise up or directly impact decision makers.

The final theme of these civil-society groups is providing assistance to women and children, particularly internally displaced persons (IDPs) who have suffered from

GRP-MILF fighting or from incidents of *rido* (family feuds). They facilitate access to food and shelter and institute livelihood programs. It is widely recognized that women and children are disproportionately affected by violence, and these organizations try to mitigate some of the adverse conditions. The activities of civil society are incredibly important in their own right and taken together go a long way to fulfilling the multifaceted goals of UNSCR 1325. The assistance programs establish the safety and security of IDPs and other disadvantaged women throughout Mindanao. Establishing security and providing basic needs as well as education and training programs affords women the opportunity to become independent and to reduce their reliance on such assistance programs. Becoming financially independent and running successful businesses give women the confidence needed to be more active in the public sphere and to make their voices heard. Civil society is crucial in building a foundation to allow for the full implementation of UNSCR 1325. Without local buy-in and active efforts from the grassroots, any measure taken at the political level will fail to take hold in society.

Interestingly, the women's civil-society representatives claimed to support the MILF's position on not including women in the peace panel. They cited Islamic and cultural values as an important factor, that women do not belong in formal leadership roles. Additionally, they argued that the MILF represents the Bangsamoro people as a whole in these negotiations and that the distinction between men and women is not appropriate in such a setting. They saw women's issues as "sectoral" and believed they should be addressed in this capacity rather than in the broad peace negotiations (Women's Civil Society Interview, January 2011) The interviews with civil-society actors were enlightening for numerous reasons. First, while women's issues may well receive lower priority in the context of the overall political and economic marginalization of the Moro people, the views expressed simply highlight where women are most active and able to further their needs in society. Second, they show the connection to (even if informal) and influence of the MILF over women's actions as well as the influence of cultural and religious traditions over all of the participants as suggested above. It was unclear how deeply these women believe that the MILF truly represents their interests at the negotiating table. It seems entirely plausible—given the nature of the MILF and the control that it has in the region—that women's civil-society groups (and the Moro people

more generally) feel that the MILF is their only conduit to the government. As such, they have strategically chosen to work within the space they feel they have available. This analysis in no way seeks to undermine the crucial work being done by these groups. They are clearly providing important services and going a long way towards improving the lives of women in Mindanao. However, in terms of altering the status quo and shifting cultural norms to ensure that women's needs and gender equality are addressed at a more systemic level, these efforts fall short. They are all necessary; they simply do not represent all that needs to be done.

### **Recommendations**

UN Security Resolution 1325 and the Philippines' NAP are important items of national policy in their own right, but women are *de facto* participants in any conflict and *de facto* beneficiaries of the outcome, which makes the concerns of UNSCR 1325 and the NAP bear directly on the peace negotiations. **It is therefore incumbent upon negotiators to represent women's interests in the decision-making process**, which will in turn facilitate the inclusion of gender mainstreaming, gender sensitivity training, and the protection of women in governmental, international, and civil-society activities. This level of representation is the only way that women's needs and gender equality will become institutionalized and, ultimately, a cultural norm.

- **There must be a continued commitment and concerted effort by the Philippine government to implement the NAP and UNSCR 1325.** In particular, **there should be a greater emphasis on gender mainstreaming in the AFP and PNP**, which can only happen through strong leadership and holding parties accountable if they fail to implement such efforts. Ultimately, to see real change within these organizations, **a cultural shift must occur that recognizes women's interests and needs as equally important and an integral part of their mandate.** It is unclear from the documents available and the interviews we conducted whether there is an adequate—or any—enforcement mechanism for implementing the action points of the NAP. It seems unlikely that one has been put in place, in which case **the government should both ensure that parties of an agreement**, as well as relevant government offices, **are following through**

**with the NAP goals and have a way to hold them accountable if they fail to do so.**

As stated above, women's issues may not be at the top of the agenda in the negotiation process, which implies the question of whether the government should risk failure over these concerns. Unfortunately, there is no easy answer. Without the government taking a strong stance on gender issues from the outset, it seems unlikely that the principles of UNSCR 1325 can be realized and that any outcome will, at best, result in women's issues being tacked on as an afterthought and dealt with in a superficial manner. This result suggests that its rhetorical support and drafting of the NAP has been disingenuous. On the other hand, demonstrating a commitment to such issues from the outset may well be a non-starter in negotiations. From a pragmatic point of view, if the core issues can be settled peacefully, it makes little sense to prolong reaching an agreement over something that is not causing bloodshed. This question is akin to the peace-versus-justice debate—does one stop violence as quickly as possible at the possible expense of seeking justice against those responsible for committing the crimes? While unsatisfactory, the purpose of this paper is to articulate what the government must do to ensure that the needs of women and the principles of UNSCR 1325 are adopted in a peace agreement, not necessarily how to make it happen.

- **Build on the existing strength of civil society:** Women are very active at the local level. Civil society represents a space where women's voices and needs can be heard, and, as such, it must be actively supported. **The GRP can facilitate and bolster the economic empowerment and leadership** (particularly peace-building and conflict resolution) efforts being undertaken. Supporting bottom-up endeavors can reinforce and enhance the top-down structures that the government is attempting to put in place. Working in conjunction with civil society, as opposed to being at odds with it, can lead to a more sustainable peace process.
- **Put women's issues on the table in the peace negotiations:** It seems unlikely that women will be represented on the MILF side. Nevertheless, it is important that women's and gender issues are considered and heard. The Moros under MILF leadership are ultimately still citizens of the Philippines, and, assuming that

the MILF does not achieve full independence in the negotiations, it remains the responsibility of the GRP to ensure that Moros are afforded the same rights and protections as all other Filipinos. Incorporating women's interests will help safeguard existing efforts and support the holistic implementation of UNSCR 1325.



# **Lack of Moro Consensus: Challenges and Proposed Solutions**

**Noa Levanon**

The Moro population displays a lack of consensus on desired settlement objectives vis-à-vis the Government of the Philippines. While the Moros overwhelmingly support their people's right to self-determination in a general, conceptual sense, they do not display any sort of consensus on the parameters of such self-determination in practice, in terms of degrees of political independence, Islamic character of the state, and specifics of territory. As in most conflict cases, such lack of consensus undermines the feasibility of negotiating and ultimately implementing a formal agreement.<sup>31</sup>

The case in Mindanao highlights the importance of striking the right balance between ambiguity and specificity in a negotiated agreement. Such a balance could mitigate the impact of a lack of consensus, while still allowing for real changes involving development, resource allocation and political infrastructure to take place. Specifically, deliberate ambiguity may be necessary to implement a preliminary peace agreement in the short run. Such an agreement is sustainable in the longer term if the parties capitalize on the cessation of hostilities in order to undertake trust-building steps while gradually increasing administrative specificity. During this time, both disputing constituencies should also undertake educational measures in the hope of reducing the rhetorical disagreement of the sides regarding the desired parameters of autonomy in the long run.

## **Lack of Consensus: A Hindrance to Negotiation and Implementation**

A ubiquitous and frustrating phenomenon for peacemakers around the world has been the gap between the negotiation and implementation of a settlement. Despite being able to

---

<sup>31</sup> This chapter will focus on the lack of consensus among the Moro population specifically. This is not to say that non-Moros necessarily display a consensus on negotiating positions on the other side. (Divergences in Filipino opinion are evidenced by the fact that government policy on the Moro issue has ranged from support for all-out war to active pursuit of peace, depending on the administration (Martin and Tuminez 2008, 3)). However, given that an abrogation by Moros of their right to self-determination would make the crux of the conflict a non-issue, it seems more important to discuss internal definitions of Moro self-determination in the space allotted. Consequently, non-Moro views on Moro self-determination will only be discussed here in the context of implicit feasibility of Moro negotiating positions.

reach verbal or written agreements at the negotiating table, leaders of disputing sides often find it difficult to garner operative ratification of such agreements by their constituencies (Walter 1997, 336). The recent case between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF) has been no different. Indeed, the two sides have managed to agree on preliminary documents during negotiations, but “success turned into failure only after the negotiation panels had hammered out what they believed to be viable solutions” (Kreutzer 2010, 28). In other words, the problems appear to be not in the talks, *per se*, but in the subsequent translation of negotiated results into substantive political action.

In the Mindanao case—as in many disputes between state and non-state actors—the faulty translation between negotiated solution and political action seems to derive from a lack of consensus regarding the manifestation of self-determination, in terms of economic, territorial, and cultural rights (Kingsbury 1992, 484-6, 496). While the various Moro groups agree on the importance of self-determination as a concept—and are quick to use it as a key term in their discourse—they represent a range of divergent positions in the debate on specific components of autonomy. Elements of autonomy under dispute include: the extent of autonomy, future Mindanao-Manila relations, potential land and resource allocations, the role of Islam and its implications for Muslim-Christian relations in Mindanao, and more, as will be described below.

### **Moro Self-Determination**

Self-determination was a catchphrase for all groups interviewed in the Philippines, from the MILF through the Moro Civil Society Organizations (CSOs) to the Muslim community in Manila. All of these groups referenced pre-20<sup>th</sup> century Mindanao-region history as a basis for the belief that Moros had the right to behave as a distinct political entity, in some way. Likewise, all of them mentioned the role that anti-Muslim discrimination (measured in terms of political and economic opportunity) played in entrenching their grievances and desire for self-determination. Unsurprisingly, the editorial staff of the *Bangsamoro Journal*, a publication affiliated with the Consortium of Bangsamoro Civil Society (CBCS), stated that “Bangsamoro RSD [right to self-determination] is [...] an assertion that is being made by all the Moro groups that

constitute the Bangsamoro spectrum. Like a prism, it has several facets to it, almost all (if not all) of which are based on a very long historical antecedent.” They went on to specify that it deals dually with “the realm of restoring the lost political status of the Bangsamoro” and with Bangsamoro long-term and short-term economic development (September 2009, 3-4).

Attempts to operationalize a restoration of Bangsamoro status, however, reveal self-determination to be an extremely nebulous concept. Recent events indicate that the abovementioned consensus does not extend from the historical/philosophical level to the practical level.

#### Independence vs. Autonomy

Moro opinions diverge about whether limited autonomy is sufficient to ensure their community’s self-determination. Responses to this question run the gamut from calls for complete independence to support for the existing parameters of autonomy, albeit with operative improvements.

On one side of the spectrum are Moros actively participating in the Autonomous Region of Muslim Mindanao (ARMM). In interviews, bureaucrats affiliated with the autonomous region’s executive infrastructure stated that self-determination could be achieved within the strictures of existing negotiated agreements. According to them, the problem with the 1996 agreement that had created the ARMM—signed by the Moro National Liberation Front (MNLF) and the GRP—lies in the implementation, rather than the text. For example, they argued that, if Congress would cede the ARMM a greater independent operating budget, its efficiency would increase. In their opinion, this would lead to an improved economy and educational system in the autonomous region.

The MILF and its supporters, on the other hand, believe that the 1996 agreement is structurally insufficient to ensure economic and religious autonomy. Thus, they seek a new agreement based on “enhanced autonomy” that would automatically afford greater control over budget and resources to Moro leadership in areas of their control in Mindanao. Pragmatically, however, the MILF nonetheless skirts around the use of the word independence. MILF leaders “seek a transition period of self-government, after which Moros would be allowed to vote on their final political status in an internationally

supervised referendum,” but they have officially taken the word independence off the negotiating table (Tuminez 2008, 124). Instead, the MILF’s current proposals ostensibly call for a federalist model, stating that a new agreement should “[provide] for an asymmetrical state/sub-state relationship, wherein powers of the central government and state government are clearly stated, aside from those powers they jointly exercise, which are also defined in this draft” (Montesa, 11 February 2011; Diaz 2010, 20).

Moro civil society organizations do not appear to be similarly constrained in their vocabulary. For example, Bangsamoro CSO leaders held a series of meetings over the course of two years, culminating in the Bangsamoro CSO National Congress on the Right to Self-determination on 15 and 16 August 2009, in Davao City. The groups issued a formal policy statement in an effort to promote “Renewed Consensus and Solidarity Towards the Attainment of the Bangsamoro’s Self-Determination.” This declaration of aims clearly asserted a vision of a Bangsamoro Homeland “as an indigenous nation **independent in character**” (*Bangsamoro Journal*, September 2009, 9-10. Emphasis added). Additionally, it prescribed operational measures for attaining such an objective by calling on MILF negotiators to limit any formal “associative” relationship with the Filipino government to the short- or medium-term (ibid). Meanwhile, taking an even more extreme position, former MILF operative Umbra Kato formed a splinter group in early 2011—the Bangsamoro Islamic Freedom Fighters—based on his demands for Moro independence and subsequent disapprobation for the MILF’s existing negotiating positions vis-à-vis the GRP.

### Lands

Moro groups display a similar lack of consensus regarding land- and resource-related issues. Once again, Moro supporters of the existing autonomous region have the fewest demands in this capacity—namely, continued control of five Muslim-majority provinces currently comprising the ARMM. In interviews, members of the ARMM executive branch expressed willingness to abide by Republic Act (RA) 9054—one of the acts of the Congress founding the region – which declares that the ARMM “shall remain an integral and inseparable part of the national territory of the Republic.”

The MILF has slightly more ambitious territorial aspirations. Beginning with the 2008 Memorandum of Agreement on Ancestral Domain (MOA-AD), the group advanced the idea of the Bangsamoro Juridical Entity (BJE), which involves a territorial extension of the current autonomous region. Additionally, the memorandum does not use unequivocal language about the connection between a Moro region in Mindanao and the Philippines (as seen in the 1996 MNLF-GRP agreement); such language is replaced with the more ambiguous concept of “associative relations.” Nonetheless, the MILF unquestionably does not hold an extreme position regarding land rights: In the MOA-AD, the GRP and the MILF agree to the “joint determination of geographic areas” to become BJE. Likewise, territorial areas in the BJE under the MOA-AD are granted the possibility of having Christian-majority settlement lands within a new BJE to serve as political subdivisions (MOA-AD, Art. II, K4, K5). This suggests that the MOA-AD does not explicitly call for land transfers and attempts to ensure some degree of political autonomy to non-Muslim populations within the BJE.

In contrast, the CSO statement of policy and declaration uses more explicit and strident language: Its positions on territory include demands for “decolonization” and “retrieval of lands” (Art. 4 and 5). Granted, the statement calls for the use of “legal means” to acquire such lands. However, unlike the MOA-AD, it does not indicate that a plebiscite would be required to incorporate non-ARMM areas into a new Moro-led political entity. In other words, the CSO forum seems less considerate of the position of long-time Christian settlers in non-ARMM areas of Mindanao.

### Governance and Identity

There appears to be less debate among Moros about the desire for Islamic governance. Nonetheless, even on this issue, various sectors in Moro society embrace different operative positions. For example, in the CSO’s statement of principles, there is a specific call for an “Islam-inspired finance and economic system of usury-free, partnership (profit-loss sharing) scheme on public transactions” (Art. 12). This is far more explicit than the MILF’s position on Islam. Notably, despite being an overtly Islamic organization, there is no explicit discussion of religious administration in MOA-AD’s ‘governance’ section. In its general statements, the MILF likewise “characterizes its

imagined independent state (the Bangsamoro—Philippine Muslim State) as an Islamic state, but its descriptions of that desired entity have always been intentionally vague.” (McKenna 2009, 2) Indeed, in our interviews, leaders of the MILF peace panel did not make precise claims as to the MILF’s vision of Shari’ah’s role in any administrative structure.

The debate about the region’s Islamic character becomes even more pronounced in the context of Islamic history. In this capacity, civil society groups diverge greatly from politicians and negotiators. Specifically, the ARMM bureaucrats and MILF negotiators seem to take a more pragmatic and future-oriented view and, as such, did not demand affirmations of the Moro historical legacy as part of a negotiated settlement. In contrast, CSOs appear extremely focused on widespread recognition of the Moro past. In interviews, many CSO representatives argued that achieving a just resolution was impossible without the acknowledgement of the legacy of the sultanates in the region. Several representatives called for formal restitution for the wrongs of colonization, while others called on the United States to apologize for not granting Moro independence in 1946. One representative even called on “Barack Hussein Obama,” in solidarity with his Muslim brethren, to reverse unilaterally the Truman administration’s decision to give the GRP control over Mindanao. Clearly, even the least contentious component of self-determination for Moros contains elements that remain under debate.

In sum, an examination of the sub-issues of autonomy, land, and Islamic state character, indicates that the allegedly consolidated Moro population is not in agreement as to the parameters of self-determination in Mindanao.

### **Christian Reactions to the Moro Debate—A Paradoxical Limitation**

Complicating the issue, the perception of Christian supporters and opponents of Moro self-determination reinforces the wide spectrum of Moro aspirations on this issue. However, ironically, it seems that self-proclaimed supporters of Moro claims do not recognize the potential extent of Moro autonomy-related objectives. For example, Bong Montesa and Archbishop Orlando Quevedo, during interviews, framed the Moro community as a sector of Filipino society, albeit one currently oppressed; they seemed not to recognize Moros’ identification as a distinct, non-Filipino group. Meanwhile,

Emmanuel Piñol, former Vice Governor of North Cotabato, seemed more aware of separatist sentiments. He argued that allowing for enhanced autonomy as desired in the form of the BJE would lead to a “Kosovo in Mindanao” (*Manila Times*, 1 August 2008). In other words, his understanding of Moro desires for complete sovereignty frankly appears more attuned to the language of the CSOs and certainly with the latest MILF splinter group. However, he and likeminded colleagues insist on torpedoing any attempted increases in autonomy, arguing for the principle of preserving the territorial integrity of the Philippines. Thus, those individuals who allege to support Moro self-determination only seem to perceive weak manifestations of the term and, conversely, those who recognize the more demanding operative manifestations of the term oppose them. In other words, there appear to be no non-Moro advocates for any enhanced autonomy that could lead to independence.

Indeed, institutional positions confirm this lack of support. The Supreme Court, in a 2008 decision on the constitutionality of the MOA-AD, ruled that the enhanced autonomy sought for the BJE “meets the criteria of a state” and, as such, is antithetical to the Constitution of the Philippines (G.R. No. 183591). Likewise, members of the Philippines negotiating peace panel, while citing optimism about resumed talks in late 2010, indicated that peace only appeared possible because the MILF had relaxed its aims vis-à-vis manifestations of autonomy, from a separatist to a federalist position (Torrevillas, 30 September 2010).

Given the unofficial and official statements above, it seems clear that any feasible negotiated solution would need to lie short of Moro independence. As a result, any pragmatic Moro negotiation panel will not be able to accede to all of its constituents’ current demands. It will thus be difficult to negotiate a settlement with widespread Moro support without addressing the internal lack of consensus.

### **Increased Transparency—Helpful or Harmful?**

Intuitively, one would think that a grassroots initiative to promote understanding and education would be one way to overcome a lack of consensus within and between groups. To this end, the Office of the President Adviser of the Peace Process (OPAPP) initiated two wide-ranging consultations with the public in 13 areas of the country, nine of them in

Mindanao—Konsult Mindanaw (KM) led by the Bishops-Ulama Conference (BUC) in 2008-2009, and Dialogue Mindanaw (DM), led by the OPAPP in 2009-2010 (Alejo 2010, 16). Dialogue Mindanaw involved three steps: information-sharing on the issues in the peace talks by representatives of the government and the MILF, small group discussions where participants were divided into 30 groups of ten members each, and finally a poll. During discussions and polling, participants were questioned about their willingness for peace, their misgivings about the existing process, and—most important to this case—the issues within the process that were conceptually unclear to them or on which the position of the sides was unclear to them (Arguillas, 14 and 31 January 2010).

Both sets of consultations highlighted the greater population's awareness of the lack of consensus within the Moro community. Charina Sanz, the Davao-based coordinator for the Northern Mindanao and Caraga regions of DM, noted that the issues most frequently cited as important by dialogue participants were the Bangsamoro homeland and identity as well as future governance and the sharing of resources. In this way, right to self-determination, which was “mentioned several times in the report as an issue [became] a cross-cutting theme of many of these issues, [rather than] a separate issue,” Sanz was quoted as saying (*ABS-CBN News*, 15 June 2010). Likewise, KM respondents noted that the issues of Bangsamoro identity and of future governance—including resource sharing—were unclear to them. Consequently, KM recommended that Bangsamoro groups “try to achieve unity of purpose among the various revolutionary groups, civil society organizations, rebel supporters, and those who are duly elected or appointed in government service.” KM also urged the MILF to clarify the BJE and, specifically, “its own policies and processes on land issues in order to address and allay the fears of many groups on the implications of BJE to their lands” (Arguillas 31 Jan 2010). Both the BUC and the OPAPP presented the findings in an optimistic light, noting that respondents overwhelmingly preferred a negotiated peace settlement to conflict and recommending increased CSO involvement in an effort to foster increased consensus over time (*ibid*).

Unfortunately, the two dialogue initiatives appear to have exacerbated tensions between the government and many of the Moro CSOs and caused the latter to entrench their positions. Many Moro civil society organizations objected strongly to Konsult

Mindanao, including calling it “destructive” (in the case of United Youth for Peace and Development, or UNYPAD) and “treacherous” (in the case of the Moro Women Development and Cultural Center, or MOWDECC) (*TMC News*, 26 September 2009). Likewise, CBCS argued on its website that engaging both Christians and Muslims in a symmetrical manner obfuscated the historical injustice that had led the Moros to seek self-determination in the first place. The reaction of the CSOs is at complete odds with the government’s reaction to the same consultation. President Aquino, in December 2010, built the Mindanao 2020 Peace and Development Framework as a foundation for advancing peaceful relations between Manila and Mindanao, based on impressions derived from KM and DM (Mindanao Development Agency Press Release, 5 December 2010). Notably, President Aquino used the responses from the DM and KM consultations to implicitly recognize and reject calls for increased Moro independence: he called on all stakeholders in Mindanao “to make Imperial Manila a thing of the past,” i.e., reject narratives based on the idea of righting colonization-related injustices (ibid).

Thus, there appears to be a clash between the desire for clarity and the outcomes of seeking such clarification, given the spectrum of Moro opinion on the operative parameters of self-determination.

### **Recommendations**

Given the above, any recommendations need to strike a balance between operative clarity and the creation of a consensus that can lead to a negotiated solution.

#### Short Term: Constructive Ambiguity

Given the Moro CSO’s recently increased insistence on a historical focus, it seems that insisting on complete clarity within negotiating party positions would push the MILF either to embrace a more restitution-oriented party line or to seek losing the *de facto* support of a major constituency bloc. To avoid this, **the MILF should continue to utilize strategic ambiguity**, in this case regarding the exact parameters of the duration of associative relations with Manila and of the exact Islamic nature of a future autonomous

Moro region (Bernheim and Whinston 1998, 903-905).<sup>32</sup> Because all previous agreements between the MILF and the GRP (such as the MOA-AD) contained clear cut transition periods involving joint cooperation leading to a transfer of regional power, it seems reasonable to delineate such transition periods in any future arrangement. This structural component of a negotiated agreement should assuage the fears of Christian settlers regarding discrimination or displacement in the short run. However, in order to make non-Muslims comfortable in a new administration in the longer term, **trust building measures are needed and a preliminary MILF-GRP agreement would provide the groundwork to establish them.**

#### Medium Term: Reaching Consensus on Administration and Resources

In the medium-term, following a negotiated settlement, **solutions will need to begin addressing the details of an autonomous Moro administration.** Arguably, this can and should be done **by combining resource management with administrative trust-building measures.** First of all, **it is important to eliminate ambiguity regarding finite commodities as soon as possible, because their administration tends to be zero-sum** and, as such, ambiguity in these sectors is not sustainable (Fischendler 2008, 111). Fortunately, there is a precedent of successful issue-specific negotiated agreement between parties still in dispute, when agreements were limited to resource-specific and/or municipal-level issues (Kaufman 2009).<sup>33</sup> As such, it seems that such an agreement could be reached in an autonomous Moro region, particularly if a preliminary peace agreement had already been signed.

Given the importance of economic discrimination in the rhetoric of Moro civil society, **preliminary administrative measures should be development- and welfare-related.** It would be easy to make them locally-grown, as the CSOs have already

---

<sup>32</sup> For example, in Ireland, the Downing Street Declaration, the Framework Documents, and the Good Friday agreement were deliberately and “constructively” ambiguous in a number of areas. Among these, 1) all sides needed to believe that their definition of national self-determination had been enshrined in the document; 2) Each group had to feel that their claims to sovereignty over the area had been addressed. (Goddard 2010, 66-9, 228-31).

<sup>33</sup> This has taken place during small-scale administration of holy sites in eastern Jerusalem and in aquifer agreements between Israelis and Palestinians, for example (Kaufman, 2009).

expressed interest in involvement over this sector. **The easiest place to start**, and an “act of goodwill” that has already been called for by Bangasamoro civil society, **would be “to jointly ensure the safe return of the IDPs to their homes [and] brainstorm with them regarding their needs for a safe environment”** (*Bangasmoro Journal*, June 2009, 23). Assistance to IDPs appears to be a non-controversial and under-performed issue and, therefore, seems like a natural first step in defining administrative parameters and in trust-building.

From there, initiatives should segue into the administration of other resource-related issues. This will be more challenging, due to the issue of asymmetry. Namely, **the issue of resource management and allocation can be used to address Moro grievances regarding economic disparities in Philippines society**. Essentially, this would function similarly to affirmative action. However, in order to mitigate the creation of Christian grievances about receiving a disproportionately smaller amount of resources, **such administration of resources would need to go hand-in-hand with an education process about Moro history**. Because the Moro community in the Philippines already feels that their culture is under-represented, such an educational initiative would thus have the added value of addressing Moro concerns of cultural parity as well. Finally, such educational initiatives, when combined with trust-building measures and a cooperative administrative transition to an autonomic Moro authority, would help lay the groundwork for long-term solutions.

#### Long Term: Bringing Narratives of Sovereignty Closer Together

The step that requires the most time is the elimination of ambiguity as to the nature of a Moro autonomous region, specifically the duration and nature of its associative relationship with the central government of the Philippines. Arguably, sovereignty and autonomy need not be a zero-sum issue. However, this is predicated on two conditions: first, that the concept of increased Moro control in Mindanao not threaten non-Moro Filipinos, and second, that the concept of associative relationships with Manila not be seen as a negative concept by Moros. Arguably, **building productive resource-based cooperation during a middle-term planning phase would help encourage both of these conditions**. On one hand, Moros would likely feel less like second-class citizens

and would, thus, be less antagonistic to the idea of continued association with Manila. On the other hand, non-Mindanao Filipinos would feel that they were still reaping economic benefits from the region, albeit now through a different administrative mechanism. Likewise, **cooperation over time from the middle-term planning phase would assuage associations in the minds of the Filipino majority of Moros as violent.**

### **Conclusion**

If the use of ambiguity in the short-term phase is successful in overcoming the lack of consensus in order to reach an agreement, small trust-building measures, such as resource-oriented administration in Moro-administered areas of Mindanao, may lead to long-term narrative change under the right conditions. Namely, if such measures are combined with an educational program and are shown to be reliable over time, it is hoped that relations between Moros and Filipinos will improve. Ideally, improved relations would reach a point where enhanced Moro autonomy in areas of Mindanao will no longer be viewed as a threat to Christian Filipinos (off and on the island) and, conversely, that Moro secessionist desires will also abate because Moros will no longer feel politically and economically marginalized within the Philippines.

# **Greed and Spoiling in Mindanao**

**Miles Hansen**

Spoilers are a seemingly omnipresent aspect of the conflict in Mindanao. During our meetings in Manila and Mindanao practically every possible party to the conflict was accused of being a spoiler by one faction or another. While an argument can be made that in many instances the term was used less to explain the continuation of the conflict and more as a smart pejorative for one's opponents, the peace process has started, stalled, and failed so many times that it is not surprising that each faction uses the spoiler label to characterize the individuals and groups that it blames for the continuation of the conflict.

Given the frequency with which the term spoiler has been used in Mindanao, it is important to review briefly a simple typology of spoilers: Limited spoilers frustrate negotiations to achieve conflict-specific goals through an eventual peace; greedy spoilers oppose peace to maintain a conflict environment in which they can achieve goals that may not directly relate to the conflict; and total spoilers fundamentally oppose any negotiated peace in order to accomplish absolute goals (Stedman 2000, 183).

In our meetings, the majority of the groups that were labeled as spoilers seem to be using hard bargaining tactics as a means of extracting additional benefit from the conflict and the ongoing peace process. Their objective is to maximize their interests by shaping the terms of peace, but they are not irreconcilably opposed to negotiated peace. Essentially, they are limited spoilers, working to achieve specific goals in a negotiated peace through hard bargaining tactics. Other chapters of this report describe the role these limited spoilers play in the conflict (See Chapters by Kirk Donahoe, Kinga Krisko, Solmaz Khorsand and Noa Levanon).

The purpose of this chapter is to identify the greedy and total spoilers in the Mindanao conflict, describe how and why they undermine the peace process, and propose recommendations about what can be done to limit their ability to perpetuate the conflict.

## **Islamic Extremist Groups**

On 14 January 2011, representatives of the Government of the Republic of the Philippines (GRP) reached an agreement with the negotiating panel of the Moro-Islamic

Liberation Front (MILF) to resume the stalled peace process over the final status of the Moro-majority areas of Mindanao. Ten days later, an explosion ripped through a Manila bus, killing five civilians and inflaming Filipino critics of the continuing MILF-GRP negotiations. While no group has claimed responsibility for the bombing, the bomb was built with the same materials used in similar bombings in Manila and Mindanao by Islamic extremist groups. This attack is just the latest iteration of a long-standing pattern in the Philippines—as the peace process moves forward, radical groups outside of the negotiations use violence to undermine the MILF-GRP negotiations.

The conflict environment in Mindanao has given rise to a broad range of Islamic extremist and extortionist groups that vary greatly in terms of their goals and activities, but their shared-geographic space, common religious identity, and possible coincidences of interest serve as the basis of a fluid relationship between them. Abu Sayyaf is the most well-known of these groups, but elements of Jemaah Islamiyah, Rajah Solaiman Movement, hard line factions of the MILF, and other freelance extortionists and terrorists all undermine the peace process, albeit for different reasons and in different ways.

Abu Sayyaf has been active in the Mindanao conflict since the early 1990s after MNLF-associated militants returned from fighting the Soviet Union in Afghanistan. Infused with the radicalism of the Afghan jihad, the Moro mujahedin split from the MNLF, formed the Abu Sayyaf Group, and declared a new jihad in Mindanao against the Philippine government. Abu Sayyaf viewed itself as the local vanguard of the struggle to establish a global caliphate and nurtured financial, ideological, and material ties with other jihadi groups, including Jemaah Islamiyah and al-Qaeda.

At its inception, Abu Sayyaf was a total spoiler. Abu Sayyaf split from the MNLF because the latter had renounced violence and was pursuing a negotiated settlement with the Philippine government. Abu Sayyaf's purpose was to establish an independent Islamic state in Mindanao and it vowed to use indiscriminate attacks in pursuit of this goal. Throughout the 1990s Abu Sayyaf developed its capability with the help of terrorist financiers in the Middle East and used assassinations, bombings, and kidnappings to undermine the efforts of the MNLF and the Fidel Ramos administration to reach and implement a peace agreement. These efforts contributed to the lack of stability

in Mindanao that Ramos's successor, President Joseph Estrada, used as a pretext to abandon the peace process in favor of all-out war.

After 9/11, the U.S. provided the Armed Forces of the Philippines (AFP) with the resources and expertise it needed to conduct an offensive against Abu Sayyaf, and Estrada's war against the MILF infused Abu Sayyaf with radicalized recruits and additional resources. The resulting escalation led to increased AFP operations against Abu Sayyaf in the Southern Philippines and a series of high-profile terrorist attacks, including the 2004 Superferry 14 bombing that killed 116 people in the worst terrorist attack in Philippine history.<sup>34</sup>

Since 2006, the AFP has decimated Abu Sayyaf's leadership, breaking its organizational structure and isolating it from its foreign sources of financing and support. The result, as consistently reported in our meetings with representatives of the military, the MILF, the national and local government, international organizations, and local NGOs, is that with the exception of a few elements that continue to pursue a radical Islamic political agenda, Abu Sayyaf has devolved from a politically and ideological driven terrorist organization to a loose affiliation of criminal gangs whose main purpose is to profit from kidnapping, smuggling, and other illicit activities. Thus, Abu Sayyaf has transitioned from a total spoiler to an umbrella of greedy spoilers who benefit from the continuation of the conflict. The actions of these groups can be understood as small-scale attacks—like the 25 January Manila bus bombing—that perpetuate the conflict, which in turn facilitates profit-bearing illicit activities (kidnapping for ransom, smuggling, drug trafficking, etc.).

While there is little disagreement about the spoiling role Abu Sayyaf is playing in the conflict, there is far greater uncertainty about the role hard line MILF factions may be playing in undermining the peace process. In contrast to Abu Sayyaf's overt rebellion against the government, the peace process, and even the MILF, the hard line factions

---

<sup>34</sup> The SuperFerry 14 bombing, the world's deadliest terrorist attack at sea, occurred on 27 February 2004 when a member of Rajah Sulaiman, working on behalf of Abu Sayyaf, planted an eight pound TNT bomb inside a TV that was stored in the lower decks of the ferry. Shortly after the SuperFerry 14 left Manila en route for Bacolod City, the bomb was detonated, ripping a hole in the vessel and starting a fire that quickly engulfed the ship.

within the MILF are internal to the peace process so their actions are more likely to be covert. This will continue until they decide to break publically from the MILF.

During our meetings in Cotabato with representatives of local Moro NGOs and the MILF negotiation panel, a common theme was that there is growing discontent in the MILF with the negotiation process and that MILF leaders were feeling increasing pressure from MILF commanders and the general Moro population to accept nothing less than full-independence. Accomplishing this, according to the hard liners, could only be done by renewing the insurgency in Mindanao and conducting terrorist attacks in Manila. The hard liners appear to be advocating an absolute goal—complete independence—and are increasingly becoming more vocal in their opposition to the negotiation process. Thus, they are best described as potential total spoilers to the peace process.

To prepare for a renewed insurgency, we were told by supporters of the MILF in Manila and Mindanao that elements within the MILF send madrasah students to Pakistan to continue their Islamic studies and, most importantly, to receive militant training. After finishing the training programs, the students return to Mindanao and serve as “force multipliers” for the MILF. One government source estimated that 500 students have received training in Pakistan in the past few years. Additionally, we were told that factions within the MILF nurture relationships with Abu Sayyaf affiliated groups, Jemaah Islamiyah, and other Islamic extremist groups in order to facilitate the transfer of weapons and funds and to coordinate potential operations. Like the students who receive militant training in Pakistan, these relationships are seen by hardliners in the MILF as key to developing the capability to conduct an insurgency in Manila and Mindanao.

The presence of hard line factions within the MILF and the MILF’s preparations for an alternative to a negotiated settlement—renewed fighting—is not abnormal or unexpected. All parties to a conflict have hard line factions and work to improve their alternatives to a negotiated settlement. Nevertheless, the reported growing support for the hard line position, both within the MILF and among the general population, indicates that the hardliners in the MILF may possess the motivation and capability to more forcefully undermine the peace process. This could occur with an outward break from the MILF and the resumption of fighting, as appears to be happening with Umbra Kato—a MILF commander—and his supporters. Kato has recently declared a new breakaway

group, the Bangsamoro Islamic Freedom Fighters (BIFF), and claims that his group is the true representative of the aspirations of the Moro people. The MILF denies Kato's claims and maintains that the BIFF does not represent a threat to the peace process or the MILF's legitimacy. The fact that Kato felt the need to break away from the MILF indicates that his hard line views are currently marginalized in the MILF, but what is yet unknown is whether or not the MILF is capable of preventing Kato from disrupting any agreements that the MILF negotiation panel reaches with the GRP. The potential for Kato and other total spoilers to derail the peace process is significant and therefore must be taken into account when trying to understand the obstacles to achieving peace in Mindanao.

### **Economic and Political Elites**

Mindanao leads the Philippines in the export of bananas, pineapple, seaweed, and high-value tuna, is a major source of timber, gold, zinc, and nickel, and sits atop on-shore and off-shore gas and oil reserves. Despite these abundant resources, the Moro people in Mindanao are among the poorest in the Philippines.

According to representatives of international organizations, local NGOs, the MILF, and even former government officials, a major cause of the inconsistency between Mindanao's natural resource wealth and the poverty of the people is the dominance that a small group of economic elites have over the lands and resources of Mindanao. These oligarchs control the shipping industry, mines, utility companies, seaweed plantations, large agriculture companies, telecommunications infrastructure, and the major trade companies bringing goods to and from Mindanao. The economic elites have also formed profitable ties with and receive support from large multinational corporations, such as Exxon-Mobil, Dole, and Del Monte. The oligarchs, we were told during our meetings, live outside of Mindanao, have strong allies in the national government, and dominate local politics by hiring government leaders to protect their business interests for them. Instead of holding elections, went a common joke, Mindanao's oligarchs and large landowners make "selections." Whoever is selected is elected. Once in office, these local officials—mayors, congressmen, senators, governors, vice-governors, etc.—watch over the interests of the oligarchs. This symbiotic relationship creates a powerful

incentive for the economic and political elites to coordinate their efforts in undermining the peace process.

The economic elites and their political allies perceive a peace agreement between the MILF and the GRP as a significant threat. In terms of protecting their interests, this fear is well founded. On 27 July 2008, representatives of the MILF and the GRP initialed the Memorandum of Agreement on Ancestral Domain (MOA-AD), a monumental agreement that would pave the way for an autonomous Bangsamoro Juridical Entity (BJE) as a homeland for the Moro people. The MOA-AD addressed the issue of natural resources, stipulating that the BJE and GRP would share the income and revenues generated from natural resources on a 75:25 basis, in favor of the BJE. This radical shift from the status quo would carry immense costs for the economic elites and their political allies.

Not surprisingly, the MOA-AD was not popular among the economic elites in Mindanao and Manila, who viewed the agreement as a threat to their economic interests, and the interests of their international business allies. Before the MOA-AD could be formally signed on August 5, Manny Piñol, the vice-governor of North Cotabato, and Celso Lobregat, the mayor of Zamboanga, both of whom are reportedly very close to many of the economic elites, especially the copper and gold mining industries in North Cotabato and the shipping and fishing industries in Zamboanga, filed a petition to the Philippine Supreme Court requesting that the court issue a cease and desist order forbidding the government to sign the MOA-AD. Piñol forcefully argued against the MOA-AD, asserting that signing the agreement would lead to further bloodshed, oppression of Christians, and the virtual declaration of a new state. Piñol's message was picked up in the mainstream Filipino media, which set off a political firestorm against the agreement and the Arroyo administration. On 13 August the House of Representatives signed a resolution opposing the MOA-AD, and by the end of the month the Arroyo administration disbanded the negotiation panel and declared that it would not sign the agreement. To ensure that the MOA-AD was dead, on 14 October 2008 the Supreme Court ruled that the agreement was unconstitutional by a vote of 8-7.

The failure of the MOA-AD—after it was agreed to and initialed by the MILF and GRP peace panels—killed the peace process and sparked a renewal of the war in

Mindanao. The overwhelming opposition that Piñol, Lobregat, and their political allies were able to rally against the MOA-AD is indicative of the capability the political and economic elites in Mindanao have to derail the peace process. Since it would be very difficult to reduce the capability of these powerful spoilers, it is imperative that a strategy is developed to reduce their motivation to oppose the peace process.

### **Recommendations**

Strategies to minimize the harmful effects of spoilers typically fall within three broad policy options: inducement, socialization, and coercion. Inducement provides carrots, coercion resorts to sticks, and socialization is the process of convincing the spoiler to adhere to a set of established norms (Stedman 2000, 187). The recommendations that follow fall within these categories and are based largely on the ideas proposed by those with whom we met in Mindanao and Manila when discussing the options for curtailing the counterproductive influence of Islamic extremist groups, the oligarchs, and political elites.

#### Abu Sayyaf-Affiliate Groups

- **The MILF ought to make a concerted public relations effort to disassociate itself from Islamic extremist groups in the minds of the general Filipino population and politicians.** Abu Sayyaf's ability to perpetuate the conflict is limited to conducting small-scale attacks that inflame public sentiments against the MILF and the peace process. To reduce Abu Sayyaf's ability to derail the peace process, the MILF needs to do more to ensure that the Filipino public perceives Abu Sayyaf and other terrorist groups as the enemies of both the Philippines and the MILF. The MILF needs the Filipino public to discern between the MILF and Abu Sayyaf-affiliate groups.
- To do this, **the MILF could run advertisements in mainstream Filipino news outlets against Abu Sayyaf, denouncing its tactics and vowing to work with the Philippine government to marginalize and destroy a common enemy.** These public statements need to be consistently backed up with tangible, publicized action. To this end, **the MILF should increase its support with the**

**AFP** to shut down Abu Sayyaf camps, arrest the leaders of the Abu Sayyaf-affiliated groups, and forcefully speak out against Abu Sayyaf among the Moro populations of the Southern Philippines. **The MILF needs to be the full partner of the AFP in destroying the Abu Sayyaf-affiliated groups.** Additionally, **the AFP and the GRP need to support the MILF public relations campaign with its own public statements in support of the MILF's actions against Abu Sayyaf,** helping politicians and the general population to more accurately distinguish between the MILF and the extremist spoilers who are committed to undermining the peace process.

#### Hardliners in the MILF

- **The GRP ought to agree to the MILF demand that the international community play a larger role in the peace process.** For the most part, hard line pressure on the MILF comes from disillusionment with the peace process. In order to reduce the appeal of the hard line message within the MILF and Moro populations, the MILF leadership needs to be able to show direct positive results from the peace process. These benefits need to be felt in the current round of MILF-GRP negotiations. Therefore, **the GRP negotiation panel needs to make immediate concessions that enable the MILF to induce the hardliners to continue to support the peace process.** Ideally, the GRP should make concessions that have an overall positive influence on the peace process, making it a win-win development instead of a simple down payment to the MILF. Agreeing to increase the role the international community plays in resolving the conflict is one potential win-win concession.
- The degree to which the conflict is internationalized has been hotly contested in the past, and thus far the GRP has proved largely successful in minimizing international interest and involvement in what the GRP perceives as a domestic issue. Not only would GRP acceptance of a larger role for the international community give the MILF leader an important “victory” that they could use to infuse MILF supporters with increased confidence in the utility of the peace process, the international pressure would be a critical instrument in helping the

GRP overcome the obstacles presented by the economic and political spoilers as well (as will be discussed below). These spoilers would most likely oppose the involvement of the international community, but advocating against international involvement is more difficult than raising alarm over a concession that immediately benefits the MILF at the cost of the GRP. Also, given the increasing capability of the hard line elements of the MILF to wage a violent insurgency in Mindanao and Manila, the potential costs of the factionalization of the MILF are extremely high, making the relative costs of increased international involvement lower.

#### Local and National Politicians

- Improving Filipino perceptions of the MILF and increasing the level of international involvement in the conflict will make it more difficult for politicians to spoil the peace process by inciting massive public outrage over the inevitable concessions that will have to be made in a peace agreement. In addition to these developments, **the GRP and supporters of the peace process should organize a Catholic Conference designed to motivate the church to take a stronger stand in favor of a negotiated settlement.** The Catholic Conference could be used to **create awareness about the conflict, the possibilities for peace, and how that would benefit the Philippines.** The crucial message that would need to be delivered is that compromises for peace will need to be made by both Muslims and Christians. This message could be carried further if one Sunday all bishops in the Philippines were to teach about the need for peace in Mindanao and that compromises will be necessary, but that the costs of compromise are outweighed by the benefits of peace. In essence, **the church could play a role in facilitating a negotiating context that is conducive to the compromises that will be a necessary component of an eventual peace agreement.**
- The church's support for the peace process would not only help shape public attitudes for an eventual peace agreement, it would also bring a powerful institutional counterweight to the political power of the local and national politicians who are committed to foiling any peace agreement. As was witnessed

during the political assault against the MOA-AD, politicians justify their opposition to the agreement by appealing to the Christian identity of their constituencies and garnering support from church leaders, both locally and nationally. This strategy loses its veracity when the church itself—at least on the national level—is vocally supportive of the peace process and the need for both sides to make accommodations to the other in the pursuit of peace.

### Economic Elites

- The economic elites present a unique challenge to the peace process. They potentially have the most to lose from a peace agreement and have immense power over the politicians that must publically support any potential agreement. The status quo is far more valuable for the oligarchs than any inducements the government could offer, and the political power their economic position buys makes it difficult to coerce them into supporting a deal that hurts their interests. There is little that can realistically be done to reduce the capability of the economic elites to derail the peace process, so a strategy needs to be devised that reduces their motivation to oppose a peace agreement.
- **The GRP should help the MILF facilitate negotiations with the economic elites over the economic outcomes of a political agreement between the GRP and the MILF.** The MILF is largely a group of rebel fighters, would-be politicians, and regular farmers, traders, small business owners, craftsmen, and laborers. The MILF does not have the capability to operate large industrial projects. So, regardless of which government entity owns what share of the natural resource wealth of Mindanao, the industrial capabilities of the economic elites are going to be needed to extract, process, and deliver the resources to market. **By helping the MILF develop ties with the economic elites, the GRP can help provide the oligarchs with the opportunity to negotiate the terms of their support for a political agreement between the GRP and the MILF.** Additionally, the internationalization of the conflict will draw a greater level of scrutiny into the causes of the conflict. Large international corporations—like Exxon-Mobil, Dole, and Del Monte—that are part of the economic elites of

Mindanao can be pressured by international organizations to play a more productive role in creating a lasting peace between the Moros and the Philippine government.



## **Conclusion: Advancing the Cause of Peace in Mindanao**

**P. Terrence Hopmann**

The conflict in the Philippines centering on the efforts of the Moro (Muslim) population to achieve self-determination, is one of the longest standing, yet least analyzed secessionist conflicts in the world that still defies a final settlement, although a cease-fire went into effect in 2009 and negotiations opened in early 2011 to try to produce a political solution. Indeed, our visit to the Philippines took place immediately following an agreement between the Moro Islamic Liberation Front (MILF) and the Government of the Republic of Philippines (GRP) to open a new round of negotiations in search of a permanent resolution of this conflict. This volume has presented the reports of the nineteen SAIS students who traveled to the Philippines during the period of January 15-23, 2011, first to Manila, the national capital, and then to Cotabato City on Mindanao, the primary location of the leadership of the Moro community.

These papers are based largely on information that we obtained at sessions held in both locations with representatives of the national and regional governments; the members of both the MILF and GRP peace panels; with international organizations and third parties participating in the peace process; with international, national and local non-governmental organizations (NGOs) and civil society organization (CSOs); and with religious leaders and local scholars involved in both studying and mediating the conflict. This conclusion attempts to summarize some of the major insights presented in the preceding pages: we begin by looking at some of the challenges the region faces in terms of insecurity and humanitarian and economic degradation, and then turn to the major issues that the GRP and MILF are confronting in the current negotiations as well as aspects of the negotiation process itself that may facilitate or present obstacles to their successful conclusion.

### **Sources of Violence and Insecurity in Mindanao**

Although the situation in Mindanao is sometimes compared to other recent secessionist conflicts in the world such as Kosovo's struggle against Serbia and the secession of southern Sudan, there are some significant differences. At least since the overthrow of

the Marcos dictatorship in 1986, the Philippines has been a largely democratic country, in marked contrast to Slobodan Milosevic's Serbia or Omar Al-Bashir's Sudan. Yet, as Kirk Donahoe points out, there remains a democratic deficit in the Philippines that serves as an obstacle to the establishment of lasting peace. Not unlike a lot of other democratic regimes, both new and old, the Philippines has alternated since 1986 between populist regimes and the domination of government affairs by a few prominent families who constitute an entrenched political elite, accompanied by a highly fragmented political party system. In order to guarantee widespread political support for any new agreement, the political process will have to open up to much broader participation, while also carefully avoiding any temptation towards a "tyranny of the majority" that would cause further disaffection among minority populations. At the same time, as Anna Morgan argues, Manila has often failed to establish an effective rule of law in Mindanao, leaving law and order to a wide range of para-military institutions (the CAFGUs and CVOs), to the rebel groups (MNLF, MILF, Abu-Sayyaf, etc.), to clans who utilize clan warfare or *rido* as an alternative system of "justice," to largely uncontrolled criminal networks, all frequently inter-linked in complex webs that are difficult to penetrate. As Robert Cowden observes, this has led to the appearance of widespread "security dilemmas," a "gun culture," and a belief throughout the island that, in the absence of an effective police and judicial system, "self help" is the only mechanism to provide even a modicum of security in the midst of general anarchy.

Since the events of 2008, the International Monitoring Team (IMT) and especially its Civilian Protection Component (CPC) have thus come to play a central role in trying to constrain the many sources of violence that remain on the island. Especially important to the success of the IMT in protecting civilians and maintaining the cease-fire is the role of local NGOs and CSOs, coordinated by the Mindanao Human Rights Action Center (MinHRAC), the Mindanao Peoples Caucus (MPC), and the Moslem Organization of Government Officials and Professionals (MOGOP), as well as an international NGO, the Nonviolent Peaceforce. Philipp Lustenberger describes in detail the interesting mechanisms established under the IMT, composed of unarmed military leadership, both active duty and retired, from Malaysia, Libya, Brunei, Indonesia, Japan, and Norway, and of local and international NGOs that participate both in the International Contact Group

and the CPC. Also of great importance are the cooperative measures introduced under the Malaysian leadership to coordinate efforts by the Armed Forces of the Philippines (AFP) and the MILF to enforce a cease-fire through the Coordinating Committee for the Cessation of Hostilities (CCCH) and to rein in criminal and clan violence through the Ad Hoc Joint Action Group (AHJAG), both composed of representatives of the AFP and the MILF coordinated by the IMT. As Lustenberger notes, since the IMT and its associated ceasefire maintenance entities have re-entered Mindanao in 2009, the level of violence has fallen considerably, although there remains a long way to go before the population is likely to feel secure enough to return to anything approximating a normal life.

In addition to these international institutions, the AFP continues to be present throughout the island. Although predominantly Christian regions of Mindanao tend to appreciate the army's protective role, the relationship with the Moro community remains problematic given the history of violence between the AFP and the MNLF prior to the 1996 agreement and the MILF afterwards. As Kinga Krisko notes in her chapter, the AFP has attempted to develop a new strategy of "winning the peace" through development activities and the promotion of social harmony rather than through force. Although there have been some significant successes in development projects undertaken by the AFP, the level of trust by the local populations remains tenuous. This partly derives from Moro narratives of the destruction of homes and farms by the AFP during the fighting in 2008, as well as the AFP's relationship to two para-military groups that it has spawned. The Civilian Armed Forces Geographical Units (CAFGUs), local militias recruited by and nominally controlled by the AFP as "force multipliers," are frequently accused of human rights violations by Moro CSOs.

Even more problematic are the many Civilian Volunteer Organizations (CVOs), formally armed "volunteers" supporting and directed by the Philippines National Police. However, the extent of effective police supervision of the CVOs remains highly problematic, as Solmaz Khorsand shows in her study of the most egregious case of *rido* violence perpetrated by the powerful Ampatuan clan in a massacre in 2008 against the family and supporters of a rival clan leader, Esmael Mangudadatu. Fifty-eight people were murdered, including Mangudadatu's wife, family, friends, and accompanying journalists, who were on their way to register him as a candidate for governor,

challenging Andal Ampatuan Sr., long-term governor and patriarch of the clan, in an election for the governor of the province of Maguindanao. Members of the local CVO were implicated in the violence; in effect, they served as “force multipliers” for the private armies of Ampatuan, currently on trial for his crimes in Manila. In short, as Edgar Chávez discusses in his chapter, violent feuds among clans often become mixed in with the violence between rebel units and the Philippines national army and police, as well as their affiliates in the CAFGUs and CVOs, all promoting a climate of violence and insecurity in Mindanao.

The climate of violence and insecurity in Mindanao has serious consequences. It creates in Manila and abroad an image of Mindanao and the Moro people as violent and incapable of self-rule, an image that we found to be ingrained in the perceptions of many people we met in Manila, but in no way borne out by the narratives of the many citizens of Mindanao who are firmly devoted to the search for a peaceful and secure future. However, the violent image is reinforced by national media and politicians and generally creates public antipathy towards the Moro people and a desire of many Filipinos to distance themselves from the conflict in any way possible. Furthermore, the image of anarchy makes it extremely difficult to attract investments to develop the many resources of Mindanao, discourages tourism altogether, and makes the implementation of development projects difficult to undertake in an insecure environment. In short, the pattern of violence makes it more difficult to implement many of the measures that are required to end the cycle of violence in Mindanao, thereby creating a vicious circle that is difficult to break.

### **The Humanitarian and Economic Crisis in Mindanao**

In order to lay the foundations for negotiating peace in Mindanao and implementing any peace agreement, it will be necessary to work rapidly to overcome the tragic humanitarian and economic conditions that characterize the region. Per capita income and ranking on the Human Development Index for many of the provinces of Mindanao fall at the very bottom for the Philippines. Furthermore, the history of recent outbreaks of violent conflict in 2000, 2003, and 2008, created altogether over one million internally displaced persons, who had their homes, farms, fishing vessels, and other means of

livelihood destroyed in the fighting; others have been displaced as a consequence of *rido* and other criminal violence. Although many of the displaced have returned to their homes, many of those still remain unemployed; many other IDPs continue to live in temporary camps, constructed by international aid agencies, where they remain dependent on outside aid for their survival.

As Cordelia Chesnutt emphasizes in her chapter, the United Nations Office for Coordination of Humanitarian Affairs (OCHA) has set up offices in Mindanao to offer humanitarian assistance to the distressed populations in the conflict-affected areas. Although the GRP has rejected outright a UN role in mediating the conflict or any other high profile political role, they have welcomed, albeit with some restrictions, a wide range of UN humanitarian agencies to work on the ground in Mindanao. As Chesnutt notes, however, even greater coordination by the relatively small UN staff based in Cotabato with local civil society organizations could enable their efforts to expand more broadly and have a more significant impact on ameliorating the serious humanitarian crisis in the region.

There remain some tensions within the Moro community about the role of economic development in relation to the conflict. Most do not believe that poverty and the low level of economic development is a root cause of the conflict, nor do they believe that peace can be established through economic development alone. Indeed, some Moro CSOs see GRP and international offers of economic assistance as an effort to “buy them off,” thereby allowing their fundamental political demands for self-determination to go unfulfilled. These individuals also argue that peace and a reasonable sharing of economic wealth with the Bangsamoro people will allow development to take place spontaneously after a peace agreement is achieved. Key to this outcome, as Mariya Savchuk emphasizes, is Bangsamoro control over natural resource development as one essential outcome of peace negotiations. One such case is access to oil and gas in the Liguasan marsh region, the center of much of the fighting between the AFP and the MILF over the past decade. Similarly, Savchuk notes that an agreement must provide legal protection for the resource rights of indigenous peoples who are not part of the Moro community. The development of economic resources must thus be an urgent priority for any

governmental entity that is set up in Mindanao as the result of any forthcoming peace agreement.

Similarly, international development assistance will be critical to jump start any process of economic development in this resource rich, but poverty-stricken region. Elena Ponyaeva emphasizes in her chapter the importance of greater coordination of overseas development assistance and investment. Although a multiplicity of international donors now operate in Mindanao, even in the midst of substantial insecurity, their efforts too often are uncoordinated, leading to development projects that have little multiplier effect because they fail to reinforce one another. Similarly, confusion and at times conflict between the GRP, the ARMM, and local government units over the establishment of aid priorities and the implementation of aid projects leads to wasted efforts and the lack of cumulatively reinforcing outcomes. Finally, Ponyaeva notes the importance for international donors to tailor their aid to the specific conditions in the conflict-affected areas. Aid donors must be aware of the sources of conflict to avoid exacerbating the conflict, and be sensitive to reinforcing the peace process wherever possible.

Finally, Theodros Roux also asserts the importance of economic development as a priority for Mindanao, and he faults the MILF leadership for prioritizing their political goals above the welfare of the common people, who want peace and care more about a better standard of living in the future than about the political status of the Moro region in relationship to the GRP. Although he recognizes that the MILF does not want to keep the Bangsamoro people in poverty, he believes that they have not been sufficiently active in promoting humanitarian and development goals. Thus he argues that economic development work should proceed independently of the peace process, and that the GRP and the ARMM, with the support of international donors, should focus more on the development of entrepreneurial skills and other private sector development strategies that can promote sustainable development, whatever the outcome of the peace negotiations.

### **Fundamental Issues of Conflict**

Because the Philippine population is overwhelming composed of a majority of Roman Catholics, with the church playing a major role in national politics, while the Moros

represent a relatively small Muslim minority largely concentrated on Mindanao and the Sulu Archipelago, the conflict is often portrayed as primarily a religious one. However, as Julia Schilling points out in her chapter, this characterization is largely misleading; with a very few exceptions, she notes that the role of religious identity of the state is not an issue in the conflict. Furthermore, some of the most significant efforts to produce a peace agreement have been promoted by the clergy, especially through the institution of the Bishop-Ulama Conference. To be sure, however, elements of religious conflict still do pervade narratives of the conflict on both sides. Moros cannot forget the efforts over centuries by Spanish and American missionaries to Christianize the purportedly “heathen” populations on Mindanao, nor can they forget the policies of the dictatorship of Ferdinand Marcos to alter the demographic composition of the island by encouraging large numbers of Christians to migrate to Mindanao, with promises of free land; the Moros and Lumads (indigenous peoples who are mostly pagans) constituted about 98 percent of the population of Mindanao at the time of American occupation in 1898, whereas today the population is roughly equally divided between the two religious groups. At the same time, efforts by the MILF to establish some form of Shari’ah law in their autonomous region has created fear on the part of Christian minorities in those regions that, with a shift in the majority, they will become the newly disadvantaged minority and subject to an Islamic state. This fear was propagated by several mayors of predominantly Christian towns and governors of provinces in Mindanao who complained that the MOA-AD would make them a disadvantaged minority in a new Bangsamoro Juridical Entity. This concern led them to take their case to the Supreme Court and to have the MOA-AD annulled.

If religion is not the major source of dispute, then the primary issues comes down to the Moro desire to obtain the internationally recognized right to “self-determination” in the face of the GRP desires to preserve a unitary Philippine state as proclaimed in the national constitution. To the Moros, therefore, the issue is one of marginalization within a Philippine nation with which they do not identify, and therefore their primary goal is to create a Bangsamoro Republic that will effectively reflect their different identity. Although the Moro’s preferred position, as Soo Kook Kim emphasizes, has always been complete independence, this is clearly unacceptable to the GRP, and the Supreme Court’s

rejection of anything that might lead to independence has largely removed this as an option. Therefore, much of the issue in current negotiations has come down to defining a level of autonomy for the Moro regions that would satisfy their desire for “self-determination” without leading to complete independence.

In the 1976 Tripoli agreement, as implemented in the 1996 accord between President Fidel Ramos’ government and the MNLF, the Autonomous Region of Muslim Mindanao (ARMM) was created. Fearing that this would prevent any effort to achieve true independence, the MILF broke off from the MNLF and continued the armed rebellion, while the leadership of the MNLF renounced violence and assumed leadership positions in the ARMM. However, as Allison Fajans-Turner emphasizes in her chapter, the ARMM leadership with whom we met has become largely disaffected with the perceived failure of the GRP to implement meaningful autonomy for the ARMM, and many have turned to cooperating at least informally with the MILF in an effort to negotiate deeper and more meaningful autonomy. The outer limits of autonomy, however, were made clear when the Philippines Supreme Court ruled the 2008 MOA-AD unconstitutional, in large part because it envisioned an “associative relationship” between the GRP and the newly created BJE which, the court ruled, presupposes that the BJE “is a state and implies that the same is on its way to independence.” Since the constitution specifies that the Philippines is a unitary state, this provision was ruled unconstitutional. However, not all aspects of the MOA-AD were found to be unconstitutional, and new negotiations thus seem to focus on how to redefine “self-determination” falling somewhere between the weak and discredited autonomy granted to the ARMM and the deep autonomy embraced by the MOA-AD. While noting the many weaknesses of the ARMM, Fajans-Turner nonetheless emphasizes that it contains many features that could and should be carried over in a new agreement; furthermore, however corrupt its personnel may be thought to be, they do represent a cadre of trained bureaucrats operating within existing institutional structures on which any newly created autonomous (or “sub-state” or “federal” in the MILF’s preferred terminology) government would have to depend in order to govern effectively from the start.

The other issue that may be carried over from the MOA-AD and incorporated into a new agreement is the provision of return to Moro control of the “ancestral domains,” as

examined by Ben Miller in his chapter. Prior to U.S. occupation in the early 20<sup>th</sup> century, most Moros and Lumads lived on land that was not divided into private properties. One of the principles of the MOA-AD not directly challenged by the Supreme Court concerns the return of these lands to Moro control. Among other features, the MOA-AD would have divided assets generated by mining and farming on these lands, as well as fishing and oil and gas exploration both in Mindanao and off the coast, with 75 percent going to the Bangsamoro political entity and only 25 percent to the national government, in significant contrast to current resource sharing arrangements. Though among the poorest regions of the Philippines, Mindanao is among the richest in terms of its potential for economic development in agriculture, mining, fishing, and energy production. Any agreement that does not contain similar provisions for resource sharing with the Bangsamoro people is likely to be unacceptable to the MILF negotiators. That said, as Miller emphasizes, the real issue for the Moros is only indirectly tied to these economic issues; “the core of the matter is political autonomy” by whatever name, or, as So Kook Kim summarizes: “The ultimate goal for the Moro people is regaining sovereignty in their ancestral domain.”

### **Negotiating a New Peace Agreement**

Just days before our arrival in Manila, the “peace panels” of the GRP and the MILF met in Kuala Lumpur, Malaysia, and agreed to reopen formal negotiations on a new peace agreement with Malaysia serving as mediator; these negotiations are underway at the time of this writing. Suraj Mungara traces the process through which this third party role has fallen on the government of Malaysia. The GRP has consistently tried to avoid outside involvement in what it considers to be an “internal matter,” consistent with the high value placed on sovereignty by the Southeast Asian nations in what they term the “Asian way.” Thus the GRP has consistently spurned UN offers to mediate. However, the Organization of the Islamic Conference (OIC) came to support the Moro cause in the early 1970s and offered its services to the parties to the conflict, accompanied according to Mungara’s account, by threats of an oil boycott if the GRP refused their offer. At the same time, and in spite of its Islamic orientation, the OIC is an organization composed of nation-states that have consistently opposed secessionist movements; as a consequence, it

had credibility with both parties to the conflict, and as a regional group it could go about its mediation with minimal public attention. Libya, under Muammar el-Qaddafi, took the lead in mediating the Tripoli agreement of 1976; this agreement was eventually brought to fruition in 1996, with Indonesia assuming the mediating role, also representing the OIC as well as being an ASEAN member state. In the past decade the same role has been assumed by Malaysia, in spite of a running dispute with the GRP over control of the island of Sabah. Although the government of Malaysia has its own interests at play in the peace process, it has generally been an acceptable third party to both the GRP and the MILF.

Furthermore, the peace panels of both factions have been composed of individuals with extensive experience in dealing with the conflict and who generally appear to understand the basic needs of their counterparts. However, as Margaret O'Connor argues in her chapter, the MILF panel is composed of five males and the GRP has only one woman among its five members; she notes that this means that women's perspectives, especially those reflected by many women active in Moro civil society organizations, are unlikely to be adequately reflected either in the negotiation process, where women might add a valuable alternative perspective, or in any resulting agreement, where women's issues are likely to be short changed.

Further hampering the MILF negotiating panel, according to Noa Levanon, is the absence of consensus within the Moro community about the objectives that they seek in an eventual agreement. This, she suggests, is largely due to the fact that the primary Moro goal of self-determination is an inherently amorphous concept that can mean many things. Thus, on the one hand, many MILF leaders recognize, especially after the demise of the MOA-AD, that complete independence is not negotiable, and therefore they must settle for something less; but there is little consensus about how much less. At its extreme, this has already led to one MILF commander breaking away and forming his own splinter group, reminiscent in some ways of the 1996 break by the MILF with the MNLF; in this case, Commander Umbra Kato has created the Bangsamoro Islamic Freedom Fighters, whose goal is complete independence for the Bangsamoro people. Similarly many Moro CSOs want to insist on rectifying historical injustices done to the Moro people, in general contrast to the MILF peace panel's more forward-looking

approach in search for a solution that will improve the conditions of the Moro people, even if not fully doing justice to the suffering of previous generations. Thus a classic potential tradeoff between prioritizing peace versus justice has appeared as an issue of dissension within the Moro community. Finally, there does not appear to be complete consensus about the future relationship between a new “sub-state” and the previous ARMM: Should the ARMM be replaced altogether? Or should it be integrated into a new, enlarged Bangsamoro entity with deeper autonomy? Or should any new administrative structure take advantage of the experience and expertise of current ARMM officials in order to be able to establish effective governance from the outset? Levanon notes that on some of these issues a certain amount of “creative ambiguity” might be desirable, provided that there remains sufficient clarity so that the implementation of an agreement may proceed without undue haggling over the details.

One additional obstacle to many peace processes in other cases may be especially pertinent in the case of the Philippines, namely the role of spoilers, discussed here by Miles Hansen. All three of Stedman’s (2000) categories of spoilers could potentially play a role in the Philippines peace process. Most of the participants in our trip believe that the two peace panels, left to their own devices and with the assistance of the Malaysian mediators, could probably arrive at a mutually acceptable agreement with relative ease if it were not for their concern about the threat from spoilers; the Zone of Possible Agreement (ZOPA) appears to be sufficiently broad on most of the central issues in the conflict to find mutually acceptable, if less than optimal agreements. To be sure, there are “limited spoilers” in the political leadership of both sides who could hold rigidly to their basic positions and oppose concessions, especially regarding the political status of the Bangsamoro region, even at the risk of creating yet another negotiation stalemate. However, these limited spoilers can likely be persuaded that an agreement to end this decades old conflict will be better than holding rigidly to their preferred “optimal” positions. Similarly, many in the hierarchy of the Catholic Church have opposed agreements in the past, both to protect Christian residents in Mindanao but also to defend the prerogatives of the Church as a dominant political force in the Philippines, though their influence may be offset by many clerical leaders who have become active proponents of peace.

In addition, there are many “greedy spoilers” in this conflict. These include rival clans and criminal gangs that have significant freedom to go about their nefarious business in the climate of anarchy that currently prevails in Mindanao. These include economic investors, both national and foreign, who see any likely resource sharing with the Moro population as a threat to their economic interests; among these business interests are several large U.S.-based companies such as Exxon-Mobil, Del Monte, and Dole. And greedy spoilers include many from other parts of the Philippines who have settled in Mindanao over the past half century, as well as powerful families with extensive land holdings, who fear that their land may be taken away from them in any agreement that restores the rights of Moros and Lumads to their ancestral domains

Finally, there are numerous total spoilers. These include extreme Islamist groups such as Abu Sayyaf, some of whose members want to link the Moro struggle to the global jihad, and others who pursue kidnapping and other lucrative activities under the guise of an Islamist political agenda. In addition, breakaway commanders within the MILF, especially Kato as already noted, but also others, would reject anything less than full independence; some of these radical commanders advocate taking the struggle to Manila in the form of terrorist attacks in the tradition of the IRA. Fortunately, so far the MILF leadership has managed to marginalize these fringe factions within its own group and has tried to disassociate their views from those of the peace panel. In addition, there are hard-line factions in Manila who would like to return to President Estrada’s policy of “all out war” to eliminate the “Moro problem” for all time, in what a few refer to as the “Sri Lanka strategy;” these factions too seem to have been marginalized by the Aquino government. Serious acts of violence by any of these potential total spoilers, however, could certainly put the peace process in jeopardy. Thus, while many conditions appear to make the conflict on Mindanao “ripe for resolution” there are many factors that could intervene to prevent a final peace agreement from being reached.

## **Conclusion**

All of us who traveled to Mindanao were visiting this region for the first time, and only one member of the group had previously been to the Philippines, where he had served as a Peace Corps volunteer. In spite of many warnings about the dangerous security

situation, we felt comfortable and warmly received in both Manila and Cotabato City. We were impressed by the friendliness, warmth, hospitality, and openness of all with whom we met. All were eager to share their narratives of the conflict and their ideas about how to overcome it. In spite of the level of poverty, we found an educated, informed, and peace-loving people who were anxious and able to dialogue with us in terms we recognized regarding conflict resolution and peace-building. The people of the Philippines and especially of Mindanao have suffered literally through centuries of discrimination, marginalization, oppression, and outright violent assault at many hands. They clearly deserve a much better future. However, the story of their conflict and suffering goes largely unnoticed by most of the outside world, seldom reported in the U.S. and Europe, and all too frequently ignored by policy-makers. All twenty of us who participated in this trip returned with a desire to increase awareness of this tragic and enduring conflict in the hope that the rest of the world may support by whatever means possible the efforts being undertaken as we write these words to negotiate a peaceful resolution of this conflict and to establish a sustainable peace process in Mindanao.



## List of Interviewees

### Washington DC, Briefings

- **Patricio Abinales**, Woodrow Wilson Center Fellow, Asian Studies; Professor of Southeast Asian Studies, Kyoto University (19 October 2010)
- **Maria Austria**, Minister for Political Affairs and **Brig. Gen. Mark Antonio Supnet**, Embassy of the Philippines (16 November 2010)
- **Eugene Martin**, SAIS South East Asian Studies Professorial Lecturer, former head of United States Institute of Peace Mindanao Project (30 November 2010)
- **Nicole Goodrich**, Conflict Prevention Officer with the Office of the Coordinator for Reconstruction and Stabilization at the U.S. Dept of State (7 December 2010)

### Itinerary—Conflict Management Field Trip to the Philippines: 15-22 January 2011

#### Monday 17 January – Manila

- **Amina Rasul**, Convenor of Philippine Council for Islam and Democracy
- **Bong Montesa**, former legal counsel for the Office of the Presidential Advisor on the Peace Process (OPAPP)
- Workshop at the Gaston Ortigas Peace Institute, Ateneo de Manila University
  - Karen Tañada**, Ortigas Institute
  - Joseph Lumanog**, Community & Family Services International
  - Paul Stuart Fraleigh**, Nonviolent Peaceforce
  - Carlos Anasarias**, Balay Rehabilitation Center
  - Miriam Coronel-Ferrer**, Member of the GRP Peace Panel

#### Tuesday 18 January – Manila

- Meeting with the Peacemakers' Circle Foundation, Inc., "Blue Mosque," Maharlika Village, Taguig City, Manila
- **Steven Rood**, Country Representative and Regional Advisor for Local Governance, Asia Foundation

- **Richard Hirsch**, Deputy Director of USAID GEM Project in the Philippines, Export Bank Plaza
- **Former President Fidel Ramos**, Ramos Peace and Development Foundation, Manila

Wednesday 19 January – Cotabato City

- **Zainudin “Zen” Malang**, Mindanao Human Rights Action Center (MinHRAC)
- Dialogue with leaders of Moro civil society organizations and NGOs at Kadtuntaya Foundation Inc (KFI) headquarters:

Kadtuntaya Foundation Inc (KFI)

Indigenous Peoples’ Resource Center (IPRC)

Bangsamoro Women Solidarity Forum (BWSF)

United Youth of the Philippines—Women (UNYPHIL-Women)

Bangsamoro Center for Just Peace (BCJP)

Kangudan Development Center, Inc. (KDCI)

Bangsamoro Lawyers Network (BLN)

Institute for Bangsamoro Studies

Cotabato Center for Peace and Development (CCPD)

Al Ihsan Foundation

Bangsamoro Center for Law and Policy (MoroLaw)

Center for Moro Youth Studies, Inc. (CMYSI)

Consortium of Bangsamoro Civil Society (CBCS)

Thursday 20 January – Cotabato City

- Dialogue with MILF Peace Panel, Camp Darapanan

**Mohager Iqbal**, Chair

**Michael Mastura**, Senior Member

**Maulana Alonto**

**Al Camlian**

**Abhoud Syed Lingga**

- Dialogue with ARMM Executive Officials, Headquarters, Cotabato City  
**Amsadruddin Adiong**, Acting Regional Governor  
**Naguib Sinarimbob**, Executive Secretary  
**Pembaen Kader**, DSWD Secretary  
**Ishak Mastura**, Chairman, ARMM Board of Investments
- Meeting with UN Office for the Coordination of Humanitarian Affairs (OCHA), Cotabato City  
**Barry Armstrong**, Head of Office  
Representatives of UNICEF, UNHCR, FAO, WFP, UNFPA, WHO, and UNDP

Friday 21 January – Cotabato City

- Dialogue with International Monitoring Team (IMT), the Civilian Protection Component (CPC), and the Coordinating Committee on the Cessation of Hostilities (CCCH) at the IMT compound.  
**Major General Datuk Baharom bin Hamzah** (Malaysia), Head of Mission  
**Major Carlos Sol**, CCCH representative of the Government of the Philippines  
**Rasshid Ladianan**, CCCH representative of the MILF  
Other IMT staff and programs heads
- Dialogue with IDP leaders and representatives, MinHRAC offices
- **Col. Prudencio Ramos Asto**, Chief of Public Affairs/Civil-Military Operations, 6<sup>th</sup> Infantry Division, Philippines Army, Cotabato City
- **Archbishop Orlando B. Quevedo**, OMI, Catholic Archbishop of Cotabato, at his residence
- Debriefing with Zen Malang

Saturday 22 January – Cotabato City

- Drive with MinHRAC to Datu Piang (Maguindanao); tour conflict-affected areas in Maguindanao, viewing IDP camps, visiting CPC regional office in Datu Piang



## Bibliography

- 1987 Constitution of the Republic of the Philippines.  
<http://www.lawphil.net/consti/cons1987.html>.
- Abdullah-Karim, Noraida. 2 February 2011. Presentation at the Launch of the Humanitarian Action Plan for the Conflict-Affected Provinces of Mindanao. *Community and Family Services International*.  
<http://ph.one.un.org/response/general/keydocs/HAP/CFSI%20Presentation%20-%20HAP%20Mindanao%202011.pdf> .
- Abinales, Patricio. 2000. *Making Mindanao*. Ateneo University Press.
- Abinales, Patricio and Donna Amoroso. 2005. *State and Society in the Philippines*. Rowman & Littlefield.
- Abubakar, Ayesah. 2005. "Keeping the Peace: The International Monitoring Team (IMT) Mission in Mindanao." *The SEACSN Bulletin*. January-June.
- AFP online amnesty request form, available at  
<http://www.afp.mil.ph/0/template/amnesty/amnesty.htm>.
- "AFP to Recruit more CAFGUs despite calls for abolition," November 2010. *GMA News.TV*. <http://www.gmanews.tv/story/206820/afp-to-recruit-more-cafgus-despite-calls-for-abolition>.
- Agreement on the Civilian Protection Component of the International Monitoring Team. 27 October 2009.  
[http://www.hdcentre.org/files/Agreement%20on%20Civilian%20Protection%20Component%20of%20IMT\\_27%20Oct%2009.pdf](http://www.hdcentre.org/files/Agreement%20on%20Civilian%20Protection%20Component%20of%20IMT_27%20Oct%2009.pdf). Kuala Lumpur.
- "Agreement with MILF May Result in Kosovo in Mindanao." 1 August 2008. *Manila Times*.  
[http://www.manilatimes.net/national/2008/aug/01/yehey/top\\_stories/20080801top4.html](http://www.manilatimes.net/national/2008/aug/01/yehey/top_stories/20080801top4.html).
- Alejo, Albert. 2010. "Let the People Understand." *Our Mindanao*. Volume 1, No. 1: 15-18.
- Arguillas, Carolyn. 14 January 2010. "From Konsult Mindanaw to Dialogue Mindanaw: More Peace Consultations Set." *MindaNews*.  
[http://www.mindanews.com/index.php?option=com\\_content&task=view&id=7496](http://www.mindanews.com/index.php?option=com_content&task=view&id=7496).

- Arguillas, Carolyn. 31 January 2010. "Konsult Mindanaw Presents Final Report: People's Platform for Peace in Mindanao." *MindaNews*.  
[http://www.mindanews.com/index.php?option=com\\_content&task=view&id=7567](http://www.mindanews.com/index.php?option=com_content&task=view&id=7567).
- Arguillas, Carolyn O. 17 May 2010. "Ampatuan Patriarch Loses Out, but Massacre Suspects and their Wives Win Top Posts." *MindaNews*. Accessed 3 February 2011. <http://www.dailymirror.ph/May-2010/May1710/front2.html>.
- "ARMM Execs Seek Control of Natural Resources." *Inquirer Mindanao*. Accessed 4 March 2011. <http://newsinfo.inquirer.net/breakingnews/regions/view/20100304-256636/ARMM-execs-seek-control-of-natural-resources>.
- Arnado, Janet M. and Mary Ann M. Arnado. 2004. "Casualties of Globalization: Economic Interest, War, and Displacement along Ligawasan Marsh, Philippines." [http://www.internal-displacement.org/8025708F004CE90B/%28httpDocuments%29/2BA8CC75833FC50A802570B700599D81/\\$file/Final+report+ligawasan+marsh.pdf](http://www.internal-displacement.org/8025708F004CE90B/%28httpDocuments%29/2BA8CC75833FC50A802570B700599D81/$file/Final+report+ligawasan+marsh.pdf).
- Asian Development Bank. 2002. *Technical Assistance to the Republic of the Philippines for Capacity Building of the Mindanao Economic Development Council*. [http://www.adb.org/Documents/TARs/PHI/tar\\_phi30089.pdf](http://www.adb.org/Documents/TARs/PHI/tar_phi30089.pdf).
- Asian Human Rights Commission. 11 April 2010. *PHILIPPINES: 28 Families Are Exposed to Life Insecurity After Their Houses and Farms are Illegally Demolished by the Sheriff in Mindanao*, available at <http://www.humanrights.asia/news/hunger-alerts/AHRC-HAC-006-2010>.
- Autonomous Regional Government homepage . Accessed 7 February 2011. <http://www.armm.gov.ph/>.
- Autonomous Region in Muslim Mindanao. Bureau of Public Information. Accessed 11 March 2011. [http://bpiarmm.blogspot.com/2010\\_03\\_01\\_archive.html](http://bpiarmm.blogspot.com/2010_03_01_archive.html).
- Balana, Cynthia. 25 August 2008. "UN Food Agency Increases Aid to Mindanao Conflict Areas." *Philippine Daily Inquirer*.  
<http://newsinfo.inquirer.net/breakingnews/nation/view/20080825-156737/UN-food-agency-increases-aid-to-Mindanao-conflict-areas>.
- Bangsamoro Journal*. October 2008. Cotabato City, Philippines: Consortium of Bangsamoro Civil Society.
- Bangsamoro Journal*. June 2009. Cotabato City, Philippines: Consortium of Bangsamoro Civil Society.

- Bangsamoro Journal*. September 2009. Cotabato City, Philippines: Consortium of Bangsamoro Civil Society.
- Banlaoi, Rommel C. 23 December 2009. "CAFGUs, CVOs and the Maguindanao Massacre." *Philippine Institute for Peace, Violence & Terrorism Research*, Paper Series.
- Bartu, Peter. 2009. "Civilian Protection: Between Vision and Practice? Carpe Diem in Mindanao." *Autonomy & Peace Review*. Vol.5 Issue 4.
- Baylon, Gloria Jane. 19 September, 2009. "Agreement for International Contact Group on Mindanao Peace Process Signed." *Positive News Media*.  
[http://positivenewsmedia.net/am2/publish/Main\\_News\\_1/Agreement\\_for\\_International\\_Contact\\_Group\\_on\\_Mindanao\\_peace\\_process\\_signed.shtml](http://positivenewsmedia.net/am2/publish/Main_News_1/Agreement_for_International_Contact_Group_on_Mindanao_peace_process_signed.shtml).
- Bercovitch, Jacob. 1997. Mediation in International Conflict: An Overview of Theory, A Review of Practice." In I. William Zartman and J. Lewis Rasmussen (eds.) *Peacemaking in International Conflict: Methods and Techniques*. Washington DC: United States Institute of Peace Press.
- Bernheim, Douglas and Michael Whinston. 1998. "Incomplete Contracts and Strategic Ambiguity." *American Economic Review*. Vol. 88, No. 4: 902-933.
- Canuday, Jose Jowel. 2007. "Big War, Small Wars: The Interplay of Large-scale and Community Armed Conflicts in Five Central Mindanao Communities." In Torres, Wilfredo Magno (Ed.) *Rido-Clan Feuding and Conflict Management in Mindanao*. The Asia Foundation.
- Catholic Bishops' Conference of the Philippines. Statistics. Accessed 11 February 2011.  
[http://www.cbcponline.net/gen\\_info/statistics.html](http://www.cbcponline.net/gen_info/statistics.html).
- Champain, Phil. 06 January 2011. "Understanding Energy Provision and Conflict." <http://oilprice.com/Energy/General/Understanding-Energy-Provision-and-Conflict.html>.
- Chaulia, Sreeram. February 2007. "International Organizations in Mindanao: To Protect or Not." *The Journal of Humanitarian Assistance*, 1-28.
- CIA World Factbook. 2011. *Philippines*. <https://www.cia.gov/library/publications/the-world-factbook/geos/rp.html>.
- Colletta, Nat J. 2006. "Citizen Security-The Role of NGOs and Broader Civil Society in Ceasefire Monitoring: Lessons from Mindanao." *Journal of Peacebuilding & Development*. Vol. 2, No. 3.
- Collier, Paul. 2003. *Breaking the Conflict Trap*. World Bank Policy Research Report.

- Conception, Sylvia, Larry Digal, et al. 2003. *Breaking the Links Between Economics and Conflict in Mindanao*. Presented at the “Waging Peace” conference, Manila.
- Congress of the Philippines, Eighth Congress. 1 August 1989. *Republic Act No. 6734. Organic Act for the Autonomous Region in Muslim Mindanao: An Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao*.
- Congress of the Philippines, Eleventh Congress. 31 March 2001. *Republic Act No. 9054. Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao, Amending the for the Purpose Republic Act No. 6734, Entitled ‘An Act Providing for the Autonomous Region in Muslim Mindanao*.
- Congress of the Philippines, Fourteenth Congress. 14 August 2009. *Republic Act No. 9710: An Act Providing for the Magna Carta of Women*. Accessed 5 February 2011. [http://www.lawphil.net/statutes/repacts/ra2009/ra\\_9710\\_2009.html](http://www.lawphil.net/statutes/repacts/ra2009/ra_9710_2009.html).
- The Consortium of Bangsamoro Civil Society (CBCS). 23 October 2008. “Letter to UN Secretary General Ban Ki-moon.” *Sixth Peace Consultation Series*. [http://www.cbcsi.org/a/index.php?option=com\\_content&view=article&id=103:letter-to-un-secretary-general-ban-ki-moon&catid=36:statements&Itemid=13](http://www.cbcsi.org/a/index.php?option=com_content&view=article&id=103:letter-to-un-secretary-general-ban-ki-moon&catid=36:statements&Itemid=13).
- Dayag-Laylo, Carijane. February 2004. *Exploring Conflict Management in the Autonomous Region of Muslim Mindanao*. Paper presented to the 4<sup>th</sup> Asian Regional Conference of the World Association for Public Opinion Research.
- Department of Environment and Natural Resources in the Philippines. 2003. *Organic Act for the Autonomous Region in Muslim Mindanao*. Cotabato City: Department of Environment and Natural Resources-United States Agency for International Development (DENR-USAID).
- Diaz, Patricio P. December 2010. “GRP-MILF: Adrift in a Sea of Questions.” *Our Mindanao*. Volume 1, No. 1: 20-21.
- Di John, Jonathan. 2008. “Conceptualizing the Causes and Consequences of Failed States: A critical Review of the Literature.” *CSRC Working Paper No. 25 Series 2*. Crisis States Research Centre, London School of Economics.
- Dinoy, Orlando. 25 July 2010. “2 Cops in Extort, Bribe Raps Freed.” *Philippine Daily*. <http://newsinfo.inquirer.net/inquirerheadlines/regions/view/20100725-283118/2-cops-in-extort-bribe-raps-freed>.
- Ebrahim, Al Haj Murad. 2010. “The Only Way is Forward.” *Our Mindanao*, Volume 1, No. 1: 7.

- Electoral Reforms and Development Assistance Center. 2009. *Referendum: A Platform of Hope*. <http://erdac.webs.com/mindanaoreferendum.htm>.
- Erben, Peter, et al. August 2004. *CEPPS Philippines Election Observation Program*. "Strengthening the Electoral Process: IFES Final Report." [http://www.ifes.org/~media/Files/Publications/Project%20Report/2004/107/Philippines\\_2004\\_ElectionReport.pdf](http://www.ifes.org/~media/Files/Publications/Project%20Report/2004/107/Philippines_2004_ElectionReport.pdf).
- Espejo, Edwin. 29 October 2008. "MILF Wants UN office in Central Mindanao." *Asian Correspondent*. <http://asiancorrespondent.com/7229/milf-wants-un-office-in-central-mindanao/>.
- Executive Order No. 546. August 28, 2006. "EXECUTIVE ORDER No. 546." Manila: Official Gazette.
- Fabe, Bong, D. 5 January 2006. "Malaysia to Replace Othman as Facilitator in Peace Talks." *CBPC News* Accessed 15 February 2011. <http://www.cbcnews.com/?q=node/14175>.
- Fischhendler, I. 2008. "When Ambiguity in Treaty Design Becomes Destructive: A Study of Transboundary Water." *Global Environmental Politics*. 8, No. 1: 111.
- Fisher, Ronald. 1997. *Interactive Conflict Resolution*. Syracuse, NY: Syracuse University Press.
- Fisher, R., and Ury, W. 1981. *Getting to Yes: Negotiating Agreement Without Giving In*. New York: Penguin Books.
- Fitzpatrick, Brenda. 2008. "The Mindanao Bishops-Ulama Conference," in Mark M. Rogers, Tom Bamat and Julie Ideh, eds. *Pursuing Just Peace: An Overview and Case Studies for Faith-Based Peacebuilders*. Baltimore: Catholic Relief Services.
- The Government of the Republic of the Philippines (GRP). June 2010. *The Philippine National Action Plan on Women, Peace, and Security: Implementing UNSCRs 1325 and 1820*. <http://www.sulongnetwork.ph/new/sites/default/files/The%20Philippine%20National%20Action%20Plan%20to%20Implement%20UNSCRs%2013%E2%80%A6.pdf>.
- Gutierrez, Eric and Saturnino Borrás, Jr. 2004. "The Moro Conflict: Landlessness and Misdirected State Policies." *Policy Studies* 8. East-West Center Washington.
- Harish, S.P. and Joseph Chinyong Liow. 2010. "The Philippines" in *Guide to Islamist Movements*. Ed. Barry Rubin. New York City: M.E. Sharpe Inc.
- Hobbes, Thomas. 1651. *Leviathan*.

- Holbrook, Justin. 2010. "Legal Hybridity in the Philippines: Lessons in Legal Pluralism from Mindanao and the Sulu Archipelago." *Tulane Journal of International and Comparative Law*. Vol. 18 No. 1.
- Hopmann, P. T. 1996. *Negotiation Process and the Resolution of International Conflicts*. Columbia: University of South Carolina Press.
- Horowitz, Donald. 1985. *Ethnic Groups in Conflict*. University of California Press.
- Human Rights Watch. November 2010. *They Own the People: The Ampatuans, State-Backed Militias, and Killings in the Southern Philippines*. USA: HRW.
- Hutchcroft, Paul D. 1998. *Booty Capitalism: The Politics of Banking in the Philippines*. Cornell University Press.
- Hutchcroft, Paul and Joel Rocamora. 2003. "Strong Demands and Weak Institutions: The Origins and Evolution of the Democratic Deficit in the Philippines." *Journal of East Asian Studies*. No. 3.
- Infante, Ayen. "Major oil exploration firms in water project." *The Daily Tribune*. Accessed 11 March 2011.  
<http://www.tribuneonline.org/business/20100616bus4.html>.
- International Crisis Group. 14 May 2008. "The Philippines: Counter-insurgency vs. Counter-terrorism in Mindanao." *Crisis Group Asia Report N°152*.
- International Crisis Group. 23 October 2008. "The Philippines: The Collapse of Peace in Mindanao." *Asia Briefing No. 83*. Jakarta/Brussels.
- International Crisis Group. 16 February 2009. "The Philippines: Running in Place in Mindanao." *Asia Briefing No. 88*. Jakarta/Brussels.
- International Crisis Group. 21 December 2009. "The Philippines: After the Maguindanao Massacre". *Asia Briefing No. 98*. Jakarta/Brussels.
- International Crisis Group. 3 December 2009. "Entire Maguindanao police force to be replaced amid role in massacre," *Philippine Star*, in 21 December 2009. "The Philippines: After the Maguindanao Massacre."
- Internal Displacement Monitoring Centre. 5 November 2009. *PHILIPPINES: Cycle of Conflict and Neglect: Mindanao's Displacement and Protection Crisis. A Profile of the Internal Displacement Situation*. Accessed 2 March 2011.  
[http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/2487E9AEA0AA9B91C1257665005CE8F4/\\$file/Philippines+-+November+2009.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/2487E9AEA0AA9B91C1257665005CE8F4/$file/Philippines+-+November+2009.pdf).

- “Joint Special Operations Task Force-Philippines (JSOTF-P).” 25 January 2011.  
<http://www.globalsecurity.org/military/agency/dod/jsotf-p.htm>.
- Kharas, Homi. 2007. *The New Reality of Aid*. Brookings Institute.  
[http://www.brookings.edu/papers/2007/08aid\\_kharas.aspx](http://www.brookings.edu/papers/2007/08aid_kharas.aspx).
- Kilcullen, David. 2009. *The Accidental Guerilla: Fighting Small Wars in the Midst of a Big One*. Oxford University Press.
- Kingsbury, Benedict. 1992. “Claims by Non-State Groups in International Law.” *Cornell International Law Journal*. Vol. 25, No. 4: 481-513.
- Knack, Stephen and Aminur Rahman. 2008. “Donor Fragmentation.” *MPRA Paper No. 28043*. World Bank. [http://mpa.ub.uni-muenchen.de/28043/1/MPRA\\_paper\\_28043.pdf](http://mpa.ub.uni-muenchen.de/28043/1/MPRA_paper_28043.pdf).
- “Konsult Mindanaw’s Findings Hit.” 26 September 2009. *TMC News*.  
<http://www.tmchronicles.com/newsdetail.php?idnews=719>.
- Kraft, Herman Joseph S. 2010. “The Foibles of an Armed Citizenry: Armed Auxiliaries of the State and Private Armed Groups in the Philippines (Overview).” In Soliman M. Santos, Jr. and Paz Verdades M. Santos. *Primed and Purposeful: Armed Groups and Human Security Efforts in the Philippines*. 185-212. Geneva: Small Arms Survey, Graduate Institute of International and Development Studies.
- Kreuzer, Peter. 2005. “Political Clans and Violence in the Southern Philippines.” *Peace Research Institute Frankfurt Report No. 71*.
- Kreuzer, Peter. 2009. “Philippine Governance: Merging Politics and Crime.” *Peace Research Institute Frankfurt Report No. 93*.
- Kreutzer, Peter. 2010. “Let the Talks Begin but Mind to Reclaim the Marshes.” *Our Mindanao*. Volume 1, No. 1: 27-29.
- Kudo, Masaki and Mitsuhiro Yoshimura. 2008. *Peace-Building in Mindanao: Major Donors’ Approaches for Reconstruction*. JBIC Institute. [http://www.jica.go.jp/jica-ri/publication/archives/jbic/report/review/pdf/37\\_12.pdf](http://www.jica.go.jp/jica-ri/publication/archives/jbic/report/review/pdf/37_12.pdf)
- Lara, Francisco J. Jr. and Phil Champain. 2009. “Inclusive Peace in Muslim Mindanao: Revisiting the Dynamics of Conflict and Exclusion.” *International Alert*.
- Legaspi, Amita. 9 December 2009. “ARMM Budget Endorsed for Plenary Despite Senator’s Initial Reluctance.” *GMA News Online*.  
<http://www.gmanews.tv/story/178861/armm-budget-endorsed-for-plenary-despite-senators-initial-reluctance>.

- Lewicki, R. J., Minton, J., and D. Saunders. 1999. *Negotiation*. Burr Ridge, IL: Irwin-McGraw Hill.
- Lingao, Ed. 4 February 2010. "Arroyo, Ampatuans Mocked Agencies in Crafty Power Play." *Philippine Center for Investigative Journalism*. Accessed 3 February 2011. <http://pcij.org/stories/arroyo-ampatuans-mocked-agencies-in-crafty-power-play>.
- Lingga, Abhoud Syed M. 2004. *Mindanao Peace Process: Needing a New Formula*. Paper presented at the SEACSN Conference: Issues and Challenges for Peace and Conflict Resolution in Southeast Asia, Penang, Malaysia. 12-15 January 2004. <http://library.upmin.edu.ph/philmin/bangsamoro/Needing%20New%20Formula.pdf>.
- Lingga, Abhoud Syed M. 2006. "Role of Third Parties in Mindanao Peace Process." Paper for presentation during the International Conference on Peace Building in Asia Pacific: The Role of Third Parties, Khon-Kaenm Thailand, 1-3 July.
- Lingga, Abhoud Syed M. 2007. *Negotiating Peace in Mindanao*. Cotabato City: Institute of Bangsamoro Studies.
- Lingga, Abhoud Syed M. 2007. Dynamics and Management of Rido in the Province of Maguindanao. In *Rido—Clan Feuding and Conflict Management in Mindanao*. Torres, Wilfredo Magno (Ed.). The Asia Foundation.
- Local Government Support Program in ARMM (LGSPA). 2007. "Towards Strengthening the Fiscal Capabilities of ARMM." *INCITEGov Policy Paper*. [http://www.lgspa.org.ph/uploads/KnowledgeProduct\\_43\\_400\\_Towards%20Strengthening%20the%20Fiscal%20Capacities%20of%20ARMM%20-%20A%20Policy%20Paper%20.pdf](http://www.lgspa.org.ph/uploads/KnowledgeProduct_43_400_Towards%20Strengthening%20the%20Fiscal%20Capacities%20of%20ARMM%20-%20A%20Policy%20Paper%20.pdf).
- "Low HDI." August 2010. *Inquirer.net*. Accessed 14 February, 2011. <http://opinion.inquirer.net/inquireropinion/talkofthetown/view/20100821-288103/Low-HDI>.
- Lualhati M. Abreu. 2008. "Ancestral Domain – the Core Issue." In *MORO READER: History and Contemporary Struggles of the Bangsamoro People*. Bobby M. Tuazon (Ed.). Center for People Empowerment in Governance (CenPEG).
- Lum, Thomas. 3 January 2011. "The Republic of the Philippines and U.S. Interests." *Congressional Research Services - Report for Congress*.
- "Major oil exploration firms in water project." <http://www.tribuneonline.org/business/20100616bus4.html> accessed 11 March 2011.

- Malang, Zainudin. 2010. *Mindanao Experiences in Monitoring Conflict*. Paper presented at the World Bank Forum on Conflict Monitoring, 12 October, Davao City.
- Manacsa, Rodelio C. and Alexander Tan. 2005. "Manufacturing Parties: Re-examining the Transient Nature of Philippine Political Parties." *Political Parties*. Vol. 11, No. 6.
- Martin, G, Eugene and Astrid Tuminez. February 2008. *Toward Peace in the Southern Philippines*. Special Report 202. United States Institute of Peace.
- Mastura, Michael O. 2008. "Comments on the MOA-AD Supreme Court Decision." Memorandum of Agreement on the Ancestral Domain Aspect of the GRP – MILF Tripoli Agreement on Peace of 2001.
- Matheson, Andrew. 2 February 2011. "Statement at the launch of the Humanitarian Action Plan for the Conflict-Affected Provinces of Mindanao." *New Zealand Embassy, Manila*. <http://ph.one.un.org/response/general/keydocs/HAP/Ambassador%20of%20NZ%20Statement%20-%20Mindanao%20Humanitarian%20Action%20Plan%202%20Feb%202011.pdf>
- Maunlana, Nash B. 27 October 2008. "Mindanao groups ask UN to get involved in peace talks." *Newsbreak*. <http://www.abs-cbnnews.com/nation/regions/10/27/08/mindanao-groups-ask-un-get-involved-peace-talks>.
- McCoy, Alfred. 1994. *An Anarchy of Families: State and Families in the Philippines*. Quezon City: Ateneo de Manila University Press.
- McGeown, Kate. 23 November 2010. "Long Wait for Justice after Philippines Massacre." *BBC*. Accessed 3 February 2011. <http://www.bbc.co.uk/news/world-asia-pacific-11808853>.
- McKenna, Thomas. 17-18 March, 2009. *The Endless Road to Peace: Armed Separatism and Ancestral Domain in the Muslim Philippines*. Prepared for the Conference: Mobilization for Political Violence: What Do We Know? Oxford.
- Memorandum of Agreement of the Ancestral Domain Aspect of the GRP-MILF Tripoli Agreement of Peace of 2001*. July 2008.
- Mindanao Commission on Women. [http://www.mindanaowomen.org/mcw/?page\\_id=2](http://www.mindanaowomen.org/mcw/?page_id=2).
- Mindanao Development Agency Press Release, 5 December 2010 <http://www.prlog.org/11126877-philippine-president-aquino-lauds-mindanao-2020-framework-vows-peace-and-progress-for-the-south.html>.
- Mindanao Human Rights Action Center, Inc. 19 March 2010. "Detainees in 2010

- Maharlika HR Case Confirm Torture.” MinHRAC Blog.  
<http://blog.minhrac.org/p/convenor-ngos.html>.
- Mindanao News and Information Center. 2010. “Creation of Mindanao Development Authority Approved During Bicam Meet”.  
[http://www.mindanews.com/index.php?option=com\\_content&task=view&id=7520](http://www.mindanews.com/index.php?option=com_content&task=view&id=7520).
- Mogato, Manny. 4 February 2011. “Factbox: The Philippines Moro Islamic Liberation Front.” *Reuters*. <http://www.reuters.com/article/2011/02/05/us-philippines-rebels-factbox-idUSTRE7140PP20110205>.
- Mogato, Manny. 11 February 2011. “MILF Splinter Group a Risk for Peace Talks.” *ABS-CBN News*. Accessed 27 February 2011. <http://www.abs-cbnnews.com/nation/02/11/11/milf-splinter-group-risk-peace-talks>.
- Montesa, Bong. Weblog. 11 February 2011.  
<http://bongmontesa.wordpress.com/2011/02/11/the-limits-of-what-government-can-offer/>
- Morea, Major Gary J. May-June 2008. “From Enduring Strife to Enduring peace in the Philippines.” *Military Review*.
- “Moro Group Condemns “Bad Timing” of Sulu Military Operations; 8 Marines Killed, 9 Injured.” 22 September 2009. *Mindanews*,  
[http://www.mindanews.com/index.php?option=com\\_content&task=view&id=7003](http://www.mindanews.com/index.php?option=com_content&task=view&id=7003).
- “Moro Rebels Demand Oil Exploration Share.” 27 January 2010. *Sun Star Davao*  
 Accessed 9 March 2011. <http://www.sunstar.com.ph/davao/moro-rebels-demand-oil-exploration-share>.
- National Democratic Institute. 2006. “Promoting Democratic Governance and Enhancing Community Police relations in ARMM: Final Report.”
- “NBI Files Charges vs More than 500 Members of Ampatuan Clan, CVOs for Involvement in Maguindanao Massacre”. 14 December 2009. *E-Balita*.  
[http://www.ebalita.co.cc/index.php?option=com\\_content&view=article&id=51:-nbi-files-charges-vs-more-than-500-members-of-ampatuan-clan-cvos-for-involvement-in-maguindanao-massacre&catid=1:latest-news&Itemid=50](http://www.ebalita.co.cc/index.php?option=com_content&view=article&id=51:-nbi-files-charges-vs-more-than-500-members-of-ampatuan-clan-cvos-for-involvement-in-maguindanao-massacre&catid=1:latest-news&Itemid=50)
- Odaira, Takeshi. 2010. “Contextual Determinants of International Third-Party Mediation: Cases of Internal Armed Conflict in the Asia-Pacific Region.” Ph.D. Dissertation. Waseda University, Japan. Accessed 10 Feb. 2011. <http://www.waseda-giari.jp/>.

- OECD. 2007. *Principles for Good International Engagement in Fragile States and Situations*. <http://www.oecd.org/dataoecd/61/45/38368714.pdf>.
- OECD. 2009. *Philippines: Aid at a Glance Chart*. <http://www.oecd.org/dataoecd/24/18/1882867.gif>.
- Ortigas, Maria. 16 February 2011. "Introducing B.I.F.F." *Al Jazeera Blogs*. 17 Feb. 2011 <http://blogs.aljazeera.net/asia/2011/02/16/introducing-biff-0#>.
- Paffenholz, Thania and Reychler, Luc. 2007. *Aid for Peace: A Guide to Planning and Evaluation for Conflict Zones*. Nomos Verlagsgesellschaft.
- Paffenholz, Thania (ed.). 2009. *Civil Society & Peacebuilding: A Critical Assessment*. Lynne Rienner Publishers.
- Panares, Joyce Pangco. 12 February 2011. "Moro Rebels Tone Down Territorial Demands." *Manila Standard Today*. Accessed 1 March 2011. <http://www.manilastandardtoday.com/insideNews.htm?f=2011/february/12/news2.isx&d=2011/february/12>.
- Pangcoga, Ahmed. 24 March 2010. "An Inconsistency to the GRP-Moro Peace Process." *Consortium of Bangsamoro Civil Society Weblog*. <http://cbcsi.blogspot.com/2010/03/inconsistency-to-grp-moro-peace-process.html>.
- Penetrante, Ariel M. "Nation Building and Identity Conflicts-Closing Mediated Arguments in the Southern Philippines." Dissertation Manuscript. Frankfurt.
- "People Confused Over GRP-MILF Peace Talk Issues." 15 June 2010. *ABS-CBN News*. <http://www.abs-cbnnews.com/nation/regions/06/15/10/people-confused-over-grp-milf-peace-talk-issues-survey>.
- Permanent Mission of the Republic of the Philippines to the United Nations. 8 September 2008. "UN Praises RP Government's Humanitarian Efforts in Mindanao." *Press Release*. <http://www.un.int/philippines/news/20080908b.htm>.
- Philippine Institute of Development Studies. 2007. Accessed 28 February, 2011. [http://gis.pids.gov.ph/cgi-bin/mapserv?layer=CY\\_2007&mode=nquery&mapext=114.030000%203.411778%20131.330000%2021.578222&map=/home/yronald/htdocs/maps/grdpcap/grdpcap2007map.map](http://gis.pids.gov.ph/cgi-bin/mapserv?layer=CY_2007&mode=nquery&mapext=114.030000%203.411778%20131.330000%2021.578222&map=/home/yronald/htdocs/maps/grdpcap/grdpcap2007map.map).
- Philippines National Police. [http://www.pnp.gov.ph/main/index.php?option=com\\_content&view=article&id=46&Itemid=56](http://www.pnp.gov.ph/main/index.php?option=com_content&view=article&id=46&Itemid=56).

- Philippine National Statistical Coordination Board.  
<http://www.nscb.gov.ph/grdp/2008/default.asp>
- Porter, Elizabeth. 2007. *Peacebuilding: Women in International Perspective*. New York: Routledge.
- Reilly, Benjamin. November 2007. "Democratization and Electoral Reform in the Asia-Pacific Region: Is there an 'Asian Model' of Democracy?" *Comparative Political Studies*. Vol. 40, No. 11.
- Reinmann, Cordula. 2010. *Evaluation of Nonviolent Peaceforce's Project in Mindanao*. Swisspeace.
- Rodríguez, Diana (ed.). 2010. *Primed and Purposeful – Armed Groups and Human Security Efforts in the Philippines*. Small Arms Survey.
- Rogers, Mark, M. et al. 2008. *Pursuing Just Peace: An Overview and Case Studies for Faith-Based Peacebuilders*. Catholic Relief Services. Accessed 10 March 2011.  
[http://www.crsprogramquality.org/storage/pubs/peacebuilding/pursuing\\_just\\_peace.pdf](http://www.crsprogramquality.org/storage/pubs/peacebuilding/pursuing_just_peace.pdf).
- Romero, Paolo. 6 December 2009. "ARMM Governor, 8 other Ampatuans arrested." *PhilStar.com*. <http://www.philstar.com/Article.aspx?articleId=529870>.
- Rood, Steven. 2005. "Forging Sustainable Peace in Mindanao: The Role of Civil Society." *East-West Center Washington*. Policy Studies 17.
- Rosauro, Ryan. 13 September 2010. "MILF: Talks to Hasten with 'Independence' a Non-issue." *Dateline Philippines*. <http://dateline.ph/2010/09/13/milf-talks-to-hasten-with-%E2%80%98independence%E2%80%99-no-longer-an-issue/>.
- Rosauro, Ryan. 4 October 2010. "Women to Help Monitor Mindanao Peace." *PECOJOHN – The Peace and Conflict Journalism Network*.  
<http://pecojon.ph/?p=742>.
- Rosauro, Ryan. 12 November 2010. "MILF Blames PH Gov't for Delay in Restart of Talks." *Inquirer Mindanao*.  
<http://newsinfo.inquirer.net/breakingnews/regions/view/20101222-310443/MILF-blames-PH-govt-for-delay-in-restart-of-talks>.
- Rubin, Barry M. 2010. *Guide to Islamist Movements*. Armonk, NY: M.E. Sharpe.
- Santos, Soliman M. 2010. "Aquino's GRP-MILF Peace Talks: Hopes, Fears, Tasks." *Our Mindanao*, Volume 1, No. 1: 33.

- Scarpello, Fabio. 2010. "Patronage and Rebels: Ethno-Cultural Nationalism, Weak State, Constitutional Limits and a 'Broke' Autonomous Region in Muslim Mindanao." Unpublished manuscript.
- Schiavo-Campo, Salvatore and Judd, Mary. February 2005. "The Mindanao Conflict in the Philippines; Roots, Costs and Potential Dividends." *Social Development Papers: Conflict Prevention and Reconstruction No 24*. The World Bank, Washington, DC.
- Schulzhe, Marcus. 2010. "Democratization and Military Reform in the Philippines." *Journal of Asia Pacific Studies* Vol. 1.
- Schweitzer, Christine (ed.). 2010. *Civilian Protection: A Barely Tapped Resource*. Institute for Peace Work and Nonviolent Transformation.
- Sisante, Jam. 6 July 2010. "Aquino has 'political will' to crush private armies — spokesman." *GMA News.TV*. Accessed 3 February 2011.  
<http://www.gmanews.tv/story/195376/aquino-has-political-will-to-crush-private-armies-spokesman>.
- "Small Scale Miner Killed in Violent Protest in Mindanao." 7 March 2011. *Mindanao Examiner*.  
[http://www.mindanaoexaminer.com/news.php?news\\_id=20110307095732](http://www.mindanaoexaminer.com/news.php?news_id=20110307095732).
- Sorza, Rexcel. 28 January 2005. "Calls for UN-supervised Referendum in Mindanao." *Islamonline*. <http://www.yonip.com/archives/BANGSAMORO/Moro-000028.html>.
- Stedman, Stephen John. 2000. "Spoiler Problems in Peace Processes." In Stern, Paul C. and Daniel Druckman, eds. *International Conflict Resolution After the Cold War*. Washington, DC: National Academies Press.
- Stuebner, William A. and Richard Hirsch. June 2010. "Mindanao: A Community-based Approach to Counterinsurgency." *Prism* 1, No. 3. National Defense University.
- Supreme Court of the Philippines. October 2008. Decision G.R. No. 183591. Philippines Supreme Court Ruling on the Memorandum of Agreement–Ancestral Domain.
- Supreme Court of the Philippines. 14 October 2008. *G.R. Nos. 183591, 183572, 183893 & 183591. The Province of Cotabato Vs. The Gov't of the Republic of the Philippines, et al.* Accessed February 12, 2011.  
<http://sc.judiciary.gov.ph/jurisprudence/2008/october2008/183591.htm>.

- “Supreme Court says Ancestral Domain Pact Unconstitutional.” 14 October 2008. *ABSCBN News*. <http://www.abs-cbnnews.com/nation/10/14/08/supreme-court-says-ancestral-domain-pact-unconstitutional>.
- Svensson, Isak. December 2007. “Fighting with Faith: Religion and Conflict Resolution in Civil Wars.” *Journal of Conflict Resolution*. Vol. 51, No.6.
- Tamayo-Tesore, Rose. 01 February 2010. “AFP: Ampatuan CVOs Have Joined Up with MILF.” *The Philippine Star*. <http://www.philstar.com/Article.aspx?articleId=545681&publicationSubCategoryId=63>.
- Tan, Samuel. 2000. “Understanding the Mindanao conflict: Mindanao at the Crossroad.” Paper presented at the Cotabato Peace and Development Forum, July 20.
- Terms of Reference of the International Monitoring Team. 9 December 2009. Kuala Lumpur.
- Terms of Reference of the Civilian Component of the International Monitoring Team. 10 February 2010. Kuala Lumpur.
- Terms of Reference of the Civilian Component of the International Monitoring Team. 5 May 2010. Kuala Lumpur.
- Thio, Li-ann. Winter 2010. “Constitutional Accommodation of the Rights of Ethnic and Religious Minorities in Plural Democracies: Lessons and Cautionary Tales from South-East Asia,” *Pace International Law Review*. Vol. 22, Issue 1. <http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1025&context=pilr>.
- Tizon, Alex. 29 November 2009. “Why Andal Ampatuan Jr. Thought He Could Get Away With It.” *Philippine Center for Investigative Journalism*. Accessed 3 February 2011. <http://pcij.org/stories/why-andal-ampatuan-jr-thought-he-could-get-away-with-it/>.
- Torres, Wilfredo Magno. 2007. *Rido—Clan Feuding and Conflict Management in Mindanao*. The Asia Foundation.
- Torres, Wilfredo Magno. 2010. “Letting a Thousand Flowers Bloom: Clan Conflicts and their Management.” In M. B. Mendoza and V. M. Taylor (Eds.). *Challenges to Human Security in Complex Situations: The Case of Conflict in the Southern Philippines*. The Asian Disaster Reduction and Response Network.
- Torrevillas, Domini. 30 September 2010. “GRP-MILF Peace Talks.” *The Philippine Star*. <http://www.philstar.com/Article.aspx?articleId=616605&publicationSubCategoryId=64>.

*The Tripoli Agreement. 1976.*

Tuazon, Bobby, M. 2008. "The Economic and Security Intricacies of the Bangsamoro Struggle." In *MORO READER: History and Contemporary Struggles of the Bangsamoro People*. Bobby M. Tuazon (Ed.). Center for People Empowerment in Governance (CenPEG).

Tubeza, Philip. 9 September 2010. "Ampatuans planned murders over dinner." *Philippine Daily Inquirer*. Accessed 3 February 2011.  
<http://newsinfo.inquirer.net/inquirerheadlines/nation/view/20100909-291261/Ampatuans-planned-murders-over-dinner> .

Tuminez, Astrid. 2007. "This Land is Our Land: Moro Ancestral Domain and Its Implications for Peace and Development in the Southern Philippines." *SAIS Review*. Volume 27, Number 2, Summer-Fall 2007, pp. 77-91.

Tuminez, Astrid. 2008. "Neither Sovereignty Nor Autonomy: Continuing Conflict in the Southern Philippines." *Proceedings of the Annual Meeting (American Society of International Law)*, Vol. 102, No. 1: 122-5.

Ufen, A. July 2008. "Political Party and Party System Institutionalization in Southeast Asia: Lessons for Democratic Consolidation in Indonesia, the Philippines and Thailand." *The Pacific Review*. Vol. 21, No. 3.

Umel, Richel. 29 November 2010. "UN condemns killing of aid worker in Mindanao." *Agence France-Presse, Inquirer Mindanao*.  
<http://globalnation.inquirer.net/news/breakingnews/view/20101129-306010/UN-condemns-killing-of-aid-worker-in-Mindanao>.

United Nations Development Program. 2009. "Peacebuilding and Human Security, A Compilation of Policy Assessment Papers on Peace and Development in Southern Philippines." Accessed 2 March 2011.  
[http://www.undp.org.ph/Downloads/knowledge\\_products/Peace%20Building%20and%20Human%20Security%20UNDP-policy\\_book.pdf](http://www.undp.org.ph/Downloads/knowledge_products/Peace%20Building%20and%20Human%20Security%20UNDP-policy_book.pdf).

United Nations Economic and Social Council (ECOSOC). 3 February 2003. "Specific Groups and Individuals – Mass Exoduses and Displaced Persons." *Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 2002/56. Addendum. Profiles in displacement: Philippines*.  
[http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/25b1152f94e939abc1256cee004db7b8/\\$FILE/G0310782.pdf](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/25b1152f94e939abc1256cee004db7b8/$FILE/G0310782.pdf).

United Nations News Centre. 12 August 2008. "Philippines: Ban Urges End to Fighting as Humanitarian Crisis Unfolds." *United Nations*.  
<http://www.un.org/apps/news/story.asp?NewsID=27673&Cr=Philippines&Cr1>.

- United Nations Office for the Coordination of Humanitarian Affairs. “The Consolidated Appeals Process.” *United Nations OCHA*.  
[http://ochaonline.un.org/humanitarianappeal/webpage.asp?Nav=\\_about\\_en&Site=\\_about&Lang=en](http://ochaonline.un.org/humanitarianappeal/webpage.asp?Nav=_about_en&Site=_about&Lang=en).
- United Nations Office for the Coordination of Humanitarian Affairs. February 2011. “Humanitarian Action Plan for the Conflict-Affected Provinces of Mindanao 2011.”  
[http://ph.one.un.org/response/general/keydocs/HAP/Mindanao\\_HAP\\_2011.pdf](http://ph.one.un.org/response/general/keydocs/HAP/Mindanao_HAP_2011.pdf).
- United Nations Secretary-General Office of the Spokesperson (UNSGOS). 12 August 2008. Statement Attributable to the Spokesperson for the Secretary-General on the Philippines. *United Nations*. <http://www.un.org/apps/sg/sgstats.asp?nid=3351>.
- United Nations Volunteers. 6 May 2009. “Bringing Hope to Mindanao.” *United Nations*.  
<http://www.unv.org/en/news-resources/news/doc/bringing-hope-to-mindanao.html>.
- United States Agency for International Development. 2011. “Growth with Equity in Mindanao (GEM) Program.”  
[http://www.mindanao.org/index.php?option=com\\_content&view=frontpage&Itemid=1](http://www.mindanao.org/index.php?option=com_content&view=frontpage&Itemid=1).
- United States Institute of Peace. January 2005. *The Mindanao Peace Talks*. Special Report 131. Washington: DC.
- Usman, Edd K. 1 August 2009. “UN, MILF Vow to Protect Children in Conflict Areas.” *Manila Bulletin*. <http://www.mb.com.ph/node/213842/un-milf-vow-protect-children-conflict-area>.
- Wadi, Julkipli. 2008. “Moro Political Dynasty.” In *MORO READER: History and Contemporary Struggles of the Bangsamoro People*. Bobby M. Tuazon (Ed.). Center for People Empowerment in Governance (CenPEG).
- Walter, Barbara. 1997. “The Critical Barrier to Civil War Settlement.” *International Organization*. 51, No. 3: 335-64.
- Williams, Timothy. 2010. “The MoA-AD Debacle – An Analysis of Individuals’ Voices, Provincial Propaganda and National Disinterest.” *Journal of Current Southeast Asian Affairs*, Vol. 29, No. 1, 121-144.
- Wilson, Thomas G. 2009. *Extending the Autonomous Region in Muslim Mindanao to the Moro Islamic Liberation Front a Catalyst for Peace*. Fort Leavenworth, Kansas: School of Advanced Military Studies United States Army Command and General Staff College.

World Bank: 2003. "Human Development for Peace and Prosperity in the Autonomous Region in Muslim Mindanao." Human Development Sector Unit East Asia and Pacific Region.

World Bank. 3 March 2003. "Social Assessment of Conflict-Affected Areas in Mindanao." Accessed 2 March 2011. [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/77E6E3A6CEB51F06802570B700599D08/\\$file/socialassessment\\_WB.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/77E6E3A6CEB51F06802570B700599D08/$file/socialassessment_WB.pdf).

World Bank. 28 February 2005. "The Mindanao Conflict in the Philippines: Roots, Costs, and Potential Peace Dividend." Accessed 2 March 2011. [http://lnweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/TheMindanaoConflictinthePhilippinesRootsCostsandPotentialPeaceDividend/\\$FILE/WP24\\_Web.pdf](http://lnweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/TheMindanaoConflictinthePhilippinesRootsCostsandPotentialPeaceDividend/$FILE/WP24_Web.pdf).