

CHALLENGES to HUMAN SECURITY in COMPLEX SITUATIONS

THE CASE OF CONFLICT IN THE SOUTHERN PHILIPPINES

Editors

Merlie B. Mendoza

Victor M. Taylor



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A PUBLICATION OF THE ASIAN DISASTER REDUCTION AND RESPONSE NETWORK

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This book is sincerely dedicated to all humanitarians and peace workers around the world who relentlessly and quietly persevere in upholding the respect for human dignity and, together with the communities in conflict, pursue just and lasting peace despite the odds.

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Foreword

DR. JEMILAH MAHMOOD

*Former Chair of ADRRN and
Former President of Mercy Malaysia
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More and more, humanitarian workers today have had to undertake their tasks of helping others not just in the face of natural disasters but in the context of violence and strife. Increasingly, this violence has personally affected humanitarian workers themselves.

While humanitarian workers have traditionally been accorded protection and respect for their selfless commitment to save and protect lives, the last two decades have seen an increase in attacks directed against humanitarian workers. One estimate, for example, cited a 92% increase (practically a doubling!) of violent attacks against aid workers over the eight-year period from 1997-2005. Based on a report by the Center for International Cooperation and the Overseas Development Institute, for last year alone an estimated 122 aid workers were killed while in the field serving others. "Around the world, humanitarian workers are being targeted as never before."

This fact came home painfully to us in the Asian Disaster Reduction and Response Network (ADRRN) in September 2008 when two of our partners were kidnapped on the island province of Basilan in the southern Philippines. Merlie "Milet" B. Mendoza, a founding and current member of the ADRRN Executive Committee, along with Esperancita "Espie" Hupida of the Nagdilaab Foundation, an ADRRN member, were on their way home from meeting with displaced communities in the interior of Basilan when they were waylaid and abducted by heavily armed men along the highway (to be identified later as members of

the Abu Sayyaf Group). While they were held captive separately (Espie for 45 days and Milet for 61 days), each and every one of us, fellow humanitarian workers across Asia and the Pacific, waited in anguish and attempted all means to find a way to secure their safe release. When Espie and Milet were later released on different periods, we all breathed a sigh of relief only to learn that kidnappings of other aid workers ensued.

My colleague Takako Izumi, Coordinator of ADRRN, and I traveled to Manila shortly after Espie and Milet's release to meet them. It was a reunion filled with tears and comfort, for both sides. As the stories of their captivity were related to us painfully, through the nights and days we spent together, it became very clear that the time was right to address the issues surrounding the chronic conflict and humanitarian crisis in the Southern Philippines. There were lessons to be learnt and shared with other humanitarian workers in the region in particular, but also those working in other complex crises globally.

As the reality of narrowing humanitarian space confronts each and every humanitarian worker today, this book hopes to address some of the issues surrounding how we should do our work in order to provide support and assistance to the affected communities whilst attempting to protect those working on the field. How do we find that delicate balance? What is clear is the need to fully understand the context, which is no less than complex, the challenges, perceptions and realities, and the

need to engage in a way that is unique to the communities at risk.

The ADRRN is proud to share this – the first of a number of publications, which we feel is essential for the region, with voices from the people who come from Asia, work among communities in Asia and understand Asian culture and values. And more importantly, as Milet and Espie show us, to attempt to transform one horrific experience to something that would benefit other humanitarian and peace workers in the conceptualization and implementation of their programs in the midst of the increasing complexities they are confronted with. There is much to learn from local expertise and knowledge and while there is a perception that international organisations and agencies “know better” how to provide humanitarian assistance and implement post-conflict recovery and reconstruction programs, it is hoped that this misguided notion be pondered upon more seriously and that sensitivity to and respect for local capacities and knowledge is increased. It is our hope

that this book will be an important reference and guide to those working in the Southern Philippines and similar complex situations globally.

ADRRN in its strategic objectives for 2008-2011 plans to publish a series of knowledge resource books in subjects related to humanitarian response, recovery and disaster risk reduction. It is our hope that the experience and expertise among our members in this vulnerable region be shared with the aim of increasing our preparedness and resilience to face the challenges to the region, from natural hazards or conflict.

I would like to express my sincerest thanks to Milet and Victor for their untiring efforts and passion in producing this important book, and to our ADRRN partner, Caritas Manila, for providing support. This publication would not have been likewise possible without the support from AusAID to the network, and we offer our utmost gratitude for this.

Introduction

MERLIE B. MENDOZA AND VICTOR M. TAYLOR

Many countries particularly in Asia are not only beleaguered with natural hazards but also human-induced disasters arising from complex situations of conflict. The Philippines is among them.

This first publication of the Asian Disaster Reduction and Response Network (ADRRN) focuses on the challenges to human security in complex situations, considering the situation in the Southern Philippines as a case study. It is hoped that other countries will better understand the complexities of the situation here, may find some parallels with their own experiences and will learn some lessons from what is happening in the Philippines.

This book discusses the various complex elements in areas of conflict and submits an analysis of the interplay of these factors. Part I defines the various aspects of the conflict situations. What are the different factors that have given rise to conflict in the Southern Philippines?

The book brings together various issue experts who touch on different conflict situations in the South. The topics begin with a historical background to the situation in Mindanao showing the major historical movements from the dominance of indigenous tribes to the arrival and spread of Islam, the entry of Spanish colonialism, the takeover of American colonialism and finally the establishment of the Philippine Republic. This historical overview, written by Rudy Rodil, retired professor of history from the Mindanao State University, describes how the indigenous peoples, many of whom subsequently became Muslims, eventually became minorities in what they consider to be their homeland with the influx starting in the 20th century of Christian

settlers from the northern and central parts of the Philippines.

This historical overview is followed by a description of a major element which has resulted in the minoritization of Lumads (indigenous tribes) and Muslims in the South, which is the conflict over land and territory. This chapter explains how this conflict has left the Lumads and the Moro people dejected and desirous of regaining their territories and in the process preserve all other elements of their culture that were lost or vitiated when their ancestral domains were taken away from them.

A discussion of the growth of resistance and secessionist movements in the Southern Philippines follows, with a chapter written by Abhoud Syed Lingga, Executive Director of the Institute of Bangsamoro Studies in Cotabato City, showing that, given the history of Mindanao and the Philippines, the secessionist struggle appears to be a logical outcome.

The discussion of the resistance and secessionist movements is followed by a chapter, written by Victor Taylor, which shows that the struggle for self-determination has an ideological element to it which further complicates what is in itself already a very difficult situation.

Wilfredo Torres III, Program Officer of The Asia Foundation, writes about clan conflicts, showing examples of clan feuds and how these have aggravated the local conflict on the ground. His chapter shows how these have been managed in some communities.

Victor Taylor contributes a chapter on the kidnapping phenomenon in the South, as

one example of criminal activities which are rampant in the area.

What these chapters try to show is, first, that human-made conflicts are infinitely more complex than the impact of natural disasters. When natural disaster strikes, as in the case of the Tsunami of 2004, one finds people of all races, religions, political beliefs and affiliations, joining hands to save lives, bring relief to survivors and help rebuild communities and lives notwithstanding the unprecedented challenges and tremendous coordination requirements resulting from such major disasters. Human-made disasters, on the other hand, breed enmity and drive people apart even where they may have been living in peace in the past.

Second, and of critical importance to the humanitarian worker involving himself or herself in helping address a natural or human-made disaster, is the need to understand that there are many aspects to a conflict situation, that a struggle for self-determination, for example, may be underlain by religious differences, conflicts over land, competitions for supremacy in the political arena and even efforts by unscrupulous individuals to take advantage of disasters for personal gain. Hence, the need to carefully assess a situation and try to understand the various strands of conflict that may lie just below the surface. The ability to evaluate these various aspects could spell the difference between an intervention that helps a community get back on its feet and one which may not last or, even worse, simply complicates what was already a difficult situation to begin with.

We continue to witness development programs that have taken off from a lack of

in depth analysis of the complexities involved and the ensuing mismatch in the framework of action in addressing the threats to human security. The situation remains very complex. It demands a focused, sensitive deliberation and constant re-examination of the unique features of the area in which interventions are being introduced. It necessitates a multi-disciplinary approach that is nurtured by intuition. Indeed, a very delicate balance of art and science.

Fundamentally, this can take off from a culture-sensitive understanding and appreciation of all contending elements present in the areas of conflict, and to put as many critical stakeholders, including those that may refuse or oppose change, to task.

The pursuit of a just, comprehensive and lasting peace is rooted in the fundamental freedoms. It begins with having the right information, and deliberate and comprehensive public information, education and communications plan towards an appreciation of the historical context and of all the elements that are at play. This demands standing back, holding our respective biases and prejudices in check and sincerely beginning to listen and aspire for peace. A strong political will is demanded from government, and for everyone else to exercise constant peace vigil.

Finally, any development intervention in conflict areas, including humanitarian response, must be seen as no less than as an act of peacebuilding. More creative ways of engagement, anchored on clear principles of engagement and adherence to a code of conduct, need to be explored hand in hand and carefully coordinated with genuine allies for peaceful and democratic change.

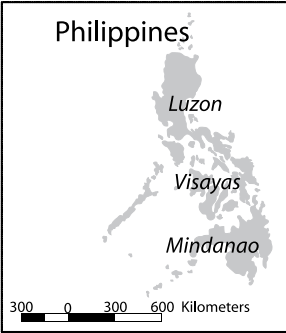
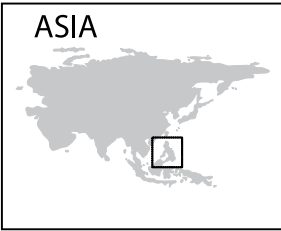
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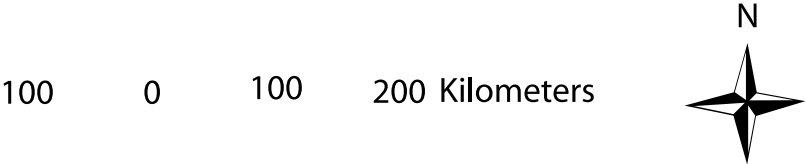
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Elements of the Conflict Situation in the Philippines



Mindanao



Mindanao: A Historical Overview

Rudy B. Rodil

Introduction

Any humanitarian intervention in an area, to be truly effective, must begin with an understanding of the historical context of the place. Without such an understanding, any programs introduced may result in short-term benefits for the people in the region, but these benefits may not last if the programs do not take into consideration the main historical trends which have shaped the region and which continue to influence developments there. This chapter briefly describes the key historical influences that have shaped the Southern Philippines or what can be referred to as Mindanao and the Sulu Archipelago.

The Peoples of Mindanao and Sulu

It has become common in the past twenty years or so to speak of the inhabitants of Mindanao as the tri-peoples of the region. These are the indigenous peoples, consisting of the various Lumad tribes and the Islamized Moros, on the one hand, and those who came recently, mostly the settlers of the twentieth century, from Luzon and the Visayas and their descendants. Based on the 2000 census the Lumad communities, some 35 tribes and sub-tribes in all, constitute 8.9 percent of the region's total population; the Moros, thirteen ethnolinguistic groups altogether, make up 18.5 percent and the settlers and their descendants, for lack of a better name, 72.5 percent.

No Large-scale Population Movement into Mindanao-Sulu till 1890

In an ethnographic map made in 1890 by Ferdinand Blumentritt (the Austrian ethnographer who pioneered in Philippine ethnography in the late nineteenth century and became a close friend of Dr. Jose Rizal, now the Philippine national hero), which he based on the data put together by Jesuit missionaries, the Mindanao-Sulu geo-ethnic setting clearly indicates that as of that period, most of Mindanao mainland was inhabited by Lumad tribal communities, followed by the Islamized groups. Only small strips of the coastal areas were occupied by Christians most of whom were converts from local inhabitants during the Spanish colonial period. Catholic missionary statistics reveal that from a low of 21,300 baptisms in northern and eastern Mindanao in the third decade of the seventeenth century the figures grew to a high of 191,493 in the same general area to as far as the Zamboanga peninsula in the west. This clearly indicates that no large-scale movement of population from the north took place during the three centuries of Spanish colonial presence.

The Name: Mindanao-Sulu

In today's common usage, Mindanao has come to include the Sulu archipelago. But this is a recent phenomenon, perhaps from the early 1970s, thanks in part to the efforts of the Moro National Liberation Front (MNLF) to unify the Moros into the Bangsamoro or Moro nation. The

region has always been known as Mindanao and Sulu even in Spanish documents, obviously in reference to the sultanates of Sulu which had existed from 1450 and Maguindanao which was formalized by Sultan Kudarat in 1619. The name Mindanao evolved from Maguindanao. This paper will use the term Mindanao-Sulu to refer to the region.

Major Events influence History

The flow of Mindanao-Sulu history was punctuated and substantially influenced by major events, namely, (a) the settling in of Islam, (b) the arrival of Spanish colonialism in the Philippine archipelago, mainly in Luzon and the Visayas and in northeastern Mindanao, (c) the intrusion of American imperialism, and (d) the unification of the entire Philippine archipelago into one Republic of the Philippines in 1946. Each of these major events had its own major sub-plots but these will be touched upon as the story moves along.

The Islamic Factor

It can be assumed that prior to the coming of Islam in 1380 or earlier in the Sulu archipelago and around 1515 or earlier in central Mindanao, all communities in the Mindanao-Sulu region were indigenous. Social structures were presumably simple, akin to what the Spanish missionaries had noted about the *barangays* of old. Ethnolinguistic groups were not really tribes but small clan communities living more or less independently of one another, although groups belonging to the same linguistic identities tended to generally inhabit contiguous territories. There were intermarriages and other forms of alliances to define inter-clan and inter-community relationships.

It sounds more correct to say that Islam settled into the region, brought in by Arab traders from Johore, who by the very nature of travel by sea crafts propelled by the wind, would tarry for long periods in one place, their trading camps, as it were, waiting for trade goods to come from neighboring communities and the monsoon winds for their sailboats. This was how these traders married into the local

population, converted their new relations, and revolutionized their social structures; a new *ummah* or Islamic community was formed; the sultan became the vice regent of Allah within the realm. Islam had found a new home.

Islam revolutionized the indigenous communities. It brought with it not only monotheism or systematized belief in one God called Allah, enshrined in the Holy Qur'an, but also the idea of centralized leadership, the new social structure of the state, which was what a Sultanate was all about. In due time these Sultanates built up their respective armies, on land and at sea, had their internal economic system, and were engaged in interisland trade or what may correspond to what is known today as international trade, as far as the Celebes, Southeast Asia and China. These Sultanates also signed treaties. At the arrival of the forces of Spanish colonialism, at least two states were already in place to oppose them, the Sulu Sultanate and the Maguindanao Sultanate. The same may be said to a certain extent with respect to the Pat a Pongampong ko Ranaw, the four principalities of Lanao whose maturation into a sultanate was unfortunately truncated by the arrival of the newcomers.

The Spanish Impact

Spain came to colonize and to Christianize with the use of both sword and cross. The Spanish king enjoyed the relationship of *patronato real* with the Pope whereby he became responsible for and supported the evangelization of the inhabitants of his new-found lands, *terra nullius*, they called them, land that belonged to no one, thus justifying their acquisition and denying the possessory and territorial rights of the indigenous inhabitants.

After demolishing Muslim opposition in Mindoro and Manila and conquering almost all of the Visayas and Luzon, except for the peoples of the Cordillera in the northern portion of Luzon, the Spanish colonial power attempted to bring the Sultanates of Brunei, Sulu and Maguindanao to their knees, but without success. The establishment of native Christian communities in the northern and

eastern parts of Mindanao, as well as the Zamboanga peninsula in western Mindanao, was part of this war effort to subjugate the Moros. But the Moros fought back. The Moro wars, lasted from 1565 to 1898, during which period the Spaniards employed thousands of Filipino fighters, and in return the Moros regularly retaliated by hitting the Christianized communities in Luzon, the Visayas and the northern and eastern parts of Mindanao. Thousands of captives on both sides ended up in slavery. Mutual bad blood and mutual distrust characterized the feelings of Moros and Filipino Christians for each other. This accumulated negative energy field remains very much alive today, coexisting side by side ironically with many instances of excellent tri-people relations built up over many years of living together in the 20th century.

US Denies Reality of Nations

Couching their own imperialistic ambitions with the alleged mission to civilize, the American imperialists of the late 19th and early 20th centuries claimed that when they arrived in the Philippines, there were no nations there, only different tribes fighting one another, thus negating the very legitimate existence of the Sulu Sultanate, the Maguindanao Sultanate and the newly established state of Pilipinas. Their war with Spain was an excuse to occupy the Philippines. The Treaty of Paris of December 1898, became a transaction whereby Spain ceded for twenty million dollars the Philippines to the Americans, ignoring the fact that the Philippines had already won its independence from Spain six months earlier, and the Sultanates of Sulu and Maguindanao and the Pat a Pongampong ko Ranaw had all this time remained uncolonized by the Spaniards until then. Any question on this spurious transaction in Paris was however rendered moot and academic when the Americans subsequently conquered the Filipinos and the Moros by force of arms.

Logic of Colonialism Wins

By the logic of indigenous patriotism, the

United States should have recognized and restored the independence of at least three independent states in July 1946: the Republic of the Philippines, the Sultanate of Sulu and the Sultanate of Maguindanao. The logic of colonialism won out on the premise that there were no nations there, only different tribes fighting one another, the grant of independence was solely for the Republic of the Philippines; the Moro political entities were unilaterally integrated into it.

American Institutions

The American government introduced a number of vital institutions that had taken deep roots and have remained to this day: the American brand of representative government; the torrens land titling system; compulsory public education; and capitalism.

Very early into their rule the Americans conducted a census of the Islands and promptly classified the population into two neat categories, Christians and non-Christians, also described as civilized and uncivilized respectively, the latter being made up of the Moros and so-called “wild tribes”.

Regular political units, provinces and towns were created for Christians; special provinces and tribal wards were established for non-Christians for ten years, both as a recognition of their distinct identities but also and especially to form transition mechanisms that would facilitate their integration into the mainstream Filipino community. Studies were made on non-Christian cultures but these were found inadequate to serve as a basis for a civilized government and were promptly dismissed to give way to western institutions.

The Torrens System

As new alleged owners of the Philippine Islands, the American government reserved the right to classify the lands and distribute the same to the inhabitants. Public land laws were passed institutionalizing the torrens system. The first of these laws, enacted by the

American-dominated Philippine Commission in 1903, declared as null and void all land grants made by traditional leaders if done without government consent, thus getting native landholding and land use institutions neatly out of the way. The public land laws then went into force, settlement areas were opened in Luzon and Mindanao after these had been declared as public lands, which settlement areas were opened to settlers who were variously known as homesteaders, homeseekers, colonos, as well as to corporations.

Public Land Laws, Resettlement and Marginalization

The public land law, in its original and amended forms, specified not only how land may be acquired but also how many hectares may be acquired by whom.

Table 1. Public Land Laws and Resettlement

Year	HECTARAGE ALLOWED		
	Homesteader	Non-Christian	Corporation
1903	16 has.	No provision	1024 has.
1919	24 has.	10 has.	1024 has.
1931	15 has.	4 has.	1024 has.

Largescale movement of settlers started in 1913 with the opening of the agricultural colonies of Pikit-Pagalungan in the Cotabato Valley for the first 100 colonos from Cebu. These colonies were followed with officially-declared resettlement areas, supported by at least three government resettlement projects during the American colonial period, two during the Commonwealth, and no less than five during the Republic. Taking their cue from these government initiatives, thousands of other settlers were presumed to have come on their own. By 1970, less than sixty years later, the newcomers outnumbered the locals, the latter severely marginalized in their own lands. The story of resettlement of migrants from Luzon and the Visayas to Mindanao is also the story of the marginalization of the indigenous inhabitants. The census data provide incontrovertible evidence. In the 1903

census, the estimated number of migrants is 36.97 percent of the total Mindanao-Sulu population, while the combined population of the Moros and Lumad is 63.03 percent. The figures go up to 47.02 percent in 1918 for the migrants and tumble down to 52.98 percent for the locals. Population data became better organized from the 1948 census. From here, the migrant population steadily shoots up 69.17 percent in 1948 to 76 percent in 1970, while the Lumad population slips to 4.52 percent in 1948, and that of the Moro Muslims to 19.98 percent for a combined total of 24 percent. Seen in terms of towns, only eight municipalities remained with Lumad majority by 1970; only five provinces and fifteen towns outside these five were with Muslim majority.

Table 2. Demographic Changes in Mindanao-Sulu, 1948 to 1970
Censuses
(in percentages)

YEAR	SETTLERS	MORO MUSLIM	LUMAD
1948	69.17	26.31	4.52
1960	72.9	24.63	2.47
1970	76.00	19.98	4.02

Marginalization extended beyond population to politics, to economic life, to culture, to control over land and resources. To marginalization may be traced one of the basic causes of the Moro rebellion. Its outbreak in 1972 was precipitated by a series of violent events like the Jabidah massacre, widespread violence among the civilian population in central Mindanao, mainly Cotabato and Lanao del Norte, punctuated by the Manili massacre in Manili, Carmen, Cotabato and Tacub, Kauswagan, Lanao del Norte, all perceived by Moro Muslims as concrete evidence of a trend to exterminate them. The uprising was an assertion of Moro self-determination, characterized by the conscious effort of Muslims to identify themselves as belonging to a Bangsamoro or Moro nation, the desire to establish their own Bangsamoro republic. Fourteen years later, the Lumad leaders would themselves declare their own struggle, though unarmed, for self-

determination. Stressing that they are distinct from the Bangsamoro, the Lumads have expressed their right to govern themselves within their own ancestral domains.

Corporate Activities

Coming side by side with settlers were corporate entities although not in the same continuous flow as the former. These were mostly agri-corporations during the early part of the twentieth century, owned mostly by Americans, Japanese, and Spaniards. It was the Japanese entrepreneurs and their Japanese workers, for example, who transformed Davao into the abaca capital of the Philippines. Several armed uprisings broke out against the Japanese expansion but these were promptly suppressed. It was the American investors, more specifically the American Chamber of Commerce and the rubber interest who attempted thrice to retain Mindanao as an American territory rather than incorporate it into a Philippine Commonwealth and eventually Philippine Republic. But most of these investors left for one reason or another. Very few stayed on until after the second world war, like Del Monte Pineapple in Bukidnon, Findlay Millar in Lanao and Weyerheueser in Basilan and Cotabato.

Economic Boom

Timber extraction and processing did not proliferate until the early 1960s when a small number of 157 timber corporate-concessionaires cornered nearly all of Mindanao's commercial forests, more than five million hectares of them. No doubt these had contributed substantially to the rapid decline of Mindanao's forest cover. In the 1950s, 59% of Mindanao was forested, 54 percent of which being primary forest and five percent secondary. Fifteen years later, primary forest was down to 17 percent and secondary up to 29 percent. Pasture leases also dotted the landscape especially in the provinces of Bukidnon and the undivided Cotabato. Postwar corporate plantations like banana, though confined mostly in Davao and South Cotabato, projected a dominant presence since the late 1960s. Pineapple production was held tightly

by two giants, both American multinationals, Del Monte in Bukidnon and Dole in South Cotabato.

Irony: Poverty and Conflict in Abundance

At this point in time Mindanao-Sulu can boast of various major manufacturing activities, like fish canning in General Santos, cement in Davao and Iligan, coconut oil and pellets in Davao del Sur, Davao City and Iligan, and many more. There is no need to fear an energy shortage because it has both hydro and geothermal resources, enough to energize Mindanao-Sulu. There are guarded claims of oil and gas deposits in central Mindanao and in the Sulu sea. There are justified claims that Mindanao-Sulu, the region once advertised in the 20th century as the land of promise (read: full of promise due to its abundant natural resources) can easily feed the whole nation.

While so much can be said of Mindanao-Sulu's natural resources, there is no denying that it is the only region in the country where three major political conflicts exist side by side: the Moro National Liberation Front (MNLF)/Moro Islamic Liberation Front (MILF)-led Bangsamoro struggle for self-determination that dates back to 1968; the Lumad (Indigenous People's) assertion of their own right to self-determination that goes back to 1986, and the fight for national democracy with a socialist perspective pursued by the Communist Party of the Philippines-New People's Army (CPP-NPA) that also broke out in 1968. It is the only region where fourteen of the 20 poorest provinces of the country are found.

And so one should ask: can we speak of human security in this land of abundance where so many are poor and feel the need to rebel against the status quo?

Political settlements needed

The MNLF war, stretching from 1970 to 1996, had cost the government Php 73 billion (approximately US\$1.5 billion) in combat

expenses alone, and had left in its wake some 120,000 dead, several thousands more maimed and wounded, and untold damage to property and to Philippine society's moral fiber. An agreement had been signed, the Tripoli Agreement in 1976 granting autonomy to the Muslims within the integrity of the Republic of the Philippines. After the plebiscite the listed territory of the autonomy was reduced from 13 to five provinces. It took twenty years to come to terms on how it should be implemented; finally in 1996, the final agreement on the implementation of the Tripoli Agreement was signed. To this day, however, the MNLF has complained that several provisions of the Agreement have yet to find realization.

MILF Resumes Bangsamoro Struggle

Having split earlier from the MNLF, the leaders of the splinter group formed themselves into the Moro Islamic Liberation Front (MILF) in 1984, rejected the terms of the 1996 Agreement signed by the MNLF and resumed the Bangsamoro struggle for self-determination. This organization entered into its own peace negotiations with the government since January 1997 and was about to sign a Memorandum of Agreement on

Ancestral Domain (MOA-AD), an important step to pave the way for the formulation of a comprehensive compact within one year. Opposition politicians raised their objection to the MOA-AD to the Supreme Court, applied and got a temporary restraining order effectively preventing the signing of this Agreement; the Supreme Court subsequently ruled that the MOA-AD is unconstitutional.

Uncertainties in the Peace Process

The government peace negotiating panel was dissolved by the Office of the President; a new paradigm for the peace process was defined by the government: DDR (disarmament, demobilization and reintegration) and authentic community dialogue, and a new panel was formed. The peace process continues to be on an uncertain track, expected to be switching on and off for its resumption.

In broad brushstrokes, these are the historical elements that have brought Mindanao-Sulu to the point at which it is now as well as the major challenges facing the region today. Any humanitarian interventions must be aware of these elements and see how, in their own way, they can contribute to addressing the challenges which still exist.

State Domain vs. Ancestral Domain in Mindanao-Sulu

Rudy B. Rodil

Introduction

The conflict over land and territory is clearly the product of a series of events that influenced the internal developments of Mindanao-Sulu and the Philippines. It is not just land, it is domain. It was the domains of the Moros and the Lumad that was taken over. The Moros and the Lumad want these back and secured, by agreement and by law.

Spanish colonial ambition led Spain to conquer not only central and northern Philippines but also certain parts of Mindanao. The colonization and Christianization of northern and eastern Mindanao and Zamboanga was part of her strategy to subjugate Moroland.

American success at armed conquest and colonization of the entire Philippine archipelago including the areas of the Sulu and Maguindanao sultanates and the Pat a Pongampong ko Ranaw has left very deep and lasting impact on the Mindanao-Sulu region. The entire area was placed under one unified political structure and governance, although there were distinguishing features between the Special Moro Province, the special Agusan province (combined areas of Agusan and Bukidnon) and the two regular provinces of Misamis and Surigao. Landholding practices were transformed into the Torrens system under the umbrella of the state-adopted regalian doctrine, and within this framework

and in total disregard of indigenous systems, the region was laid open to government-sponsored resettlement programs.

This combination of events consequently led to the marginalization of the Moro and Lumad communities in practically all major aspects of their lives in less than sixty years: in their own lands and domain, in the sphere of governance, in economic life, in education, in culture. The policy of government was amalgamation of the non-Christians into the mainstream Filipino community.

The marginalization process generated a corresponding accumulation of resentment and dissatisfaction, and reached its explosive point in the MIM¹ -MNLF-MILF uprising in 1968, and the Lumad assertion of their own right to self-determination in 1986.

At this point we become witness to Moro and Lumad articulations of political aspirations, both against and within the framework of the Philippine state, covering political identity and right to self-governance, claim to territory and all resources therein.

But this is also the point in time when the state apparatus, the migrant population itself, the economic system and the cultural milieu stand in the way of these claims. Bangsamoro claims to self-determination and ancestral territory express the need to break away from the state apparatus itself, or at least create a

¹ Muslim Independence Movement

secure niche within this apparatus; it must also reckon with other claimants, the Lumad especially, who will contest said claims with their own counter-claims in areas which overlap their own.

This is a very complicated situation indeed. How do all stakeholders come to a satisfactory arrangement? We need to step back into history for a while.

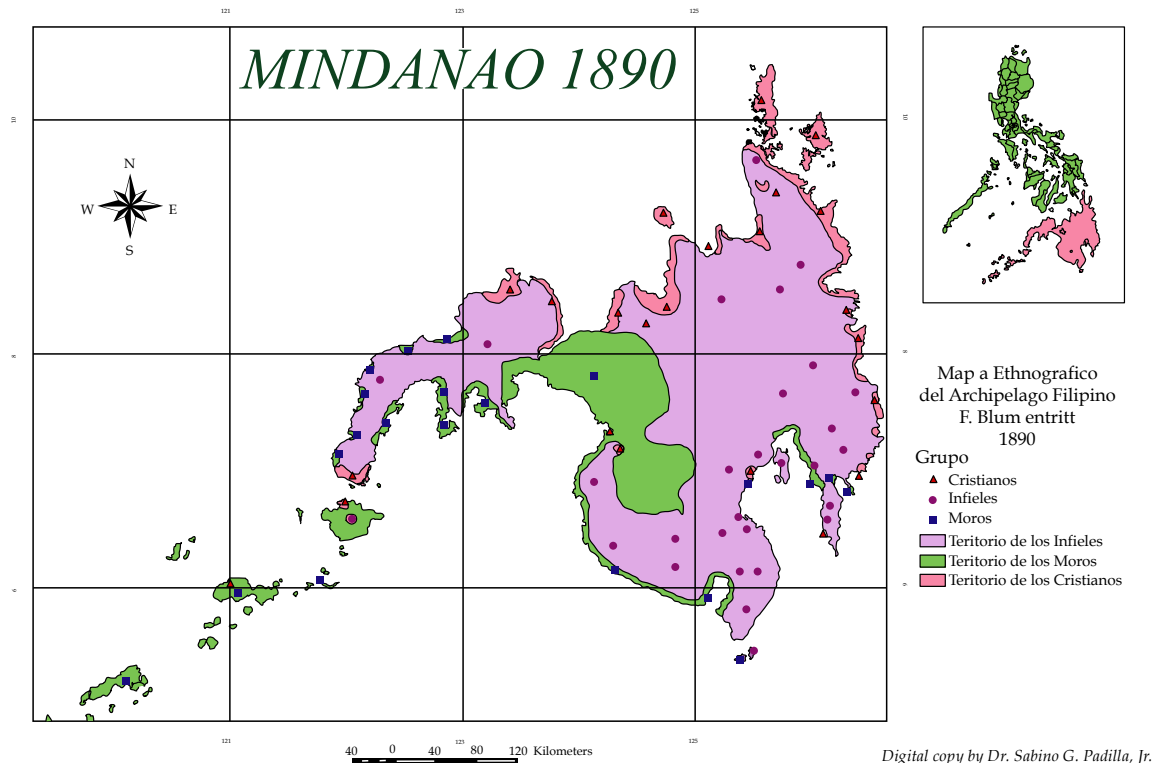
Geoethnic Situation

Today Mindanao-Sulu has 25 provinces. The names of these provinces will be used to pinpoint traditional domains of the Moros and the Lumad in Mindanao.

The 1890 ethnographic map of Mindanao-Sulu by Austrian ethnographer Ferdinand Blumentritt was rendered recently into digital form by Dr. Sabino Padilla, an anthropologist of the University of the Philippines, Manila Campus. The peoples of the region were classified into three: Cristianos, Moros and Infieles (infidels). The Cristianos consisting of nearly 200,000 people were stretched out

in thin strips of territory, a small area in what is now Davao City, a long stretch from Davao Oriental to Surigao del Norte to Agusan del Norte, to Misamis Oriental to Iligan to Misamis Occidental to Dipolog-Dapitan to Sindangan bay and Zamboanga City. From there one must take a leap to find a small community of Cristianos, also known today as chavacanos or Zamboangueños in what is now Zamboanga City. [See 1890 Map]

Heavy concentrations of Moro communities were found in what is now Maguindanao and Lanao del Sur, Basilan and the Sulu Archipelago. There were also strips of Moro communities along the coast from the left side of the mouth of the Pulangi, facing the sea, to Sultan Kudarat to General Santos City to Sarangani Islands, and then pockets of communities around Davao gulf, in Davao City, Davao del Norte and Davao Oriental. From the right side of the mouth of Pulangi, there is a narrow strip of Moro communities, presumably Iranun, all the way to Pagadian, Zamboanga del Sur. And a few more in Zamboanga del Sur and Zamboanga Sibugay



and the west end of Zamboanga del Norte.

The Lumad communities inhabited the greater part of Mindanao mainland. They may have been thinly spread out but what is important is that this was a time when they alone lived in the areas. They were not visible in Maguindanao, Lanao del Sur, Basilan and the Sulu archipelago.

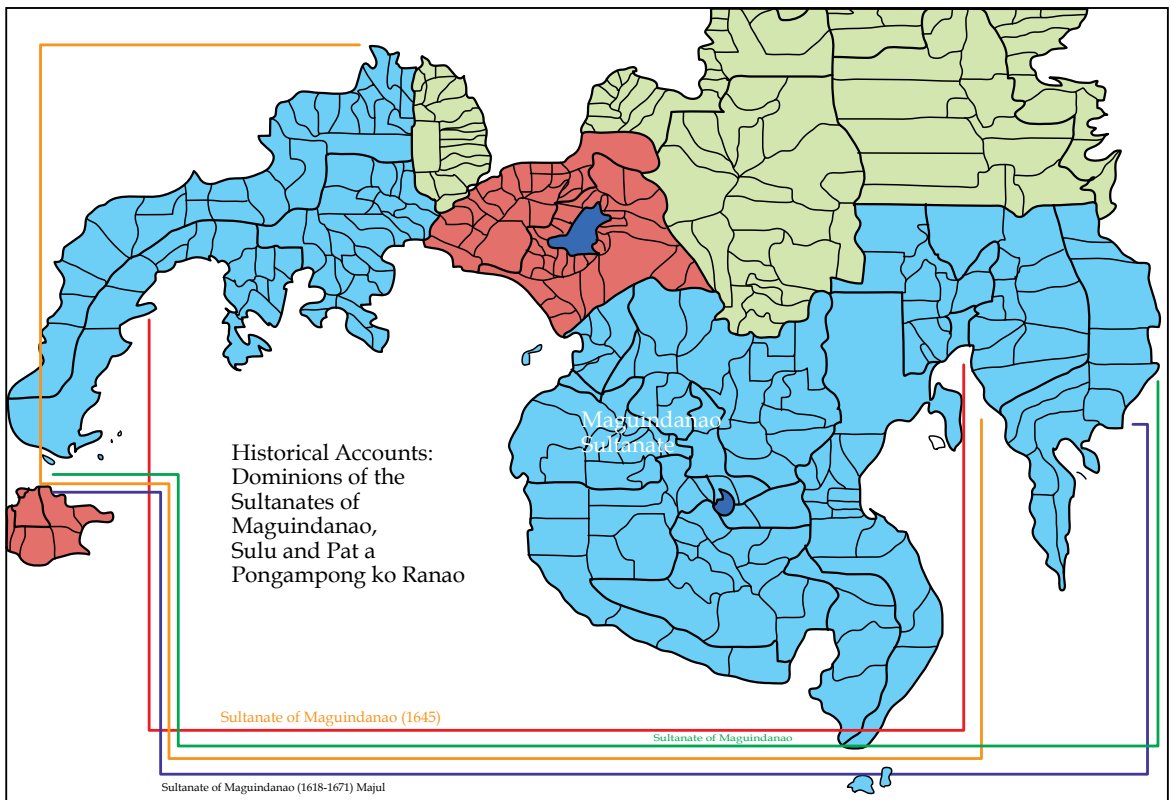
It is good to know that those areas marked as Moros and infieles find confirmation in early Spanish documents as traditional territories of these same peoples, leading us to the conclusion that these indeed are their traditional domain.

Sultanate Dominance

At their peak, the sultanates' domains encompassed areas way beyond their tribal boundaries. The same may be said of the Pat a Pongampong ko Ranaw. [See map of combined Sulu-Maguindanao Sultanates]

Sulu Sultanate included Basilan, Sulu, Tawi-Tawi, southern Palawan and north Borneo. Also, Zamboanga City, if the sultan was more powerful than that of Maguindanao. The Islamized tribes in the territory were the Tausug in Sulu; Sama and Badjao (only those who had settled on land) in Tawi-Tawi; Jama Mapun in Cagayan de Sulu and southern Palawan; Palawani and Molbog (or Melebugnon) in Southern Palawan; Yakan in Basilan, and the Kalibugan in Zamboanga. Non-Islamized tribes included the Batak and Tagbanua of southern Palawan and the Subanen of the Zamboanga peninsula. No other tribe has been known to have occupied said territories before them. There is no clear-cut historical evidence that northern Palawan ever fell within the territory of the Sulu sultanate; Muslim settlements seem to have existed for a while already only in the southern portion extending from Aborlan southward to Balabac.

The Maguindanao sultanate covered



the present provinces of Maguindanao, Sultan Kudarat, South Cotabato, Sarangani, Davao del Sur, Davao City, Davao del Norte, Compostela Valley and Davao Oriental; also the provinces of Zamboanga del Norte—almost in its entirety, Zamboanga del Sur, Zamboanga Sibugay and Zamboanga City. Zamboanga City would also belong to Sulu when its Sultan was more powerful than that of Maguindanao. Islamized tribes that may be categorized as subject of the Maguindanao sultanate included the Maguindanao, Iranun and Sangil. Also the Kalagans of the Davao Gulf area who reportedly became Muslims only in the 19th Century. The non-Muslim tribes were the Subanen in Zamboanga; the Teduray, Ubo, T'boli, Bla-an, Manobo in the Cotabato area; the Bagobo, Bla-an again, Tagakaolo, Ata, Mangguangan, Mandaya and Mansaka, and Manobo in the Davao region, and the Bukidnon and Higaunon in the Bukidnon border, as well as in Iligan City in Lanao del Norte. It is extremely difficult to determine from historical sources to what extent and under what terms the latter group of people (the non-Muslims) were subjects of the sultanates. Also, in the specific case of Zamboanga peninsula, no study has yet been made specifying where the Sulu sultanate's suzerainty ended and where the Maguindanao's influence begun.

Pat a Pongampong ko Ranaw had both Lanao del Norte, Iligan City and Lanao del Sur. In Maranao tradition, Pongampong a Balo-i was supposed to extend as far as Tagoloan in Misamis Oriental but this is contested by the Higaunons who admit that they and the Maranaos share a common ancestry but an accord had been entered into in the past called *tampuda hu balagun*, a peace pact in which they agreed on certain territorial borders between them.

When the American colonizers came, they combined the Sulu, Maguindanao and Ranaw territories together, minus Palawan, and formed the special Moro Province, officially composed of the five provincial districts of Davao, Cotabato, Lanao, Zamboanga and Sulu. With the institutionalization of the resettlement

program, settlers from Luzon and the Visayas came in droves, all of whom operated within the framework and protection of state laws. In today's political structure, the Moro Province encompassed the 17 provinces of Davao Oriental, Compostela Valley, Davao del Norte, Davao del Sur; Cotabato, Maguindanao, Sarangani, South Cotabato, Sultan Kudarat; Lanao del Norte, Lanao del Sur; Zamboanga del Norte, Zamboanga del Sur, Zamboanga Sibugay; Basilan, Sulu, Tawi-Tawi.

After its lifespan of ten years, the Moro province was abolished, its five provincial districts graduated to regular status minus popular election of officials. The same thing happened to Agusan, its components turning into the regular provinces of Agusan and Bukidnon. New administrative structures were born: Department of Mindanao and Sulu, Bureau of non-Christian Tribes, Commission on National Integration (CNI), and so on. Both mainstreaming and marginalization were happening at the same time, acculturation and deculturation, expanding operationalization of the modern form of governance and the defanging of traditional customary laws. Both Moro and Lumad were severely hit by this.

Lumad Assertion

Lumad articulation of their right to self-determination was initially made through the founding congress of Lumad Mindanaw in June 1986. Bisaya being their lingua franca, representatives from 15 tribes agreed to adopt Lumad, a Visayan word meaning "native," as their common name. Then they declared their right to self-governance within their respective ancestral domains. In 2001 they started to view themselves as "first nations" after the fashion of indigenous tribes in Canada and other indigenous communities of the world; they also started to explore the concept of one day having their own Lumad autonomous region in Mindanao. These self-determination-related concepts found their way into the Indigenous Peoples Rights Act (IPRA) which allows indigenous communities among others to file for and obtain titles to their ancestral domains. This is the first time

since the Philippine Commission Act of 1903 that a law was passed recognizing ancestral domain and allowing it to be titled on the basis of native title. Native title means that the land in question has never been public domain, or public land.

Their articulation increased in volume and acquired new dimensions in reaction to the GRP-MILF peace negotiations where, among others, even their titled ancestral domains were included in the MILF ancestral domain claim. Having learned their lessons from the GRP-MNLF peace talks, 1975 to 1996, where they had absolutely no participation yet found their traditional domains included in the territory of the Autonomous Region in Muslim Mindanao (ARMM), this time they insisted on their participation during the GRP-MILF talks. True, they had one Lumad member in the Government of the Republic of the Philippines (GRP) Panel and three in the GRP Technical Working Group, and another one in the MILF Panel's Technical Working Group. But they were not content with this for the MILF took the position that the Lumad are part of the Bangsamoro, so is their territory, although they conceded "free choice" to them on whether they wished or not to be part of Bangsamoro. This triggered a strongly worded position paper from Lumad leaders.

More than 200 Lumad leader-participants, declared in their August 2008 meeting in Cagayan de Oro that while they recognize and respect the Bangsamoro identity and right to self-determination, they, too, have their own distinct identity and right to self-determination. Calling them Bangsamoro and including their domains in the Bangsamoro ancestral domain is a violation of traditional peace pacts variously named pakang, sapa, dyandi, tampuda hu balagun, or khandugo entered into by their ancestors in the past; these have not expired and are still very much in effect today. On the other hand, the Tedurays, Lambangian and Dulangan Manobo tribes, already inhabitants in Maguindanao, within ARMM, do not oppose their inclusion in the Bangsamoro ancestral domain but ask that the Bangsamoro respect their right to self-determination, traditional governance and

tribal justice system, their right to ancestral domain and to the natural resources within, and their right to their own distinct identity and culture. They felt this as necessary because in the present ARMM, the Regional Legislative Assembly has yet to enact an ancestral domain law since its inception in 1989 to protect the interest of the indigenous peoples within the Autonomy. The Indigenous Peoples Rights Act (IPRA) which is designed to enable the indigenous people to pursue and protect their interests is not operative within the ARMM. Without an ancestral domain law within the ARMM, there is no way that the indigenous communities will feel secure under the law.

Native Title vs Torrens Title

There is no denying that there exists an inherent contradiction between native title and torrens title. Both are deemed private though one is communal and the other individual. Although the 1987 Constitution recognizes the ancestral domain rights of indigenous communities there is as well the inherent contradiction between state domain and ancestral domain; which is why at the same time that there is IPRA, there is also the mining law and other laws which allow or enable corporations to intrude into indigenous ancestral domains. Though, the negotiation with the MILF leaves the ground wide open for claims and counter-claims.

Ancestral domain is one of three agenda items in the GRP-MILF peace talks in 2001, the first time it became a major agenda item. If under IPRA, claim to ancestral domain is anchored on occupancy and possession since time immemorial, in the GRP-MILF negotiation, the MILF definition of ancestral domain is rooted on two fundamental factors: tribal land and territorial domain of the sultanates. Both do not form part of public domain. The claim therefore is not tenurial but political. The MILF is not just after a piece of land, they plainly want recovery of a political territory. The Lumad have reason to be uncomfortable; they had cited in their statements some negative experiences with Moro abuses in the past.

The government resettlement program in the whole country proceeded on the fundamental assumption that the state owns the entire territory, that the state reserves the right to classify and dispose of the land according to law, that lands classified as public domain are alienable and disposable. These were the very same lands declared open for resettlement or homesteading.

Now, we are not only confronted with the Bangsamoro ancestral domain claim amidst or alongside with private lands covered by torrens titles, they must also reckon with a political twist born out of the formation of the Republic of the Philippines.

The Political Twists and Unsettled Issues

There is no single community today, indigenous or otherwise that does not fall within the jurisdiction of a local political unit. The inhabitants are viewed therein as citizens, not as belonging to this or that tribe or this or that family but as individual citizens. When the constitution says sovereignty resides in the people, the reference is to the individual citizens, not to their tribal or family affiliation. Now, there is a prescription in the constitution and the local government code that in the event that a political unit, whether province, municipality or barangay is created, modified, merged with another, or abolished, the people of the affected units will have to express their decisions, to agree or not to agree, in a plebiscite called for the purpose.

The establishment of the ARMM went precisely through this process. Should there arise a new GRP-MILF peace agreement calling for adjustments in the ARMM territory, there is so far no way to get around this prescription except by a constitutional amendment. Now the question has been asked—which has never been asked in earlier peace negotiations: what if the territory in question is ancestral domain, a territory that is presumed to have never been public, a territory that is covered not only by a native title but was also part of state territories that were taken and integrated into a colonial

territory without the plebiscitary consent of its people? Can the vote of non-traditional residents invalidate the ancestral domain claim? This question has yet to be answered. It is important at this point to realize that this is a fundamental question that requires an answer in the resolution of the Bangsamoro conflict. No less than thirteen provinces will be affected, and if we bring the Lumad into the picture, the issue of ancestral domain and right to self-determination will encompass practically all of Mindanao-Sulu.

CADT-CALT among the Lumad

The IPRA is perhaps one of the most historic pieces of legislation in Philippine political history. There was reference earlier to the Philippine Commission Act of 1903 declaring as null and void all land grants made by traditional leaders without the consent of government. IPRA abolished and reversed this Act, after nearly one century in operation, and after the Lumad and the Moros had been reduced to approximately a quarter of the Mindanao-Sulu population. IPRA does not only recognize ancestral domain, it also allows their titling.

After slightly more than ten years of implementation of IPRA, what, if one may ask, is the status of Lumad claims to ancestral domain, whether at the level of the Certificate of Ancestral Domain Title (CADT) or the Certificate of Ancestral Land Title (CALT)? The question must be asked because IPRA in the last one hundred years is the most promising legislation by Congress for the Indigenous Peoples. Is the government delivering?

As of May 1, 2008 the National Commission on Indigenous Peoples (NCIP) reports that from 2002 to 2008, titles to 71 ancestral domains totaling 1,635,972 hectares have been awarded nationwide, benefiting 333,848 individuals; while titles have been issued to 180 ancestral lands totaling 5,628 hectares and benefiting 2,947 individuals. In terms of hectareage, Mindanao's total CADT is 829,424 hectares or 50.69 per cent of total national. Lumad leaders in Mindanao do not seem impressed with

this record. Among their demands in their Cagayan de Oro manifesto last August 2008 was for NCIP to fast track the delineation and approval of ancestral domain titles.

Tentative Conclusion

In the final analysis, it would seem that plenty of hard work lies ahead.

For the Moro Muslims, there is already an ARMM but the ongoing GRP-MILF war and the stalled peace negotiation between the two parties, already stretched to more than ten years, are more than eloquent testimonies that the Bangsamoro conflict will definitely spill over into the next political administration. This also means that those segments of the population, the Lumad and the settlers, who are threatened by Bangsamoro claims, will continue to remain guarded and or apprehensive.

For the Lumad, their articulation for self-determination is progressing to more refined

political concepts, from self-governance within their respective ancestral domains to first nations to the establishment of their own autonomous region, but it is not yet clear how these concepts can be translated into more concrete forms - more so because their number is disturbingly small and very dispersed. In the meanwhile settlers continue to penetrate their territories while the indigenous communities wait for their CADTs.

The settler population has the advantage of number on all counts. They are the principal beneficiaries of the government resettlement program. They are dominant in all fronts: trade and commerce, culture, education, and so on. Government must take it upon itself to appeal to their fraternal spirit; to create mechanisms that will enable the majority to extend a helping hand to the disadvantaged minorities.

The Bangsamoro under the Philippine Rule

Abhoud Syed M. Lingga

Minority Communities

Nowadays we find minority communities within the borders of many countries including the Philippines. These minority communities can be classified broadly into three major categories.²

The minority migrant populations are one category. During the colonial period, workers were recruited from other colonies to work in plantations, mining and other industries. In recent years, migration of peoples who are induced by pull factors like economic opportunities and liberal policies of countries of destination and the push factors in their own countries like violent conflicts, lack of economic opportunities and repressive government policies are observable. The migrant populations have no attachment to any portion of the territory of the host country. Their concerns are the acceptability by and equal rights with the dominant majority, and equal access to social services and economic opportunities.

Another category is the indigenous peoples who became minority in their homelands as the result of colonial settlements. There are around 300 million of them in more than seventy countries. These peoples have retained their social, cultural, economic and political way of life but face the threat of being assimilated with the majority populations. The aspirations

of the indigenous peoples are to 'exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live'.³

People who were incorporated into the new nation-states after the departure of the colonial powers are one more category. Before colonization these peoples had their political institutions, administrative system, and trade and international relations with other countries. Colonial intrusions in their territories were not welcomed and often met with resistance. When the colonial powers granted independence to their colonies the homeland of these peoples were incorporated into the new nation-states. In some cases, their territories became parts of more than one country. With their history of political independence and distinct way of life, these peoples claim they belong to different nations from the majority. Their identities are always linked to their traditional homeland. They feel uncomfortable living within the borders of the new nation-states, which they perceived as successor-in-interest of the colonial powers, and relish the memory of their long history of political independence that they want to revive in order to establish a system of life in accordance with their world view, culture, religion and social norms.

² W.K. Che Man, *Muslim Separatism: The Moros of Southern Philippines and the Malays of Southern of Southern Thailand*. (Quezon City: Ateneo de Manila University Press, 1990), p. 1.

³ International Labor Organization, "Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries", adopted by the General Conference of the International Labour Organisation at its seventy-sixth session, 1989.

The Bangsamoro

The Muslims who traditionally inhabited Mindanao, the islands of Basilan and Palawan, and the Sulu and Tawi-Tawi archipelago in the south of the Philippines belong to the third category. They are collectively called Bangsamoro. The name Moro was given by the Spanish colonizers to the Muslims in Mindanao whom they found to have the same religion and way of life with the Muslims of North Africa who ruled the Iberian Peninsula for centuries. The Malay word *bangsa*, which means nation, was prefixed to suggest distinct nationhood. The name Bangsamoro has found place in official documents of the Organization of Islamic Conference (OIC)⁴ and agreements between the Government of the Republic of the Philippines (GRP) and the MILF.⁵

The Bangsamoro people consist of thirteen Muslim ethno-linguistic groups: Iranun, Magindanaon, Maranao, Tao-Sug, Sama, Yakan, Jama Mapun, Ka'agan, Kalibugan, Sangil, Molbog, Palawani and Badjao. The indigenous peoples of Mindanao who were once protectorate groups of the sultanates are also considered Bangsamoro, though adoption of this identity on their part is a matter of free choice.

The traditional homeland of the Bangsamoro people consisted of the territories under the jurisdiction of their governments before the formation of the Philippine state. At the height of its power, the Sulu Sultanate exercised sovereignty over the present day provinces of Sulu, Tawi-Tawi, Palawan, Basilan and the Malaysian state of Sabah (North Borneo). The territory of the Magindanaw Sultanate included parts of Maguindanao province, the coastal

areas of the provinces of Sultan Kudarat, South Cotabato, Sarangani, parts of Lanao provinces, Davao del Sur and Davao Oriental, and the eastern part of Zamboanga del Sur. The Datu Dakula who ruled Sibugay, an autonomous region under the Magindanaw Sultanate, exercised jurisdiction over Zamboanga del Norte, Zamboanga Sibugay, Zamboanga City and some parts of Zamboanga del Sur. The Rajah of Buayan ruled North Cotabato, the upper valley of Maguindanao and the interior areas of Sultan Kudarat and South Cotabato and some parts of Bukidnon. The Pat a Pangampong ko Ranao (confederation of the four lake-based emirates) ruled the interior parts of Lanao del Sur, Lanao del Norte, and parts of Bukidnon, Agusan, and eastern and western Misamis provinces. The small sultanate of Kabuntalan separated the domains of Magindanaw and Buayan.

As the result of the colonial policies and programs of the Philippine government that encouraged Filipino settlers from the north to settle in the Bangsamoro traditional homeland, the Bangsamoro are now confined in the provinces of Tawi-Tawi, Sulu, Basilan, Lanao del Sur and Maguindanao, and some municipalities of Zamboanga del Sur, Zamboanga Sibugay, Zamboanga del Norte, Lanao del Norte, North Cotabato, Sultan Kudarat, South Cotabato, Sarangani, Davao Oriental, Davao del Sur, Davao del Norte, Compostela Valley and Palawan.

The historical experience of the Bangsamoro people in statehood and governance started as early as the middle of the 15th century when Sultan Shariff ul-Hashim established the Sulu Sultanate. This was followed by the establishment of the Magindanaw Sultanate

⁴ Organization of Islamic Conference (OIC), "Resolution No. 58/28-P", Twenty-Eight Session of the Islamic Conference of Foreign Ministers (ICFM), 2001.

⁵ The Agreement on Peace between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front, otherwise known as the Tripoli Agreement on Peace of 2001, signed on June 22, 2001 in Tripoli, Libya, unambiguously recognizes that identity. Examples are these provisions of the agreement:

"Recognizing that peace negotiations between the GRP and the MILF is for the advancement of the general interest of the Bangsamoro people..."

"On the aspect of ancestral domain, the Parties, in order to address the humanitarian and economic needs of the Bangsamoro people and preserve their social and cultural heritage and inherent right over their ancestral domain, ..."

"The observance of international humanitarian law and respect for internationally recognized human rights instruments and the protection of evacuees and displaced persons in the conduct of their relations reinforce the Bangsamoro people's fundamental right to determine their own future and political status."

in the early part of the 16th century by Shariff Muhammad Kabungsuwan. The Sultanate of Buayan and the Pat a Pangampong ko Ranao (confederation of the four lake-based emirates) and other political subdivisions were organized later.

By the time the Spanish colonialists arrived in the Philippines the Muslims of Mindanao, Sulu and Tawi-Tawi archipelago and the islands of Basilan and Palawan had already established their own states and governments with diplomatic and trade relations with other countries including China. Administrative and political systems based on realities of the time existed in those states. In fact it was because of the existence of the well-organized administrative and political systems that the Bangsamoro people managed to survive the military campaign against them by Western colonial powers for several centuries and preserve their identity as a political and social organization.

For centuries the Spanish colonial government attempted to conquer the Muslim states to add their territories to the Spanish colonies in the Philippine Islands but history tells us that it never succeeded. The Bangsamoro sultanates with their organized maritime forces and armies succeeded in defending the Bangsamoro territories, thus preserving their independence.

The Bangsamoro resistance continued even when American forces occupied some areas in Mindanao and Sulu. Though the resistance was not as fierce as during the Moro-Spanish wars, guerrilla attacks against American forces and installations reinforced what remained of the sultanates' military power. Even Bangsamoro individuals showed defiance against American occupation of their homeland by attacking American forces in operations called *prang sabil* (martyrdom operation).

When the United States government promised to grant independence to the Philippine Islands, the Bangsamoro leaders

registered their strong objection to be part of the Philippine Republic. In a petition to the President of the United States dated June 9, 1921, the people of the Sulu archipelago said that they would prefer being part of the United States rather than be included in an independent Philippine nation.⁶

In the Declaration of Rights and Purposes, the Bangsamoro leaders meeting in Zamboanga on February 1, 1924, proposed that the "Islands of Mindanao and Sulu, and the Island of Palawan be made an unorganized territory of the United States of America"⁷ In Lanao, the leaders who were gathered in Dansalan (now Marawi City) on March 18, 1935 appealed to the United States government and the American people not to include Mindanao and Sulu in the grant of independence to the Filipinos.

Under the Philippine Republic

Despite their objections, in 1946, the Bangsamoro became part of the new political entity called the Republic of the Philippines. Their incorporation in the new state was not welcomed for they continuously consider themselves a separate nation. The Bangsamoro claim that they belong to a separate nation by virtue of their distinct identity is articulated by Muhammad al-Hasan in these words:

We [Moros and Filipinos] are two different peoples adhering to different ideologies, having different cultures, and nurtured by different historical experiences.

We have contradistinct conceptions of sovereignty. The Filipinos believe that sovereignty resides in them, but we believe that sovereignty belongs to God alone. The political, social, economic and judicial institutions they inherited from the colonizers, organized on the basis of the separation of spiritual and mundane aspects of life, are incongruous with ours which are established on the postulates that life is a unity, God is the Sovereign and man is His vicegerent.

⁶ See "Petition to the President of the United States of America from the People of the Sulu Archipelago" in Salah Jubair, *Bangsamoro: A Nation Under Endless Tyranny*. (Kuala Lumpur, Malaysia: IQ Marin SDN BHD, 1999), 293-297.

⁷ See "A Declaration of Rights and Purposes Addressed to the Congress of the United States of America" in Jubair, pp. 298-303.

Our culture, imbued with Islamic beliefs, tenets and principles, is diametrically in contrast with what is known today as Filipino culture which is the amalgamation of the residues of the colonizers' cultures. Our art, architecture, literature and music have retained their Asian character [which] is not true [of] theirs.⁸

Under the Republic of the Philippines, the Bangsamoro complain that they suffer discrimination and oppression. Some of these complaints are:

1. The Christian majority are biased against Muslims as shown by studies.⁹ These prejudices lead to exclusion of the Bangsamoro from jobs, education, housing and business opportunities. These are evident in the personal experiences of Muslims on how they were shut out of jobs, housing and study opportunities recounted in the Philippine Human Development Report (PHDR 2005).

The PHDR 2005 survey revealed that a considerable percentage (33 per cent to 39 per cent) of Filipinos is biased against Muslims. Exclusion from job opportunities is very high given that 46 per cent of the Christian population would choose a Christian male worker and 40 percent a Christian female domestic helper. Only 4 per cent would choose a Muslim male worker and 7 percent Muslim female domestic helper. Majority of the Christians cannot even accept Muslims as neighbors, as the survey showed that in Metro Manila 57 per cent opt for residence with higher rent but far from a Muslim community.

The earlier study of Filipinas Foundation (1975) showed that Muslim-Filipinos were the least likeable group, and 54% of those who responded to the question describing Muslims had unfavorable comments. Muslim-Filipinos were described as "treacherous", "killers."

In the study among youth in Mindanao, "majority (91%) of the Christians showed stronger biases and prejudices against the Muslims than the Muslims had for Christians." In terms of acceptance, the study reveals that: "More than 90 per cent of the Muslim youth respondents were more willing to accept Christians as associates or to work, live together, while majority (87%) of the Christians are not."¹⁰

2. Due to government policies and programs the Bangsamoro lost big portions of their lands and became a minority in their own homeland.¹¹

The Philippine government opened the whole of Mindanao to resettlement and corporate investments. In 1903, the Philippine Commission declared as null and void all land grants made by traditional leaders like sultans, datus, and tribal leaders if done without government consent. Through the years the government implemented public land laws which were discriminatory to the Bangsamoro and other indigenous people of Mindanao, and favorable to Filipino settlers and corporations.¹² The introduction of public land laws, which were based on the Regalian doctrine, "became an opportunity for the colonized north-Filipino elites to own or lease substantial landholdings as well

⁸ Quoted by Peter G. Gowing, "Of Different Minds: Christian and Muslim Ways of Looking at Their Relations in the Philippines," *International Review of Missions* 265 (1978), p. 78.

⁹ Christian prejudices against Muslims were revealing in the study conducted by Filipinas Foundation, *Philippine Majority-Minority Relations and Ethnic Attitudes* (Makati, Rizal, 1975) and in the Philippine Development Network, *Philippine Human Development Report 2005 (PHDR 2005)*.

¹⁰ Danny M. Alfaras, "In the Minds of the Generation X: A Look at the Psycho-Cultural Dimension of the Mindanao Conflict." Paper presented at the SEACSN Conference 2004: Issues and Challenges for Peace and Conflict Resolution in Southeast Asia, Penang, Malaysia, 2004.

¹¹ On the minoritization of the Bangsamoro people, see B. R. Rodil, *The Minoritization of the Indigenous Communities of Mindanao and the Sulu Archipelago*. (Davao City: Alternative Forum for Research in Mindanao, Inc. 1994)

¹² See Rudy B. Rodil, "Philippine Government Policies on the Indigenous Peoples," paper presented during the Workshop on Multi-Ethnic Asia: Peace and Sustainable Development, Ho Chi Minh City, 16-20 April 2007.

as a chance for the 'legal' or systematic landgrabbing of traditional lands"¹³ of the Muslims.

The discrimination against Muslims and indigenous peoples in land ownership is evident in a number of laws passed during the American colonial period that limited the hectareage that non-Christians could own compared to Christians and corporate entities.¹⁴

In 1954 the National Resettlement and Rehabilitation Administration (NARRA) was established. Under this program, from 1954 through 1958 close to 23,400 Christian Filipino families were resettled in Cotabato.¹⁵

The consequence of the state policies on land ownership and encouragement of Christian settlers to settle in Mindanao is the minoritization of the Bangsamoro in their traditional homeland. The lands that remain to the Bangsamoro are those located in the Autonomous Region in Muslim Mindanao (ARMM) and small areas in other provinces.

3. Government failed to deliver basic services and needed development to Bangsamoro communities. In the ARMM, which comprises provinces where the Bangsamoro constitute the majority of the population, poverty incidence was the highest in the country. Poverty incidence in ARMM was 60% in 2000, 52.8% in 2003, and 61.8% in 2006, while the national figures were 33%, 30% and 32.9%, respectively.¹⁶

Functional literacy rate in the region was 62.9 (2003) while the national average was 84.1.¹⁷ Out-of-school children and youth

are also highest in the ARMM (23.1%) while the national average is 14.7%.¹⁸

ARMM's under-five and child mortality rates are very high at 45 and 12 deaths per thousand live births, respectively, compared to the country's UFR and CMR at 32 and 8 deaths per thousand live births in 2006, respectively.¹⁹

4. The Government has also failed to protect the persons and properties of the Bangsamoro people. There were reported massacres of Muslims and destruction of their properties but the government failed not only to give them protection but also to give them justice. No serious investigations were conducted and no one was held responsible in many of these incidents of human rights violations. Killings of Muslims and wholesale burning of villages dating back to the 1960s and 1970s remain unsolved to this day with no effort on the part of the Philippine Government to even investigate them.

Continuing Assertion for Independence

The Bangsamoro consider the annexation of their homeland as illegal and immoral since it was done without their plebiscitary consent. On this basis and with their sad state of affairs under the Philippines, the Bangsamoro people continue to assert their right to independence. Their assertions manifest in many forms.

The armed resistance of Kamlon, Jikiri and Tawan-Tawan were protests against the usurpation of their sovereign right as a people. Some Muslims who joined the Philippine government used the new political system to

¹³ Myrthena L. Fianza, "Contesting Land and Identity In The Periphery: The Moro Indigenous People of Southern Philippines". Working paper prepared for the 10th Biennial Conference of the International Association for the Study of Common Property held at Oaxaca, Mexico on August 9-13, 2004, p. 5.

¹⁴ Rodil, "Philippine Government Policies on the Indigenous Peoples."

¹⁵ Michael O. Mastura, *Muslim Filipino Experience*. (Manila: Ministry of Muslim Affairs, 1984), p. 245.

¹⁶ http://www.nscb.gov.ph/poverty/2006_05mar08/table_2.asp

¹⁷ <http://www.census.gov.ph/data/sectordata/2003/fl03tabE.htm>

¹⁸ <http://www.census.gov.ph/data/pressrelease/2003/pr0375tx.html>

¹⁹ First ARMM Progress Report on the Millennium Development Goals

pursue the vision of regaining independence. Congressman Ombra Amilbangsa from the Province of Sulu, for example, filed House Bill No. 5682 during the fourth session of the Fourth Philippine Congress seeking the granting and recognition of the independence of Sulu. As expected, the bill found its way into the archives of Congress since there were few Muslim members of Congress. Then on May 1, 1968, the then provincial governor of Cotabato, Datu Udtog Matalam, made a dramatic move when he issued the Mindanao Independence Movement (MIM) manifesto calling for the independence of Mindanao and Sulu to be known and referred to as the Republic of Mindanao and Sulu.

The peaceful movement for independence was deflected when the Ilaga, which were government-backed Christian militias, attacked Muslim communities in the early 1970s, burning mosques and houses, and massacring hundreds of people, including women and children. The Muslims were left with no other alternative but to fight back to defend themselves and their communities.

Independence Movements

Thus it was inevitable that broad-based organized movements to break free from what was viewed as the oppression of the Philippine Government would eventually arise. No longer was resistance going to be sporadic, undertaken by individuals in isolated areas of Mindanao, but it had now acquired a broad-based sustained character, finding sympathy not only among Muslims in the Philippines but in the Muslim world.

Thus rose the Moro National Liberation Front (MNLF) leading the struggle not only to defend the Muslim communities but also to regain their lost independence. The MNLF struggle lasted for more than twenty years, from early 1970s when widespread fighting broke out throughout Mindanao and Sulu until the Final Peace Agreement was signed by the MNLF and

the Philippine Government in September 1996.

When the MNLF accepted autonomy within the framework of Philippine sovereignty a faction of the MNLF separated and formed the Moro Islamic Liberation Front (MILF) to continue the struggle for independence which the leaders of the MILF believed had been abandoned by the MNLF leadership. The break between the MNLF and the MILF came with the signing of the Tripoli Agreement in 1976 between the MNLF and the Philippine Government. Since that time the MILF steadily grew in strength until today when it is recognized as the main resistance movement for self-determination of the Bangsamoro people.

Even though the MNLF signed a series of agreements with the Philippine Government, culminating in what is referred to as the Final Peace Agreement in 1996, and the MILF in turn has been engaged in talks with the Philippine Government since 1997 to try to find a formula to put an end to the war, the struggle continues to this day. One continues to read of fighting occurring in different areas of Mindanao, with hundreds of thousands of innocent civilians being displaced and deaths of combatants and non-combatants being practically a daily affair.

The end of the struggle of the Bangsamoro people for self-determination is still far from over.

Government Responses

The Government position in responding to the struggle of the Bangsamoro people has always been on the premise that they are Filipino citizens, including those fighting the government,²⁰ and that any solution to resolve the conflict has to be within the sovereignty and territorial integrity of the Philippines.

To reinforce these policies government takes on three elemental approaches to its conflict with the Bangsamoro people.

²⁰ Reflective of this policy is President Ferdinand E. Marcos statement during the Special Session of the Batasang Bayan, May 3, 1977. See "The President's Report on Southern Philippines", Batasang Bayan, May 3, 1977.

1. To deflect the underlying political issues of the conflict, government admitted neglect. The government is insistent that the problem is the absence of economic development. That is why within the span of the administration of five presidents, government efforts are always focused on development of Mindanao.

Earlier, the Philippine government pursued vigorously its national integration program. The Commission on National Integration (CNI) was established “charged with carrying out within ten years a broad range of programs designed to attend to the economic and educational phase of cultural minority problems.”²¹ In June 1955 Congress passed a law establishing the Mindanao State University to promote the government program of education to accelerate the integration of the Muslims into the body politic. In 1961, the Mindanao Development Authority (MDA) was also established to hasten the economic development of Mindanao.

After the conflict flared up into armed confrontation between government and MNLF forces in the early 1970s, the government created a Presidential Task Force for the Reconstruction and Development the purpose of which was “to pool all government resources from its economic development, financial, welfare, and health agencies as well as military units”²² in order to assess the damage caused by the conflict, to prepare an integrated plan for full reconstruction and rehabilitation of Mindanao, and restore peace and order.

To appeal to the religious sense of the Muslims, the Code of Muslim Personal Laws of the Philippines was decreed into law in 1977. These laws were extracted from Islamic jurisprudence on person and

2. The government, invoking its sovereign right to maintain its territorial integrity, unleashed its military might against the Bangsamoro. The military campaign has been very costly. Based on the revelations of former Congressman Eduardo Ermita, MindaNews reported the following:

In a privilege speech in July 1996, then Rep. Eduardo Ermita, who became Presidential Adviser on the Peace Process ... citing data from the Armed Forces of the Philippines, showed how over a period of 26 years since 1970, more than 100,000 persons had been killed in the conflict in Mindanao, 30 per cent of that government casualties, 50 per cent rebels and 20 percent civilians.

Ermita said 55,000 persons were injured, not counting those from the rebel side. From 1970 to 1976 alone, he said, an average of 18 people were slain everyday.

*All in all, Ermita said, the AFP spent P73 billion in the 26-year period, or an average of 40 per cent of its annual budget.*²³

A government think tank reported that “The toll on human lives and property was heavy on both sides. Independent estimates came out with these numbers: 50,000 deaths, 2 million refugees, 200,000 houses burned, 535 mosques and 200 schools demolished, and 35 cities and towns destroyed.”²⁴

The World Bank assessment of direct economic costs of the conflict is \$2–3

²¹ Mastura, pp. 245–246.

²² Quoted by Mastura, p 248.

²³ Carolyn O. Arguillas, “The Cost of War. Part 1: Economic cost of ‘never ending conflict’ is P30-M daily” *MindaNews*, posted March 26, 2003. <http://www.mindanews.com/2003/03/26pep-cost1.html>

²⁴ Carolina Hernandez, “The AFP’s institutional responses to armed conflict: a continuing quest for the right approach,” *Philippine Institute for Development Studies Policy Notes*, No. 2006-02 (March 2006), p. 3.

billion, and the human and social toll since the 1970s has been heavy. The World Bank report shows an estimate of 120,000 deaths, and uncounted numbers of wounded and disabled; and more than two million people displaced.²⁵ In the year 2000 when government troops attacked the MILF camps, around 932,000 civilians were displaced from their homes. The World Bank report shows that "Majority of people who were displaced as a result of the conflict in Mindanao that erupted in 2000 were Muslims."²⁶ Around 390,000 people were again displaced when government troops attacked MILF enclaves in Pikit and Pagalungan in February 2003. When armed clashes between government and MILF forces resumed after the signing of the MOA-AD was aborted, more than half a million people were displaced. As to casualties, 170 were reported dead and 123 injured; and 2,356 houses were destroyed.²⁷

3. Negotiation is another approach adopted by the Philippine government. Negotiations with the MNLF started in 1975 and ended in 1996. The significant agreements between the GRP and MNLF were the Tripoli Agreement of 1976 and the 1996 Final Peace Agreement. The Tripoli Agreement provided for the establishment of autonomy for Muslims in Southern Philippines, within the realm of the sovereignty and territorial integrity of the Philippines, covering thirteen provinces. Under the agreement, foreign policy, national defense, and mines and mineral resources are under the competence of the Central Government. The autonomous region has the authority to set up its own court, schools, legislative and administrative system, financial and economic system, regional security forces, and representation and participation in all organs of the state. The 1996 final agreement

spelled out the details of the 1976 Tripoli Agreement.

Negotiations with the MILF started in 1997. The agreement on peace between the GRP and the MILF, otherwise known as the Tripoli Agreement on Peace of 2001²⁸ called for discussion of three issues: (1) security (ceasefire); (2) rehabilitation and development of conflict-affected areas; and (3) ancestral domain. The agreement recognized the distinct identity of the Bangsamoro as a people occupying a definite territory, which is referred to in the document as the Bangsamoro homeland, and the inherent right of the Bangsamoro people over their ancestral domain. It also acknowledged the fundamental right of the Bangsamoro people to determine their future and political status, in effect acknowledging that the problem is political in nature and needs a comprehensive, just and lasting political settlement through negotiations. The agreement also acknowledged that negotiations and a peaceful resolution of the conflict should involve consultations with the Bangsamoro people, free of any imposition. It called for evacuees to be awarded reparation for their properties lost or destroyed by reason of the conflict.

Agreements were reached between the two parties on ceasefire, and rehabilitation and development of conflict-affected areas. The discussions on the issue of ancestral domain took several years until an agreement was reached and the document entitled Memorandum of Agreement on Ancestral Domain (MOA-AD) was initialed by the parties on July 27, 2008 and scheduled to be signed on August 5, 2008 in Kuala Lumpur, Malaysia. The formal signing was aborted when the Supreme Court of the Philippines issued a temporary restraining order (TRO) and later

²⁵ Salvatore Schiavo-Campo, and Mary Judd, *The Mindanao Conflict in the Philippines: Roots, Costs, and Potential Peace Dividend*, Paper No. 24/February 2005 (Washington DC: Conflict Prevention & Reconstruction Social Development Department, The World Bank, 2005), p. 5-6

²⁶ World Bank, *Social Assessment of Conflict-Affected Areas in Mindanao, A Summary*. (Pasig City: World Bank Office Manila, 2003), pp.12-13.

²⁷ NDCC Update, Sitrep No. 82 (January 27, 2009)

²⁸ This agreement is the basis of negotiations between the Philippine Government and the MILF.

declared the MOA-AD as “contrary to law and the Constitution.”

In negotiating peace with the Bangsamoro liberation movements, Philippine Government insisted that agreements shall be within the framework of the Philippine Constitution. In negotiations with the MNLF the government, asserted vehemently on the inclusion of the provision in the Tripoli Agreement of 1976 that the establishment of autonomy in the Southern Philippines is within “the realm of the sovereignty and territorial integrity of the Republic of the Philippines”, and that implementation of the entire agreement is contingent on constitutional processes.²⁹ When there was no categorical mention of this proviso in the MOA-AD the Supreme Court declared it unconstitutional.

The Supreme Court decision reversed what Government had conceded to the Bangsamoro people. The Tripoli Agreement of Peace of 2001 between the GRP and the MILF acknowledges the Bangsamoro right to self-determination, stating that “the observance of international humanitarian law and respect for internationally recognized human rights instruments and the protection of evacuees and displaced persons in the conduct of their relations reinforce the Bangsamoro people’s fundamental right to determine their own future and political status.” This was affirmed by Secretary Silvestre C. Afable, Jr., Chairman of the Government Peace Negotiating Panel in the talks with the MILF, in his letter to Mohagher Iqbal, Chairman of the MILF Peace Negotiating Panel, dated November 9, 2006, which stated that the GRP would like to explore with the MILF “the grant of self-determination and self-rule to the Bangsamoro people based on an Organic Charter to be drafted by

representatives of the Bangsamoro people.” In Tokyo last May 2007, he again reiterated the Philippine government position: “On the negotiating table, we have offered a political settlement based on self-determination that strives to unify the Bangsamoro people rather than divide them, for them to finally live in a homeland rather than a rented territory paid for in blood and suffering. We are crossing bridges of understanding that others have never ventured to do in the past.”³⁰

Way Forward

Since 1946 the Philippine Government has been confronted with problems in its relations with the Bangsamoro people and tried various ways of addressing these but the conflict lingers on taking different forms at various stages of history. The reason may be that they did not address the root cause of the problem which is the assertion of the Bangsamoro of their right to self-determination.

The quest for self-determination is what has propelled most conflicts in the world today. Harris and Reilly³¹ observed that “Between 1989 and 1996 . . . , 95 of the 101 armed conflicts identified around the world were such internal conflicts. Most of these conflicts were propelled, at least in part, by quests for self-determination”

UNESCO experts have suggested that “the peaceful implementation of the right to self-determination in its broad sense is a key contribution to the prevention and resolution of conflicts, especially those which involve contending interests of existing states and peoples, including indigenous peoples, and minority communities.”³²

The self-determination approach has been

²⁹ Articles 1 and 16 of the Agreement between the Government of the Republic of the Philippines and Moro National Liberation Front with the Participation of the Quadripartite Ministerial Commission Members of the Islamic Conference and the Secretary General of the Organization of Islamic Conference, Tripoli, Libya, December 23, 1976.

³⁰ Quoted by Abinales in his column, “The Separatist”, *MindaNews*, May 21, 2007. Also in *Philippine Free Press*, May 15, 2007.

³¹ Peter Harris, and Ben Reilly, eds. *Democracy and Deep-Rooted Conflict: Options for Negotiators*. Stockholm, Sweden: International Institute for Democracy and Electoral Assistance, 2003, p. 1.

³² Michael C. Van Walt van Praag, and Onno Seroo, eds. *The Implementation of the Right to Self-determination as a Contribution to Conflict Prevention*. Report of the International Conference of Experts held in Barcelona on November 21-27, 1998, organized by the UNESCO Division of Human Rights, Democracy and Peace and the UNESCO Centre of Catalonia.

used in other countries facing similar problem in addressing their conflicts with their minority populations. In Southern Sudan, for example, under the 1997 Peace Agreement, the central government agreed that the people of Southern Sudan shall determine their political aspirations and pursue their economic, social and cultural development through a referendum to be held before the end of the interim period. The national government of Papua New Guinea promised, under the 2001 Bougainville Peace Agreement, that it will move amendments to the national constitution to guarantee a referendum on Bougainville's future political status.

Allowing people to enjoy the right to self-determination does not automatically result in the separation of the claimed territory from the parent state, as feared by government, although this may be one of the possible outcomes. A referendum on Puerto Rico's political status was held in 1967 but 60% of the voters preferred continued commonwealth status. Leaders of the province of Nivis wanted to separate from the federation of St. Kitts and Nivis but the citizens of the province voted to stay with the federation. Although not binding, the two referenda in Quebec illustrated that holding a referendum does

not inevitably translate to separation. On the contrary, denying a people the opportunity to exercise this right, or failing to make available the mechanism to exercise the right to self-determination, will make peaceful resolution of armed conflicts more difficult.

To resolve the conflict between the government and the Bangsamoro people, government has to consider amending the Constitution that will allow a power-sharing arrangement between the central government and the Bangsamoro state, as contemplated in the MOA-AD, and for the Bangsamoro people to determine their political status.

The best guarantee that the government can have that the Bangsamoro people will not secede from the Philippines is when they are given the opportunity to exercise their fundamental right to determine their political status, and their welfare and security are guaranteed. Our experience with the 1976 Tripoli Agreement and 1996 peace accord is instructive that to water down the expression of their right to self-determination will not stop the Bangsamoro in their quest for freedom and justice.

Ideology-Based Conflict

Victor M. Taylor

For close to some forty years now, from the late 1960s and early 1970s, the Mindanao-Sulu area has been wracked by secessionist fighting which can be viewed as the extension of the Spanish-Moro Wars which lasted more than three hundred years (from the second half of the 16th century to the latter part of the 19th century), followed by resistance against the American colonial regime in the early 20th century. This secessionist struggle has been carried out by a number of organized movements, the ideological underpinnings of which are described in this chapter.

The Moro National Liberation Front

The frustrations and sense of oppression of Muslims in the Philippines, built up over centuries, was articulated in various struggles and resistance movements not just during the Spanish and American colonial periods but even during the period of the Philippine Republic. In the late 1960s the Mindanao Independence Movement (MIM) was set up by Governor Udtog Matalam of Cotabato, declaring the establishment of an Islamic state in Mindanao. This was followed shortly by the announcement of other resistance movements such as the Union of Islamic Forces and Organization (UIFO) and Anwar El Islam, all declaring the intention to fight for an independent Islamic state in the Mindanao-Sulu area. These resistance efforts reached a crescendo and became a real threat to the Republic, though, with the establishment of the Moro National Liberation Front (MNLF), officially declared in 1972, as a national liberation movement of Muslims in the Philippines.

The MNLF stressed the need to liberate the Muslims in the Philippines from the oppression of the Philippine Government which, in its view was just another colonial government, no different from that of the Spaniards or the Americans. It was the MNLF which promoted the concept of the Bangsa Moro (the Moro Nation), turning what used to be considered a pejorative term, Moro, into a badge of honor for Muslims in the Philippines, declaring their identity and willingness to fight for their homeland. Its Manifesto of April 28, 1974 reads partly as follows:

"We, the five million oppressed Bangsamoro people, wishing to free ourselves from the terror, oppression and tyranny of Filipino colonialism, that had caused us untold sufferings and miseries by criminally usurping our land, by threatening Islam through wholesale desecration of its places of worship and its Holy Book, and murdering our innocent brothers, sisters and folks in genocidal campaign of terrifying magnitude...aspiring to have the sole prerogative of defining and chartering our national destiny in accordance with our own free will in order to ensure our future and that of our children...(hereby declare) the establishment of the Bangsa Moro Republic."

Nur Misuari, the Chairman of the MNLF, elaborated on this and depicted the Front's objective as "a revolution for national salvation and human justice" to be achieved through jihad which he described as the "path of struggle of Muslims either in the moral, ethical, spiritual or political realm, to bring about a positive transformation of the inner

self and the socio-economic and political order”.

While the MNLF used Islamic terms to describe its objectives, it was actually more secular in its orientation than other Islamic movements which stressed the religious character of its struggle. It adhered to the concept of Moro nationalism, which essentially meant the establishment of an independent Moro Nation.

Abdurasad Asani, spokesman of the MNLF, described it in this manner:

“Colonialism is the root cause of the problem in the southern Philippines... The present fighting in the area may be a fight against established but repressive government. The issue therefore is essentially political in character. Hence it requires primarily a political solution; which calls for the thorough restructuring of the prevailing Filipino-Bangsamoro relations” (Abdurasad Asani, “The Moro Problem in South Philippines”, The Asean Review, August 1986).

The restructuring of relations referred to is the secession of the Bangsamoro people from the Philippine Republic.

In time, though, under pressure from the Organization of Islamic Conference which served to mediate negotiations between the MNLF and the Philippine Government, the MNLF tempered its position and accepted “political autonomy” in lieu of secession or independence. This was embodied in the Tripoli Agreement signed on December 23, 1976 by the MNLF and the Philippine Government, whereby the MNLF accepted “the establishment of Autonomy in the Southern Philippines within the realm of the sovereignty and territorial integrity of the Republic of the Philippines”. The Agreement further provided that its implementation would be subject to the Government taking “all necessary constitutional processes”, thus emphasizing the acceptance by the MNLF of the ultimate authority of the Philippine Government.

The Moro Islamic Liberation Front

The signing of the Tripoli Agreement led to a splintering of the MNLF. There were a number of leaders, headed by its Vice chairman, Ustadz Salamat Hashim, who believed that the terms of the Agreement represented a capitulation by the MNLF to the Philippine Government and that Misuari no longer appeared to espouse the true aspirations of the Bangsamoro people, which Misuari and the MNLF had so loudly proclaimed before: an independent Bangsamoro Republic. Salamat and his followers demanded the resignation of Misuari as Chairman and when he refused to do so Salamat and the others set up a separate Central Committee, eventually organizing a separate revolutionary organization altogether, the Moro Islamic Liberation Front (MILF).

The MILF is currently the main secessionist organization in the Southern Philippines. It has since 1997 been engaged in on-again/off-again talks with the Philippine Government in an attempt to arrive at a peaceful resolution of the differing positions of the Government and the MILF relative to the demand of the MILF for a mode of self-determination for the Bangsamoro people.

The adoption of the term “Islamic” in the name of the MILF is revealing. In doing so, Salamat emphasized the Islamic aspect of the struggle which was being waged. In other words, the secessionist struggle was not just a war of national liberation, was not simply to establish a separate homeland for the Bangsamoro people, but that this homeland and the struggle being waged had a religious character as well.

This perspective was brought out very clearly in an interview that Ustadz Salamat gave in 1998 to the publication *Nida’ul Islam* wherein he stated the following:

“The methodology of the MILF is complete submission to the Will of Allah....

“The MILF makes sure that all its policies and activities are in conformity with the

teachings of the Qur'an and Sunnah and its members and followers adopt a system of life in accordance with the teachings of Islam."

When asked to define the objectives of the MILF, Ustadz Salamat enumerated the following:

"To make supreme the Word of Allah.

"To gain the pleasure of Allah.

"To strengthen the relationship of man with his Creator.

"To strengthen the relationship of man and man.

"To regain the illegally and immorally usurped legitimate and inalienable rights of the Bangsamoro people to freedom and self-determination.

"To establish an independent state and government and implement Shari'ah (Islamic Law)."

The manner in which Ustadz Salamat described the objectives of the MILF is instructive as it reveals the priority or ranking of objectives in his mind. First is the central Islamic goal of promoting the Will of Allah in this life and only second is the nationalist objective of self-determination for the Bangsamoro and the establishment of an independent State.

When asked to differentiate between the MILF and the MNLF, Ustadz Salamat had this to say:

"The MILF adopts the Islamic ideology and way of life. Furthermore, the Islamic Front believes in the Islamic concept of state and government. In contrast to this, the Moro National Liberation Front (MNLF) is more inclined to secularism."

The latter comment is understood to refer to the fact that the struggle waged by the MNLF was more of a nationalist struggle, emphasizing the primary objective of regaining or re-establishing the Bangsamoro homeland while the MILF struggle is one which stresses, first, submission to the Will of Allah, which is

what defines a Muslim, and second, within this context, the struggle to regain the Bangsamoro homeland.

Despite this religious orientation, deriving from Ustadz Salamat's background as an Islamic scholar trained not only at home but even more important both at Mecca as well as at the prestigious Al-Azhar University in Cairo, Egypt, Salamat was at the same time a pragmatist. He was aware of the need to adjust to the realities in the field if long-term objectives were to be met. Thus, for example, one scholar noted, Ustadz Salamat emphasized the ideology of the MILF during the early years of the struggle as part of the process of educating the Bangsamoro masses, and, one might add, to ensure that the MILF forces adopt the correct orientation from the outset (Abhoud Syed Lingga, in a personal communication to the writer). However, being a realist, Ustadz Salamat at the same time realized the need to obtain the support of as many sectors as possible if the liberation of the Bangsamoro people from Philippine colonial rule was to be achieved. Hence, in recent years there has been less emphasis on ideological purity and more on the goal of re-establishing the Bangsamoro homeland. This, it is believed, is necessary in order to educate third parties or outsiders regarding the context and the legitimacy of the Bangsamoro struggle.

A prime example of this pragmatism would be the acceptance by the MILF of the participation of the United States in the discussions between the Philippine Government and the MILF leading, hopefully, to a peace agreement. On the one hand, there is still some sentiment among Muslims in the Philippines that the United States has a historical obligation to assist Muslims preserve their religion and their way of life separate from that of Christian Filipinos, deriving from the treatment by the American colonial government of Muslims in the South during the initial decades of American colonial rule. During this period, for example, the Muslim-dominated areas in Mindanao were combined into a Moro Province and were administered separately from the rest of the country. This

was, from one perspective, a recognition of the differences between the Muslims and the Christians, necessitating a different mode of governance, although it could also be seen as a transition method leading eventually to the integration of Muslims into the larger body polity that was the Philippines. This sense of entitlement on the part of Muslims in the South, if one might put it that way, derives from such sentiments as those expressed in the Dansalan Declaration of 1935 where the petitioners asked the United States Government not to include Mindanao and Sulu in any independence that might be granted to the Philippines.

At the same time, there is the awareness that the U.S. Government exerts considerable influence on the Philippine Government and that, if the MILF plays its cards right, this influence could possibly be brought to bear to move the Philippine Government to accept certain positions which on its own it might not be prepared to do.

There is also, of course, the desire to be kept off the list of designated terrorist organizations which the United States has drawn up and which would unduly restrict the access of an organization to support from external agencies as well as subject it to potential aggression from U.S. operatives.

Finally, there is the possibility of being able to avail of resources for development programs which the United States has offered should a peace agreement finally be entered into by the MILF with the Philippine Government.

These all show that while, on the one hand, the MILF has adopted an Islamic ideology in its pursuit of self-determination for the Bangsamoro, its leadership has been pragmatic enough to adjust its tactics in order to generate support from other sectors who might not in themselves embrace an Islamic orientation but nevertheless are supportive of the right of the Bangsamoro people to determine and control their own future.

The Abu Sayyaf Group

The origins of the Abu Sayyaf Group (ASG) – formally known as Al-Harakatul Al-Islamiya (The Islamic Movement) – are shrouded in mystery not only because it was an underground movement with many of its original members and founders having eventually been killed but also because it has been the target of disinformation on the part of the Philippine Government and its security agencies as part of the normal process of fighting an enemy of the State considered to be a terrorist organization.

Indications are that as an underground movement, the ASG started coming together in the late 1980s/early 1990s at around the time that the Philippine Government revived talks with the Moro National Liberation Front (MNLF) under Chairman Nur Misuari following the ouster of former President Ferdinand Marcos who had declared martial law in 1972 and continued in power until 1986. These attempts at peace talks – following the Tripoli Agreement a decade earlier – disillusioned and angered a number of MNLF fighters and younger Muslims who felt that once again, the leadership of the MNLF was abandoning the struggle for an independent Islamic state and succumbing to the empty promises of the Philippine Government.

A number of the disenchanted youth began revolving around a young charismatic preacher from Basilan by the name of Abdurajak Abubakar Janjalani. There are differing accounts of Janjalani's emergence in the Philippines. The most popular one is that he returned to the Philippines in the late '80s after having fought as part of the thousands of foreign mujahideen who supported the Afghan people in the US-supported war against the Russians. There are other accounts that Janjalani never in fact fought in Afghanistan, that these stories are just part of the myth built around him. Professor Julkipli Wadi of the University of the Philippine Institute of Islamic Studies, for example, who has studied Janjalani's preachings in depth, recounts that when he interviewed the father of Janjalani

and inquired into his exploits in Afghanistan, he was advised by the father that his son had never in fact gone to Afghanistan.

Regardless of whether he had fought in Afghanistan or not, Abdurajak Janjalani acquired a reputation as a charismatic preacher in Zamboanga City and Basilan. Young men would flock to hear him preach during the Friday noontime worship service at the main mosque in Sta. Barbara in Zamboanga. His khutbas were recorded and passed on for others to listen to, a number of which survive to this day.

In brief, the message that Janjalani propounded can be summarized as follows:

1. The Bangsamoro, the Muslim homeland in the Philippines, is characterized by a condition of severe oppression (*pamissukuh*);
2. This oppression is the result of the unwarranted intrusion by the enemy (*satruh*), Christians, into the Muslim homeland, exploiting the resources of the Bangsamoro, justifying this exploitation through the imposition of a system of laws which favors the intruders and enforcing these laws through violence brought about by the police and military forces of the enemy;
3. This situation in the Muslim homeland calls for a *jihad fii sabilillah*, a struggle in the cause of Allah, but given the condition of oppression in the Bangsamoro, the particular form of jihad called for is the *jihad bis saif* or jihad by the sword, or *qital fii sabilillah*, armed warfare in the cause of Allah.
4. The waging of this jihad is a personal obligation of every Muslim (*fard ayn*) and therefore the failure to carry out this jihad is considered a sin in the eyes of Allah.

This message of Janjalani was seen by a number of commanders of the MNLF as reflecting the essence of the struggle that they had waged since the early 1970s but which, they felt, was being abandoned

by the leadership of the MNLF with its acquiescence to enter into peace talks with the Philippine Government. More importantly, this message struck a responsive chord among the younger generation of Muslims, many of them orphans of MNLF fighters who had died in the two decades of fighting against the Philippine Government, most of whom saw no future for their people so long as the perceived oppression by the Government continued, and who did not see any opportunities for improvement in their lives.

Thus, the appeal of Janjalani's message grew and the Abu Sayyaf was born.

In the beginning, kidnappings, which today have become a hallmark of the Abu Sayyaf Group, were not resorted to, but it was not long before the group began resorting to abductions in order to generate funds to build up the organization. Kidnappings were justified since, first, the victims were generally Christians, members of the exploitative enemy group and, second, the ransom payments demanded represented essentially a repayment of the resources unjustly taken from the Bangsamoro homeland.

Abdurajak Janjalani was killed in an encounter with government security forces in December of 1998. Still his ideas live on, as shown in certain documents which were circulated in the province of Basilan in July 2008. These two documents consisted of an Advisory, written in the Tausug dialect, one of the dialects prevalent in that area, and addressed to Muslims; and a Demand Notice, written in Pilipino, the national language of the Philippines, and addressed to Christians. Copies of these documents and their translations are attached to this chapter.

The Advisory explains to Muslims the rationale for the establishment of the Abu Sayyaf – utilizing the group's formal name of Al-Harakatul Al-Islamiya (The Islamic Movement) – and quotes from the Qur'an to justify its objectives and actions. Briefly, the Advisory

states that the ASG was set up “in order to save the homeland of the Muslims from the hands and oppressions of the non-believers, making the Holy Qur’an and the Hadith of the Holy Messenger as its guidance every step along its path”. The Advisory points out that the kafir, the unbelievers, will not rest until they have forced all Muslims to abandon their faith and adopt Christianity and that therefore these efforts must be resisted.

The Demand Notice, on the other hand, warns Christians that as intruders in Muslim territory they need to convert to Islam. If they fail to do so, they would be obliged to pay the Jizyah, a tax paid by non-Muslims residing in Muslim lands. If they refuse to do either,

then they would be considered enemies of the State and should be prepared to suffer the consequences of their refusal. Presumably, being kidnapped is one of the consequences.

While it is unclear how organized the Abu Sayyaf Group is and how deeply its ideology has permeated the thinking of its members – many, principally the Philippine Government, like to think of the Abu Sayyaf as essentially being bandits clothing their activities with ideological rationalizations – testimonies from some recent kidnapping victims indicate that these ideas are in fact being discussed among some of the kidnapping groups and that efforts are being taken to instill this perspective among their members.

ADVISORY OF AL-HARAKATUL ISLAMIYYA

All praise and glory solely belong to Allah, the one God, prayers and peace to the Messenger of Allah after whom no other prophets come.

For information. . .

The group Al-Harakatul Islamiyya in the Philippines was established by Muslims who believe that the rights and resources of the Muslim nation which have been stolen cannot be regained and restored anymore if we depend on the pity and the compassionate hearts of the non-believers, because anchored on the teaching of Allah:

[Arabic quotation from the Qur’an]

Translation: “The kafir [non-believers] will not stop fighting you until such time as they have forced you to renounce your religion, if only they can do it”, Sura Al-Baqara, Aya 217. And in another revelation of Allah:

[Arabic quotation from the Qur’an]

“The Jews and the non-believers will not be contented with you, O Mohammad, until such time as you will follow or embrace their religion”, Sura Al-Baqara, Aya 120. And in another revelation of Allah:

[Arabic quotation from the Qur’an]

Translation: “It is the command of Allah

to fight those who do not believe in Allah and the life hereafter and those who will not abandon all that Allah and his messenger have prohibited and those who will not embrace the true religion handed down by those who received the revelations of God, until they render Islamic tax [Jizya] voluntarily from their own hands because they have been forced to”, Sura At-Tawba, Aya 29. And the Holy Prophet stated:

[Arabic quotation from the Hadith]

Translation: “There is no community that has failed to undertake Jihad unless they were in a condition of weakness.”

The group was founded in order to save the homeland of the Muslims from the hands and oppressions of the non-believers, making the Holy Qur’an and the Hadith of the Holy Messenger as its guidance every step along its path to ensure that the actions that it takes will properly address the situation as it develops, because in the view of the group the help of Allah will not come again to his servants for as long as they go astray from the Law of Allah in their pursuit of the enjoyments of this life, making decisions not following the Law of Allah, helping and caring and even loving

the enemy, taking advantage of exploitative profits and helping spread in Muslim society practices which are in violation of Islamic law, all of these are not in conformity with Allah's commandments.

[Arabic quotation]

Translation: "They who have been given

authority by Allah over others in this world should establish the sanctity of prayer, propagate the practice of paying the Zakat [tax], ordain everyone to act in conformity with the law of Allah and prevent others from acting against the law of Allah", Sura Al Hajj, Aya 41.

INFORMATION COMMITTEE

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

AL-HARAKATUL ISLAMIYYA HA PILIPINAS

PANGINGATAN SIN AL-HARAKATUL ISLAMIYYA

In katan sampurna' pamudji iban pananglit tuput da pa Allah tunggal isa- isa Niya, salawat iban salam duun ha amu in wayruun na Nabic puas niya.

Mahuli....

In tumpukan Al-Harakatul Islamiyya ha Pilipinas naawn daing ha manga muslim amu in pamandang nila in kapatut iban hak sin bangsa Muslimeen di' manghimalik iban matabali bang labay ra daing ha luuy iban ulung sin pangatayan sin manga nasrani, karna' pangahagad ha parman sin Allah:

[وَلَا يَرْأَوْنَ يُقَاتِلُوكُمْ حَتَّى يَرْكُوكُمْ عَنْ دِينِكُمْ إِنْ اسْتَطَاعُوا]

ma'na niya: [di' humundung in manga sila kafir mamunu' kaniyu sahingga mapaguwa' nila kamu daing ha pag-agama niyu bang nila sadja kagausan], sura al-baqara aya-217 iban ha parman sin Allah:

[وَلَنْ تَرْضَى عَنْكَ الْيَهُودُ وَلَنْ تَصَارِيَ حَتَّى تَقِيَهُمْ]

[di' tuud magkugkuyag kaymu o Muhammad in manga yahudi iban manga nasrani sahingga mangagad kaw sin pag-agama nila] sura al-baqara aya-120. iban ha parman sin Allah:

[قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَبْتَغُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ]

ma'na niya: [pardaakan sin Allah hipabunu' in manga sila amu in di' mangahagad ha Allah iban ha adlaw akhirat iban di' nila haramun in katan hiyaram sin Allah iban sin Rasul Niya iban di' sila mag-agama sin agama kasabunnalan daing ha manga sila kiyapanaungan kitab sahingga dimihil sila jizya hitakbal sin Lima nila ha hal in sila halawm kahinaan] sura at-tawba aya-29 iban ha sabda sin Rasul ﷺ:

(مَا تَرَكَ قَوْمَ الْجِهَادِ فِي سَبِيلِ اللَّهِ إِلَّا كَلْبًا)

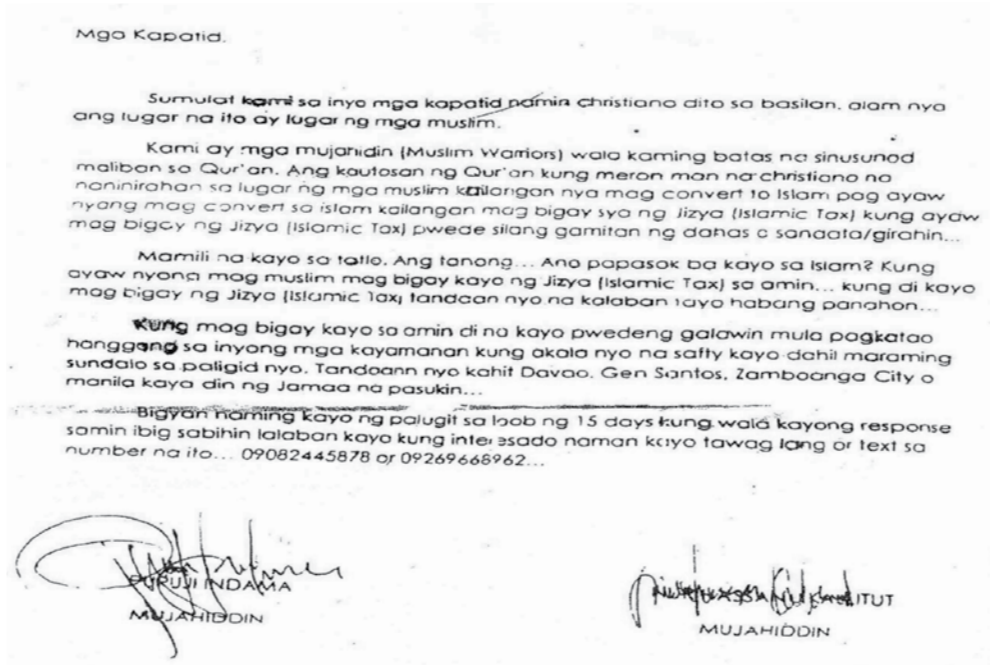
ma'na niya: (wayruun kawman kiyatinggalau nila in Jihad in malaingan nahina sila).

In tumpukan naawn hasupaya manghauni sin hula' sin bangsa Muslimeen daing ha lawm Lima iban panglungkup sin manga nasrani, sarta' hiynang in Qur-an mahumulliya iban Hadith sin Rasul ﷺ padduman ha katan tikangan niya hasupaya mag-atap in usulan sin maksud iban sin kahalan dimaragbus, karna' ha pangatud sin tumpukan in partabangan sin Allah di' manghimalik ha ummat ini salugay niyamalling daing ha pangagad ha shara' sin Allah ha katan pakaradizaan sin kabuhi' dang namun ha hupanghukun in buktin shara' sin Allah, iban magtulungtuang sarta' maglasa iban satru', iban kumaun ganda riba, iban magpasaplag sin hinang langgal shara' ha hula' Islam, in manga ini sulang ha pardakaan sin Allah:

[الَّذِينَ إِنْ مَكَانَهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَآمَرُوا بِالمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ]

ma'na niya [in manga sila piyataimbabaw sin Allah ha babaw sin gumni piyatindug nila in kasampumaan sin Sambahayang iban tiyunay nila in Zakat iban nangdaak sila pa hinang kabayaan sin shara' iban nanglang sila daing ha hinang langgal shara'] sura al-hajj aya-41





DEMAND LETTER

Brothers.

We are writing you, our Christian brothers here in Basilan. You know that this place is the homeland of Muslims.

We are mujahideen (Muslim Warriors). We do not follow any law other than the Qur'an. The law of the Qur'an is that if there are any Christians living in a Muslim territory they need to convert to Islam. If they do not wish to convert to Islam they need to pay the Jizyah (Islamic tax). If they do not wish to pay the Jizyah either then it is justified to use violence against them, to wage war on them.

Choose among the three. The question is...Will you enter into Islam? If you do not want to become Muslims then you need to pay the Jizyah to us. If you do not pay the Jizyah remember that we will be enemies for all time.

If you pay the tax to us you cannot be harmed or molested, whether yourselves personally or your properties. If you think you are safe because there are many soldiers around you, remember that even Davao, Gen. Santos, Zamboanga City or even Manila can be entered (attacked) by the Followers.

We will give you a grace period of 15 days. If you do not respond to us that would mean that you are our enemies. If you are interested you could call or text us at the following numbers...09082445878 or 09269668962.

PURUJI INDAMA
Mujahideen

NURHASSAN KALITUT
Mujahideen

Letting A Thousand Flowers Bloom: Clan Conflicts and their Management³³

Wilfredo Magno Torres III

Life with rido is being a prisoner in your house. A person without rido can go anywhere. A person with rido is like a carabao tethered to a tree. He can only move around as far as the rope will allow. When you have a rido, you are never stable, you are like a prisoner. You cannot work, you cannot go out of your house, you cannot help anybody, and because you are afraid your enemy may kill you.

- A resident of Lanao del Norte in Mindanao
(in B.R. Rodil)³⁴

On August 21, 2008, rival members from the Disalongan and Masigay families gathered to celebrate the end of their feud (*rido*) which killed one and wounded two persons. The *kandori* or thanksgiving celebration took place in the lakeside municipality of Binidayan in Lanao del Sur and was attended by over 300 community members. During the celebration, the townsfolk were treated to a spectacular display of fireworks coming from two attack helicopters pounding on rebel positions across Lanao Lake in the area of Madalum municipality. This contrasting image of a local peace celebration culminating the end of a local conflict amidst a larger separatist war looming on the horizon epitomizes the chronic failure of the state in governance and peacemaking as well as the indomitable will of

local communities to rise above this situation to create a different reality of genuine peace for them.

Two weeks earlier, the Philippine Supreme Court injunction suspending the signing of a memorandum of agreement on ancestral domain (MOA-AD) between the government and the Moro Islamic Liberation Front (MILF) sparked a series of encounters involving frustrated MILF commanders and eventually leading to the breakdown in the negotiations.³⁵ The renewed hostilities between the government and MILF because of the MOA-AD fiasco prompted a senior economist to remark about the instability and unpredictability of the situation in Mindanao that prevents the development of the region—to which the author replied that national level politics is actually more unpredictable and thus responsible for the continuing instability and violence in Mindanao, and the perpetuation of more localized conflicts such as *rido*.

This paper talks about the phenomenon of clan feuding (locally known as *rido*) in Mindanao and outlines some strategies and best practices utilized by local civil society partners in *rido* resolution processes which were supported by the Foundation and USAID. The paper argues that *rido* resolution and other community-based conflict

³³ The author is indebted to the work of The Asia Foundation and local NGO partners working on *rido* management. The author assumes full responsibility for content which does not necessarily reflect the views of the Foundation or the United States Agency for International Development (USAID).

³⁴ In Rodil, Rudy B. Kalinaw Mindanaw, 2000.

³⁵ The actions of key Mindanao politicians and a Manila-based elite's negative reception to the MOA-AD in combination with a largely unpopular administration resulted to the eventual scrapping of the agreement and a breakdown in the peace talks.

resolution and peace building efforts are a reality in grassroots communities that must be articulated and translated into policies and institutions to allow it to contribute to nation-building, governance, and in the attainment of the elusive just and sustainable peace in Mindanao, amid the challenges and uncertainties in the national political arena.

An Anatomy of Feuding

Rido is a local term referring to kinship and community-based feuding in several areas of Mindanao.³⁶ Characterized by retaliatory acts of violence carried out to avenge a perceived affront or injustice, this phenomenon occurs in areas where government or a central authority is weak and in areas where there is a perceived lack of justice and security. *Rido* is considered one of the major problems in Mindanao because it has caused untold suffering and its effects are often subsumed under the larger separatist conflicts. Aside from numerous casualties, *rido*-related armed confrontations have caused the destruction of property, crippled the local economy, displaced communities, and caused fear.

Rido has wider implications for conflict in Mindanao primarily because of the tendency for it to interact in unfortunate ways with separatist conflict and other forms of armed violence. There have been many armed confrontations involving insurgent groups and the military that were actually triggered by a local *rido*. Examples of such cases are the feuds that escalated in Dapiawan (2004) and Linantangan (2005) in Maguindanao that eventually drew in the involvement of the Armed Forces of the Philippines, Civilian Volunteer Organizations (CVO), and the MILF.³⁷

The fighting in Dapiawan stemmed from the fatal shooting of two persons in a marketplace, one of whom was a relative of a family that had a *rido* with the family of the assailants who were also members of the CVO. It turned out that the son and relatives of one of the victims were ranking members of the MILF. The conflict escalated because of complications arising from the retrieval of the bodies wherein the CVOs prevented the MILF-aligned families from retrieving the bodies pending a police investigation. This led local MILF commanders to mount an operation to retrieve the bodies which resulted in a running gun battle in the marketplace that killed three persons including an Army sergeant and the forced evacuation of thousands, as well as the massive deployment of Army troops and military hardware.

Meanwhile, the root cause of the Linantangan incident was a highly emotional land dispute between an uncle who was aligned with an AFP militia, and his nephews who were aligned with the MILF militia. The military was unknowingly drawn into the conflict when one party gave consent for the army to install an outpost on the disputed property. As the opposing parties became more aggressive, the conflict escalated which resulted in seven soldiers killed and at least three incidents of government-MILF clashes within six months, displacing an estimated 3,500 civilians from Linantangan and surrounding villages.

A major armed conflict which had its origins in a *rido* was the June 2006 Shariff Aguak incident.³⁸ On June 23, 2006, a bomb exploded in Shariff Aguak allegedly intended for Maguindanao Governor Datu

³⁶ *Rido* or *ridu* is a term used by the Maranao to refer to clan conflicts or violent retaliations.

³⁷ Refer to Jewel Canuday's chapter in "Rido: Clan Feuding and Conflict Management in Mindanao" for a detailed discussion of these cases and the explosive consequences of the interplay of community armed conflicts and large-scale armed conflicts (Torres 2007).

³⁸ This incident sparked a major armed conflict that displaced thousands of families and endangered the peace process between the Government and the MILF. This incident became a litmus test for the Joint CCCH-IMT mechanism and civil society groups. To contain the violence, a buffer zone was jointly established by the GRP and the MILF (Bantay Ceasefire Report 2006).

³⁹ Those who were killed included the Governor's friend, Ed Mangansakan, a nephew, Kamlon Ampatuan, and his grand-nephew, Cajelo Datumanong (Nash Maulana 2008). The demise of Ed Mangansakan was a huge obstacle for the United Youth for Peace and Development (UNYPAD) in resolving the *rido* between the Mangansakan and Tayuan clans.

Andal Ampatuan, killing seven members of his convoy.³⁹ This incident triggered all-out hostilities between the Civilian Armed Forces Geographical Unit (CAFGU) and CVO alleged to be under the control of Governor Ampatuan on the one hand, and elements of the MILF's 105th Base Command loyal to MILF Commander Ameril Umbra Kato on the other. This major armed conflict is said to be one of the many manifestations of a longstanding feud between the Ampatuans and some MILF Commanders like Kato. While the root cause of this feud remains vague, the series of retaliations were already apparent much earlier. On December 24, 2002 a well-planned bomb attack killed Saudi Uy Ampatuan, a son of Governor Andal. This resulted in a series of reprisals among the opposing groups which involved forced abductions, and allegations of burning and chain-sawing of rivals. All of these demonstrate the interconnectedness of feuds and large-scale conflicts and underscores the potential of local feuds to frustrate the peace process between the government and the MILF.

The Mindanao Rido Study

The coordinated study on clan conflicts had its origins in late 2002 when the Foundation supported a household conflict survey in the Autonomous Region in Muslim Mindanao (ARMM) and adjacent areas on citizens' perceptions of conflict.⁴⁰ The survey results showed that while the Muslim-Christian conflict in Mindanao dominates the attention of international and local press, clan conflicts are actually more pertinent in the daily lives of the people.⁴¹ Citizens are more concerned about the prevalence of clan conflict and its negative impact on their communities than the conflict between the State and rebel groups in Mindanao. These findings, which were again verified in a more recent survey by the Social Weather Stations

in the ARMM,⁴² illustrate the complexity of conflicts in Mindanao and encouraged the Foundation to help address the problem. With the assistance of USAID, the Foundation spearheaded a set of diagnostic activities to help design strategic interventions that enable communities and government agencies to prevent the escalation of conflicts.

From 2004 to 2005, a coordinated in-depth study on *rido* was conducted by Mindanao-based academic institutions and civil society organizations in partnership with the Foundation and USAID which variously mapped the incidence and dynamics of *rido* in Mindanao with the intention of informing and helping design strategic interventions to address such conflicts.⁴³ The coordinated study documented a total of 1,266 *rido* cases that occurred between the 1930s to 2005, killing over 5,500 people and displacing thousands. Fifty percent (637 cases) of the total *rido* incidents recorded by the studies occurred in the last five years (2000-2004), which are about 127 new cases per year. The findings also showed a steady rise in *rido* conflicts in the 11 provinces surveyed from the 1980s to 2004. The top four provinces with the highest number of *rido* incidences were: Lanao del Sur (377), Maguindanao (218), Lanao del Norte (164), and Sulu (145). The *rido* incidents in these four provinces accounted for 71% of the total cases documented.⁴⁴

The causes of *rido* are contextually varied and may be further complicated by a society's sense and concept of honor and shame. While the triggers of the conflicts can range from petty offenses like theft and jesting to more serious crimes like homicide and murder, the studies show that land disputes and political rivalries are the most common causes of *rido*. Factors that aggravate a *rido* include the formation of alliances by the principals with other families and armed groups, or the interaction of *rido* with separatist violence (i.e.

⁴⁰ The survey was conducted by TNS-TRENDS in partnership with the Office of the President with support from The Asia Foundation and Hewlett Foundation. See Dayag-Laylo 2004.

⁴¹ The survey showed that 43% of the respondents were more concerned with *rido* while concern for separatist violence was at 38%.

⁴² Social Weather Stations (2005: 2), slides 9-11.

⁴³ The results of the study are published in "Rido: Clan Feuding and Conflict Management in Mindanao."

⁴⁴ For more updated statistics kindly check the website (<http://ridomap.com/>)

the conflict between the Moro liberation fronts and the State) and other armed conflicts (i.e. banditry). The proliferation of firearms, lack of law enforcers and credible mediators in conflict-prone areas, and an inefficient justice system all contribute to *rido*.

Translating Research to Action

Utilizing the findings from the *rido* study, the Foundation and its local partners designed and implemented strategic interventions to address *rido*, and are actively engaged in supporting the settlement of feuds across *rido*-prone provinces in Mindanao (Maguindanao, Shariff Kabunsuan, Lanao del Norte, Lanao del Sur, and Sulu). From April 2007 to December 2008, Foundation partners were able to settle a total of 116 *rido* conflicts, accounting for 158 deaths and 116 injured.⁴⁵

Among the most prominent *rido* settlements facilitated by Foundation partners is the celebrated feud between the Imam and Macapeges clans. In the small municipality of Matanog in the ARMM—site of the former MILF Camp Abubakar, overrun by government forces in 2000—the former mayor (Macapeges) and his political rival and successor (Imam) had been embroiled in a seemingly endless conflict over disputed 2001 election results. For over six years, the families of Kahir Macapeges and Nasser Imam had been engaged in a notoriously bloody war that left nine relatives and two bystanders dead and 13 wounded.

In a MindaNews article dated November 10, 2004, the Imam-Macapeges feud was described as one of the *rido* that the MILF was concerned about—wherein Ghazali Jaafar, MILF vice chair for Political Affairs, was even quoted on the difficulty of solving *rido* due to the proliferation of firearms and political rivalries.⁴⁶ This feud was hampering efforts at

rehabilitation and development after the “all-out” war of 2000.

Through the efforts of a local NGO, Community Organizers Multiversity *sa Mindanaw*, the resolution of the Imam-Macapeges ended one of the region’s most infamous disputes.⁴⁷ This dispute wrought devastating emotional losses, destruction to property, and, because security resources were sometimes focused on protecting the two political figures, often disrupted day-to-day municipal governance.⁴⁸ Members of the Macapeges and Imam families signed the peace covenant in a reconciliation ceremony in Davao City on January 30, 2008.

Having studied the complexities of the case, Foundation partners are more nuanced in their approaches to attain a resolution. For instance, behind the Imam-Macapeges peace covenant, an earlier peace pact was facilitated for the wife of Mayor Imam. She required separate negotiations with the rival clan because she was not necessarily covered by the deal arranged by her husband (since she was part of an ongoing Shariah Court proceeding for divorce). To further strengthen the peace agreement, partners from Integral Development Services conducted follow-through settlements to resolve a couple of *rido* cases that branched out from the major Imam-Macapeges feud (which also resulted in killings).⁴⁹ The mediating team encountered a lot of difficulties in resolving the conflict as there were times when parties to the conflict would not budge from their positions.

Some Strategies in Rido Management

The various successes of Foundation partners in *rido* settlements can be attributed to the use of context-specific approaches that are acceptable to the local communities. While partners may have different strategies

⁴⁵ These *rido* resolution initiatives were supported by USAID and the Asia Foundation. All USAID and Foundation-supported *rido* settlements were facilitated without the use of blood money sourced from project funds, which is strictly an enforced policy.

⁴⁶ “MILF says it’s hard to eliminate *rido*” by Romy Elusfa (MindaNews, November 10, 2004).

⁴⁷ CO-Multiversity was able to gather multisectoral support for the resolution.

⁴⁸ For his protection, the incumbent mayor rode an armored personnel carrier everyday to work.

⁴⁹ The *rido* in question were the Magdag versus Macapeges, and Casabagan versus Tolino and Imam. The reconciliation ceremony happened on September 18, 2008 in Parang, Shariff Kabunsuan.

in resolving *rido*, what is common in their approach is the deliberate effort to work with local governments and utilize local conflict resolution bodies such as peace councils, council of elders, and other mixed or hybrid groupings of local chief executives and traditional or religious leaders. Foundation partners have also been utilizing the results of the *rido* study in their current mediation efforts and are steadily accumulating experience and generating new ideas with each case. Through experimentation and conscientious documentation efforts, some successful strategies and lessons learned are elaborated below:

1. **Proactively seek out rido cases.** Guided by the general data in the *rido* study, local partners conduct rapid appraisals to get updated information on the number and nature of *rido* in their respective localities in preparation for more targeted interventions. Once an enumeration of *rido* is acquired, partners prioritize cases to resolve (according to the urgency or severity of the case and the number of deaths). Resolving *rido* involves proactively seeking out cases and implementing approaches that catalyze action and not just conducting trainings or waiting for cases to fall in their laps.
2. **Engaging a rido requires careful study and analysis of local conflict dynamics.** In relation to the rapid appraisals mentioned, much of the approaches utilized by Foundation partners are guided by the findings of the *rido* study. However, each *rido* case still requires careful analysis to help mediators navigate its complexities. For instance, knowledge about the people involved in the conflict, their allies and relationships, their interests, their “soft spots,” the spoilers, and offshoot cases as well as knowing the right people to approach, are all indispensable in strategizing solutions. Such diagnostic activities also help mediators become more attuned to local dynamics and to the sensitivities of the feuding parties. Some sensitivities include families being

ashamed to settle their *rido* because the protagonists in the conflict occupy a respected stature in the community (e.g. they are imams or ustadz). As the Imam-Macapeges case has demonstrated, careful study of each case allows mediators to tie up loose ends which helps ensure the sustainability of a peace pact and prevent its recurrence.

3. **Resolving rido is always a collective effort.** While settled cases are usually attributed to a mediator, a politician, or even an NGO/donor project, the reality is, *rido* is resolved through the collective efforts of multiple actors such as respected elders, women, youth, neutral relatives, local chief executives, and even revolutionary commanders—all a combination of highly influential individuals and average folk who play various roles and functions in the resolution process. These functions can include opening channels of communication (and taking the initial brunt of insults and threats), information gathering, securing logistics, actual mediation, presiding over religious ceremonies and solemnizing settlements, reciting the *salsilah/tarsila* (genealogy), contributing to the fund pool for indemnifications, or simply functioning as figureheads to give more importance to the reconciliation.

As experienced in various *rido* cases, members of a community all have roles to play in preventing, deescalating, and settling *ridos*. Typically, when a feud erupts (or when a feud is about to happen), word about it spreads quickly in a locale including neighboring towns (especially with the advent of text messaging). Crucial in the timely resolution of *rido* are a corps of volunteers who act as “runners” to do important legwork. These volunteers (youth, women, NGO workers, etc.) can function as messengers that help monitor the situation and ensure communication channels are open among feuding families and mediators. The timely information they bring into the resolution process and their ability to rapidly mobilize

themselves to carry out the instructions of the elders are proven to be indispensable in deescalating conflict. These functions greatly complement the work of respected individuals (i.e. clan elders, sultans, imams, and other traditional and religious leaders) who intervene or mediate in a conflict and whose presence is vital in giving credibility and honor to the resolution process. In many cases, these respected individuals are also the ones who convince the families not to retaliate while the matter is being investigated.

The fact that public opinion is a driving factor in the start and escalation of a *rido*, and that a genuine *rido* affects communities in a negative way, largely explains why *rido* resolutions are collective undertakings and why to some extent, reconciliation ceremonies are done in the public arena. However, there are times when being too participatory or transparent can be detrimental to the resolution process. Sometimes the feuding families do not want to highlight certain aspects of the conflict or the settlement agreement especially in public, in which case, the wishes of the parties for confidentiality should always be respected.

4. **Know who to involve at appropriate stages of the resolution process and when they should be involved.** While *rido* resolution processes are a collective undertaking, care should still be taken in determining who to involve at the appropriate phase of the conflict resolution process. For instance, involving politicians at the early part of the negotiations would only create expectations among feuding parties for higher amounts of indemnification (i.e. blood money) because they know politicians have resources. When politicians become involved at the start, money becomes part of the solution. In the same fashion, prematurely involving officials of the armed forces or police in the

process would only make reconciliations unsustainable as their presence sometimes only obliges disputants to agree on conditions for settlement out of fear and not out of sincerity. When transient security forces leave, the feud will start again. Finally, while other actors may have their say in the negotiations, it must not be forgotten that at the core of this process are the feuding parties, whose opinions and decisions are what matters most.

5. **Determine if there are hindrances or spoilers in the resolution process.** Sometimes a *rido* is prolonged or worsens because personal interests arise during the negotiation period. These happen when there are people involved in the negotiations who are partisan or insincere because of selfish interests. In one such case encountered, a mediator was taken out of the negotiations because he was determined to be insincere through an investigation of the council of elders which eventually took over the case.
6. **Harness and enhance available local resources to resolve conflict.** Each culture has its own “treasure chest of knowledge and wisdom” from which to draw the means to address conflicts. Among the Maranao for instance, the tried and tested local conflict resolution mechanisms are the *taritib-ago-igma* and the *kokoman a kambhatabata’a*.⁵⁰ The indigenous peoples such as the Menvu have various peace covenants like the *dyandi* and *tampuda hu balagon*. Each community may also have their own resource persons such as respected elders and leaders, and ritual specialists who utilize local knowledge, beliefs, practices, and their network of personal ties to help repair or restore damaged relationships.
7. However, it has been long recognized that these local conflict resolution mechanisms are deteriorating amid the constant

⁵⁰ The *taritib-ago-igma* is an indigenous set of laws, while the *kokoman a kambhatabata’a* is a mode of conflict settlement based on kinship. For a thorough discussion of such systems please see the chapters of Matuan, Burton and Doro in “*Rido*: Clan Feuding and Conflict Management in Mindanao.”

onslaught from globalizing forces. This is the reason why capacity-building is important in enhancing existing conflict resolution mechanisms and in helping transfer conflict resolution knowledge and skills to a younger generation of mediators as traditional sources of knowledge may no longer be available. There is a continuous challenge to strengthen these local resources to make them more relevant in a rapidly changing world, to balance them with formal institutions of government, and to let them evolve into something that works in the current context such as the various negotiated, mixed, or hybrid systems existing in Mindanao (i.e. *Bleye K'tab*, Tumanor Council, *Walay na Bitiara*, Ginapaladtaka Spaces for Peace, Joint Ulama-Municipal Peace and Order Council, Mayor's tri-people Council, MILF/MNLF courts, etc.)⁵¹

8. **Genealogies as tools in settling conflicts.**

One of the local resources that should be harnessed in resolving *rido* is the knowledge of who is related to whom. Genealogies or accounts of relationships of descent are important tools in resolving *rido* especially in communities where kinship ties are strong. As per experience of partners, when a conflict occurs, a knowledge or a record of clan genealogy make it easier for locals to assess the lines of descent of feuding parties and find neutral relatives (*zukunftan*) who can act as mediators. In conjunction with this is recognizing the importance of strengthening the clans. A local NGO in Marawi, Reconciliatory Initiatives for Development Opportunities Inc., has been conducting clan-based organizing and documentation of genealogies to strengthen traditional governance

structures and resolve *rido*.⁵² United and reunited clans, as seen in many cases of settled *rido*, are more capable of maintaining peace and order in their communities and improving governance in their respective areas.

9. **Focusing more on reaching a settlement and putting less importance on indemnification ("blood money" or settlement money).**

Efforts should be made so that indemnifications like "blood money"⁵³ are not the major focus or a requirement in reaching a settlement. In order to do this, the Foundation partners always prepare themselves carefully so that they come into a feud emphasizing that they are average folk who have no money but who are willing to help resolve the *rido*. This would immediately decrease expectations among the parties involved in looking for unreasonable compensation. Again, when disputants sense that mediators are too political or that they have resources, money becomes part of the solution. 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. Once the road is clear for a settlement to happen, help will eventually come from concerned parties (i.e. helping out in meeting the indemnifications and other contributions).

10. **Constantly thinking out of the box.**

A lot of creativity and patience is required in forging a just and lasting settlement among feuding parties. As per experience of Foundation partners,

⁵¹ For a more detailed discussion of some of the innovative mechanisms, see the chapter of Abhoud Syed Lingga in "*Rido*: Clan Feuding and Conflict Management in Mindanao."

⁵² This group has already made six *salsilah* (genealogies) – three clans under the sultan of Marawi (Sidikadato, Marohum Sidik, and Balindong Jaman); two clans under the Sultan of Madaya (Sarip Batua and Datu Apetheelan); and one clan under the Sultan of Radapan.

⁵³ The practice of giving "blood money" and other related indemnifications such as *diat* should not be misinterpreted as a simple payment in isolation of more significant processes. 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.

mediation requires a lot of coaxing, pleading, shuttling backandforth, and the development of new strategies. For instance, mediators have to be creative in finding substitutes for indemnification such as using the harvests of a season, or labor. One strategy of mediators is to make disputing parties aware of the concerted efforts and the sacrifices other parties have made just to settle the conflict, like emphasizing to disputants the contributions of various parties for indemnification. Such efforts can help lessen the amount of the compensation and even force disputants to help shoulder the remaining indemnification out of shame. Another tactic is skillfully showing how the feuding parties are actually even in the feud or have suffered to an equal extent. Once the feuding parties realize that they are even in their *rido*, they are more open to settlement.

An important strategy utilized by esteemed mediators is to use their honor and various conceptions of reciprocity such as *buddi* or *utang na loob* (debt of gratitude) to facilitate settlements. For instance if the amount for indemnification falls short, esteemed mediators “charge” the discrepancy to their honor. Mediators may also emphasize *buddi* and ask feuding parties to reach a settlement as a favor, with a promise that the mediator will reciprocate to parties in the future (e.g. making the families “big” in the eyes of the community). Feuding parties, which do not accede to the request of a highly respected mediator, may fall out of favor from the graces of the mediator, which means that the parties run the risk of not being supported by the mediator’s network of alliances if they encounter problems in the future.

One strategy employed by a partner in Sulu is to get guidance from the ulama and try to “reeducate” feuding parties on the proper practice of the *diat* by highlighting core Islamic principles behind its practice—

such as emphasizing that *diat* should be anchored on forgiveness before accepting any compensation, and involves asking for a reasonable amount of indemnification within the bounds of Islam.

11. **Taking advantage of opportunities.**

In at least one case encountered, local mediators saw an opportunity to settle a *rido* because of the natural death of one hard-line protagonist who was against a resolution. When mediators got wind of his demise, they immediately moved in to settle the feud. In another *rido* case in Sulu where 17 people were killed, resolution was hindered all these years by one party’s insistence that their rival pay for two garand rifles stolen in a retaliatory raid. In Sulu where there are lots of loose firearms, it is easy to acquire an antiquated firearm like a garand. The mediators addressed this concern. The parties became open for a settlement with the turnover of one garand rifle while the other missing rifle was accounted for through a debt of gratitude. The point in all of this is that sometimes a deadly *rido* persists because people take for granted and do not take advantage of several good opportunities for settling a feud.

12. **Work for sustainability and the need for foresight.**

A *rido* settlement does not end with a kanduli ceremony or a swearing over the Qur’an. Ensuring the sustainability of settlements so that a *rido* does not recur requires a lot of post-conflict work to follow up on promises and nurture peace agreements. As the Imam-Macapeges case has shown, a lot of work was still done to make sure that promises were fulfilled and that every kin knows about the settlement. Strengthening their peace agreement even required resolving the smaller *rido* that branched out from the major *rido*.

In the run up to the final reconciliation ceremony, a lot of foresight and planning is needed to ensure that no

untoward incidents happen. Community reconciliation ceremonies are where feuding parties have to meet face to face, together with their retinue of supporters (i.e. relatives, friends, bodyguards, etc). On such occasions, a lot of planning is done to prevent saboteurs from attending. Knowing who will attend beforehand and making sure that the venue is appropriate and secure is crucial. Usually the host community takes care of the security arrangements during such ceremonies. Seasoned mediators and clan elders are aware of the dangers posed by outsiders such as guests and politicians with their supporters who might also have an existing *rido* with some people in the host community. In a reconciliation ceremony in Pikit, an embassy official was discouraged by clan elders from attending because they felt it was too risky to have a lot of security detail with their firearms brought inside the community. In the Imam-Macapeges reconciliation, special arrangements were made with the authorities so that an MILF battalion commander who was a nephew of Kahir Macapeges could attend without being harassed by members of the armed forces who were also attending.

Seasoned mediators always anticipate dangers that can make a *rido* recur, such as the possibility of a child-taking revenge in the future. In such cases, rival families are convinced by the mediator to sign a written agreement so that the next generation does not forget what was promised. In one case in Sulu, a mother proactively held a *duwa'a salamat* (thanksgiving) in the community to emphasize to a rival family that her son is neutral and is covered in the peace agreement even though the child had not yet come of age, eventually ensuring the child's safety. Another display of foresight is seen during the Mangansakan-Tayuan resolution process, wherein both clans anticipated complications that could arise with the national elections looming and the skirmishes between the MILF and the government armed forces happening just

around the corner in Midsayap at that time. This led the clans to hasten the final settlement months ahead of the election to avert the possibility of violence.

13. **Support mutual learning and increase networking opportunities among mediators and local partners.** The Foundation supports activities that strengthen the capacities of its partners, promote mutual learning, and increase their networking opportunities. For instance, the Foundation regularly holds roundtable discussions and coaching among its partners and local mediators to discuss their experiences in *rido* resolution (i.e. their strategies, innovations, best practices and challenges). Such efforts ensure greater opportunities for partners to exchange ideas, collaborate on initiatives, and further strengthen their projects. This exchange of ideas and being generous in sharing findings with partners has resulted to a multiplier effect in their capabilities to resolve *rido*, which can be the reason for the increase in *rido* cases settled by partners.

Whatever strategy is utilized, what is essential in conflict resolution is that the mediators come into the feud with a right frame of mind and heart. Sincerity is very important in dealing with *rido*. A lot of patience is also required since conflict is a process and resolving it does not happen overnight.

The experiences and best practices highlighted in this essay constitute a range of efforts by members of communities themselves and other actors to improve their situation which reflect the genuine and deeper aspirations of people for peace. Some of the efforts include the time and resources contributed by community members for the indemnification and community celebration, the struggle of mediators to reach out to feuding parties, the courage of a rival family to return to their home place where a feud started, and conversely, the admirable gesture of a family to allow the return of rivals to

start life anew. Reconciliation ceremonies can be very emotional events. In a celebrated *rido* settlement between the Mangansakan and Tayuan clans in Pikit, North Cotabato, one rival clan member remarked: “Meeting again the person who killed my brother and reconciling with him is very painful.”⁵⁴

The pain and the process of forgiveness as well as community solidarity are especially palpable when one witnesses a *rido* settlement. In Patikul and Indanan in Sulu where 12 major *rido* settlements were facilitated in 2008 (accounting for a total of 48 killed and 24 injured),⁵⁵ reconciliations among feuding families were celebrated by the community through a *duwa’a* (thanksgiving prayer).⁵⁶ Such events commonly took place outdoors in front of the house of a host family or a barangay hall. Aside from the presence of rival clans and the host families, such events were usually attended by NGOs, local and provincial government officials, humanitarian workers, members of the Philippine armed forces in Sulu, the MNLF, several representatives from INGOs. Behind the scenes were the wives and other women from the host community busy with food preparations, and with great expectations of a positive outcome.

Attending a reconciliation ceremony such as a *duwa’a* or a *kanduli* will make one realize how much effort is put into the entire resolution process and thus, how much the locals want a reconciliation to happen. The ceremony proper truly tugs at the heart as rival families, their

hosts, and other townsfolk, led by imams, chant in unison a series of *duwa’a* asking for forgiveness, healing, and family unity, and enjoining all Muslims to be united. After the prayer reaches its crescendo, the formerly feuding families are overcome by emotion, get together, and finally reconcile after years of enmity. There is usually a sense of relief for everybody. Similar processes and convergence of actors were also observed during *rido* settlements facilitated by other partners throughout Sulu and Central Mindanao.

The beauty of such *rido* resolution processes especially those that culminate with community reconciliation ceremonies is that they are witnessed, celebrated, and made possible by the community itself. And such events provide an important nexus for dialogue and mutual learning among participants—demonstrating to outsiders a different aspect of the local culture that affirms the goodness of people and at the same time offering the locals a different perspective of outsiders, such as transient security forces assigned in the communities and NGOs. In many such community-based settlements, villagers for instance saw a different side of the soldiers who participated in the ceremony—such as the soldiers’ willingness to learn and understand the local culture and situation, their views about Islam, and the Philippine military’s changing mindsets in engaging conflict.⁵⁷ Conversely, the soldiers also saw a different side of the community and gained valuable insights as well—such as

⁵⁴ The Mangansakan-Tayuan *rido* is one of the most well-known feuds in North Cotabato and Maguindanao. This feud started back to the 1980s and had drawn the involvement of the Philippine Armed Forces, local militias, and some elements of the MNLF resulting in a number of casualties and displacing thousands of families across four municipalities. The settlement of this feud was facilitated by UNYPAD.

⁵⁵ In one *rido* case in Indanan, the Nujilam and the Jahandal *rido* lasted for more than twenty years. Retaliation occurred in Sulu, Zamboanga, and Tawi-Tawi, causing 17 deaths and injuring 5 people. The root cause was land boundaries triggered by jesting. The settlement was supported and graced by Congressman Yusop Jikiri.

⁵⁶ The series of *duwa’a* includes *Duwa’a Kambigih*, *Duwa’a Kiparat*, *Duwa’a Salamat*. At the end of the *duwa’a* is the *pagsugpat sin Suratul Rahim*, wherein all Muslims are enjoined to reunite or become reunited.

⁵⁷ This changing mindset and approach in the Philippine military involves a shift from pursuing a “whole of government” approach to a “whole of society approach” in dealing with insurgency which demands more community dialogues, culture sensitivity, conflict analysis, and the selective use of force. These are mainly driven by individual officers such as Major General Raymundo Ferrer of the 6th Infantry Division and Major General Benjamin Dolorfino, Philippine Marine Corps Commandant. There is also a growing interest among civil society in facilitating the sustainable transformation of the military mindset. For instance, AusAID, Konrad Adenauer Stiftung, together with Balay Mindanaw Foundation, Inc. and the Institute for Autonomy and Governance, and the Asian Institute of Management’s Bridging Leadership training program have all been actively involved in this transformation process. (Conversations with Jowel Canuday, Rudy Rodil, Alber Husin and Maj. Gen. Dolorfino)

the centrality of family and the importance of restoring community relations in addressing a larger conflict and more importantly, gaining a different perspective in understanding the nature and dynamics of conflicts and how they are resolved at the local level.

Even locals conveyed that one very rarely sees a reconciliation ceremony nowadays and expressed how beautiful it is. Such events not only affirm the capacities of local people to better their situation, but also renew communities and inspire hope in others that reconciliation is possible even with seeming intractable conflicts.

The Fragility of “Small” Victories

The efforts to curb feuding described above are only one of the many examples of the vibrant local and community-based efforts that address and prevent conflicts in Mindanao. But many of these community-based efforts in conflict resolution and peace building are fragile. The presence of non-state armed groups, violence entrepreneurs, banditry, and its interaction with mainstream governance and political processes that promote patronage, electioneering, and other manipulations, greatly impinge upon these local mechanisms, making such efforts seem tenuous and ephemeral.

For instance, a few months after the *rido* settlements were conducted in Patikul and Indanan, the lead mediator in many of the resolution efforts, together with a prominent television news anchor and her crew, were kidnapped by members of the Abu Sayyaf Group (ASG) and resulted to the implication of the mayor of Indanan municipality. As a consequence of this unforeseen incident, some of the agreements made in the *rido* settlements were not followed through. The military operations that followed to recover the hostages were criticized by civil society for the excessive use of firepower. Months after the Sulu *rido* settlements, humanitarian workers who witnessed such settlements were

likewise kidnapped in Basilan, while more recently on January 15, 2009, three workers from the International Commission of the Red Cross (ICRC) were also abducted in Sulu. These events are continuing to challenge security forces especially in their changing mindsets and approaches vis-à-vis conflict, as they continue to debate on how to adequately address security issues.

In regions outside of the current Mindanao peace process discourse, indigenous peoples in La Paz, Agusan del Sur are valiantly looking for win-win solutions to their problems caused by insurgency and resource conflicts. Plagued by mounting deaths in their communities due to tribal conflicts resulting from the manipulations of the communist New Peoples Army (NPA) and the counter-insurgency campaign of the Philippine Armed Forces, indigenous groups in Agusan held a *Kahimunan*, a general gathering of tribal leaders (which includes the *datus* and *baes*) to put an end to the killings.⁵⁸ The assembly discussed measures to strengthen the capacity of the Council of Elders and traditional leaders of the Manobo Tribal Council on customary laws, political structure, justice system, and conflict resolution. The gathering also allowed the different tribal leaders to consolidate their position in preparation for dialogues with the NPA. This process eventually resulted in the creation of the Manobo-Banwa-on peace and order council and ancestral guards. The dialogues also indirectly led to the laying down of arms by indigenous peoples who were NPA sympathizers. Unfortunately, the frequent reassignment of the military leadership and the lack of a clear policy on rebel returnees hinder continuity in working relationships and effective protocols for surrenderees, leaving the former insurgents vulnerable to reprisals, and further perpetuating a never-ending cycle of violence.

Meanwhile, many of the community-based peace-building efforts face serious obstacles from mainstream governance and political processes as well. In anticipation of

⁵⁸ These conflicts resulted in 44 deaths of tribe members and their leaders in a span of two years. The *Kahimunan* was attended by leaders coming from the Manobo, Manobo Mamanua, Manobo Lapakan, and the Higaonon.

election violence and potential *rido* during the run up to the May 2007 elections, the council of elders of the *Moriatao Sultan sa Marawi* (descendants of the sultan of Marawi) pushed for a multisectoral pre-elections forum in Saguwaran, Lanao del Sur which focused on electoral education in the local context⁵⁹ and used their influence to compel candidates and the community to observe peaceful and clean elections. This initiative, which utilized the influence of traditional governance structures, resulted to relatively peaceful elections in Saguwaran for the first time in many years.

However, despite this success, the 2007 local barangay (village level) elections triggered a series of violent conflicts and retaliations that killed 11 people in Marawi City alone including an active mediator of *rido* conflicts.⁶⁰ In the following election year for regional posts in the ARMM, two town officials who were active in resolving the Imam-Macapeges feud were seen slugging it out on national television due to election-related disagreements.⁶¹ It is a sad reality that a society valuing kinship ties and harmonious relationships in their communities, is disrupted and devastated every time there are elections. The way electoral exercises are held in the country only tend to polarize and destroy grassroots communities, increase the incidence of clan violence, and put Muslims and Mindanao in a negative light.

Local efforts that promote peace and democracy recently took a heavy blow with the brutal murder of 64 unarmed civilians in what is now infamously known as the “Maguindanao Massacre.” On November 23,

2009, a six-vehicle convoy carrying the family of Buluan Vice Mayor Datu Esmel “Toto” Mangudadatu, accompanied by journalists and women-lawyers were accosted by more than 100 armed men allegedly followers of the rival Ampatuan clan and then brutally murdered in the hilly outskirts of Datu Saudi Ampatuan Municipality. The family of the vice mayor was on their way to the local Comelec office in Shariff Aguak to file his Certificate of Candidacy as opposition candidate for Maguindanao governor in the 2010 elections. Many of those killed were women including Mangudadatu’s wife and two sisters and their two lawyers.⁶² This incident which also killed 30 journalists is said to be unprecedented in the country’s history of political violence.⁶³

Cultivating “Small” Victories and Its Multiplier Effects

Some analysts tend to dismiss the importance of local articulations such as community-based conflict resolution and peace building efforts as mere “band aid” solutions or “coping strategies” with continued preference for more structural approaches, legal remedies, or political solutions to conflicts. This paper argues that despite the fragility of these local efforts, cultivating these community-based assertions in peacemaking greatly complement with the broader reforms that target the structural causes of conflict by helping control localized conflicts, preventing manipulation, and reducing obfuscation and uncertainty, while allowing for more articulations to blossom and bear upon the reform processes, which are especially needed in these uncertain and challenging times of

⁵⁹ Topics discussed in the forum included good governance in Islam, voter’s rights, vote-buying implications and governance platforms of the candidates.

⁶⁰ Five days prior to the killings, the respected Sultan of Marawi already expressed his fear about the upcoming elections and appealed in a public forum for government action in reforming the electoral process as elections tend to polarize Moro families and communities.

⁶¹ Election-related violence had gotten so bad that a 2008 Social Weather Stations survey on “Mindanao Muslims Attitudes Towards Elections and Democracy” noted that 68% of the respondents say that violence during elections “is a way of life,” while 62% prefer only one candidate to minimize election-related violence. The survey was supported by The Asia Foundation and AusAID.

⁶² Mangudadatu sent his wife and female relatives and lawyers, accompanied by journalists without armed escorts to file his candidacy in the thought that being women, they would not be harmed. This incident challenges long-held conventions in revenge-taking, where the killing of women, children, and persons that are physically frail or not capable of carrying arms are abhorred. Murder charges have been filed against Mayor Ampatuan.

⁶³ Sources: Marites Vitug in Karl Wilson 2009, Mindanews 2009.

political recession.

For instance, the Foundation's efforts in increasing attention to the problem and dynamics of *rido* have prevented many such conflicts from spilling over into hostilities between the government and the separatists (as was previously the case due to the incidental affiliations of parties to a clan conflict). This has greatly facilitated the conduct of the peace process, as media have become more nuanced in their reportage of Mindanao conflicts and stakeholders now factor in the potential threat of clan conflicts to the peace process and in nurturing future peace agreements. The rising number of *rido* resolved by project partners and local mediators has also helped renew attention to the capability of local conflict resolution mechanisms in addressing conflicts and, at the same time, inspired hope to many communities that witness such *rido* settlements. As seen in many cases of settled *rido* (i.e. the cases of the Imam-Macapeges and Mangansakan-Tayuan clans), reunited clans are more capable of maintaining peace in their communities and improving governance in their respective areas.

More importantly, such efforts have provided important venues for much-needed

experimentation in conflict management. The pioneering work of local partners in *rido* resolution, their learnings, increased capacities, and the networks established in managing *rido* are now being utilized to manage other types of conflicts such as election violence and in conducting rapid response to mitigate localized conflicts and crises. Cotabato-based partner, UNYPAD conducted a series of consultation dialogues and targeted messaging to control internal conflicts that resulted from separatist violence triggered by the MOA-AD incident. This intervention prevented the escalation of violence and helped avert a potential massacre of internally displaced Muslim families in Barangay Bulacaon, Pigcawayan, Cotabato.

Like a thousand flowers in bloom, these articulations from the margins provide us with models of social relationships worth replicating because these represent genuine aspirations of people, reflecting a shared responsibility for the well-being of the community. These should be nurtured and cultivated as vital wellsprings that can be sourced to fuel long term reform.

Criminality: Focus on Kidnapping

Victor M. Taylor

Criminality exists anywhere in the world. One basically needs to be aware of the prevailing modes of criminal activity in an area, the circumstances under which they normally occur and the precautions that one should take.

This paper focuses on the island provinces of Basilan and Sulu, off the southwestern tip of the main island of Mindanao. To the outsider, and particularly to the Christian majority of Filipinos, these are areas that evoke fear and which, as much as possible, are to be avoided. Foreign embassies in the Philippines have issued advisories warning their citizens against travel to these areas.

While a wide range of criminal activity occurs in this area, the most worrisome in recent years have been two: kidnappings and the trade in illegal drugs. This paper will focus on the former as this has received the most attention and has posed new threats to both residents and outsiders.

Context of Kidnapping

Throughout history, kidnappings have occurred in many societies. One need only think of the slave trade in what is now Western Europe and even the United States. That was essentially a form of kidnapping, although the motivation was commercial in nature: kidnap victims were a commodity “harvested” through raids or as part of the spoils of war and sold and bought in established slave markets.

In what is now the Philippines, the same trade in slaves occurred, for example, from the 18th to the 19th centuries, most likely starting even earlier. Slaves were obtained from raids

which ranged from what is now northern Luzon in the Philippines, south through the Makassar Straits in what is now Indonesia to as far as New Guinea, and west even to the Malacca Straits in what is now Malaysia and as far as the Bay of Bengal. Jolo, the heart of the Sultanate of Sulu, was the center of trade during this period, to which goods from as far as India in the west and China in the north were brought and traded.

With the arrival of Spain as a colonizing power in the 16th century the Muslims (or what were referred to as Moros) were found in communities in what is now Manila. In what came to be known as the Spanish-Moro Wars, the Muslims were pushed back to Mindanao. In turn the Muslims launched retaliatory raids against Christian communities in Luzon (northern portion of the Philippines) and the Visayas (central part of the Philippines) and came back with slaves to be sold on the slave market in Jolo.

Hence, there is a history of kidnapping in this part of the Philippines, although, as noted, this was mainly as part of the slave trade. The slave trade though was not just a peripheral part of the commercial activity in this area but formed a significant element in the growth of the economy of the Sulu Sultanate. This however subsequently evolved into kidnapping for ransom, with some standard “market values” for different types of victims evolving. For example, in a study published in the late 19th century, the Spanish writer Joachim Martinez de Zuniga noted relative to captives who could be ransomed:

"The only captives suitable for this kind of barter are wealthy chiefs [*referring to heads of Christian villages*] and religious missionaries; these can be ransomed since their relatives or religious brethren have the ready cash which the Moros require....A religious cannot be ransomed for less than 1,000 pesos, nor an indian chief for less than 300 pesos in silver, rice, or other articles...." (quoted in James Francis Warren, *The Sulu Zone, 1768-1898*, Singapore University Press, 1981, p.229).

Kidnapping for Ransom in the Philippines

While as in many other societies, kidnapping for ransom (KFR) has existed in the Philippines for many years, the problem erupted into crisis proportions in the Metro Manila area during the early to mid-1990s. Victims were, more often than not, members of the Filipino-Chinese community who were perceived as being able to pay significant amounts in ransom and, equally important, would in the interest of discretion prefer to settle matters as quickly and as quietly as possible, without the involvement of government or police authorities.

The problem during this period reached a situation where it was being referred to in the popular press as partaking of the nature of a "cottage industry". Cases occurred, for example, where children on Sunday strolls in malls in Metro Manila were being abducted, with their parents being immediately contacted to withdraw whatever amounts were available through their ATM (Automated Teller Machine) accounts in order to retrieve their children. As of April 2009, newspaper reports in Metro Manila indicate a resurgence of this kind of activity, with kidnap gangs appearing to operate on the basis of high volume (of victims), low margins (relatively minimal ransom amounts being accepted) and quick turnover (victims being released within a matter of days).

KFR in Basilan and Sulu: High-Profile Cases

In the Basilan and Sulu area, kidnappings are more often than not attributed to the Abu

Sayyaf Group (ASG), a group classified by the Philippine and U.S. Governments as being a terrorist organization, supposedly linked to Al Qaeda. Whether in fact this is the case is debateable and is a matter that requires closer investigation. However, it can be said that the most high profile KFR cases in recent years have involved the ASG.

In April 2000, twenty-one guests and staff of an island resort in Malaysia, on Sipadan island, were abducted by an ASG group from the island of Jolo. The victims consisted of three Germans, two French, two South Africans, two Finns, one Lebanese, nine Malaysians and two Filipinos. It is reported that the victims were subsequently released in exchange for ransom payments, the estimates of which ranged from a low of Philippine Pesos (PhP) 190 million to a high of PhP 650 million (US\$4-\$15 million).

The following year, in May 2001, twenty guests and staff of an island resort in the province of Palawan in the southwestern part of the Philippines, the Dos Palmas resort, were kidnapped by an ASG group from the province of Basilan. While the victims were mainly Filipinos, three Americans were included, one of whom was subsequently beheaded by the captors. Again, most of the victims were subsequently released through the payment of ransom, the total amount of which has been estimated to be approximately PhP 40 million (US\$850,000). However, the remaining two American hostages, Martin and Gracia Burnham, along with a Filipino nurse, were held by their captors until a rescue attempt was launched one year after the kidnapping took place by the Philippine military assisted by counterparts from the US military and intelligence services. Unfortunately, during the rescue attempt, Martin Burnham and the Filipino nurse, Deborah Yap, were killed, while Gracia Burnham was wounded although she survived.

This particular incident also led to the launching of intensive joint US and Philippine military "exercises" in this area, specifically in the provinces of Basilan and Sulu, and which continue to this day.

Another high profile case involved the kidnapping of three staff of the International Committee of the Red Cross, one Filipina, one Swiss and one Italian, by the ASG in Sulu on January 15, 2009. The abduction took place within the grounds of the Provincial Capitol of Sulu, in broad daylight – 11 a.m. Intensive military and police operations against the kidnappers were launched, assisted by civilian armed groups mobilized by various Mayors from within the province. The three victims were released on different dates, the last one (Italian) having been released after six months in the hands of his captors.

KFR in Basilan and Sulu: Recent Incidents

Over the last two years, there has been an upsurge in kidnapping cases in Basilan and

Sulu. The following Tables provide a summary of specific incidents between 2007 and early 2009.

The Tables show that there was a disturbing increase in kidnapping incidents in 2008 compared to 2007 in both provinces, and that in the case of Basilan the number of incidents and victims in early 2009 indicate that the situation will worsen this year.

It is also disturbing to note that, again in the case of Basilan, a number of the abductions occurred in the nearby City of Zamboanga, a predominantly Christian city an hour's boat ride from Basilan. Victims are abducted in Zamboanga City and then brought by speedboat to the hinterlands of Basilan until ransom is paid for their release.

TABLE 3: KIDNAPPING INCIDENTS IN SULU

DATE	VICTIMS	PLACE ABDUCTED
2007		
APRIL 15	6 CONSTRUCTION WORKERS	PARANG, SULU
2008		
JAN. 23	3 MEN	PATIKUL, SULUAN
JAN. 28	ROSALINDA LAO	JOLO, SULU
JUNE 8	CES DRILON, JAIME ENCARNACION ANGELO VALDERAMA, OCTAVIO DINAMPO	JOLO, SULU
SEPT. 16	BEN AUSTINE, BENEDICT AUSTINE	JOLO, SULU
DEC. 12	PAKKAM HASHIM	PARANG, SULU
DEC. 14	PETER GO	JOLO, SULU
2009		
JAN. 15	ANDREAS NOTTER, EUGENIO VAGNI MARY JEAN LACABA	PATIKUL, SULU
FEB. 2	DIOKHING QUE	JOLO, SULU

TABLE 4: KIDNAPPING INCIDENTS IN BASILAN

DATE	VICTIMS	PLACE ABDUCTED
2007		
APRIL 6	NIDZ ALIH & AIDA ALIH	
MAY 1	BASHIR IBAMA	

DATE	VICTIMS	PLACE ABDUCTED
2008		
APRIL 24	ISAAC SALAPUDDIN	TUBURAN, BASILAN
MAY 27	INOCENTE BAUTISTA	ZAMBOANGA CITY
JUNE 10	Cpl. DUWATIN & Cpl. ALCABASA	AL-BARKA, BASILAN
JUNE 26	4 BASELCO LINEMEN	TUBURAN, BASILAN
JULY 13	2 BRGY. OFCLS LANTAWAN	LANTAWAN, BASILAN
JULY 14	PRECIOSA FELICIANO	ZAMBOANGA CITY
JULY 16	2 GLOBE CONTRACTORS	MOH. AJUL, BASILAN
JULY 20	RONNIE ANDO, VILMA SUMERGIDO & MICHAEL SUMERGIDO	LAMITAN, BASILAN
SEPT. 15	ESPERANCITA HUPIDA & MERLIE MENDOZA	TIPO-TIPO, BASILAN
OCT. 17	JOED ANTHONY PILANGA	ZAMBOANGA CITY
NOV. 26	NICOLE REVECHE	LAMITAN, BASILAN
DEC. 1	7 CONSTRUCTION WORKERS	TUBURAN, BASILAN
DEC. 28	ANDREA CUEVAS DIMAN	LAMITAN, BASILAN
2009		
JAN. 18	CATRINA CASIPONG	LAMITAN, BASILAN
JAN. 23	FREIRES QUIZON, JANETTE DELOS REYES, RAFAEL MAYORADA	ZAMBOANGA CITY
JAN. 28	ELIZAR GOMERA	LAMITAN, BASILAN
FEB. 1	CHESTER GRUTA	LAMITAN, BASILAN
FEB. 3	AMMAD ILLANG & LEAH PATRIS	SUMISIP, BASILAN
FEB. 13	UMAR JALEEL & GIL TURA	LAMITAN, BASILAN
FEB. 13	HJ. MUBIM NAIN, NURSIDA ADALANI & RASINA ADALANI	SUMISIP, BASILAN
FEB. 17	ALSON PORTICOS	ISABELA, BASILAN
MAR. 13	JOCELYN ENRIQUEZ, JOCELYN INION NOEMI MANDE	ZAMBOANGA SIBUGAY
APRIL 10	COSME ABALLES & ERNAN CHAVEZ	LAMITAN, BASILAN

Modus Operandi

A number of patterns can be noted with regard to the manner in which kidnapping cases are undertaken in this area.

With regard to the abductions themselves, any of several scenarios may take place.

1. First, victims may be targeted as a result of prior knowledge or assumptions regarding the economic status and capability to pay of the victims and their families. Hence, for example, in Sulu Chinese businessmen have been prime targets of kidnappings as they are known or believed to have the capability to pay significant amounts to regain their freedom. In December of 2008, for example, Chinese businessman Peter Go was abducted in the town of Jolo,

capital of Sulu Province, as he was opening his store early one morning. As of the time of writing of this report, he has not yet been recovered. In January 2009, another Chinese businessman, Diokhing Que, was likewise kidnapped in the town of Jolo. He was released ten days later after reportedly paying ransom.

Foreigners are considered to be prime targets as well on this same basis. The recent kidnapping of members of theInternational Committee of the Red Cross (ICRC) in Jolo, Sulu, in January 2009 included a Swiss and an Italian national. It appears that these individuals had long been targeted for abduction by the Abu Sayyaf. When two Filipino humanitarian workers were kidnapped on the island of Basilan a few months earlier (in September 2008), their

abductors indicated that they were actually looking for the foreign Red Cross staff. They had mistaken the vehicle the two humanitarian workers were riding as being that of the Red Cross. Having realized their mistake, the abductors decided to nevertheless take advantage of the fact that they had two Christian victims in their hands and held on to them until they were subsequently released, presumably after ransom had been paid for them.

2. Second, sometimes persons are commissioned to “spot” potential victims, place them under surveillance in order to assess their “desirability” as kidnap victims – i.e., capability to pay – as well as take note of routines and movements in order to determine the best time and place to effect their abduction. This was recounted explicitly by one member of a group who kidnapped a businessman in Zamboanga City in May 2008. He was explicitly tasked by the head of the kidnap gang to look for a potential victim in Zamboanga, which he did and reported to the gang leader. Aside from picking the victim, this gang member participated in the actual abduction and in guarding the victim after he had been brought to Basilan. For his efforts he was given a fee of PhP 2 million (approximately US\$40,000) out of the PhP10 million which the businessman is reported to have paid for his freedom.

It is reported that there are many of these so-called “spotters” in Zamboanga City who are paid either a fixed fee front-end or a percentage of the ransom collected for the “service” of identifying a kidnap victim.

Sometimes, though, the abductors or their spotters do not do their “research” adequately. There was a recent incident, again in Zamboanga City, in January 2009 where a student of a prestigious university in this city was abducted in broad daylight as she was walking to her school around 3 p.m. in the afternoon. Apparently the abductors were working on the assumption that any student of this university –

considered to be the premier institution of learning in that region – had to come from a well-to-do family. They did not reckon with the fact that many students of this university come from low-income families and are able to study there only because the school has a thriving scholarship program aimed precisely at enabling poor but deserving students obtain a quality education. The student was released two days later after the kidnappers realized from the pleas of the victim and her parents that she did in fact come from a poor family.

3. In recent years, though, there has been a tendency on the part particularly of Basilan-based kidnappers to be less discriminating with regard to their victims. No longer are victims limited only to persons from middle- to high-income families but lately even low-salaried employees or children from low-income families have been abducted. The logic in what appears to be an illogical tactic can be surmised to be the assumption that out of pity someone will assist in raising the resources needed to recover the hapless victims. For example, in June of 2008, four linemen of the Basilan Electric Cooperative were kidnapped. Their freedom was secured 15 days later when their fellow-workers along with the Cooperative itself contributed to pay the ransom agreed upon. In December 2008, seven construction workers earning minimum wages were kidnapped in Basilan as well. They were released one week later when the Mayor of Lamitan City reportedly paid PhP100,000 (US\$2,000) for each of the workers.

In the case of the two humanitarian workers kidnapped in Basilan in September of 2008, family and friends of the two workers contributed various amounts in order to secure their release.

As an aside, it may be of interest to readers of this book to take note of two comments made by one of the commanders of the kidnap group which abducted these two humanitarian workers. Appeals were

made in the press by friends who urged the kidnappers to release the two victims since they were humanitarian workers who selflessly had been working to assist the people of Basilan – some of whom were most likely relatives of the kidnappers themselves – as well as many other Muslims elsewhere in the Philippines. The commander told one of the victims that she should not expect any mercy from the kidnappers because of the work they were doing in Basilan. According to him, he believed that as a Christian humanitarian worker, the victims were working in the area so that the people – predominantly Muslim – would feel a debt of gratitude to the humanitarian workers, leading possibly to their conversion to Christianity. Moreover, he noted, they as Christians were trespassers in what was considered to be the homeland of Muslims, and therefore they were fair game for kidnappers. Any ransom that would be paid would only be a repayment for the resources which the Christians and their government had “stolen” from the Muslim homeland.

4. Sometimes the abductions are undertaken by members of the kidnap gang themselves. In other instances, though, the actual abduction is “outsourced”, with certain groups specializing in undertaking the task of seizing the victims and handing them over to a group which would then be responsible for hiding the victim until such time as his/her release has been negotiated and paid for. In some instances, a victim may be handed over from one group to another until his/her release is effected. This reportedly was the case with regard to Fr. Giancarlo Bossi, an Italian priest who was abducted in the province of Zamboanga Sibuguey on June 10, 2007 and released six weeks later. Although Fr. Bossi was recovered in Lanao del Norte on the main island of Mindanao, some Basilan-based groups and personalities were involved in various phases of his kidnapping, to include a notorious former Mayor of the municipality of Tuburan, Basilan.

A number of patterns can also be noted once the victim has been abducted and is in the hands of the kidnappers.

1. As a general rule, it can be said that kidnap victims are cared for by their captors reasonably well. After all, the victim is considered an “asset” for which a significant financial consideration is expected in exchange for his/her release. One victim who was abducted in September 2008 in Basilan recounted, for example, that because she had been taken during the Muslim month of Ramadan, the month of fasting, she had initially refused to eat during the daylight hours when Muslims are supposed to abstain from eating. The family assigned to guard her however insisted that she take her meals because, they explained to her, they did not want her family to think that she had been maltreated during the period of her captivity once she was released and returned home. This same victim, who was placed under the care of a family during the entire 45-day period of her captivity, also recounted that she was for all intents and purposes treated as a member of the family. She would have her meals with the family, she would sleep with the children and she was allowed to move around the house where she was being kept although she was not allowed to go near the windows so that outsiders would not see her, and whenever guests would come to visit the family she would however be shut away in the lower storage room in order to keep her presence hidden from third parties.

Another victim, kidnapped in October 2008 in Zamboanga City and brought to Basilan, described how he was fed sumptuously, being served eggs, milk, rice and fish during breakfast, for example. Another victim, kidnapped earlier in Zamboanga in July 2008 and likewise brought to Basilan, described how she had in effect the equivalent of a nursemaid assigned to her during the entire four-month period of her captivity, on the one hand guarding her, of course, but on the other hand attending to her needs such as ensuring that she was being properly fed or that personal supplies

that she required were in fact provided.

This is not to say, of course, that the victims were “comfortable”. Nevertheless, given the circumstances it could be said that some of the victims were treated with reasonable care.

2. This, however, assumed that the victims cooperated with their captors. Another victim, kidnapped in Basilan in September 2008, recounted how a mock “execution” was carried out on her in order to get her to cooperate and provide names and telephone numbers of persons whom the kidnappers could contact in order to initiate negotiations for the payment of ransom for her release. She had initially refused to do so because she did not want to compromise any members of her family or friends and cause greater emotional strain on them. After the mock execution – during which her hands were tied, her mouth taped and she was forced to kneel while a captor raised a sword over her head and another young man pointed the barrel of his gun on her head – she broke down and gave them the information they demanded. On another occasion when negotiations were already on-going, she was physically struck several times by her captors so as to impress on the person that the kidnappers were negotiating with the urgency of securing her release at the earliest possible time.
3. While victims may be treated with a certain amount of care because they represent a “valuable commodity” which is being traded for cash, kidnappers have little concern for terrorizing family members in order to pressure them to agree to the kidnappers’ demands and produce the ransom being demanded. Hence, family members/associates are threatened that the victims will either be mutilated (fingers or hands cut) or killed unless the demands are met by a certain date. The point is sometimes driven home by physically striking the victim while in contact by telephone with a family member in order to convince the family that the threat of harm is real.

4. For security purposes victims are usually moved from place to place during the period of their captivity in order to avoid detection not only by government authorities but even by other residents in the communities where the victims are hidden. In the case of one of the victims – referred to earlier – who was abducted in Zamboanga City in July 2008 and kept for four months, she was moved to six different houses in Basilan during the period of her captivity. One of the humanitarian workers kidnapped in September 2008 was moved to five different locations during the two months that she was held captive. The victim – referred to earlier also – who was kidnapped in Zamboanga in October 2008 and held for two months was moved to three different locations during the period of his captivity.

There are instances, however, where this pattern is not followed. As noted earlier, one of the humanitarian workers kidnapped in September 2008 was placed in the custody of one family during the entire 45-day period of her captivity. She was hidden however in such a manner that not even the immediate neighbours of the family knew that they were holding a victim captive.

Some Disturbing Observations

1. It is clear from some recent incidents that former assumptions of humanitarian or aid workers being protected from the dangers of kidnapping by virtue of their work in assisting local communities no longer holds in these areas. This was highlighted by the abduction of the two humanitarian workers in Basilan in September of 2008 as well as the three ICRC staff in Sulu in January 2009. This was also brought home very clearly by the commander who held one of the humanitarian workers in Basilan last year when he told her that she should not expect any special treatment because of the work she had done among Muslims not only in Basilan but elsewhere. As mentioned earlier, he expressed the view that there were hidden motivations behind the activities of Christian humanitarian workers operating in predominantly

Muslim areas, and that these were to create a debt of gratitude on the part of the beneficiaries towards the workers, leading possibly to their abandonment of their faith and eventual conversion to Christianity.

2. More disturbing are the allegations – difficult to prove but persistent in the areas – that several of the kidnap gang leaders and members are so-called “assets” or agents of police or military forces operating in the area. This, it is said, is necessary in order to obtain reliable intelligence regarding the activities of these kidnap gangs. These allegations are bolstered by confidential information provided to this writer by some officers of the military and the police as well as videos and photographs of gang members and leaders which clearly had to be taken by persons embedded in the gangs.

While accepting the fact that there is value in having intelligence agents operating as members or even leaders of kidnap gangs, the question arises as to the degree of control that the authorities effectively exercise over these agents. Three of the kidnap gang leaders alleged to be military agents are among the most notorious in Basilan and Sulu. How long are they going to be allowed to continue to undertake their kidnapping activities and terrorize potential victims and their families? Or is it a situation where, having started out as government agents, these kidnappers have decided to strike out on their own, trading bits of intelligence for the opportunity to continue to undertake a trade which provides very attractive financial returns, with an assurance of protection from the government security agencies concerned?

Or, even worse, is it a situation where the military or police officials who serve as the “handlers” of these agents actually enjoy some pecuniary benefits in terms of shares in the ransom payments collected? This is not unheard of and was in fact recounted to this writer by a very high ranking national police official who explained several years back why kidnapping continued to persist unabated in Metro Manila. This too was the view of the Dutch anthropologist Anton

Blok who undertook studies on the Mafia in Sicily as well as banditry in the Dutch Republic. In the words of Blok,

“Given the specific conditions of outlawry, bandits have to rely very strongly on other people. It is important to appreciate that all outlaws and robbers require protection in order to operate as bandits or to survive at all. If they lack protection, they remain lonely wolves to be quickly dispatched.... Our task is therefore first to discover the people on whom the bandit relies” (Anton Blok, “The Peasant and the Brigand: Social Banditry Reconsidered”, *Comparative Studies in Society and History*, Vol. 14 No. 4 (September 1972) page 498”).

3. Taking off further from Blok’s observation, the question needs to be raised: what involvement, if any, do local communities which host the kidnappers have vis-a-vis the kidnapping incidents themselves? Kidnap gangs have their bases in particular areas. While they may move around when they have victims in hand, they nevertheless have more or less permanent bases to which they would return and their movements would usually follow a particular pattern. Hence, it is not possible that communities which host these bases or along the route of their movements would be unaware of their presence. The testimonies of victims which this writer had opportunity to meet with confirm this observation.

What then is the situation with regard to the local “host” communities? Do they disapprove of the presence and the activities of these kidnap gangs but are unable to do anything about it for fear of reprisals from these gangs who normally are heavily armed? Or have they become inured to the situation of kidnapping, accepting it as part of the way of life there and therefore tolerating it? Or is it a situation where they actually benefit from hosting these gangs and their victims, being provided a share from whatever ransom payments may eventually be collected?

Whatever the situation may be, it is disheartening because it indicates a

degree of complicity by local communities in kidnapping incidents, whether the complicity be out of fear, out of tolerance or out of active support. The complicity of local communities makes the problem that much more difficult to resolve.

Motivations Behind Kidnappings

As noted earlier, more often than not the Philippine authorities attribute the many kidnappings that have taken place in the Basilan-Sulu area to the Abu Sayyaf Group (ASG). Doubtless, groups or individuals affiliated in one way or another with the ASG have been involved in a number of these kidnappings. Certainly, the high-profile cases cited were undertaken by the Abu Sayyaf. But it should be pointed out as well that there are many individuals and small bands of armed men in these areas that have their own weapons and have the capability to undertake abductions.

There are other armed groups like the Moro Islamic Liberation Front (MILF) and the Moro National Liberation Front (MNLF) which have members who can take the initiative to undertake kidnappings even if their groups as formal organizations do not condone these. The Philippine authorities and the local press like to refer to these individuals as “rogue” members of these organizations. Then there are the so-called “lawless groups” or “lost commands” who supposedly are individuals who do not have any affiliation with any particular group and supposedly live by the law of the gun.

One thing that needs to be understood is that while the Philippine authorities speak of the ASG as if it were a formally organized group with a hierarchy and a leadership command and control structure, it is nothing of the sort. If it can be referred to as a group at all, it could be considered to be an aggrupation of loose bands of armed men revolving around particular leaders, each with his own motivations and objectives.

One could perhaps categorize these various bands in the following manner:

1. Ideologically-oriented ASG. As noted in the chapter on Ideology, the ASG started

out with an ideology propounded by its founder, Abdurajak Janjalani. This was an ideology which saw Muslims in the Philippines as being an oppressed people, with their homeland and their resources forcibly taken from them by their enemies, Christians with their government, their own set of laws and their armed forces and police. The role of the ASG is to correct this injustice and give Muslims their rightful place in their homeland.

2. ASG who are assets of the security agencies. As noted earlier, it is clear that the Philippine military and police forces have individuals embedded in some of the ASG bands who provide intelligence on the identities and activities of these groups. It is even possible that some of the smaller bands may be made up entirely of intelligence agents, though these would likely be small groups.
3. ASG who are agents of politicians. There are groups of armed individuals who are supported by politicians and who perform certain tasks for them. The politicians serve as their protectors and providers of basic supplies – arms and ammunition. In return, the band can be utilized to harass political enemies, undertake assassinations, raise funds through kidnappings and extortions and other such activities. These are particularly useful when elections are near. By identifying these groups as ASG it is easy to deny the link of the politicians to the individuals involved and their activities.
4. ASG who are plain bandits. These are individuals and groups who essentially engage in illegal activities – kidnapping, extortion, possibly trading in illegal drugs, assassinations, etc. – but who claim to be ASG in order to be able to call on the assistance of other groups should the need arise.

Needless to say, the demarcations among these various categories is unclear. People can shift from one to another depending on circumstances. This was for example the gist of what one of the more notorious ASG individuals – Ghalib Andang, the so-called

“Commander Robot”, responsible for the Sipadan hostage-taking – meant when he said in an interview that “Abu Sayyaf is just a name”. This was also what one of the captors of one of the humanitarian workers who was kidnapped in September last year told her during one conversation. According to him, “I can be ASG, I can be MILF, I can be Lost Command”.

There are no hard and fast rules, no strict affiliations, except perhaps for the die-hard ideologues, of which there would only be a handful. Everyone else would most likely operate on the basis of convenience, of what is expedient under the prevailing circumstances at that time.

Motivations would primarily be commercial in nature, as one would expect in an area where poverty is prevalent, where opportunities for economic advancement are extremely limited, where government resources intended to bring development to the people are seen to be appropriated personally by the local political leadership, and where enforcement of laws is practically non-existent. Kidnappings continue because people see that perpetrators are able

to get away with it without any punishment or retribution befalling the kidnappers.

There are, of course, the ideologues, those who resort to kidnapping as a means to advance their cause of driving the enemy from their homeland, of generating resources to strengthen their organization, procure more modern arms and ammunition. But even among these the temptation to gain personally from the activity is difficult to resist. This became clear to this writer when, at the conclusion of a negotiation that this writer was personally involved in, the commander with whom negotiations were being undertaken added a final demand, after agreement had already been reached on the consideration for the release of a victim. He asked for an additional smaller amount, approximately 4% of the agreed-upon price, ostensibly to be given to a third party who had introduced this writer to the commander. It was, however, clear to this writer that the amount would go to the pocket of the commander.

Synthesis

Tying the Strands

Victor M. Taylor

The foregoing chapters have hopefully provided the reader a taste of the complexity to be found in the Southern Philippines, what is also referred to as Mindanao-Sulu. By no means has the discussion been exhaustive. In the interest of time and space many other aspects impacting on the people in the area have not been presented. That would require a more substantial volume than was contemplated for this series of publications of the ADRRN.

It is hoped though that having gone through the earlier chapters the reader becomes aware of the need to look beneath the surface when approaching an area, particularly if one is going there for the first time. However, even if one is already familiar with the area there often are aspects that may have been hidden in the past or that may have changed because of the dynamics of the interactions of people, institutions and events.

We will try to trace some of these dynamics here.

History

First, of course, is the need to understand the history of the area. Rodil has traced this for us, providing in broad brush strokes a perspective of the landscape that is Mindanao-Sulu today. One sees that there are in fact three broad categories of people in Mindanao-Sulu, what is referred to as the Tri-Peoples: the Lumads, the indigenous tribes who were the original inhabitants of the area or what are

referred to nowadays as the “first nations”; the Muslims, those who adopted the Islamic faith which was brought into the area starting in the 14th century or possibly even earlier (by one account possibly even as early as the 10th century); and the descendants of the Settlers, people who came to Mindanao-Sulu from the north of what is now the Philippines, the islands of Luzon and the Visayas, those who had adopted the Christian faith which was brought to this part of the world by Spanish colonialists starting in the 16th century. These are the Tri-Peoples that make up the melting pot that is Mindanao-Sulu today.

Second, we see that Mindanao-Sulu today is the result of the confluence of a series of major events that took place over the past millennium. As Rodil describes it,

“... (before the coming of Islam) it may be assumed that all communities in the Mindanao-Sulu region were indigenous. Social structures were presumably simple.... Ethno linguistic groups were not really tribes but small clan communities living more or less independently of one another, although groups belonging to the same linguistic identities tended to generally inhabit contiguous territories. There were intermarriages and other forms of alliances to define inter-clan and inter-community relationships.”

What might be referred to as the first major influence from the outside was the gradual introduction of Islam, brought in by

Arab traders from Johore, who settled in and intermarried with the local tribes and brought in, aside from a faith in One God, Allah, two major elements that had a tremendous impact on the area: a new social structure of the State which unified what previously had been disparate tribes, and wide-ranging economic activities which brought the people in contact with traders and cultures from a whole new world they had been unaware of existed. International trade relations developed.

This was followed a few centuries later, the 16th century to be precise, by the arrival of Spain, likewise in search of new products to trade, spices from the East, but at the same time fired by the zeal to spread the Christian faith. Unlike the Arab traders, though, who settled in with the local tribes, accepted the way of life that they found there and gradually introduced the influences of Islam, a broader polity and wide-ranging economic relations, Spain came with the perspective of conquering new lands, that territories they came in contact with were considered *terra nullius*, lands that belonged to no one and that therefore Spain had the right, even the obligation, to take over these lands and save the souls of the inhabitants there.

This perspective, and the discovery that Islam had already made inroads into the area, with Muslim communities established as far north in the islands as what is now Manila which became the center of the Philippine nation that Spain established, led to 333 years of the Spanish-Moro Wars. A reprise of the Crusades was played out in the Philippine islands, with Spain pushing the Muslims back to Mindanao and Borneo, which they likewise tried to conquer but failed to do so. It is the history of this violence which Mindanao-Sulu has inherited today.

The third major external influence into the area was the entry of America, fired up as well with the imperial zeal that had pushed Spain to seek new lands over three centuries earlier. America likewise adopted the same

perspective as Spain: that there were only tribes in these islands that were fighting one another, that no nations existed, and that it was America's "Manifest Destiny" to "...educate the Filipinos, and uplift and civilize and Christianize them".

America's entry was a result of its defeat of Spain in the Spanish-American War, which led to the signing of the Treaty of Paris by which Spain turned over the Philippine islands to the United States in exchange for the amount of US\$20 million. This transaction, however, included the Muslim and Lumad territories of Mindanao and Sulu which Spain had never conquered but which she nevertheless included in the transaction.

The fourth major influence which has shaped Mindanao-Sulu into what it is today was the creation of the Philippine Republic, the result of America's decision to grant independence to its former colony. The Republic is supposed to provide the political unity for today's 85 million Filipinos, to serve as the vehicle for the achievement of their aspirations, but it is precisely this element of unification which is at the heart of the secessionist movements which have surfaced in Mindanao-Sulu over the last forty years. Lingga's citing of the statement of Muhammad al-Hasan, emphasizing the differences in culture, experiences and perspectives between Filipinos and Moros, brings home very graphically the difficulties in achieving this sought-for unity.

These then were the major historical factors that shaped Mindanao-Sulu over the centuries and which provide the context for what one encounters in the area today. It is instructive, though, to take a closer look at some of the particular elements that explain the situation in Mindanao-Sulu today.

Ancestral Domain

At the heart of the controversy in Mindanao-Sulu today is the issue of domain,

the claim by Muslims (Moros) and Lumads to territory and the rights that these territories imply which historically are claimed to be theirs.

As the review of the historical context has shown, indigenous tribes were the peoples who inhabited Mindanao-Sulu since time immemorial. Some of these tribes adopted the Islamic faith when it was slowly introduced into the islands, and over time territories falling under Islamic States – the Sultanates of Sulu and of Maguindanao – were more or less clearly demarcated. The entry of Spain and the ensuing Spanish-Moro Wars led to a consolidation of Muslims into Mindanao-Sulu as well as an attempt by Spain to establish a foothold in this area. But as Rodil has explained, Spanish incursions were limited to narrow strips of territory along the coast, running up the east of Mindanao from what is now Davao City up north to Surigao del Norte and Agusan del Norte, across the northern coast of Mindanao up to what is now Dapitan-Dipolog and then across to Zamboanga City. The rest of Mindanao-Sulu, possibly constituting as much as 90% of the territory, was the domain of Muslims and Lumads.

The entry of America, however, with its superior military might, changed the landscape of Mindanao-Sulu massively and brought about many of the elements one finds in the area today. The American colonial regime first passed a series of land laws which totally ignored the indigenous systems of land ownership – which were essentially communal in nature – withdrew the authority of native leaders to grant land rights which they had exercised before, imposed a Western system of land titling, the torrens system, which people could not comprehend much less comply with, and imposed discriminatory provisions on the area of land that could be acquired by non-Christians compared with Christians and corporate entities.

But, more important, America opened up Mindanao-Sulu to resettlement. This started in

1913 with the first 100 settlers or colonos from Cebu being brought to Cotabato principally to plant rice and corn, provided with initial capital and farm tools and the assurance of ownership of the land they tilled. That same year the Philippine Commission passed Act No. 2254 officially encouraging and creating agricultural colonies. The process of massive migrations of Christian settlers from Luzon and the Visayas had started and was continued into the Philippine Republic.

What was the impact of this migration movement? A census conducted in 1903 indicated that Muslims and Lumads constituted 61% of the population of Mindanao, Sulu and Palawan at that time. By 1990 that proportion had dropped to 22.6%. The Muslims and the Lumads had become a minority in their homeland.

More significant than the statistics on land and population is what this all implies in terms of influence and control over local resources, the economy and politics of the area, the dominant culture or way of life, the ability to influence one's future. This at heart is what the debate on ancestral domain is all about.

Denial of Nations

As Rodil points out as well, when the American colonialists took over the Philippines, they ignored the fact that there were in existence in these islands three States: the Sultanate of Sulu which, though greatly diminished in influence, had existed since around 1450, long before the United States of America itself came into being; the Sultanate of Maguindanao which was established in 1619; and the Philippine Republic which the Filipino revolutionaries under Gen. Emilio Aguinaldo had declared on June 12, 1898, six months before the Americans defeated Spain and acquired the Philippines under the Treaty of Paris. These were political realities which were denied by the force of arms.

Moreover, when independence was finally granted by America to the Philippines, it once again denied the reality of the Sultanates of Sulu and Maguindanao. If at all, as Rodil points out, independence should have been recognized or restored to all three States, or at least, as petitioned by a number of Muslim leaders in 1921, 1924 and 1935 – as pointed out by Lingga in his paper – that the Muslim territories not be incorporated into the Philippine Republic that was going to be granted independence.

But, as Rodil puts it, the logic of colonialism won, and the Republic of the Philippines was inaugurated in 1946, incorporating into its territory the Lumad and Muslim areas of Mindanao and Sulu.

Secessionist Movements

These historical developments provide the context for the present-day secessionist movements that exist in Mindanao-Sulu.

Lingga cites the various factors which led to the outbreak of these secessionist movements: the minoritization of Muslims and Lumads in their own homeland due to policies of the successive Central Governments based in Manila; the perceived failure to provide basic services and needed social and economic development to Bangsamoro communities; the failure to secure the properties and lives of Muslims and Lumads, accompanied by the failure to provide justice when these have been violated; the continuing bias shown by the Christian majority against Muslims.

The underlying ideologies which provide the spirit behind these movements are discussed by Taylor. Common to all is the desire to gain recognition of the traditional homeland of what is referred to as the Bangsamoro people, impelled by the sense of oppression by the central government in Manila. A basic difference lies in the degree of emphasis given to the Islamic character of this struggle. Whereas the Moro National

Liberation Front (MNLF) focused more on the aspirations of the Bangsamoro for nationhood, the Moro Islamic Liberation Front (MILF) and the Abu Sayyaf Group (ASG) have stressed that the struggle needs to be undertaken within the framework of Islam, all efforts being in accordance with the will of Allah, with the Qur'an and the Sunnah as the guide for all revolutionary actions to be undertaken.

These perspectives have been modified over time, though, with the MNLF agreeing to accept political autonomy within the framework of the Philippine Constitution and recognizing the sovereignty and territorial integrity of the Philippine Government and nation. The MILF, while not setting aside its Islamic foundation, has however focused more on arriving at a formula mutually acceptable to the Government and the MILF for achieving nationhood for the Bangsamoro people. The ASG is splintered and the degree of influence of its ideology on the thinking and actions of its adherents is a matter that requires closer scrutiny.

Rodil points out that a recent development has been on the rise, that of Lumad demands for their own right to self-determination. Lumads object to being lumped into the Bangsamoro propounded by the MNLF and the MILF and instead demand that their own way of life, beliefs, traditional practices and homeland be seen as being unique and deserving of official recognition.

Although the Lumads have so far not taken up arms as the Muslims have in order to press for their right to self-determination, this nevertheless is a further complicating element in what is already a complex situation.

Clan Conflicts

Torres writes about a factor which has been part of the scene all along but which has not been given sufficient attention because of the focus provided to the secessionist movement: the matter of clan conflicts (Rido). Clan

conflicts can arise from such minor factors as jests where the party who is the subject of the jest resents being made fun of, to theft to more serious matters as homicide or murder. The more common causes of clan conflicts have however been found to be land disputes and political rivalries.

Clan conflicts can run for years, some lasting as long as thirty years or even longer. During this period, the members of the rival clans are on constant alert against possible retaliation from their enemies. Torres provides a very graphic quotation from a member of a clan in conflict with another group, where the person describes the situation as being similar to that of a prisoner. His movements are restricted because of the fear of reprisal or revenge being wrought upon him should he move out of his home or neighborhood.

Torres points out that from the perspective of local communities the clan conflicts or Rido are of greater concern than the larger wars between the government and secessionist groups. This is because the clan conflicts are right in their backyards and directly affect them, while the secessionist fighting may take place in some other areas. This is why, as Torres describes it, reconciliations are the result of community efforts, with many parties from within the community contributing to bring closure to an enmity that may have lasted for many years and which had in the process disturbed the peace of the community.

Clan conflicts complicate the situation on the ground for everyone concerned. Not only does it place the lives and property of the protagonists at risk, but third parties coming into a community with the intention, for example, of providing assistance, no matter how well-meaning, have to be aware of the possible undercurrents that may be at play when dealing with particular groups in that community. Programs that may unwittingly be coursed through or that may be perceived as favouring a particular protagonist to a

conflict in a community may run the risk of failure because of the unwillingness of rival clans to participate or get involved in the program. Worse, the unwitting program sponsor may risk gaining the ire of the rival clans with the possible consequences that this may entail.

There is, moreover, the very real danger of a clan conflict being manipulated to trigger larger wide-scale fighting between government forces and rebel groups. Torres cites a number of cases where the parties to clan or localized conflicts have exploited the military resources of government and/or rebel forces to their particular advantage, thus triggering large-scale fighting which results in widespread destruction of property, displacement of numerous families who are not parties to the conflict and even deaths.

It is therefore essential, as Torres notes, to undertake careful analysis of clan conflict or rido situations in a community in order to understand its complexities. The analysis should cover "knowledge about the people involved in the conflict, their allies and relationships, their interests, their 'soft spots',... offshoot cases as well as...the right people to approach...."

Kidnappings

It is unfortunate that in the Basilan-Sulu area kidnappings have become quite rampant the past several years. Aside from the severe trauma, often lasting throughout one's life that this causes on victims and their families this criminal act has the potential of affecting whole communities in various ways. To begin with, it is not possible that kidnap gangs can continue to operate over extended periods of time in an area – as has been the case in Basilan and Sulu – without the knowledge of the communities in which these gangs are based. Taylor raises the question as to the nature of involvement of these communities in this criminal act: whether they disapprove of it but are powerless to do anything about

it because of the fear of retaliation from the kidnap gangs; whether they tolerate it and just turn a blind eye to it, viewing it as a “normal” situation; or, worse, whether they in fact actually gain from the continued conduct of this criminal activity. In any of these cases, the erosion of the moral fiber of the community is clear.

There is also the risk – which again has occurred several times – where communities are displaced as a result of police and military operations. This happened in Basilan in December of 2008 when the military pursued the kidnappers of several victims in the municipalities of Albarka and Tipo-Tipo. As of the time of this writing, communities in Indanan, Sulu, have been displaced because of the continuing operations to rescue the staff members of the International Committee of the Red Cross who were kidnapped by the Abu Sayyaf there.

Taylor also raises the issue of the complicity of police and military forces – or at least individuals from these forces – in tolerating or even protecting some of these kidnap gangs. This arises from the nature of intelligence operations which State security agencies undertake, utilizing assets or agents often embedded within the kidnap gangs themselves. Two questions are raised: what is the degree of control that these security agencies have over their assets, and, more seriously, is it possible that some of the State security personnel are themselves gaining from the continued conduct of kidnapping activities?

Under other circumstances, kidnapping for ransom is mainly a commercial activity, where negotiations are entered into for the safe return of a victim in exchange for an agreed-upon monetary settlement. In the context of Basilan and Sulu, however, kidnapping acquires a different complexion, where the act is undertaken as part of the larger struggle to drive out the enemy forces from the Bangsamoro homeland, end the reign of oppression by the colonial Government

of the Christians, and establish a free and independent Bangsamoro Republic where the way of life will be in accordance with the will of Allah and following the tenets of the Qur’an and the Sunnah. This, at least, is how some groups have justified their actions.

Other Aspects

As mentioned in the beginning, there are many other aspects of life in Mindanao-Sulu that have not been touched on in this volume. For example, the rise of vigilante groups among Christian communities in reaction to the secessionist movement has not been discussed. At the height of the fighting between the MNLF and the Government forces in the 1970s – and even precipitating this fighting – these vigilante groups – known locally as the “Ilaga” (rats) – were organized ostensibly to protect the Christian communities from attacks by the Moro forces. Unfortunately, these vigilante groups became notorious for widespread acts of brutality that were inflicted not only on Muslim communities but subsequently on Christian church groups suspected as supporting the cause of the communists in Mindanao. In recent months, following the resumption of fighting between some MILF forces and the government as a result of the government’s abandonment of the Memorandum of Agreement on Ancestral Domain (MOA-AD) which was supposed to have been signed as part of the process leading to a negotiated peace settlement between the government and the MILF, these vigilante groups surfaced once more.

Neither has there been any discussion in this volume regarding the political dynamics in the Mindanao-Sulu area. This is a very complex field, reflecting not just the rapidly changing alliances and opposition of different political families in this area, but also the question of the manner by which modern political processes have actually been utilized to reinforce the feudal relations that have existed in the area from time immemorial. Then there is the ticklish issue of how national-level politicians from the

highest levels manipulate local politics in the Mindanao-Sulu area for their own personal advantage.

These are but some of the other aspects that one must keep in mind when one approaches an area, particularly if there is the intention of

undertaking humanitarian or developmental or peace-building interventions in the area. Awareness or ignorance of these and the factors discussed earlier can spell the difference between effectively implementing a program intended to benefit a community and seeing it go to waste.

Conclusion

Humanitarianism in Complex Areas

Merlie B. Mendoza

Humanitarian interventions have traditionally been associated with assistance provided in times of natural disasters. The most prominent example of this in recent times was the Tsunami of 2004, which hit the areas bordering the Indian Ocean and resulted in over 225,000 deaths in countries ranging from Indonesia, Sri Lanka, Thailand, Bangladesh and India.

Humanitarian interventions have, however, also been undertaken in times of war, and this, for example, sparked the establishment of the International Committee of the Red Cross (ICRC) in the second half of the 19th century. Nowadays it seems that humanitarian interventions more often than not have to be undertaken within the context of conflict, hence, the focus of this volume.

Natural vs. Human-Made Disasters

Humanitarian workers are deeply aware of the distinctive differences of working in areas of natural disaster versus areas where wars or fighting exist. Wars leave deep indelible scars in the individual and collective psyche of the victims most often entire communities. It is not just the basic physical needs that are lost and found wanting by victims displaced by the conflict. More telling are the degradation of human dignity and the sense of helplessness that weighs down on people.

“Nature may cause harm unintentionally, while humans are capable of causing harm intentionally. While in the case of natural disasters, individuals may begin to doubt that the world has any sense, victims of man-

made disasters tend to view the world and themselves in a more negative light” (*Janoff-Bulman* 1992). As Filipinos have witnessed too many times in our country, “Natural disasters may kill, but they do not threaten people’s self-respect. Human failure and violence do.” (*Welsaeth* 1994)

“In armed conflicts, there is a deliberate, conscious attempt by armed parties to subdue or inflict harm on individual members of opposition groups, to dominate or shatter the social structure of the ‘enemy’, and/or to capture damage or destroy their material resources.” (*Meyers* 1991) When someone plays god over you, taking your destiny in his hands, your personal sense of autonomy breaks down.

These are the standard psychological and social effects of repression that every humanitarian and development worker must be aware of particularly in working in conflict areas. Understanding these critical factors would guide us in determining the proper courses of action and the degree of sensitivity necessary to work towards conflict management, and even for the sustainability of our program interventions. It is critical to look into not just the personal but the collective healing processes that should be inherent in our community engagement. More fundamental is the consciousness that our intervention, no matter how small it may be, is something that would harness social cohesion rather than division.

The trend in war situations locally and globally has made humanitarian work and

peace building extremely difficult and puts humanitarians at greater risk. Many times, we find ourselves walking on a path laden with broken glass, as it were, becoming suspect to both parties to a conflict. These are easily picked up and transmitted through public perceptions, rightly or wrongly, of our humanitarian engagements. But these perceptions do matter a lot to our survival. The evident threat and reality of kidnappings by bandits or by those who claim to be Islamic fundamentalists is constantly there. For community-based humanitarian and development workers in conflict areas, the risks are tremendous especially as the more moderate traditional leaders in these communities - with whom we have nurtured a working or even personal relationships - find their own sphere of influence diminishing as they themselves are entangled in a worsening state of marginalization. Their own confidence to broker agreements in a community that once sought their opinions has been shaken with the takeover of secular political structures of governance overruling traditional leadership. As such, they are constrained to make a strong position against irrational violence - for reasons ranging from fear to resistance in getting involved in long-range clan conflicts.

This is one of the answers I console myself with on the question, "Why, despite many years of community program engagement, many years of trust building, any community-initiated effort to get my friend and I out from the hands of our captors became unsuccessful?" In a highly volatile situation, community partnership building is no longer a guarantee. It is no longer a safe assumption that communities can protect us in our humanitarian and development engagements.

Security management that consistently upholds the principle of neutrality is a very difficult balancing act for humanitarians like us. As we continue to tread on dangerous, volatile ground, we reiterate in our hearts and minds that humanitarians operate on the basis of need, and must preserve their neutrality and independence. Yet, we realize too well that we are no longer exempt from security threats

from armed groups that evidently pursue other objectives. At the same time, we are often also suspected by State security agencies as giving aid and comfort to the "enemy". At best, we are blamed for our intransigence when we fall victim to acts of violence from bandits and so-called terrorists.

Why has this become so? One answer I can offer refers to the nature of today's wars and armed conflicts. Civilian communities have now become the actual battle zones. Civilians have become legitimate "collateral damage" as they are suspected accomplices of the enemy. You weaken the community, you weaken the enemy. In a civilian battlefield no one is considered neutral.

The ICRC People on War Report explains that, "At the end of the 20th century, civilians have moved to centre stage in the theatre of war, which in the past was fought mainly on battlefields. The fundamental shift in the character of war is illustrated by a stark statistic: in World War I, nine soldiers were killed for every civilian life lost. In today's wars, it is estimated that 10 civilians die for every soldier or fighter killed in battle". At this instance, hostilities will worsen and cause the conflict to spread.

In this open warfare, humanitarians and development workers as potentially any other civilian have become "justifiable targets".

Communities in Perennial Situations of Conflict

Unfortunately, in many areas - as in Mindanao-Sulu - many communities have never known peace. In the province of Sulu, for example, it can be said that not a single generation of Suluanos in the past 450 years has ever experienced a life without war, since the arrival of the Spanish colonizers in 1565 to the present time. Working with some communities in Sulu, it was discovered that some families had had to evacuate from their homes as many as ten times in the past twenty-five years. One woman gave birth to all her children during different periods of evacuation. The

lives they and their children had known had essentially been lives as displaced persons, living in evacuation centers, or a relative's house dependent on the generosity of others for food, water and other basic supplies for their survival.

Under such circumstances, is it surprising that people develop a culture of dependency, that people lose their self-pride and that their children grow up knowing nothing but a culture of violence and war?

The Dilemma of Governance

The structure of society is such that elected leaders are placed to represent the interests of their constituents and address their needs. However, in many areas in the Southern Philippines – and admittedly elsewhere in the country as well – feudal attitudes towards governance still prevail. Public office is seen not as much as a position of trust and service but as an opportunity to advance one's personal interests and benefits. Thus, for example, the Internal Revenue Allotment (IRA), the share that local governments obtain from national tax collections, is handled as if it was intended to fill the personal coffers of office-holders. This is why elections can be very bloody as political clans fight over the office. Moreover, in many areas it is the exception rather than the rule to find Governors and Mayors in their provinces or assigned municipalities. More often than not they are to be found in highly urbanized areas that offer more comfort and opportunities than home. Given such a situation, to whom do people turn when they encounter problems in their communities, given the fact that their elected leaders are not around to attend to their needs or work at building their socio-economic service institutions? Yet, we are also aware that even their presence does not guarantee better public service. All the more people need to depend on their own resources and capabilities.

If an external development agency were to ask a local government official if he would support programs that would develop the capabilities of his constituents, inevitably,

the response would be positive. However, it would seem inevitable for governance and empowerment to clash. After an intensive process of empowering communities, a point would be reached where the local government leader – who may previously have been very supportive of a program – would begin to question the methods and objectives of community empowerment. When the people are no longer as meek and as unquestioning of their local leader's actions as they had previously been; when people begin to be more assertive, having discovered that they had capabilities and strengths they had previously been unaware of, the local government leader would find all ways and means to make it difficult for NGOs to continue their development intervention. He could make his once NGO ally feel no longer welcome within his municipality.

It would then seem inevitable that at the end of the day, one ends up with a clash of interests with local government leaders who seek to perpetuate themselves in power. For as long as the development intervention serves the purpose of reinforcing such feudal structure, and not raising community consciousness and capacities to a level perceived as being disruptive or even threatening to the status quo, it is deemed acceptable. The challenge, therefore, seems greater in “reforming” the leaders. Even as they are looked upon as critical stakeholders for affirmative change, one realizes that many are simply not ready for such change. Nonetheless, many peace and development workers have come to realize that having to “deal” with such types of governance people at times may just have to be the “lesser evil” in order to promote the greater good if confronted with an absence of choice at a given moment. One needs to creatively confront institutions that undermine the pursuit of human security.

In much worse environments, this modern day war of extreme ideologies and fundamentalism is aggravated by the selfish, obsessive interest of political leaders to perpetuate themselves in power at all costs; everyone in the expanded war zone has

become fair game – unarmed men, women, and children; humanitarians, and peace and social development workers, missionaries. Justice and security institutional mechanisms have become inutile, reinforcing a culture of impunity. The electorate has become irrelevant as votes do not get counted legitimately. Whoever has the “guns, goons and gold” lord over those who have not. And worse, such is tolerated by administration officials who likewise seek to perpetuate themselves in power, for political convenience. This culture of impunity and violence has been tolerated, if not tacitly supported by national leaders. The spiral of violence sees no end. One, therefore, should not be left wondering why authentic social development has not significantly taken off in Muslim Mindanao, similarly in some other areas in the country. In the ARMM, we have seen too many dilapidated schools that are not functioning (teachers are not paid; schoolchildren are malnourished, they have no school supplies and textbooks, etc), health centers with no medical personnel and medicines, water systems that do not provide safe water; where entry slots in the police force commands a high fee (at least P300,000 per applicant), and more. There is no basic sense of respect for the value of human life and dignity by mandated government officials, who have most likely won the public office by coercion. As this governance culture extends to service agencies in the frontline, you are left with either empty offices or overcrowded personnel with no significant performance output.

Military Humanitarianism in Communities in Conflict

A phenomenon of the 20th century is one where the military has found itself to be in the forefront of so-called “humanitarian” work in order, in the old Vietnam War phrase, “to win the hearts and minds of the people”. Most common forms of such military humanitarian interventions are medical missions and infrastructure projects. In the post-conflict scenario, or non-conflict zones, the military calls its non-combat activities as civil affairs or humanitarian missions. The challenge is

deemed to be high in rebuilding a relationship with the people affected by war particularly as the military is a party to conflict.

In the context of conflict, however, humanitarianism by a party to conflict is viewed with suspicion by many so-called “beneficiaries” as it is seen to be more of a cover for intelligence data gathering, thus masking what is actually a covert military objective. Without a clear understanding of humanitarian principles on the part of the military establishment, a dire consequence of such activities is the reinforcement of dependence on the part of a populace that has yet to experience an authentic and empowering community-based program, and, in certain circumstances, even an increased mistrust of the military establishment. Rather than pursue projects that would reinforce local institutions as mechanisms for sustainable long-term programs, short term activities are preferred akin to quick and output-oriented missions.

In the Philippines, for example, primacy is given among State security organizations – the police and the military – to internal security objectives. Thus even so-called “humanitarian offensives” – as even the President herself has termed it – are clearly undertaken within the context of internal security. Thus programs are chosen on the basis of which will produce greatest return in terms of internal security dividends – intelligence gathering, psychological warfare impact on the enemy and support base among the masses, etc. Target areas are likewise chosen on the same basis rather than on the basis of greatest need.

It may be too much to expect the military to set its mind on long term, sustainable program engagement. This is not the primary objective of military humanitarianism. The best that can be said is that the military and police undertake stop-gap interventions in the absence of the regular agencies of government performing their mandated duties. To hope for more than this would be to create very high, if not unrealistic expectations, and in

fact potentially creates more risks for the humanitarian populace at large.

Paradigm Shift in the Military

Nevertheless, given the reality that in many areas in Mindanao-Sulu, for example, civilian agencies and local government units are unable to address the development gaps that cause conflict to thrive, a few unit commanders of the Armed Forces of the Philippines (AFP) who have operated in Sulu and Basilan have attempted to venture into peace building and conflict management. This is their step towards a “change in paradigm” in the thinking within the military establishment. Such a direction is being debated within the humanitarian community, whether it is conceivable that combatants, whose primary objective is to “neutralize” an enemy, can at the same time take upon themselves the mantle of humanitarianism.

Traditionally, the military establishment is not considered to be geared to undertake engagements long identified with civilian tasks. This is not even to say that the Philippine military organization is fully behind this transition. Although such can be considered better than armed combat operations, one must first try to ensure that the frame of mind and fundamental principles that guide humanitarian interventions are firmly established.

In 2007, the AFP established the National Development Support Command (NDSC). Its *Kaunlaran* 2009 mission is to undertake “peace and development projects nationwide to support the AFP’s ISO (internal security operations) objectives and the government’s peace and development initiatives”. Like any AFP mission, it is performance-based with clear, immediate quantitative target outputs. Execution is done thru expedited completion of projects mainly thru its Engineering Brigades.

When the Philippine President Arroyo ordered a “humanitarian offensive” in Basilan, Sulu and other areas of the ARMM in August

2007 (Administrative Order 192), it attempted to zero in on economic development as its “principal weapon against terrorism”. This “humanitarian invasion”, also referred to as “full-scale development offensive”, launched the Health Education, Livelihood Progress (HELP) in these conflict areas. Traditionally, government’s approach continuing from past administrations has been centered in the “comprehensive delivery of services”, which in operational terms means convening various government agencies and tasking them to divert specific funds for what are actually short-term interventions to these areas. This obviously reveals that serious gaps are evident in service delivery and that an Administrative Order is required to move the agencies to function with efficiency and effectiveness. Be that as it may, the more critical gap is in the comprehensive understanding of the complexities involved, yielding a mismatch between the responses and what are perceived as the threats. It would be good to revisit HELP and evaluate how its “full scale development offensive” has made an impact. The often high publicity programs such as this begin as fast as it ends.

Human security is people-centered, not threat-centered. The same kind of force and effectiveness that would characterize responses to it is much like how a military organization responds to national security threats. Participatory processes take time. Such is a concrete challenge faced by a constrained institution that the AFP is. “The human security approach urges institutions to offer protection which is institutionalized, not episodic; responsive, not rigid; preventative, not reactive” (Alkire, 2002). Without a clear understanding of its vital core, the respect for and emphasis on human beings as the development “end” in itself, any other approach will only unintentionally undermine it. Essentially, there is a need to reorient our own national security policies in attaining human security and specifically in its “peace and humanitarian offensives”. To eliminate this mismatch, the emphasis has to be redefined or the focus shifted, and practical outcomes realized.

The NDSC mission statement may be noble but without the appropriate framework and principles, it is bound to fail not to mention the fact that it faces serious challenges in terms of acceptability and support within the AFP. To begin with, it is indeed crucial to transform soldiers into responsible fighters, aware of the rights of people in armed conflict and the limitations on the use of force to achieve security, peace, and development in the countryside, as true professional soldiers should be. But in the context of armed conflict, can soldiers be transformed into agents of peace?

At least one ranking Philippine military commander believes that this is possible. In venturing into this paradigm shift, Maj. Gen. Raymundo Ferrer, PA of the Eastern Mindanao Command states that, "Winning the war is just one face of the conflict. Rebuilding, rehabilitating, and reconciling communities affected by the fighting especially in an internal conflict is the more challenging aspect of the post-conflict scenario. Every leader and commander for that matter should take into consideration all these aspects as he tries to win the war and to win the peace. Peace Building and Conflict Management tackle all possibilities; before, during and after every conflict". Furthermore, he admits that "Today in Mindanaowe have so many factors to consider and so many roles to play so that we should not only confine ourselves in engaging the armed groups through combat, but we should also understand the nature of the conflict in our area so that we can be the real protectors of the people. The military has become part of the problem especially in the Muslim areas simply because of the stories of the abuses committed by soldiers especially in Basilan and Sulu during the Martial Law period which until now were not forgotten."

When I was deeply involved in my humanitarian, and peace and development program engagement in Sulu (2004 to 2008), I was very keen in seeking opportunities for reconciliation and was deeply aware that public manifestation of such is vital in

healing relationships and nurturing trust. In September 2006, I had met the Joint Task Force Comet Commander, Major General Reuben Rafael, PA (now retired), and who was then the military commander of all government armed forces operating in Sulu. He impressed many of us who have dealt with him as a professional military officer who is sensitive to promoting public trust. My self-introduction was also an occasion to brief him on the Sulu peoples' history and our proposed program on how to promote a culture of peace based on an eight-month study conducted in the province. A major strength this military general has is his humility and simplicity. Many times, as I was to witness them, whenever there were reported human rights violations committed by some military officials that would be brought to his attention, General Rafael would personally seek to apologize and extend ways to reconcile with the offended civilian community. One special case that comes to mind was in June 2007, when I (and my accompanying group composed of children, two young men and two women) had the unfortunate "mis-encounter" with government soldiers in the course of a humanitarian activity in one distant location. We ended up running for our lives traversing a two-kilometer muddy coconut field. Reporting immediately to the General, he not only went the following day to get me from the community I had sought refuge in, but he also facilitated a "confrontation" between the erring soldiers and me. On the third day, he accepted my invitation to return to the community where the unfortunate incident took place, and together with the offending military officials, they had a public display of apology before the community (not to be exclusively mine). In a profound message, General Rafael stated to the mayor and his constituents, "We are the protectors of the people". This brought tears to a number of Tausugs present including the mayor. The mayor stated that never has it been in their history in Sulu has a military general apologized to them like General Rafael did. With certainty, I believe that such public initiative is a vital step towards healing and can begin to spread more positive stories of military and people encounters rather than the usual combat atrocities one often hears.

One can only hope that there are other leaders within the military establishment that have internalized the perspective that these Army Generals have expressed and manifested. Humanitarian workers cannot but give such kind of officers the benefit of the doubt and hope that a meaningful partnership can be established in rebuilding communities shattered by decades of war.

Framework for Intervention

There is therefore a need to come up with a framework for humanitarian intervention and peace building in situations of armed conflict, one that recognizes the unique experiences that victims undergo in such situations and that call for approaches geared at contributing to the crafting of a long-term resolution of the conflict situation.

Clearly the experience in the Southern Philippines has shown that most of the traditional development interventions introduced by the Government and by International Donor Institutions and NGOs have either been wanting or have failed. Why, after hundreds of millions of Dollars in assistance poured into the area, after decades of programs upon programs being introduced, do people still live in poverty and conflict, do people still live in fear, not knowing if they or their children will face another day of violence and uncertainty, not knowing when they will be able to return to their homes and live in peace? And why the military approach, over the past decades, has failed repeatedly?

Clearly a different paradigm, a different framework of approaching and way of looking at things are needed. It is the first, basic step.

First Step - Understanding the Situation

The first building block of the framework consists in understanding the context within which one will operate. As the papers in this volume have shown, in the Southern Philippines one needs to understand the history of the area, who the various peoples

are that live and work in this area, how they came to be, what the forces are that shaped developments in the area, what people's aspirations are as a result of these forces, what the contending views are which are prevailing in the area today.

One needs to see what are the different conflicts at play, that it is not just, for example, the legitimate police and armed forces of the State trying to impose law and order on so-called "terrorists" but that because of the history of the area the people may in fact view the State as being another colonial force, imposing a foreign way of life and system of laws upon a people who have in fact had their culture and laws in place even before the State came into being.

Surface conflict may be underlain by a conflict for control over land and resources, which could however be a proxy in fact for a very real dispute over which culture and mores are to prevail. On the other hand, the conflict over land may be manipulated by certain parties, often political leaders, who want to take advantage of their collaboration with the State and the prevailing system of laws to extract certain personal advantages over their constituents.

The conflict could perhaps be better understood by viewing the clash of ideologies between the State and the resisting forces. At the same time, though, one needs to be wary of situations where ideological imperatives are utilized for narrower objectives by some of the contending parties.

In brief, as humanitarians and development workers, we should not go into an area assuming that the situation is just like any other area we have worked in, even if it is within the same country. There is no substitute for doing one's homework and approaching one's tasks with good judgment, sensitivity, creativity and openness.

Second Step - The People

If there is one principle that humanitarian workers and other well meaning peace

practitioners need to espouse it is this: that in the final analysis, the approaches and solutions to helping people pull themselves out of the abyss of poverty and conflict that they may find themselves in lies in their hands. One need not go far to look for solutions. They basically lie in the knowledge and the experience that people themselves have.

It must be seen that the real strength and human potential for conflict transformation and peace building lie in the people caught in the actual situations of unpeace and dire poverty. They have the truthful determination and untapped potential to work for positive changes provided the opportunities are made available to them, or simply, not withheld from them.

Too often Donor Institutions, NGOs and Governments bring their preconceived notions, formulas and agenda or *one-size-fits-all* programs to an area and express surprise several months or years down the road as to why the programs have been abandoned, why water systems have fallen into disrepair or why health centers or classrooms are inhabited by livestock. And often, the easy answer is that the people have not appreciated the value of what had been “given” to them.

The real answer probably lies in the process by which the program had been introduced. For a program to be sustained and have a long-term impact on a community it must be based on a partnership, a partnership between the community and the development agency and its workers. And true partnerships are anchored on trust. It necessitates a face to face, person to person encounter, both in good and difficult times over a significant period of time. It is not an easy process; it is one that requires a leap of faith. For those that choose to and are able to manage to work in these conflict areas, motivated with ideals (but not naiveté), these individuals are challenged to undergo a real change of attitude of humility and trust to allow the process of their own transformation towards better understanding.

A Mutual Transformation Process

There is so much to learn from communities in conflict who have been through a lot of difficulties. If at all, a peace and development worker's humble role is to try and work with the communities, most of whom are not sufficiently able to articulate their priorities, in eliciting untapped capacities, engaging in a very delicate process of value transformation in every stage of the process. Indeed, the transformation process is a personal and collective journey that is mutually beneficial. It is essentially a handholding process that opens the mind, touches the heart and moves the person to act not merely for oneself but for the good of others. Hence, each player must be very conscious of promoting ethical principles. With the dignity of the human person consistently in mind, we need to uphold accountability to the people, aiming at optimal results and adopting creative ways to achieve these. At the end of the process, the development worker will realize that he or she has learned more, gained more from the community than he or she may have actually contributed.

Third Building Block - The Programs

If one accepts this view that the power of transformation lies in the hands of the people, then one begins to view programs and projects differently. True, there are pressing needs of people in conflict areas – needs for clean water and sanitation systems, access to health care, access to education for their children, opportunities to earn a decent income in order to provide a modest standard of living for one's family, security from harm being done to one's person or properties, access to justice should some transgression be committed – but the provision of the goods and services to meet these needs should also be seen as being vehicles to achieve a longer-term objective: the unveiling of the power that lies within the community. Moreover, any humanitarian or development engagement in a conflict zone, particularly in the midst of conflict, cannot be seen outside of the quest for peace.

Projects should not be seen as mere physical facilities or services but in addition should be seen as vehicles for people to discover their potentials and their strengths. They should be seen as opening up opportunities for a dejected people to bring back their self-respect and collective pride for the good work they are carrying out for their own community, their people. The same principle applies in carrying out humanitarian work. The interventions must be strategized in a way that could elicit and harness volunteerism and pride most especially among the affected peoples themselves, who are engaged with as partners and not mere victims or beneficiaries. There needs to be a gradual awareness-raising that programs and projects can have an impact beyond the surface manifestations of the physical attributes of the project, that they go deeper into the psyche of the community and at the same time can be very cost effective and replicable. Money is not necessarily always the primary motivator. If community engagement is not managed properly, funds can become a source of further division among the peoples. And worse, people are deprived of the first chance to determine what they can actually give to the engagement which cannot be quantified in monetary terms.

Development projects always have TWO phases: Technical and Social. Oftentimes, too much emphasis is placed on technical solutions to what are primarily social and political problems. More often than not technical solutions can be easily found to meet a need of a community. That is frequently the less difficult part of the project. Many times, the social aspect far outweighs the technical problems, more so in conflict areas where the confidence and dignity of people have been shattered over many years of war and violence. The level of distrust remains to be high. Even motivations of development workers bringing projects to a community can be viewed with cynicism; that the projects and the community are being used in order to generate funding which the development organization will use for its own purposes.

If not approached properly, a culture of dependency, even of mendicancy, is reinforced

in communities exposed to accept handouts from government and other NGOs in the past. It demeans the inherent capacity of peoples to be resilient. It is critical to carefully counter such culture of dependency by drawing out the peoples' faith in themselves and helping nourish this delicately to facilitate sustainability of programs. This is by its nature a long-term process. Wherefrom do we pick up the pieces when the spirit that would give life to these programs and projects has long been exterminated? Poverty is not just about the deprivation of food, decent clothing, shelter and education but also a poverty of the spirit borne out of the struggle towards self-centeredness and individualism, as a primary mode of survival.

The Need for Flexibility and Creativity

Because programs and projects are viewed in this manner and because the setting is in a conflict zone, flexibility and creativity are important skills. As conflict areas are by nature, volatile and uncontrollable, one cannot be rigid about targets and indicators. Flexibility and creativity are important life skills. The security of the life of the humanitarian or development worker and one's team must not be compromised as the risks become more evident as each day passes. It is akin to tiptoeing on broken glass. Primary consideration is the preservation of the personal trust relationships with the community and its leaders; secondary is the constructive rapport with the local network of NGOs and government agencies, including the military and non-state armed groups, within the parameter of your program operations; third and last is the management of your own organization's pressure and demands.

A multi-disciplinary approach is critical and the strong ability to balance this with natural intuition is essential. The demand for flexibility means the ability to step back and make the necessary halts and turns in different directions at the right time. The traditional mode of sequential programming, targeting specific outputs for a specific period

is inapplicable in such complex situations given the fact that the situation is beyond your control. Every step and subsequent step takes off from deep reflection, and some consensus building. Each model of engagement is going to be different as it is context-specific but the common denominator begins with local knowledge and choice. We must offer a range of policy options to communities to enable them to assess the implications of the various choices open to them. We must find creative ways that will not restrict but rather promote the ability of the poor and marginalized to make their own policy choices. In the same vein, donors and NGOs must recognize these operational constraints in such constricted complex environment within which their program partners, and staff, respectively, operate.

Winning the Peace

In winning the peace, time is of the essence so that creative interventions must work out a balance to prevent new conflicts that feed on current ones. The distinct opportunity for peace building comes at its ripest moment. More often than not, as frequently witnessed, responses have been too little, too late. Timely and well thought out action that could keep a community from sliding back into renewed and much worse conflict is oftentimes missed. One would be able to seize the opportunity as it presents itself only if one were on the ground exercising utmost vigilance. Winning the peace means constant vigilance, fragile as it is. A win-win solution triumphant at a given moment is not likely to sustain without vigilance. The gains of peace, no matter how small it may seem, need to be protected jealously with the same rigor and vigor (if not much more) military forces have in carrying out their operations to win against the enemy.

The underlying framework for interventions in areas of conflict must be that of human security, which espouses the protection of the vital core of all human lives in a way that enhances human freedoms and human fulfillment - the freedom from

FEAR, freedom from WANT and freedom from HUMILIATION. It must be understood, particularly by those charged with national security, that human security enhances & ensures internal state security.

Winning the peace means social justice and respect for human rights. Civilian authorities and civil society organizations (CSOs) must assert the respect for human rights particularly of communities caught in conflict. Ultimately, the underlying causes of conflict must be addressed, and the primary cause remains to be social injustice and the disrespect for human rights.

Winning the peace means providing basic services. People need food and shelter, clean water, basic education for a minimum life of dignity. In the province of Sulu, for example, many communities displaced for many years, do not even ask for a bed for the night, they just want to be able to go home to their ancestral roots “to sleep soundly under the moon and the stars”, as profoundly expressed by one displaced elder who has lived beyond a hundred years. To this day, there are many communities in Basilan and Sulu, which have been displaced for many years and are unable to return to their farmlands and home communities, which have become a “no man’s land” due to intermittent but sometimes relentless military operations.

In 2005 *Tabang Mindanaw* engaged the province of Sulu in addressing the adverse water condition in the province. A province-wide study it has conducted revealed that 92% of water sources evaluated are contaminated. Most of these contaminated sources are open dug wells. People are forced to obtain water from these unsanitary wells because they have limited access to safe and clean water sources. Only three out of ten families in Sulu has access to clean water. Life expectancy for one born in Sulu is 52.8 years. Sadly, this and the conflict situation have become the “norm” for the province. People in Sulu say they are used to it, probably expressing that it has been a fact of their lives and that change is improbable. This mindset has dangerous implications

for positive change and could also serve as a convenient “excuse” for mandated government officials and service agencies not to undertake any innovative programs that would transform the status quo into one that provides the people what they actually deserve.

Winning the peace means provision of alternative livelihood. Without a source of income, the odds of renewed instability are enormously enhanced. People require immediate short-term personal security to be able to plant and harvest a crop, to fish for the next meal, and attend to their cattle. The deprivation of the means to earn a decent income and be self-reliant is a grave violation of human dignity and self-pride which may lead one to either mendicancy, criminality or rebellion.

Winning the peace needs new institutions and empowered communities. Good governance that is responsive, proactive and not merely reactive is essential for a secure community. This calls for a good police force, an honest and expeditious justice system, and dedicated civil servants who are fair and transparent and rely on the rule of law. Good governance draws out and welcomes the active participation of all stakeholders in setting their own agenda for development and peace, and working for its realization. With the present-day tolerance and nurturance of political warlords, who are obsessed to gain more power and wealth, building new governance institutions and empowering communities will continue to be an uphill struggle.

Freedom from Humiliation. Freedom from humiliation is the heart and soul that demarcates the life and death of a people. The local people and their officials must have the free rein to take pride, and own their responsibilities in all these undertakings. It kicks off from what the community is able to counterpart in essentially intangible, unquantifiable terms to bring about constructive change for the public good.

Healing and Reconciliation

Healing is an inevitable step along the road

to reconciliation. No development program can take off without some confidence that the ghosts of the past can be revisited without some agony.

Many times I have listened to stories shared by Tausugs in Sulu of horrendous human rights atrocities done against them and their ancestors by government soldiers. Whether the event took place during martial law or in the recent past, it brings the same feeling of anguish and pain as if it just took place in the recent past. Hatred and vengeance are felt deeply by both parties to conflict. Perhaps one should try to look deeper into the need to understand the reasons behind the gross physical mutilation done by some Muslims against government soldiers as was reported in Basilan and Sulu many times.

The long, arduous path to peace is essentially a healing path – opening up opportunities for people to regain trust and pride in themselves and in their fellow human beings. Any program engagement should inherently attempt to resurrect the human spirit, extending the occasion to give and feel the goodness and joy emanating from such engagement. It provides a healing path that is able to reach out to each other in a respectful and affirmative manner.

Humanitarianism and Hope

Despite the serious constraints we are now facing as committed humanitarians and peace workers, I still believe that the vital, unprecedented paths to peace and development are waiting to be explored. What we have experienced or have seen in the Southern Philippines is that communities still have a strong desire for peace more than any other. There have been many positive examples, and they continue to go on. It is from this desire that solutions for peace can emanate. Until and unless the people who are living in the crossfire, the people who continue to suffer the unquantifiable and unimaginable horror brought about by war and violence; the people who struggle through an endless cycle of rebuilding, are themselves given the

opportunity to direct their own paths to peace, the end of conflict will never be in sight.

Indeed, perseverance demands a lot of hope, the firm belief that despite the odds, peace and development will come. In any disaster situation, a humanitarian worker always keeps hope aflame in one's heart. Indeed, the best of the human spirit triumphs in the most difficult circumstances when resilience is fostered, oftentimes in first-hand encounters in the frontlines.

One's vision for peace and humanitarianism must be infused with sustained commitment and endless optimism, yet, needs to be crucially balanced with realism. It is not an easy task, akin to walking on a tightrope or groping in the dark, knowing that one is putting oneself at risk but proceeding nevertheless. At times, this commitment to peace is pursued even at the supreme sacrifice of one's life. The difficult challenges that humanitarians experience and will continue to face in complex areas reveal one's own weaknesses even as these very same moments could unravel one's strengths. One's fears can be overcome with faith, hope and understanding. These will continue to sustain the humanitarian worker in the most difficult management of conflict.

Humanitarianism and Peace

There is no sure path to Peace. Many of us who have been exposed to situations of conflict one way or another could firmly say that nothing is risk-free. Peace, to some of us, may just be a panacea, something remotely possible as the complexities that confront us seem to magnify each day. Be that as it may, hope is the flame in the hearts of every worker for peace. I believe that every humanitarian worker in a conflict zone is truly and must essentially be a worker for peace, and a manager of conflicts.

Elusive as Peace truly is, I believe that what is critical is the process that one undertakes towards Peace - the decision to take action and pursue Peace at all costs despite the

overwhelming impossibilities. Some key summary points to keep in mind are:

1. Risks will always be present. This is something the authentic humanitarian worker will need to recognize and accept.
2. It does not mean though that one just throws all caution to the wind. One can be courageous but not careless. It means that one must always be vigilant. One must always be discerning regarding the environment in which one is operating. One must always make judgments as to whether the risks in which one places oneself at any point in time is justified by the potential benefits to the community which would be lost should such a risk not be taken.
3. Working through local partners has many benefits, only one of which is to reduce the risk to oneself. More important is placing greater responsibility to the local partners, in the process enabling them to grow in their commitments to their compatriots and to themselves.
4. But it is also important to be sensitive to the perceptions of local communities and local partners vis-a-vis the humanitarian worker concerns about the risks to him/herself. Could it be perceived as a lack of commitment to them?

In the end, as in life in general, there are no clear simple answers. One has to work one's way through. There is no common template. Each situation is unique. Each has its own challenges. Each has its own opportunities and rewards.

The Peace paths are numerous and the challenges are enormous. Humanitarianism in complex areas is not for the faint-hearted. Sometimes you may need to take a step forward and step back ten times, or move sideways or even to just stand still. It is a gift of art and the skill of science. As the art and science of conflict management becomes more challenging as wars become more complex and

fluid, so must we, humanitarians, continue to harness our skills to be more creative, and nurture our instincts toward sensitivity and flexibility. One way of building on these is by

keeping close to the ground, pulsating with the people in the frontline, feeling their joys and pain as our own joy and pain.

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Asian Disaster Reduction and Response Network (ADRRN)

In February 2002, more than 30 Non-Government Organizations (NGOs) engaged in humanitarian work from all over Asia gathered in Kobe, Japan with the support of the ASEAN Foundation, the Asia Disaster Reduction Centre (ADRC), and the United Nations Office for Coordination of Humanitarian Affairs (UN-OCHA). The NGOs agreed on the need for an Asian network of NGOs for disaster reduction & response in Asia including, in particular, with representation from community-based NGOs. Later that year, the Asian Disaster Reduction and Response Network (ADRRN) was organized.

Seven years hence, the ADRRN brings together NGOs from the Asia and Pacific region working in the areas of disaster reduction and response. It now has 34 national and local NGOs in 16 countries. It stands as a major Asian voice in influencing national and international policies related to disaster reduction and response in Asia and the Pacific - from the protection of refugees and internally displaced people, the conduct of relief and rehabilitation, to fostering sustainable peace and development programs.

VISION:

Safe community environments and disaster resilient societies.

MISSION:

Promote coordination and collaboration among NGOs and other stakeholders for effective and efficient disaster reduction and response in the Asia-Pacific region.

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