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The Maguindanao Massacre and the Rise of Warlord Clans



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KONRAD ADENAUER-STIFTUNG

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Editorial

Editorial

The single event that brought the Ampatuan Empire crashing down is the Maguindanao massacre on November 23rd, 2009.

The political murders of Mangudadatu women, journalists, lawyers and simple bystanders with the use of civilian volunteers and some elements of the Philippine National Police have known no parallel in the history of the Philippine politics.

That such heinous crime happening in the Province of Maguindanao reveals the ugly face of feudalism still persisting in the Bangsamoro homeland.

No doubt, the tragic massacre begs for a new reading and interpretation of politics in Maguindanao in particular and in the Autonomous Region in Muslim Mindanao in general. The massacre urges all to revisit the political history of the Bangsamoro.

The politics in the ARMM are tied to the ruling clans in various municipalities and provinces that compose this special autonomous region.

By way of starting the discourse, the Institute for Autonomy and Governance is publishing the representative write ups on the Maguindanao Massacre.

Fr. Mercado's narrative giving us a new reading of the events as they unfold tells us of the making of the Ampatuan Empire from the former undivided Municipality of Maganoy to the Province of Maguindanao and to the ARMM.

Prof. Coronel's piece gives a tool of analysis of the events from the perspective of Political Science. The patron-

age system that is operational between the central government and the local warlord is also at work in the near absolute control of the local warlord over all the instrumentalities of the state including the COMELEC, the PNP, and AFP.

Atty. Santos' article locates the tragic event within the overall context of the Bangsamoro problem and the peace process in Southern Philippines. In fact, the negative implication of the massacre raises, once again, the issue of self-rule or autonomy for the Bangsamoro. The necessity of a strong hand intervention by the central government to restore order and normalcy puts in the balance the aspiration for self-determination and autonomy.

Prof. Banlaoi's article is an analysis of the actual participants in the Maguindanao massacre. He traces back the origin and the growth of the CAFGU and CVO and the control over them of the local warlords. The CAFGU and the CVO are state apparati that have become instruments in the formation of the so-called private armies of local warlords.

Dr. Lara's two articles give us insights into warlord clans by way of begging for deeper analysis into a huge underground economy that undergirds the authority and wealth of the local warlords. He claims that prior the massacre, the Ampatuan clan was the 'stationary bandit' in Maguindanao and the overlord of the ARMM.

The last article by Prof. Husin invites us to enter the dynamics of ethno-based conflict and peacemaking in Southern Philippines. The primary concept into this dynamics is RIDO or family/clan feuds. The article also proposes for a legal pluralism in the South and empowering the local communities to reclaim their traditions both in understanding the conflict and in settling disputes or conflicts, as well.

**The Maguindanao
Massacre and the
Making of the
Warlords**

The Maguindanao Massacre and the Making of the Warlords *Fr. Eliseo R. Mercado, OMI*

Introduction

November 23rd is now etched in the history of the province as the day of shameless ignominy.

On that day, a convoy of women of the Mangudadatu clan accompanied by media people and their women lawyers headed for the provincial capitol in Sharif Aguak municipality was stopped by forces of the Philippine National Police. These police forces were accompanied by hundreds of armed civilian volunteer organizations (under the command of the PNP) along the national highway in Ampatuan municipality.

The convoy was instructed to take the farm road leading to a deep hole meant to be the mass grave of the entire convoy members, including occupants of other vehicles that happened to follow the convoy.

The tragic drama began about three weeks before the Massacre with a Commission on Elections (Comelec) Resolution directing the transfer of the Comelec Satellite Office from Cotabato City to the Provincial Capitol in Maguindanao.

Then another resolution was issued, this time directing all candidates in the province to file their certificates of candidacy at the provincial ‘capitol.’

The resolution looked innocent when read and seen outside the provincial’s concrete political context. Yet, anyone in the place knows that

the said resolution followed the logic of the local politics and the control over the Comelec on the ground.

Comelec cannot feign ignorance of these realities nor wash its hands in the ensuing massacre in Maguindanao.

The concrete experiences of 2004 and 2007 elections and the participation of Comelec in the province are too gross to ignore.

There was a reason and definitely politics in the physical shifting ‘capitol’ sites in the province. There was a need to re-locate the ‘capitol’ in a place to ensure total control.

For this reason, Maguindanao can qualify to put the capitol building on wheels.

It began in Cotabato City; then Datu Udtog moved it to Pagalungan; post-Datu Udtog, it was moved back to Cotabato City; then it was moved to Maganoy (Sharif Aguak); Zacaria Candao moved it back to Cotabato City; then he moved it to a new site in Sultan Kudarat.

The Ampatuan moved the ‘capitol’ back to Maganoy where it now stands.

The total control of the capitol ensures absolute control over all government machinery in the capitol site, including the Comelec, the PNP, and the Armed Forces of the Philippines (AFP).

Months ago, the buzz in the province and in Cotabato City has been the looming political contest between the Ampatuan clan, the present unquestioned ruler of the province and the ARMM (Autonomous Region

in Muslim Mindanao), and the Mangudadatu clan.

Everybody in town is actually surprised by this challenge coming from the four Mangudadatu young, daring, and dazzling brothers (two mayors, one vice mayor and one assemblyman of the Regional Assembly of the ARMM). The leader of the clan and the main challenger is the present Vice Mayor of Buluan, Datu Ismael 'Toto' Mangudadatu.

The challenge came as a big surprise, because the Ampatuan clan is 'intimately' connected to President Gloria Macapagal Arroyo and the Lakas-Kampi-CMD Party both in 2004 and 2007 national elections. The convergence of the political and electoral agenda of President Arroyo and the Ampatuans is well known both in the national and local levels.

The challenge emerged when talks that the 'senior' Ampatuan is no longer qualified to run as governor of the province.

The name of the 'junior' Ampatuan has begun to surface as the clan bet for who they thought would run for the uncontested governorship in the province come May 2010.

This development sparked talks and counter-talks of contesting the governorship, which led to shifting political alliances, especially with the waning of the star of Malacañang and her official candidates.

The relations between President Arroyo and the Ampatuans hinged on a symbiosis of political and electoral interests as demonstrated by the clan's 'outstanding' delivery capacity in all electoral exercises held in the province of Maguindanao.

When we speak of captive electorate, I refer to 'managed' and

‘owned’ elections.

Political parties and candidates also refer to the entire ARMM as ‘captive’ electorate. This is not a simple perception but the ‘actual ballot’ counts’ attest to this ‘winner take all’ elections.

This fact is known also to the Comelec.

No doubt, if electoral anomalies happen, the people who manage and secure the elections are equally controlled. In most instances, the teachers and officials of the Comelec, including the PNP have little or no choices at all because their lives and their families, as well, are in jeopardy.

The Comelec resolution transferring its satellite office in Sharif Aguak and the requirement to file the certificates of candidacy in the ‘capitol’ is NOT as innocent as it looks unless Comelec were born yesterday!

This Comelec decision has forced the Mangudadatu to go into the heartland of the Ampatuan clan.

The Vice Mayor Toto Mangudadatu decided to go and file his certificate of candidacy but he was prevailed upon by the mother to let the women do the filing. The clan believed that Toto’s presence in Aguak may lead to actual bloodshed.

The mother and the religious leaders believed that an all-women delegation accompanied by media people and women lawyers would be respected since Islam strongly enjoins believers to respect women and children even during times of war.

As a double insurance for the delegation, the Mangudadatus asked

for police escorts from the PNP Provincial command. It refused to do so.

Understanding the perceived partisanship of the Maguindanao PNP, the clan asked for military escort from the 601st Brigade that has an operational responsibility for area however they were told that the AFP does not provide security escorts for politicians.

The clan appealed to the highest military command in the region for a security escort for the women.

They were assured by the highest military command that the ‘road is safe and there will be no need to worry.’

With that assurance, the all-women delegation began the trek to Sharif Aguak.

Upon crossing Salman along the national highway in broad daylight in Ampatuan municipality, the convoy was stopped, including other vehicles that happened to be passing by at that time. Their journey was halted by hundreds of armed groups believed to be CVOs (civilian volunteer organizations) that included some provincial PNP officials and a local mayor positively identified by the Mangudadatu.

The entire convoy was led to an open pit dug by provincial engineering equipment.

There the carnage began with brutality and no mercy for women, children, and the members of the media.

The last vehicle in the convoy, delayed by few minutes, saw the whole gang that stopped the convoy and made positive identification. It

turned back with speed and asked for help. But alas, the help came too late.

There were no survivors!

The first count was 21 fatalities in the afternoon of the same day. These were the bodies left on the ground and in the vehicles because of the haste.

On the second day, the body count reached 46 as investigators began to dig the mass graves. On the third day, the number has reached more than 60. They were all murdered with so much brutality that can only be compared to victims of savage animals in the wild.

The digging went on and the body counts continued to rise. The Mangudatu could only account for 40 members of their convoy. Beyond that number were innocent passersby who happened to be traveling the same road at that particular moment.

They buried the whole vehicles with the murdered passengers. Seemingly, the intent was to bury all the vehicles and all the victims in that big hole dug by the provincial 'backhoe.' But there was news that the troops were coming so the perpetrators hurriedly left the scene without completing their evil intent.

Today, the people of Maguindanao and Cotabato City continue to be in a state of total disbelief whenever they hear news about the massacre as it continues to unfold.

They are stunned and shocked! The real word is feeling of revulsion for how things stand in the province and the community.

The Comelec has now allowed the filing of candidacy in Cotabato and in Sultan Kudarat without filing for an exception. It has also returned the satellite office in the city.

Comelec shares the blame for this massacre. Ignorance can never be an excuse! It is a very costly political decision!

Knowing the close ties between the President Arroyo and the Ampatuans, the Presidency and the national government are directly held accountable!

People ask, will there be immediate arrests of the identified perpetrators of the massacre?

Three days have passed by and there is not a single arrest made yet...! Will there be honest and objective investigation of the massacre?

While we debate over the massacre, the perpetrators and the hundreds of CVOs, bearing high-powered firearms, and identified leaders of the massacre roam freely and with impunity. Onli in da Pilipins!

The making of the Warlords

The Maguindanao massacre brought to the fore the issue of 'warlordism' in Muslim Mindanao.

Warlordism in the Philippines, especially in Muslim Mindanao, is primarily based on a feudal system that continues to characterize the power relations not only between clans and families but also between the central power (Manila) and the periphery.

Warlordism is often associated with two major issues. The first issue involves the control over the machinery of the state that includes the security sectors (PNP and the AFP). The second issue is about lawlessness with impunity.

The ‘warlords’ are sort of ‘sui generis’ – ‘the rule of law’ is understood as the execution of their whims and caprices. The traditional basis of the power of the warlords had been their ancestry to royalty, whether perceived or real.

The Datus, in times past, would hold sway over their ‘sakop’ in a typical feudal structure known in medieval times. In modern times, the power basis of the warlords is no longer measured by the blood ancestry but by the actual ‘connection’ of the warlords to the all powerful Presidency of the Republic.

People cite the infamous three “Gs” – guns, goons, and gold – in the making of the warlords.

But the sad tragedy is that these three “Gs” are government’s ‘properties’.

Take guns.

A local warlord who is properly ‘connected’ would have unlimited access to firearms as the government’s courtesy in the fight against insurgency.

The second ‘G’ refers to goons, which have many faces on the ground.

Some belong to the Philippine National Police (PNP) while

others come from the Armed Forces of the Philippines (AFP). Others also belong to so-called civilian volunteer organizations (CVOs) subsumed under local government units or the Cafgus [Civilian Auxiliary Forces Geographical Units] under the AFP. Again, the ‘proper’ connection to power in Malacañang spells unlimited access to ‘goons,’ some of whom incidentally wear uniforms of the state’s security forces.

The third ‘G’ stands for gold, which also comes in many forms.

In many areas in Mindanao, particularly in the ARMM [Autonomous Region in Muslim Mindanao] where accountability and transparency are almost nil, the internal revenue allocation or IRA is the unlimited source of gold. In other places, drugs and numbers game have, of late, been also lucrative sources of gold.

Many actually opine that the war against drugs and illegal gambling is a big joke in this country, particularly in the ARMM, when politicians and law enforcers are perceived to be the real ‘operators’.

Under the present dispensation, particularly in the ARMM, people speak in whisper of yet another ‘G’. That fourth ‘G’ refers to Gloria or President Gloria Macapagal Arroyo.

The ‘unlimited’ access to this fourth ‘G’ is the all that distinguishes the small time ‘warlord’ to a paramount warlord of a province or a the entire region.

In Maguindanao, as in other provinces of the ARMM, the ‘rule’ over areas or territories is closely linked to families and clans. To cite a few examples, there is the Ampatuan clan that is recognized as the ‘ruler’ in the former municipality Maganoy that is now subdivided into four

municipalities (Aguak, Unsay, Mamasapano, and Hofer).

There is the Mangudadatu clan that is a recognized ruler of the former municipality of Buluan in Maguindanao and the Municipalities of Lutayan and Palembang in Sultan Kudarat or the territories around the lake of Buluan.

The more familiar clans that are similarly situated are the Sinsuats in the former Dinaig, the Matalams in the former Pagalungan, the Midtimbangs in the former Talayan, the Masturas in the former Nuling, and the Tomawis-Aratuc families in the Iranon towns of Barira and Buldon. They are all rulers by rights and blood in their traditional 'domain' or fiefdom.

These 'rulers' enjoy both the authority of traditions (agama and customary law) and the state laws, because they are the 'elected' local officials in their own domain.

The rise of a paramount 'warlord' does not come often.

Usually, the rise and fall of a paramount warlord depended on the whims and caprices of the real paramount LORD that resides along the Pasig River.

The Ampatuan clan was able to venture outside their traditional 'domain' (Maganoy) with the 'blessing' of the paramount LORD in Malacañang. Datu Andal Ampatuan, Sr. was already the 'ruler' of Maganoy during the time of Ferdinand Marcos; however, President Cory Aquino in 1986 removed him from office and deprived him of access to the security forces of the state after EDSA 1.

But in the first election under the 1987 Constitution, Datu Andal

Sr. became the undisputed Mayor of Maganoy. His rival, Datu Surab Abutazil, also of the Ampatuan clan, was assassinated in broad daylight in a cafeteria right in the market place of Maganoy. Mayor Andal was charged for the murder of Datu Surab but later the case was dismissed for lack of witnesses.

The turning point for the Ampatuan clan happened during the 2001 local elections.

With the full support of the PNP and the AFP, Datu Andal had beaten the incumbent Maguindanao Governor and the first ARMM Governor, Zacaria Candao. The decision to shift support to Datu Andal was the perception that Gov. Candao was MILF or sympathetic to the MILF.

Datu Andal became the ‘avid’ supporter of President Gloria in her decision to run for the Presidency in 2004. He “delivered” the whole province to Gloria against the more popular Fernando Poe, Jr.

This electoral ‘feat’ made Datu Andal the new ‘anointed’ one not only for the province but also for the entire ARMM.

It was no accident in 2005, when the Ampatuan made a run for the head ‘honcho’ of the ARMM.

It was an invitation to the government and President Gloria to shift to a more ‘manageable and predictable overseer’ over the ARMM after almost nine years of disarray under the rule of the MNLF (more than five years under Nur Misuari and 3 years under Parouk Hussin).

With the ARMM falling into the hands of the Ampatuan clan

and under the total patronage of Malacañang, the hold of the clan over the ARMM and Maguindanao has become undisputed. It is a steady and phenomenal rise to almost absolute power.

The last known paramount Lord of the Cotabato Empire province was Datu Udtog Matalam in the 50's and early 60's.

During the 2007 elections, the Ampatuan clan had proven, beyond doubt, their complete control of all government machineries including the Commission on Elections and the security forces in the area by the delivery a 12-0 results in the senatorial slate for the administration. This was also mirrored in the 'no contest' election in the province. From the provincial slate to the municipal slate in 30 towns in Maguindanao out of 32, all the positions were not contested.

In the past, the national government was the 'check and balance' vis-a-vis local warlords. The government in Manila made sure that the warlord's control remains within his family or clan domain. Even during the height of martial law, President Marcos made sure that no one family or clan dominated the whole region.

This equation has changed completely during the Presidency of Gloria Macapagal Arroyo following the 2004 national elections. There evolved a sort of symbiosis in the political agenda between the central government and the Ampatuan clan gaining control over the province of Maguindanao and the ARMM.

The shifting national politics after the death of President Cory, however, begins to impact the local politics. Malacañang is no longer seen as the power that makes or unmakes local leaders. In fact, this is the first crack in the hold of the Ampatuan clan over the province. This is further

exacerbated by the fact that the Sr. Ampatuan CANNOT run anymore for the top post.

On the other hand, the Mangudadatu clan is telling the new emerging national leaders that the time has come for new ‘stewards’ in the province.

New political alliances begin to take shape in the province, when the Mangudadatu clan made known their intention to challenge the younger Ampatuan for the gubernatorial post.

These were the actual arrangements in the political chess board when the Massacre occurred in the Province of Maguindanao that fateful morning of the 23rd of November 2009.

The government’s response

When we speak of government, we refer mainly to the Executive branch. It may sound preposterous, yet the sequence of events tell us that the government’s initial responses to the November 23rd massacre of 57 people in Maguindanao have followed the people’s immediate reactions – shock and disbelief!

We begin with news from the grapevine that began to be distributed through text-messaging at about 10:30 am of that fateful day.

The text messages – in various versions – announced the tragedy as it unfolded.

It began with the news that the Mangudadatu convoy on the way to the provincial capitol was stopped by the PNP [Philippine National

Police] and CVOs [Civilian Volunteer Organizations] under Ampatuan Jr. in Barangay Salman within the Ampatuan municipality.

A second text message later said that the victims were women of the Mangudadatu clan, including Ismael “Toto” Mangudadatu’s wife, Bai Genalyn, his two sisters, and the journalists and women lawyers. Reports from the grapevine also said that one car at the tail end of the convoy was able to make a sudden U-turn and sped toward municipality of Esperanza to report the incident and seek immediate assistance.

But the tragedy was that the urgent assistance sought for did NOT arrive despite the proximity of the AFP [Armed Forces of the Philippines] checkpoints and the headquarters of the 601st Brigade, just a half hour and one hour away respectively, from the scene.

There was an SOS call from the Mangudadatu clan, but the immediate intervention to save lives of the entire convoy – including vehicles that were merely passing by – did not arrive.

On that fateful day, in a mysterious way, there was NOT a single helicopter in Awang Airport, the home of the 6th Infantry Division and the Philippine Air Force. It all looked rather odd since on ordinary days, there would be two to four helicopters in the said airport.

Awang is the ‘frontline and forward’ airfield in the war against MILF [Moro Islamic Liberation Front] and the so-called renegade commander, Ustadz Amelil Ombra aka Commander Kato.

The Mangudadatus had to reportedly seek the assistance of their kin, the Mangudadatus of Sultan Kudarat province, for personnel and a helicopter to reach the place now known as the ‘mass graveyards’ prepared

for the entire convoy.

Reports from the grapevine also indicate that the perpetrators reportedly scampered away without finishing the ‘burial’ of other victims. They reportedly thought that the incoming helicopter belonged to the AFP that flew in from Awang airfield.

Since the helicopter came rather late, the entire convoy was murdered.

There were 21 bodies sprawled on the ground and the rest of the victims and their vehicles were already ‘backhoed’ and buried in three common pits.

The ground troops reportedly arrived about 3 hours after the killing, so people say.

One of the reports had it that President Arroyo herself asked when briefed of the massacre why there was a delay of ‘four hours’ before the ground troops could go to the massacre scene.

The perpetrators, including the provincial PNP leadership, were reportedly identified by the victims and some witnesses.

Defense officials arrive at the scene, receive massacre briefing

On Day 2, November 24th, the ‘bigwigs’ of Imperial Manila from the Departments of National Defense (DND), Interior and Local Governments (DILG), the PNP, and the AFP arrived at the scene as the horror of the massacre unfolded.

Officials were then briefed by the AFP at the 601st Brigade

Headquarters, located in Tacurong City, about an hour and a half away from the massacre scene.

During the briefing, the Mangudadatus saw some of the ‘bigwigs’ to narrate their version of the massacre.

The massacre involved an ally of the President, the powerful Ampatuan family. The Mangudadatus and witnesses identified Datu Andal Ampatuan Jr. as the leader.

The government then decided to assign Secretary Jesus Dureza, the Presidential Adviser for Mindanao Affairs, to head a task force to talk to the Ampatuan clan. He was told that Ampatuan Jr. would be willing to submit himself to due process.

On Day 3, November 25th, the Ampatuan clan ‘surrendered’ Ampatuan Jr. to Dureza for inquest proceeding by the Justice Secretary Agnes Devanadera in General Santos City. From there, the younger Ampatuan was flown to Manila and detained in a cell at the National Bureau of Investigation (NBI).

Day 4, November 26th, after Ampatuan Jr.’s ‘detention,’ the government declared a state of emergency in Maguindanao province of Sultan Kudarat and Cotabato City. The Provincial PNP, the Shariff Aguak police chief, and other police officers reportedly involved in the massacre, were relieved and placed under preventive suspension.

Military checkpoints were then deployed along the highways and at the entry and exit of Cotabato City.

Overnight, firearms disappeared in public, including those in

Cotabato City.

‘Toy guns’ collected, AFP commanders relieved of posts

On Day 5, 26th November, the state of emergency proclamation was followed by a show of ‘collecting’ the ‘toy guns,’ World War II vintage M1 Garand and M1 Carbine rifles which prompted people to wonder “where the real guns were.”

The area’s top two AFP commanders were also relieved after the state of emergency declaration. They were Major Gen. Alfredo Cayton of the 6th Infantry Division and Col. Medardo Jeslani of the 601st Brigade who both had operational control of the area.

Similarly, military personnel in the area were also relieved and new soldiers from other brigades and battalions were deployed in the area.

On Day 6, the 27th of November, the media reported that the Department of Justice (DOJ) placed eight members of the Ampatuan clan in the Bureau of Immigration’s ‘watch list’ since they would be invited for the massacre investigation.

The list includes the Maguindanao Governor Andal Ampatuan Sr., Autonomous Region for Muslim Mindanao Gov. Zaldy Ampatuan, Nords Ampatuan, Akmad Ampatuan, Saudi Ampatuan Jr., Bahnarian Ampatuan, Sajid Islam Ampatuan, and Akmad “Tato” Ampatuan.

On November 28th, seven days after the massacre, the DOJ filed a multiple murder charge against Ampatuan Jr. and several ‘John Does.’

DILG Secretary Puno was designated to supervise all the Local

Government Units (LGUs) within the Autonomous Region in Muslim Mindanao (ARMM) and if need be ‘suspend’ local officials involved in the massacre.

He was also tasked to designate ‘officers in charge’ or administrators to take the place of the suspended local officials.

There were so many uncertainties on the ground from the first day and people were wondering what would be the next move.

The government through Sec. Dureza spoke of ‘plan of actions’ that would unfold in the coming days. The ‘climax’ of the said action plan came on the early morning of December 5th though the grapevine was already abuzz about the impending Martial Law on the evening of the 4th.

Lt. Gen. Raymundo Ferrer, a military officer known for his peace advocacy and good relations with Civil Society Organizations, was designated as the ‘decent’ face of the Martial Law in Maguindanao.

The declaration was followed by entry into the premises and ‘houses’ of the Ampatuans, the ‘invitations’ of the leading members of the clan for investigation, and the collection of real arms, referring to M14, M16, M60, and M40 and a cache of ammunitions bearing the Department of national Defense (DND) markings.

The declaration of Martial Law in Maguindanao province was met with mixed emotions.

Some welcome it with exhilaration, believing that extraordinary means are needed to meet the extraordinary realities in the province,

particularly the warlords' tight grip over the people and government, including offices of the Commission on Elections (Comelec) and the PNP. Others would like to observe its effectiveness in restoring the rule of law and peace and order in the province with watchful eye. They believe that Proclamation 1959 under the 1987 Constitution is a different animal from Proclamation 1081 under the 1973 Constitution. Though 1959 and 1081 may have the same sound bytes, they are essentially different as the former is strictly regulated with defined parameters by the Constitution.

Still, others feel that realities on the ground do not warrant Martial Law and that a government with political will can decisively act on the massacre's perpetrators. The suspicion is basically grounded on the fear of a 'creeping' Martial Law that may eventually spread throughout the country.

The other basis for fear is the trust deficit of President Gloria Arroyo.

In a recent conversation regarding Maguindanao realities, what has emerged are two viewpoints – the bird's eye view and that of the frog's. The former is from the top or from Imperial Manila and the latter is from the ground.

The Supreme Court will soon decide on the merit of the Martial law in Maguindanao.

I believe that people, including the SC should seriously consider not only the text of the Constitution nor the views of solely of Imperial Manila – a sort of the bird's eye view. Fears, perceptions, and realities on the ground must be factor in the decision, also known as the frog's eye

view!

Both views are two factors that need to be considered in ruling on the merits of the Maguindanao Martial Law proclamation.

For most people in the province, the basic question is whether Martial Law in Maguindanao can

- Dismantle all structures of warlordism in Maguindanao;
- Implement a total ban on the public display firearms as well as the seizure of all illegal firearms;
- A halt to all forms of lawlessness committed with impunity in the province;
- Make all LGUs and courts systems in situ work; and
- Restore the rule of law in the province.

The people are desperate and are gripped by their collective fear. They beg for desperate solutions!

**The Maguindanao
Massacre, Perspective
from Political Science**

The Maguindanao Massacre, Perspective from Political Science *Miriam Coronel Ferrer, University of the Philippines*

Part 1

The state is a central variable in political analysis. In a cause-effect relationship, it is often studied as a cause, meaning because of its characteristics, certain outcomes can be expected or at least explained after the fact.

What features of the Philippine state can help us see why such an atrocity as the November 23, 2009 Maguindanao massacre happened? Political scientists who have studied Philippine politics provide us with useful concepts and frameworks to answer this question.

Because of the spotlight on the Ampatuan warlord-clan, the prime suspects in the gruesome massacre that killed almost 60 people in one incident, John Sidel's framework called "bossism" first comes to mind.

Bossism

"Bosses" are local strongmen who liberally use coercion to enrich and entrench themselves in politics. Through the proverbial guns, goons and gold of Philippine elections, they are able to take political power and further accumulate wealth.

Bosses who engage in illegal activities thrive in peripheral places where state control is weak and economic development lags behind. Maguindanao, a province described by UP Institute of Islamic Studies dean Julkipli Wadi as a "political void," typifies such a place. The Ampatuan bossmen led by the patriarch Andal, Sr. occupied the power vacuum in the province and through them the national government

exercised its rule. This is not to say that only such bosses are potentially in the position to do so. The Moro revolutionary groups have been trying to claim the space in the Muslim-dominated provinces for the last 40 years but clan-based bosses have so far had the upper hand.

Local bosses are able to entrench themselves to become political dynasties by “holding the fort” for the center. In turn they are able to get a slice of the national state’s resources and powerful protection. These sources of strength give them even more license to use violence. The Ampatuans apparently perceived that the license included physically eliminating threats to their political shelf life so that after Andal, Sr. would have exhausted his three continuous terms as Maguindanao governor, his son, Andal, Jr., can take his place.

To be fair, not only the Ampatuans are engaged in this business of physically eliminating competitors. This early, several other candidates have already been killed in what promises to be one of the most violent elections we will experience in our lifetime. The only difference is in the grossly indiscriminate and blatant manner that the Ampatuans now stand accused of doing.

Patrimonialism

Another framework that has been applied in different ways to the Philippine state is the “patrimonial state.” The sociologist Max Weber described a patrimonial state as one where relationships are defined by personal considerations and connections. In such a state, leaders’ particularistic interests prevail over that of the nation.

In our case, a patrimonial relationship operates not only between the state (elected officials, bureaucrats) and groups or people in society

(economic groups, voters) but also between the national and local governments.

How did this mutually beneficial patronage tie between the center and the local operate in the case of Maguindanao? In this instance, the president's interest was electoral victory for her in 2004 and for her party in 2007, which the Ampatuans helped deliver. The Ampatuan in turn were amply rewarded with funds from the different government agencies, guns from the DILG and AFP, and freedom to dispense with the province's Internal Revenue Allotment as the family pleased.

This patronage relationship between the center and the local is further replicated within the local government. That the loyalty of the local police, the military commanders, and election and other local government officials in Maguindanao was to the persons of the Ampatuans, and not to the rule of law nor the sanctity of the election, shows how perversely they have consolidated their power base.

A patrimonial state lacks procedural predictability, policy rationality or consistency because personal profit rather than reason guide the state's impulse. In the hands of rapacious government officials and economic interests who seek to maximize their selfish gains from the state, sustained economic development becomes impossible. Poverty and unemployment persist. What better imagery to show this pervasive rent-seeking and corruption taking place at the national and local levels than the sight of the Ampatuan and Arroyo mansions amidst the poverty of their constituents.

Paul Hutchcroft introduced the concept of "booty capitalism" to describe the predatory relationship between economic forces and Philippine state agencies. Such type of capitalism cannot allow for the flourishing of

an entrepreneurial class that would spur long-term economic growth. In similar vein, Walden Bello described the Philippines as an “anti-developmental state.”

Way back in the 1950s, Carl Lande drew attention to the patron-client relationship that governs Philippine elections. Lande credited it for the relative political stability of the two-party electoral system – which however collapsed with the declaration of martial law in 1972.

Lande differed from Sidel’s bossism in one significant aspect. For Lande, benign reciprocity supposedly defined the relationship between the patron and client, while Sidel emphasized the coercive nature of the ties that bound the two.

I think reciprocity and coercion do not necessarily cancel each other. Both features operate in different ways from one province or municipality to another, or from one time frame and political clan to another. The Ampatuan and Macapagal-Arroyo liberally employed both carrot and stick to tame oppositors and keep loyalists loyal, although of course, the Ampatuan in faraway Maguindanao had less qualms about shooting, skinning or even chain-sawing those who stood in their way.

Meanwhile, some sociologists use “neopatrimonialism” to highlight the fact that the nature of the goods being exchanged between patron and client have changed. From jobs and other favors, even bigger goods are now bartered – for example, infrastructure and development funds, facile release of the local government’s Internal Revenue Allotment, even wholesale election-cheating.

Patrimonialism as a conceptual tool has yet to be applied more systematically in the study of political violence in the Philippines. The

scholars we cited above applied it to the study of political economy and election dynamics. How has this kind of patrimonial, oligarchic state led to the militarization of politics, warlordism, impunity, and corruption and politicization of the security sector, all of which account for the alarmingly high level of political violence today? This is a question that hopefully some scholars will take up.

An oft-repeated contention is that the Philippines is a weak state. As a counterpoint to this curse of being, the Gloria Macapagal Arroyo administration adopted the slogan “Strong Republic.” That’s why newly-bought cars in the last six years or so have “Matatag na Republika” embossed on their plates, with the phallic-like (an image equated with strength) monument for Jose Rizal at the Luneta as backdrop.

The administration eventually dropped the “strong republic” rhetoric and, needless to say, we have remained a weak state. In fact, we are close to become a “failing” state, if not yet a failed one*.

A state is weak when its capacity to exercise “social control” is not only low but also fragmented. There is no rule of law. The national government cannot convincingly enforce order and exercise governance, especially in peripheral areas like Maguindanao. Under a weak criminal justice system, one can hardly expect justice for victims of human rights violations. (Justice, by the way, is an important concept in the study of politics since classical political thought considered justice as the motivation and end goal of political society.)

Weak state-strong society trap

In his famous work, the social scientist Joel Migdal looked at the problem of a weak state in a “strong society” – which apparently applies

to the Philippines as well. In a “strong society,” influential groups make tremendous demands on the state. In our context, such influential groups include the business sector, religious institutions and the gamut of lords — warlords, jueteng lords, drug lords and landlords. These lords are all adept at skirting government regulations. Held captive by such powerful societal groups, state institutions cannot effectively implement and enforce policies, laws and programs.

Actually, the problems associated with the weak state-strong society conundrum such as the culture of impunity and local strongmen are not too different from those illuminated by the notions of a patrimonial state and bossism, which we discussed earlier.

It is ironic that we remain a weak state despite our highly centralized and unitary system of government, and the tendency of Philippine presidents to centralize even more control in his/her office and person. The latter tendency is called “presidentialismo” or “overpresidentialism” by Latin American social scientists who have far too often seen their presidents behaving in this manner.

Authoritarian regimes do not necessarily reside in or give birth to strong states. Even Marcos had to accommodate vested interests to win support. He compromised on his agenda to ward off challengers. In the process, he only further weakened our state institutions – the military, legislature and judiciary. We tried to reform this legacy of the Marcos regime but 24 years later, it seems we are back where we started.

To date, administrative and regulatory agencies and the relationship of the executive with local governments and supposedly independent state bodies remain highly politicized and compromised.

Survival and dynamism in a weak state

If we have such a weak state, how come it is able to do all the wrong things? Why hasn't it collapsed? Well, even a so-called weak state has power and resources. However, it is using its power and resources for other ends, such as by thwarting laws and processes to protect and perpetuate the incumbents.

In the Philippine context, the national state's lack of functional capacity is compensated by the patronage or clientelist ties with societal groups and groups or cliques in state institutions – manifested, for example, in the exchange of favors with a certain class or selected officers in the AFP and cooperative local government officials and legislators.

Kyoto University-based Filipino scholar Patricio “Jojo” Abinales attributes the survival of the national state to the “mutual accommodation” that defines the relationship between the national and local political forces, notably, the practice of those at the top to nurture local power bases even at the expense of the law or decorum.

The frames we have discussed help us understand why such a thing as the Maguindanao massacre happened. They help illuminate different facets of our state and society. Thus, these concepts or frameworks do not necessarily negate the other, although they are often contrasted with each other. Under certain circumstances, certain features will stand out. Reciprocity, accommodation, contestation and violence go hand in hand in various degrees across time and place, and outcomes are not predetermined. There are times or instances where politics is played out in nonviolent contestation, and also circumstances when use of violence and coercion overtakes benevolent reciprocity, as has been happening in

Maguindanao under the tutelage of the national administration.

This shows that Philippine politics has a certain dynamism. We see this in rise and fall of “strongmen” despite the persistence of some clans in politics. The Ampatuans were not even in our radar screen until some eight years ago, the period when they consolidated their hold in Central Mindanao. During the Marcos regime, the leading strongman in Muslim Mindanao was Ali Dimaporo.

An important factor surrounding this dynamism is power turnover. These turnovers are hotly contested through elections, “people power” or coup attempts. Each leadership change occasions new political and socio-economic alignments, and changes in leadership style and qualities, strengths and priorities, even as the structural infirmities remain and the leadership grapples with or succumbs to the same legacy of the kind of state formation that evolved in the Philippines.

We have highlighted the structural features of the state but we cannot as yet fully explain why such an unthinkable event as the Maguindanao massacre happened. Why in Maguindanao and why now?

The features of the GMA administration and its Ampatuan protégés provide the specific context why it happened now, and why in Maguindanao. In the next section, we’ll move from structural to conjunctural analysis to answer these questions.

Part 3

The structural view focuses on the historical and institutional contexts of an event. That’s why to explain why the Maguindanao massacre happened, we first focused on the Philippines state – that is,

its structures that sustain patrimonialism, bossism and misdirected state capacity.

However, in explaining specific incidents or phenomenon, we need to do conjunctural analysis.

In Latin American political studies, conjunctural analysis examines the intersection of different acts and motivations of individuals and forces. In a way, it highlights the function of agency or how specific groups or individuals doing certain acts or behaving in a certain manner at a given time lead to certain outcomes. It also implies that despite the rigidity of structures, not everything is predetermined.

Actions are constrained or enhanced by the circumstances of the moment. So, although a moment is lodged within social and political structures, depending on the trajectory of more recent events and the confluence of acts and interests of people, the outcomes can be quite unique. That's why history is sprinkled with "awesome" moments that are "great" (such as EDSA 1), or despicable, as in the case of the Maguindanao massacre. Whether the massacre, like EDSA 1, can evolve into a turning point for Maguindanao politics remains to be seen.

Conjunctural analysis is not as abstract as it sounds so please do read on.

The GMA presidency

To begin, we'd need to look at the specific features of the nine-year GMA presidency and the security and governance apparatus built by her administration. For convenience, we will divide the period into two: GMA I which began in GMA's ascent to the presidency through irregular

means in 2001, and GMA II, that began with her questionable election to a six-year presidential term in 2004. The GMA I period ideally should have been a transition to a regularly elected president. In other words, there should have been no GMA II. GMA II saw the entrenchment of Arroyo and her allies, despite being hounded by legitimacy questions.

GMA's unduly long presidency allowed her to consolidate a network of patron-client ties that operated through her political coalition and specific bilateral deals forged with local leaders. Like her, most of these loyal officials similarly enjoyed uninterrupted power.

Compared to previous administrations after Marcos, during this period, local governments were heavily encouraged to procure arms and organize militias to fight those opposed to the government. These militias conveniently became "private armies" at their disposal. The massive arming in turn unleashed an arms race with those disenfranchised or aiming to capture the posts monopolized by the incumbent-allies.

The armed might at the local government's disposal; the easy access to internal revenue allotments and national government-allocated development funds; the legal and illegal business opportunities opened up; and the protection and impunity from the law all enhanced the stature of these local politicians who stayed close to the administration.

But the Ampatuans were particularly favored because they were useful to the government in another, important way. As has been said many times, the Ampatuans sitting in Maguindanao and the regional government delivered the votes to GMA in 2004, and again to her allies in 2007. It was a most beneficial, stable relationship that was built on the mutual satisfaction of their respective temporal interests.

Threatened stability

This stability was threatened by the forthcoming election because there was a Mangudadatu clan that was ready to challenge the Arroyo-Ampatuan relationship. Were there none, there would have been no “Maguindanao massacre”.

We are informed by Eugenio Demegillo Jr.’s historical account that the Mangudadatu clan descended from Rajah Buayan, who ruled over the upper valleys of Central Mindanao in ancient times. In effect, the Mangudadatu’s aristocratic lineage, their men, arms and economic base provide them with the capacity to compete with the hitherto commoners, the Ampatuans. Thus, while the Mangudadatu clan acceded in the last eight years to the Ampatuan senior’s hold over the heartland of the old Cotabato empire, they were not willing to bow down for another three to nine years to an Ampatuan junior.

The massacre could have been averted had the Ampatuans successfully divided Maguindanao province into three, in an opportunistic sharing of spoils with the Mastura, Sinsuat, Mangudadatu and Paglas clans. But the carving out of Shariff Kabunsuan for the Masturas and Sinsuata was nullified by the Supreme Court. The prospective third province for the Mangudadatus and Paglases could not meet the minimum requirements to constitute a separate province.

The massacre need not have happened had the Arroyo administration put checks on the Ampatuans. But no, it was apparently all set to support that trigger-happy, arrogant and ignorant heir to Ampatuan Sr. for governorship in the June election. So they “advised” the Mangudadatus to back off. The administration was not lifting a finger

to stop the Ampatuan menace. They were, for all intents and purposes, willing to benefit again from the Ampatuans this coming election, just as the Ampatuans are to benefit from government blessings.

Events wouldn't have happened the way they did had the Mangudadatus not underestimated the extent the Ampatuan would go to nip competition in the bud. Or as some surmised, it wouldn't have been a massacre, but a firefight or a battlefield (but certainly not a rebellion), or serial assassinations of one camp against the other (effectively a rido or clan feud) had the Mangudadatu chosen to counter-act the Ampatuan with guns at the first instance.

But the actors, given the circumstances, chose to act in the manner that they did, resulting in one of the bloodiest days in Philippine contemporary history.

Reforming the state

What now?

Justice must take its course to redress the deaths of almost 60 people and all other victims of the reign of the Ampatuans. But beyond the Ampatuan clan, we need to reform the state.

We have to strengthen and insulate the state institutions from the machinations of the national leadership; transform the orientation of local governments and wean them away from presidential patronage; and put a stop to political violence through the rule of law.

The 1987 Constitution already provided some of the legal measures to achieve these. The provisions on term limits, anti-political

dynasty, the party-list system, prohibition on private armies, devolution, regional autonomy, electoral and military reforms are all steps toward this end. But they continue to be thwarted by our law-breaking political elites.

How do we pressure the next government leadership to take decisive action? Where will that the pressure come from? From the middle class, the “masa,” civil society organizations, the youth and/or the military reformers? What cultural resources can help in the transformation? All these would need to be discussed in another forum.

End Notes

*Robert Rotberg (2004) describes a failed state as one marked by enduring violence, though not necessarily always of high level of intensity. It is tense, deeply conflicted, dangerous and contested bitterly by warring factions, with varieties of civil unrest and two or more insurgencies, different degrees of communal discontent and other forms of dissent directed against it and at groups within it. Parts of the territory are not under its control. There is high level of physical insecurity among citizens, thus they are armed or they join rebel groups. The society endures a high level of criminal violence, and delivery of socio-economic goods is limited. Its institutions are flawed; its infrastructure, deteriorating or destroyed.

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Kamlan, and Eugenio Demegillo, Jr. The forum was sponsored by the UP Third World Studies Center, College of Social Sciences and Philosophy, Department of Political Science, Philippine Political Science Association and Asia Foundation. The video of the forum can be viewed at <http://uptwsc.blogspot.com/>.

**The Maguindanao Massacre
the Bangsamoro Problem
and the Peace Process**

The Maguindanao Massacre, the Bangsamoro Problem, and the Peace Process

Soliman M. Santos, Jr.

Introduction

As a peace advocate who has considered Muslim Mindanao as my second region (after Bicol), I join so many others in their shock at and condemnation of what is now called the Maguindanao Massacre of 23 November 2009, likewise in expressing sympathies for the close relatives and friends of those who were killed, especially two fellow human rights lawyers, and calling for speedy justice and other necessary measures of redress and reform. There will never be enough words to describe this almost unbelievably depraved and inhuman incident.

A Philippine Problem

The Maguindanao Massacre has been rightly explained as the tragic, though rather extreme, consequence of the Philippine central government's or the Arroyo administration's well-known deliberate cultivation and patronage of the Ampatuan political warlord clan and dynasty as its main instrument for political control in Maguindanao province, if not also the rest of the Autonomous Region in Muslim Mindanao (ARMM). Political control vis-à-vis political rivals or opponents of the Arroyo administration, and also vis-à-vis the main Moro rebel groups, notably the Moro Islamic Liberation Front (MILF) whose main provincial and ethnic base is Maguindanao. Thus, the characterization by some analysts of the Ampatuan clan as "political entrepreneurs" who have become "Malacanang's monster (or Frankenstein)." This has been a symbiotic central-local axis of power, with mutual benefits also extending to

wealth. The analysts have situated such local warlordism, apparently becoming more voracious and brazen in its arrogance of power, in the context of a conversely ever-weakening Philippine state.

The Maguindanao Massacre has again brought to fore, but more shockingly, the weaknesses of Philippine governance in the ungovernable “Wild, Wild West” of Muslim Mindanao. Among these weaknesses are “structural inequities in our political system, including control by an elite minority, traditional politicians and political dynasties, and enforcement of such control through private armies” – this itself already identified by the National Unification Commission (NUC) Consultations in 1992-93 as one of the root causes of the internal armed conflicts in the country. The NUC then had specific recommendations to address these root causes, including establishing a regime of good governance, upholding respect for people’s rights and improving the administration of justice; and establishment of a pluralistic political society. But the ruling system has proven to be intractable and incorrigible to various on-and-off reform efforts.

And so, the heinous crime of political violence which is the Maguindanao Massacre is just the latest, though the most shocking, indictment of the Philippine political, electoral, security and justice system. The most immediate call or challenge is for justice and against impunity. Crime, especially heinous crime, must be punished, but not necessarily with the restoration of the equally heinous death penalty. A criminal justice system deals properly not only with the offended and the offending parties but also with the witnesses – without whom there is no case, no due process, no establishment of guilt beyond reasonable doubt. The willingness and safety of witnesses in the Maguindanao area in turn depend on a degree of protection, presumably mainly by the police, against

threats to their lives from the private armies of the implicated political warlord clan there. Not only these private armies but also the Maguindanao police and their official auxiliaries (Civilian Volunteer Organizations or CVOs) as well as those of the military (Special CAFGU Active Auxiliaries or SCAAs) are part of the problem. Their dismantling and disarming (and not only those of the currently predominant Ampatuan clan) have become necessary to serve the ends not only of criminal justice and human security but also of the integrity of the coming 2010 electoral process – i.e. “ensuring free, orderly, honest, peaceful, and credible elections,” as constitutionally mandated.

But deputization of law enforcement agencies and instrumentalities for election duties will not be enough for the reform of the political and electoral system. It again bears noting that the second of three principles of the comprehensive peace process, as formulated out of the NUC Consultations, is that “It seeks to establish a genuinely pluralistic society, where all individuals and groups are free to engage in peaceful competition for predominance of their political programs without fear, through the exercise of rights and liberties guaranteed by the Constitution, and where they may compete for political power through an electoral system that is free, fair and honest.” In addition, as far as the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) to be deputized are concerned, there is also a great need for security sector reform. In short, the jolt that has come with the Maguindanao Massacre might as well be taken as an impetus not only for more effective immediate and short-term measures but also for a more thorough-going strategic process of reform, if not overhaul, of nothing less than the whole state of Philippine politics and governance.

A Bangsamoro Problem

Thus far, we have dealt with only one level, which we might call the Philippine problem. Because the Maguindanao Massacre happened in Muslim Mindanao mainly between two Moro political clans, there is also the level of the Bangsamoro Problem – which the Mindanao Peace Process is supposed to solve. This peace process, in grappling with the solution to the Bangsamoro Problem, should now consider local political warlordism of the Moro variety (which has its specific characteristics compared to the mainstream Filipino Christian variety) as part of that problem. To put it more clearly or concretely, will it be any different or better under a future negotiated entity of Bangsamoro self-determination and self-governance? What will be the internal political system in “a system of life and governance suitable and acceptable to the Bangsamoro people,” as “the end in view” sought by the MILF in the peace talks? To the extent that the Government of the Republic of the Philippines (GRP) considers the Bangsamoro people as part of the Filipino people, that “internal political system” is a valid concern of the GRP which is constitutionally mandated to look after the welfare of its people. Stated otherwise, why turn over partial sovereignty if this will mean throwing its people to the wolves?

So far, the main or key documents of the Mindanao Peace Process have not dealt specifically or concretely with Moro political warlordism, their private armies, intra-Moro political violence, clan grudge feuds called *rido*, and the “culture of the gun,” even though there have already been many incidents of intertwining or entanglement between the former and AFP-MILF armed hostilities. In the initialed but unsigned and aborted Memorandum of Agreement on Ancestral Domain (MOA-AD), the closest reference might be the provision empowering the Bangsamoro Juridical

Entity (BJE) to build, develop and maintain its own institutions — inclusive of electoral, police and internal security force, legal and judicial system — necessary for developing a progressive Bangsamoro society, the details of which are supposed to be discussed in the negotiation of the Comprehensive Compact.

This Comprehensive Compact is of course supposed to deal mainly with forging a better (because more just) structural relationship between the Philippine republic and the Bangsamoro people currently within this republic. But this should not mean waiting for this to be achieved first – whether in the form of higher (than ARMM) autonomy, federalism, or associative relationship – before being clear enough (at least having a blueprint) about the key internal affairs of whatever Bangsamoro self-determinative entity. It may in fact have to be the other way around, i.e. for all concerned (starting with the Bangsamoro people) to be fairly clear first about what we are getting into before getting into it. One question is, can this unfinished peace process be a source of hope for the sort of problem manifested by the Maguindanao Massacre?

The finished 1996 Final Peace Agreement (FPA) between the GRP and the Moro National Liberation Front (MNLF), and for that matter the supposedly implementing Organic Act for the ARMM, Republic Act No. 9054, likewise do not deal specifically or concretely enough with the afore-mentioned problems related to Moro political warlordism. Their respective relevant provisions on the Special Regional Security Forces (SRSF) for the ARMM, presumably for the maintenance of public order and security there, have been a perennial bone of contention between the GRP and MNLF up to the currently ongoing tripartite review process regarding the FPA implementation. But perhaps even more telling than the provisions is the practice as far as the helmsmanship of the ARMM

is concerned.

Three successive extended terms of MNLF governorship (first no less than MNLF Chairman Prof. Nur Misuari, then his former foreign minister Dr. Parouk Hussin) over the ARMM has been characterized, among others, as a failure of leadership for autonomy, peace and development (without absolving the culpability of the central government which established a low-intensity autonomy in the first place with the 1987 Constitution). And then this extended MNLF governorship could not prevent the eventual ascension of the traditional Moro political clan of the Ampatuans to the helm of the ARMM, but of course with the indispensable help of their friends in the Arroyo administration. The ARMM has since become the *Ampatuan Regime in Muslim Mindanao*. This kind of traditional Moro political leadership (just like the mainstream Filipino traditional politicians or “trapos”) and, sad to say, the failed MNLF leadership, do not at all inspire confidence as sources of hope for new and better politics and governance in Muslim Mindanao.

Yet, they somehow have to be part of the solution to the Bangsamoro problem. Asec. Camilo Montesa of the Office of the Presidential Adviser on the Peace Process (OPAPP) has a good sense of this which he calls “1 Bangsamoro Challenge” (note rather than problem). He says “We, in the Philippine government, are slowly moving towards the direction of a closer, integrated response to this single, yet multi-faceted, 1 Bangsamoro Challenge. We cannot continue to deal with the MILF peace process, the MNLF peace process, the challenge to make ARMM work, and the threats posed by extremist groups like the JI and Abu Sayyaf as if they are separate and unrelated.... While we engage these groups differently, we want to engage them in view of all our other efforts across the other tables. In the end, we are talking about the same

people, the same aspirations, the same problems and probably the same solutions.”

Some Problems for the Peace Process

Assuming that the Philippine government or side, ever fractious especially with the coming “big bang” elections, can semi-miraculously get its act together, the other side of the coin which needs this, perhaps even more miraculously, is the Bangsamoro side. The dynamics of division between the MNLF and MILF has not helped their presumably common cause for better self-determination for the Bangsamoro people. On top of that, they have both been often opposed by the traditional Moro political leadership in the different provinces of the ARMM, not to mention the Christian majority provinces in the vicinity. It is really more for the Bangsamoro side, rather than the Philippine government, to work on at least a critical level of intra-Moro unity. Perhaps, independent Bangsamoro civil society organizations and the *ulama* can help this unity process, as they have already been helping the peace process.

The Maguindanao Massacre and the central government response to it, some of which has been asked for and lauded by certain Moro quarters, might also have some longer-term negative implications for Bangsamoro self-determination and the peace process. The conceivable and possible end of Ampatuan dominance may be of only short-term benefit, especially for its political rivals – the Mangudadatu clan (already anointed by the Lakas-Kampi-CMD ruling party for the governorship of Maguindanao, but not yet the ARMM), and the MILF. The central government’s coming in strongly, though a bit delayed, with a political, military and prosecutorial show of force to take control of the volatile Maguindanao situation was/ is necessary in the immediate term from the point of view of preventing

further lawless violence and asserting Philippine governance and some rule of law. What in the recent past has been treated by the local people as militarization by AFP occupation forces is now probably seen by some of them as a welcome assurance of deterrence or protection against being caught in the crossfire of a dreaded all-out *rido* (if there was none before between the long-time allied Ampatuan and Mangudadatu clans, there certainly is basis for one now).

In the longer-term, what are the implications of all these for Bangsamoro self-determination and the peace process? One is that it will probably take longer not just because of current attention to and tension in the political clan situation in the Maguindanao area, also with the election period still to come in 2010. But also because of the more compelling need to tie together the various strands of the “1 Bangsamoro Challenge.” It is now in the context of this larger challenge that a different interpretation or application should perhaps be made of recent visitor U.S. Secretary of State Hillary Clinton’s advice to “strike while the iron is hot.”

Another longer-term negative implication of the Maguindanao Massacre and the central government’s necessary immediate taking control of the situation there is the question it raises about the merits of Bangsamoro self-determination and self-governance. The political violence was essentially between two traditional Moro political clans, thus something intra-Moro, but which has had to take the central government to restore some law and order into the situation. For some, even on the Bangsamoro side, it seems that what is needed is stronger central government control – the anti-thesis of Bangsamoro self-determination. And if the central government can actually serve justice for the victims, which even the MILF is asking for, then this would be seen as a great

service by the government to the Bangsamoro people. Why then not stick with this system of justice if it redeems itself in the Maguindanao Massacre case?

The Maguindanao Massacre can only reinforce the centuries-old anti-Moro bias of the mainstream Filipino Christian majority, which bias has consistently been behind their often knee-jerk opposition to any better Bangsamoro self-determination. The majority will see mainly the two antagonist Moro clans of the Ampatuans and the Mangudadatus, as well as the many Christian journalist victims. They will not see who has long protected the Ampatuans and the other warlords, who has armed them, who has tolerated their abuses, and who has imposed them on the Bangsamoro people. Not only the “Satanic” Ampatuans but the entire Bangsamoro people, those “terrible Moros,” will be demonized by the Filipino majority and the aggrieved media. Only Moros can counter-act whatever unfair image of them, and it will have to be by deeds more than by words. One Moro friend has said, “The best the Moro can do is to face the consequence of this heinous political crime.”

These are times that call for Bangsamoro statesmanship as they also call for Filipino statesmanship. The latter is definitely not shown by those Filipino candidates for high office (from Senator up) who immediately opportunistically took advantage of the Maguindanao Massacre to project their political party (clue: they were among the most vocal against the MOA-AD). The MILF for its part took the opportunity to somewhat awkwardly call attention to the actually more heinous massacres of thousands of Moros by Philippine state forces like the Palimbang, Patikul, Pata, Manili, Kauswagan and Magsaysay Massacres for which justice has not been served to this day. So, perhaps one critical question in all these is, who can better serve justice?

The MILF may not be in a position to serve justice in the Maguindanao Massacre case where the main protagonists are not under its “jurisdiction.” But the MILF certainly has several recent cases under its jurisdiction, particularly its 102nd, 103rd and 105th base commanders whom it had acknowledged to have committed unsanctioned indignation attacks against Christian civilian communities in Central Mindanao in August 2008, and more recently its 113th base commander being implicated in the kidnapping of Irish priest Fr. Michael Sinnott last October. The MILF has yet to show convincingly, transparently and accountably that its own criminal or military justice system has served justice or even military discipline in these cases. When we often speak of “peace based on justice,” this could very well be one concrete application of this principle. The side that can and does act with justice, in both the criminal and political realms, must be the source of hope.

End Notes

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**CAFGUs, CVOs and the
Maguindanao Massacre**

CAFGUs, CVOs and the Maguindanao Massacre

Rommel C. Banlaoi

Introduction

Since the aftermath of the Maguindanao Massacre on 23 November 2009, which, to date, caused the death of 57 individuals, one of the major issues that has resurfaced in the public debate is the role played by the Citizen Armed Force Geographical Unit (CAFGU) and the Civilian Volunteer Organizations (CVOs). Human rights advocates regard these groups as convenient legal covers for private armies and vigilante organizations, which have received notoriety for their alleged human rights abuses. But the Philippine government strongly asserts that these groups are formed in order to fulfill the constitutional duty of its citizens to render personal, military or civil service to defend the state against security threats. This paper provides an overview of these groups as part of the modest attempt of the Philippine Institute for Peace, Violence and Terrorism Research (PIPVTR) to add value to the body of literature on the Maguindanao Massacre.¹

CAFGU

The origin of the CAFGU is traced from the Integrated Civilian Home Defense Force (ICHDF) formed by former President Ferdinand E. Marcos in 1976. The ICHDF aimed to assist the military in counter-insurgency operations. The ousting of Marcos in 1986 also led to the dissolution of ICHDF because of reported human rights violations. But Title VIII, Section 37 of Executive Order (EO) 264 dated 25 July 1987 urges the Secretary of National Defense to “cause the organization of the Citizen Armed Force into Geographical Units” nationwide. This led to the

formal creation of the CAFGU, which “shall consist of cadre of officers and men in the Standing Force and all qualified reservists residing in a particular locality.” The creation of the CAFGU implements the concept of a “citizen armed force” mandated by the 1987 Philippine Constitution.² Republic Act 7077, otherwise known as the AFP Reservist Law of 1991, also recognizes the CAFGU as an integral part of the reserve unit of the AFP, which aims to advance Philippine national security.

There are two components of the CAFGU: the CAFGU Inactive and the CAFGU Active Auxiliaries (CAAs). The Reservist Law of 1991 provides three ways to mobilize the CAFGU: full mobilization, partial mobilization and selective mobilization. Full and partial mobilizations require a joint act of the President and the Philippine Congress while selective mobilization only requires the recommendation of the Secretary of National Defense by authority of the President. CAAs are activated through the process of selective mobilization aimed to pursue the national security policy of the government. Members of the CAFGU that are selectively mobilized in a particular geographic unit are actually members of the CAAs.

As part of the reserve force, the CAFGU is integrated in the military chain-of-command that is subject to all applicable military laws, rules and regulations (*CAFGU Primer*, 2006, p. 6). Like other members of the military reserve force, the CAFGU members receive intensive military training. They are put under the direct control and supervision of a commanding officer of the AFP assigned in a particular geographic unit. Each CAFGU member receives a reservist serial number to become officially part of the military formation. As such, a CAFGU member receives allowances and other benefits from the AFP (see Table 1). Because the CAFGU belongs to the AFP Reservist Force, the Philippine

government denies the CAFGU as neither a militia nor a paramilitary unit.

The Philippine government continues to maintain the CAAs in order to augment the capability of the AFP to confront the country's internal security threats. The AFP current threat assessments and intelligence estimates identify the following groups as major threats to Philippine national security: 1) the Communist Terrorist Movement (CTM); 2) the Southern Philippines Secessionist Groups (SPSGs) emanating from the Moro Islamic Liberation Front and the Abu Sayyaf Group (ASG); and 3) the Jemaah Islamiyah. The Philippine National Internal Security Plan (NISP) regards the CAFGU as important part of the Philippine Territorial Defense System (Navarro, 2004) and a vital tool for counter-insurgency (Cabides, 2002).

According to the AFP, in order to overcome the insurgents, the ideal ratio of government force against insurgency is 10:1. The AFP

Table 1. Allowances and Pay of CAFGU Active Auxiliary

Subsistence Allowance (P60/day)	P21,900.00/annum
Combat Clothing and Individual Equipment	
- Old Recruit	P 3,980.00
- New Recruit	P 6,595.00
Death Benefits	
- Battle Casualty	P18,000.00
- Non Battle	P 6,000.00
- Burial Services	P 2,000.00
- Special financial assistance	P10,950.00

Source:
Headquarters of the Philippine Army, Office of the Assistant Chief of Staff for Operations, G3,
2004.

laments, however, that the present ratio is only 3.2:1 (*CAFGU Primer*, 2006, p. 9). The AFP says that the mobilization of CAFGU brings the ratio to 6:1. In short, the CAFGU enhances the capability of the AFP to fight insurgency. With the AFP counter-insurgency methodology of Clear-Hold-Consolidate-Develop (CHCD), active CAFGU members are tasked “to hold and defend cleared areas in order to allow for the consolidation and development phases to take place while the regular forces continue pursuing the armed insurgents and protecting the people, defending communities and security vital assets and installations” (*CAFGU Primer*, 2006, p. 10). In addition, the Philippine government regards the mobilization of CAFGU very economical. It costs the AFP around P120,000.00 (\$US2,000.00) to annually maintain a private in the regular force. But it only costs the AFP at least P33,000.00 (\$US7,000.00) to annually maintain a CAFGU member. Because of the perceived cost effectiveness of CAFGU in counter-insurgency operations, its strength grew from 37,360 members in 1988 to 52,748 members in 2005 (See Table 2). Its highest strength of 75,468 was registered in 1992.

Though the AFP regards the CAFGU as a key player in the implementation of the national counter insurgency strategy of the government (Hermoso, 2005), its creation has been challenged by human rights lawyers. It has been argued that the constitutionality of CAFGU was doubtful because the “citizen armed force” referred to in the 1987 Philippine Constitution was not the CAFGU mandated EO 264 but the “citizen armed force” provided for by the National Defense Act of 1935 (Sarmiento, 1988). The AFP rebuts this view when it claims that the passage of the AFP Reservist Law of 1991 has already strengthened the constitutionality of the CAFGU.

The Philippine government regards the CAFGU as an essential

Table 2. Annual Strength of CAFGU Active Auxiliaries

YEAR	STRENGTH
1988	37,360
1989	49,721
1990	69,747
1991	68,211
1992	75,461
1993	67,691
1994	55,581
1995	37,178
1996	36,326
1997	33,716
1998	32,748
1999	32,748
2000	32,748
2001	41,979
2002	51,320
2003	52,220
2004	52,748
2005	52,748

Source:

Headquarters of the Philippine Army, Office of the Assistant Chief of Staff for Operations, G3, 2006.

tool in implementation of the “holistic” approach against insurgency. The national security strategy of holistic approach aims to address the problem of insurgency in all areas: economic, political, social, cultural, military, etc. In other words, CAFGUs play a vital role in counter-insurgency operations of the AFP (Lucero, 2009). CAFGUs are also mobilized to perform the following functions:

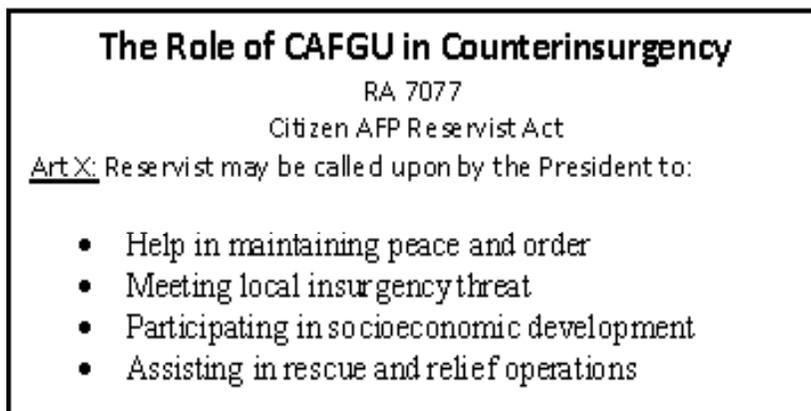
- Help in maintaining peace and order
- Address local insurgency threat
- Participate in socio-economic development
- Assist in rescue and relief operations (Lucero, 2009)

However, there have been strong allegations of human rights

abuses committed by CAFGU members. Reportedly, some CAFGU members are involved in human rights violations such as disappearances, salvaging, massacres, harassment, evacuation, divestment of property, destruction of property and others (Sarmiento, 1993). The Philippine Human Rights Information Center (PHIC) also reported cases of atrocities committed by some CAFGU members ranging from forced evacuation, to salvaging and cannibalism (PHIC, 1993). The PHIC also elaborates, “The CAFGUs are fighting not as part of a nation united against an external aggressor but in a nation divided against itself, where one part of the population is the enemy is often defined very broadly, thus lending itself to abuse” (PHIC, 1993). The Maguindanao Massacre of 23 November 2009 is the most recent example of human rights violations committed by CAFGU personalities.

The AFP admits that, indeed, some CAFGU members have committed human rights abuses. But the AFP underscores that the Philippine Commission on Human Rights (CHR), only registered 0.3% of total CAFGU membership that allegedly committed human rights abuses from 1987 to 1999. It argues, “the remaining 99.7% are commendable public servants and disciplines soldiers of peace” and national security (*CAFGU Primer*, 2006, p. 13). The AFP has even reported that in the 12 weeks or 528 periods of CAFGU Basic Military Training, 48 periods are devoted to courses on human rights and international humanitarian law (Navarro, 2004, p. 108). To enhance the operational effectiveness of the CAFGU, the AFP has even launched the CAFGU Revitalization Program, which intends to increase the capability of CAFGU in the military and political offensives of the government against insurgency with human rights promotion as an indispensable guidepost.

The CAFGU units are presently deployed in at least 13,400

Figure 1

Source: Daniel Lucero, “The CAFGU Active Auxiliary: Their Role in Counterinsurgency” (Lecture delivered at the Round Table Discussions on the Role of CAFGUs and CVOS in Countering Terrorism and Insurgency in the Philippines organized by the Philippine Institute for Peace, Violence and Terrorism Research held at the AFP Commissioned Officers Club on 9 October 2009).

villages in the Philippines. Around 70% of CAFGU units are organized in Central Mindanao while the remaining 30% are deployed in other priority areas of the country. Having been deployed in local areas, the CAFGU has been associated with local private armies because local politicians endorse most of its members. The AFP resents this view arguing that the CAFGU is part of the military hierarchy and not a private army.

CVOs

The creation of CVOs in the Philippines is pursuant to Executive Order No. 309, s. of 1987 (as amended). CVOs aim to serve as community or local protection organizations. CVO members are commonly known as *Barangay Tanod*¹ tasked to serve “as an effective community-based crime prevention monitoring and coordinating mechanism” of the Peace and Order Council (POC).

Figure 2 enumerates other legal basis for the organization of CVOs.

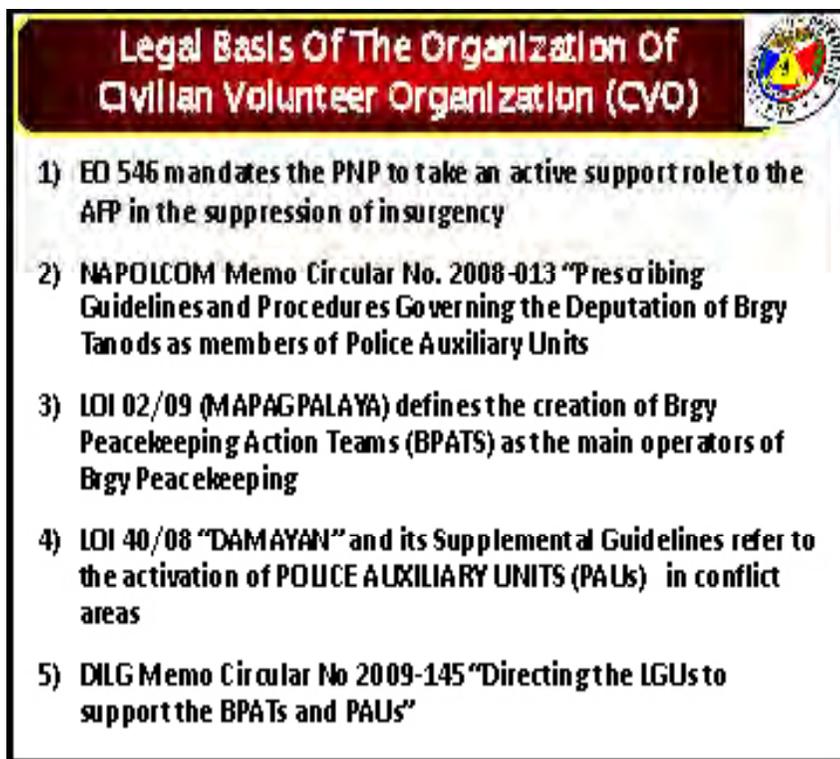
The first known CVOs were organized in 1982 in Claveria, Misamis Oriental Province. CVOs are now organized in all 79 provinces in the Philippines. The Department of Interior and Local Government (DILG) estimates a total of around 800,000 CVOs nationwide.

CVOs are supposed to be unarmed peace and order organizations that aim to augment police work at the local levels. They are also mandated to act as neighborhood watch groups that support local peace, order, and security and development projects. CVOs are allowed to engage in unarmed civilian assistance which include the following:

- Intelligence or information gathering;
- Neighbourhood watch or *rondas*;
- Medical, traffic or emergency assistance;
- Assistance in the identification and implementation of community development projects;
- Gathering of relevant information and data as inputs to peace and order planning and research activities (CCPR, 2002, p. 119).

Many CVOs also perform intelligence and undercover work for the military and police units in their respective localities. Thus, CVOs are required to undergo training in basic intelligence, community work, national security, self defense, use of firearms, civilian arrest and due process and public information (CCPR, 2002, p. 119). To provide education and training to CVOs, the *Bantay Bayan*⁴ Foundation Inc. (BBFI) was registered with the Securities and Exchange Commission (SEC) in

Figure 2



Source: Pelagui Samson, "The Role of CVOs in Countering Terrorism and Insurgency" (Lecture delivered at the Round Table Discussions on the Role of CAFGUs and CVOS in Countering Terrorism and Insurgency in the Philippines organized by the Philippine Institute for Peace, Violence and Terrorism Research held at the AFP Commissioned Officers Club on 9 October 2009).

1984. Thus, CVOs are also known for most people in the communities as *Bantay Bayan*. CVOs play a vital role in the implementation of the AFP's counter-insurgency operation called *Bantay Laya*.⁵ The BBFI reported that it has formed 9,018 chapters nationwide with a total membership of 4,509,000 representing an average of 500 members per chapter.

Any group of interested and concerned law-abiding citizens of the Philippines with at least 18 years old can organize CVOs to promote

community self defense and “to protect their interest and safety against criminals and other lawless elements” (CCPR, 2002, p. 119). The Local POC is mandated to perform the following tasks:

- To receive, process and appraise applications for membership;
- To refer applicants to the Provincial Health Officer, City Health Officer or any government physician as the case may be, for medical and physical examination;
- To recommend approval of application for membership of qualified applicants to the POC chairman, who shall approve or disapprove the application, and,
- To assist in the formal organization of CVOs (CCPR, 2002, p. 119).

Like some members of the CAFGU, there were also some CVOs allegedly involved in human rights violations. There were some CVOs that purportedly became “increasingly violent as a result of their growing involvement in the illicit drug trade, increased access to small arms and persistent and often violent state repression” (Camacho, Puzon and Ortiga, 2003). Though CVOs are legally mandated not to carry firearms, there were reports that some CVOs have carried small weapons like M1 Garand, M-14 and M-16 as well as bigger weapons like RPG launchers and M-79.

Though not allowed to carry firearms, CVOs were involved in skirmishes with Moro Islamic Liberation Front (MILF) forces in Shariff Aguak town in Maguindanao that began on 28 June 2006. The CVOs and the MILF gave conflicting accounts on how the skirmish started in Maguindanao. MILF spokesman Eid Kabalu narrated that the encounter started on 28 June 2006 when CVO members based in a PNP detachment in the area fired Camp Omar with a mortar. But PNP chief, Superintendent

Lumala Gunting, accused the rebels of first opening fire on policemen escorted by CVOs while on their way to serve warrants of arrest on MILF commanders Jamil Ombra and Sajid Pakiladato. The skirmishes resulted in the displacement of 3,300 families in Maguindanao.

There were some allegations that CVOs were used as “private armies” of some local politicians as demonstrated by the recent massacre in Maguindanao involving the Ampatuans (ICG, 2009). But President Gloria Macapagal Arroyo asserts that CVOs play a vital role in the pursuance of peace and development in the countryside.

Referring specifically to *Barangay Tanods*, Arroyo exclaims that they are vital in “thwarting threats to community peace and security.” She stressed that village watchmen “shared with law enforcers a coordinative role in the total effort to check social and economic problems that affect their communities.” She also underscores that CVOs are indicators of vigilant communities.

CONCLUSION

The Philippine government regards CAFGUs and CVOs as important organizations of citizens aiming to advance Philippine national security. The vital role of CAFGUs and CVOs is strongly recognized in the Philippine National Internal Security Plan.

But cause-oriented organizations and church groups criticized CAFGUs and CVOs for their alleged involvement in various human rights violations. They even describe these groups as nothing but vigilante groups prone to human rights abuses.

While the Philippine government does not deny the fact that some

members of CAFGUs , CVOs and even “vigilante” groups have been accused of abuses and other atrocities, it contends that those accused are exemptions to the rule. In general, the Philippine government regards CAFGUs, CVOs and so-called vigilante groups as instrumental in the promotion of peace, development and national security in the country.

END NOTES

¹This paper is an updated version of the author’s manuscript submitted to the South-South Network (SSN) in 2006.

²Article XVIII, Section 24 of the 1987 Philippine Constitution states, “Private armies and other armed groups not recognized by duly constituted authority shall be dismantled. All paramilitary forces including Civilian Home Defense Forces not consistent with the **citizen armed force** established in this Constitution, shall be dissolved or, where appropriate, converted into the regular force.” (underscoring mine)

³Barangay Tanod means “Village Watchers”.

⁴Bantay Bayan means “Town Watcher”.

⁵Bantay Lay mans “Freedom Watch”.

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⁶"GMA urges tanods to help gov't pursue peace, development"
at<http://www.medco.gov.ph/medcoweb/newsfeatl.asp?NewsMode=20&NewsDetailID=148>

**Rust never sleeps:
the corrosive power of
Mindanao's warlord clans**

Rust never sleeps: the corrosive power of Mindanao's warlord clans

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An unintended consequence of the Maguindanao massacre was to draw attention to a huge underground economy that undergirds the political authority and legitimacy of Mindanao's political entrepreneurs. The revelation by US authorities over the palpable impact of "narcopolitics" in the May 10, 2010 elections, and the recent busting of small-scale drug labs in Metro-Manila, Cotabato City, and in several towns of Lanao del Sur underscore this reality, alongside the discovery of a huge cache of arms and ammunition controlled by violent clans.

Yet to confine the dynamics of power at the subnational and national level neglects a new source of politico-economic power which explains the resilience of warlord clans – their links to supra-national criminal networks engaged in the lucrative arms and drug trade in Southeast Asia, and their increased access to considerable amounts of foreign aid and reconstruction assistance in conflict-affected areas. These have enabled warlords to embellish their legitimacy and tap into new sources of wealth and power that corrodes and transcends the nation-state.

The discovery of cocaine shipments in Davao City and in Philippine waters off Eastern Visayas underlies a shocking reality that stares the nation in the face – the Philippines has become an important trans-shipment point for high-value drugs such as cocaine and heroin, apart from being a global supplier and consumer of methamphetamine hydrochloride (shabu), and a wide user of methylene dioxy-methamphetamine (ecstasy).

For international security agencies, these events herald a tipping-point in the narcotics terms of trade. They demonstrate how the Philippines has evolved as a major crossroad in the global trade in illicit drugs, provoking security specialists to intensively monitor local drug networks and identify the Muslim and Christian warlords embedded in the Triad and other criminal gangs in Asia.

Meanwhile, international pressure has forced local intelligence operatives to trace the origin of weapons used in the Maguindanao massacre and their links to national, cross-border, and regional gun-running syndicates, accentuated by the recently aborted smuggling of firearms from Indonesia, and the landing of illegal firearms in Sulu.

The discovery of high-value weapons in the Ampatuan arsenal is alarming due to their politico-military implications. One, they expose a rupture in the logistics chain that underlies military assistance programs between the Philippines and the United States. The possession of a Barrett sniper's rifle also implies that warlord clans may be engaged and harnessed in the dirty job of political assassinations. Two, they demonstrate the potential repercussions of outsourcing armed violence to local warlords – and how such practices can be manipulated by a warlord clan bent on liquidating its political opponents, instead of Moro rebels and communist insurgents.

It highlights the alliances that lurk behind the trade in illegal drugs, illicit weapons, and the nation-state. Controlling the illegal drug trade undoubtedly requires big investments in firepower, exhibited by the awesome resources of warlords who can enlist and equip hundreds of paramilitaries. Meanwhile, continued access to weapons and the means to lug these around requires the approval of the State. This uncovers an elite bargain that includes the de-facto sanctioning of a growing trade in

lootable resources such as drugs. It begs an important question: how often has the Philippine State turned a blind eye to a clear and present danger in exchange for political support?

The issue resonates in the huge amounts of foreign aid targeted towards an impoverished region reeling from both local and rebellion-related conflict. It is no secret that development assistance targeted to Maguindanao province and the ARMM regional government meant the forging of project arrangements with their overlords. The mix of fiscal resources and foreign aid has enabled government consumption expenditures in the ARMM to grow faster than in any other region in Mindanao, despite the negligible tax revenues from these areas. How ignorant or aware were aid agencies that they were negotiating with political entrepreneurs with a long history of corruption and violence?

While it is reasonable to expect official donors to deal directly with local government executives as the official channels for welfare provisioning, it is naïve to suggest that aid givers were ignorant of the dangers these entailed. Yet several project officers interviewed by the author cannot help wondering if their aid money ended up in the giant mansions and expensive vehicles owned by warlords, their profligate spending in the gambling capitals of the world, their purchase of the means to kill, and the procurement of expensive infrastructure equipment including the infamous backhoe.

The potential connections between violence, government spending, and aid money presents a real dilemma that will linger long after Gloria Macapagal-Arroyo leaves the political stage. It will continue to fuel a growing concern among donor higher-ups about whether or not the integrity and viability of development programs were compromised in Mindanao. It provides the backdrop behind the temporary suspension

of Mindanao operations by aid agencies such as the USAID, the Asian Development Bank (ADB), and the World Bank.

Despite their often violent outcomes, the links between warlords and shadowy regional and global syndicates add another layer of legitimacy and credibility to the warlord clans. Combine this with their ability to reverse national electoral outcomes and what emerges is a new-type of warlord with a national and global profile.

Drawing from the scholarship of conflict specialists such as Mark Duffield and William Reno, these new conditions would seem to mimic the situation in other civil wars in Eastern and Sub-Saharan Africa. However, in the case of Mindanao, warlords have found a way to manufacture consent-based political authority by allowing local people to engage in the same underground economy that survived and thrived under devolution. These explain why the complexion of Mindanao's "strong men" has gained luster over the past decade. They were enabled by the State to capture a large share of public funds, emboldened by a regional shadow economy that enlarged their resources, and connected to bilateral and multilateral aid agencies that helped strengthen their credibility and legitimacy.

These factors make political office more lucrative and the ability to engage in violent and protracted conflict a desired skill. They also display the changing perceptions of political legitimacy in the region. Neither Islam, nor a politician's primordial links to the royal houses of Sulu, Lanao, and Maguindanao are now sufficient to secure political office. Neither are the links to rebel armies, nor the ties that bind local "strong men" to national political elites. These layers of legitimacy will not be enough to overcome the contestation for power by ruthless entrepreneurs whose power knows no boundaries, and whose violent practice defies all norms.

**Collusion and collision in
Muslim Mindanao**

Collusion and collision in Muslim Mindanao

Francisco Lara Jr.

The eruption of violence and the declaration of martial law in Maguindanao exposes the dynamics of collaboration and conflict between allies who advance their interests in conditions of war. Without this backdrop the recent declaration of martial law will be perceived as baseless, unnecessary, and rife with hidden agendas. Why should government declare martial law in an area which had been under de-facto military rule over the past two weeks?

To follow this reasoning is to insist that martial law in Maguindanao constitutes an overkill given the arsenal of coercive instruments that the central state commands. Yet the imposition actually makes sense when seen through the prism of political economy – or the shifting power relations between Malacanang and Maguindanao, and between Ampatuan and the other warlord clans of Mindanao. In short, martial law possesses political traction even if the legal basis does not exist.

Prior to the massacre the Ampatuan clan was the “stationary bandit” in Maguindanao and the overlord of the ARMM. Witness the line of governors from the ARMM that showed obeisance to Andal Sr. and pledged their unwavering support to his regime. It demonstrates the elite bargain purchased and coerced by the Ampatuan clan among the Moro elite, which transformed the regional authority into a powerful force unmatched by previous administrations.

For the first time in the ARMM’s history, powerful governors marched in step with the overlord, condoning years of violence and corruption in exchange for a share in the licit and illicit revenues to be gained from a region that is part of the Philippine state only in name and

location.

Meanwhile, the ruling coalition bound itself to the dominant clan through an arrangement that brought huge revenues and state-of-the-art weaponry to the latter in exchange for the votes and violence that secured the authority of the ruling coalition. Collaboration facilitated electoral fraud and a subsequent cover-up. Collaboration enabled the state to harness the clan's armed threat to ensure compliance among competitors and to protect the instigators. Collaboration provided the muscle that would stem any intervention or meddling by rebel forces and other armed groups.

But elite bargains are by nature extremely fragile, and fraught with complications. They are also confusing, especially when the state engages in the same illicit activities which it should be suppressing. So when we see guns and ammunition stamped with DND and AFP logos in the possession of ruthless paramilitaries, we are shocked by the collusion between rulers and warlords who partake from the same bounty gained from the underground trade in illegal weapons.

The key is to see the agents of both sides in the political divide, i.e., rulers and warlords, as rival groups vying for the same economic and political resources, alternately colluding and colliding with each other, faced with the same incentive to gain more at the expense of the other.

The arrangement approximates what the conflict scholar David Keen calls a 'sell game' (rigged game), where rivals collude based on the shared aim to "make money" and to "stay alive", or collide when one party undermines the other. The alliance can endure over long periods of time if each side recognizes the possibilities and limits of the game. However, the game eventually ends when one, or both players "over-reach". This was the case in 2001, when President Joseph Estrada's "over-reach" led to Chavit Singson's withdrawal from a bargain that came dangerously

close to his own annihilation. The Maguindanao massacre reflects the same “over-reach” that now dooms the partnership with Ampatuan.

In such a scenario, conflict becomes the fruit of collaboration. The side effect of a ruptured alliance is that a rival who knows the real score may turn from concealing towards revealing this deadly arrangement. Worse, the rival may engage in armed confrontation that can threaten the security of the entire ruling coalition.

This is when a massacre becomes useful, and militarization becomes imminent.

The unintended consequence of the Maguindanao massacre was to provide the rationale and recourse to militarization. Militarization in turn puts the squeeze on a rival who is punished and coerced to accept the new set of rules, i.e., a new elite bargain. In this context martial law is simply the next logical step in a politico-military rescue effort aimed at engineering a smooth transition from one clan to another, away from the prying eyes of media, the international community, and the public.

The ultimate beneficiaries are the national political elites including some Moro elites hungry for the same privilege and power which Ampatuan possessed. This new alliance appears dead-set on redressing the power imbalance built and nurtured through years of protection, corruption, and the use of local elites for black ops.

Martial law cripples the Ampatuan clan’s chances of maintaining the same politico-military dominance, and may be hard put maintaining a significant fraction of its influence and firepower. This does not mean that the Ampatuan clan should be written off, only that the conditions for a rebound will not emerge until some sort of palatable justice is served, or a new arrangement is forged with the state, probably under the next

administration. Nevertheless, the ruling coalition is now in a position to redistribute power to other contenders and to restore the political momentum in their hands.

DILG Secretary Renato Puno's comments on the likely transition are illustrative. He argues that vice-governors will replace governors, vice-mayors will replace mayors, so on and so forth. Following the constitutional provision that prohibits military governance over civilian authority, the Ampatuan clan will be coerced into ceding power to the next link in the civilian chain of command. In the interim, these new political authorities may share the same surname and are likely to be clones of the Ampatuans. Eventually, a new warlord clan will emerge to trump the rest.

The situation teaches us to analyze the conflict in Muslim Mindanao by looking at violence and conflict as a system where the economic and political interests of warlords and rulers alternately collude and collide. That knowledge will in turn highlight the fatal flaw that produced the bloodshed on November 23, 2009. In a region where political animosities were often resolved by gerrymandering the political geography to accommodate diverse and powerful claimants or by threatening overwhelming force, the government relied instead on a strategy which it is slowly getting used to. Apprised of the looming violence between the Ampatuan and Mangudadatu clan, the President and her operators tried to fix the problem by convincing the latter to back-off.

As we all know, that strategy failed with tragic consequences.

Photos



Map showing Cotabato City and the Provinces of Maguindanao and Sultan Kudarat, which were placed under a state of emergency by President Gloria Macapagal Arroyo on November 24, 2009.



Massacre site at Barangay Salman in Ampatuan, Maguindanao.





A member of the military first to arrive on the scene points to the digging that serves as the makeshift grave of the massacre victims.





Members of the SOCO retrieve the bodies of the massacre victims. Starkly noticeable is the backhoe used by the perpetrators in digging the hole and burying therein the hapless victims of the gruesome crime.





Escorted by soldiers after his surrender to authorities in Sharif Aguak, Maguindanao, Datu Unsay Mayor Datu Andal Ampatuan, Jr. (second from right) is accompanied by his wife and brother former ARMM governor Zaldy Ampatuan (left) toward the helicopter that would bring him to General Santos City.



Healing Communities, Reclaiming Traditions: Legal Pluralism, Islamic Revivalism, and Emerging Ethno-Based Peace and Development Strategies in Mindanao

Healing Communities, Reclaiming Traditions: Legal Pluralism, Islamic Revivalism, and Emerging Ethno-Based Peace and Development Strategies in Mindanao

Alber Ahmad Husin

Introduction

In a focus group discussion (FGD) among Moro academes; cultural and development specialists; and NGO-affiliated professionals that was intended to lay the foundation towards formulating a Moro Civil Society Agenda on the Bangsamoro Right to Self-Determination, a young Iranun participant took our attention and solicited strong opposition when he disputed the consensus that there exists a common Bangsamoro culture that binds the Moro people beyond Islamic adherence. He also firmly objected to his ethnic group's inclusion in the Bangsamoro believing that being part thereof only brought suffering and led to further marginalization of their Iranun Nation. But what struck me most was when he said that *"we just want to heal from all that we have been through, right now we are compounded by countless Rido cases, so please let us be"*. It was a subtle and yet a resounding message, but for me and the others who were already sold to the idea of pursuing a grand peace and development agenda for the "collective" Bangsamoro, the clarity and wisdom of his statements were only to unfold.

This paper will attempt to highlight current realities in Mindanao in terms of conflicts and underdevelopment as a prelude into underscoring how communities are healing by reclaiming their traditions. The main gist of this paper will center on local strategies such as through: (a) legal pluralism being adopted in different settings in Mindanao that combines features of traditional and Islamic justice system with state institutions; (b) Islamic revivalism through Bangsamoro Development Authority

and its Islamic paradigm on peace and development in Mindanao and the revitalization of Islamic Principles and traditions in environmental governance as will be seen in the *Al Khalifa*; and (c) the re-emergence of an ethno-centered peace and development strategy via a case study of the Iranun Development Council in the Maguindanao Province that seeks to re-establish traditional Iranun institutions in their existing political domains.

Given all these emerging pockets of efforts and strategies from the ground, this paper posits that there cannot be one single paradigm that will work for the many Mindanao. While we can and should be able to identify basic principles such as human rights, justice, equality, people or community centered development, among others, however, we will have to let the communities heal themselves by being sensitive enough to recognize, affirm, and support what truly works for them in their respective contexts.

UNPEACE AND UNDERDEVELOPMENT IN MINDANAO

In August 2008, the Memorandum of Agreement on Ancestral Domain (MOA-AD) between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF), particularly its provisions on the proposed inclusion of barangays within known Christian controlled cities in Mindanao under the proposed Bangsamoro Juridical Entity (BJE) and the corresponding Temporary Restraining Order (TRO) and subsequent Supreme Court declaration of the unconstitutionality of the said MOA, spurred once again armed conflicts in Mindanao.

According to the Armed Forces of the Philippines (AFP), from

only 16 armed skirmishes in 2004 and 7 in 2007, both owing to the three ceasefire mechanisms between the MILF and the AFP on the ground (Coordinating Council on the Cessation of Hostilities, International Monitoring Team, Ad Hoc Joint Action Group), the number of encounters suddenly reached more than a hundred when in early August 2008, Commanders Umbra Kato, Bravo, and Pangalian attacked North Cotabato, Lanao del Norte, and Sarangani, respectively, resulting in the death of scores of civilians, the burning of their houses, and evacuation of people to safer places. These attacks prompted the GRP to take punitive action in PALMA Alliance and Pikit, Maasim, and Kiamba in Sarangani, and portions of Maguindanao and Sultan Kudarat.¹ However, regardless of the shortcomings of the parties to the negotiations (GRP-MILF), such as in terms of making the peace process more transparent and being inclusive of the various stakeholders of Mindanao that could have prevented these unfortunate incidents, the reality also reveals that local conditions have not been set to be more conducive to supporting the peace process, or more so, another possible peace agreement.

In fact, as per Human Development Report (2005), provinces in Mindanao, especially those within the Autonomous Region of Muslim Mindanao have remained among the poorest, underdeveloped, and insecure provinces in the country.² Major indicators of these include those on (a) *life expectancy*: where the provinces of Basilan, Lanao del Sur, Sulu, Maguindanao, and Tawi-Tawi ranged only from 60.6 to 51.2 years; (b) *human development* or the lack of it: where the same provinces ranked in the bottom ten for the entire country; (c) *poverty incidents*: where except for Lanao del Sur the same Muslim provinces again figured in the bottom 10 provinces; and lastly that these provinces once again, including this time, those outside the ARMM such as the provinces of North Cotabato,

Lanao del Norte, Davao del Sur, South Cotabato, Sultan Kudarat, and Zamboanga del Sur have been noted as (d) *the most affected provinces in terms of the Moro conflict in Mindanao*.

The deep relationship between human security and human development is indeed reflected in the continued underdevelopment of Mindanao. According to the same report, the effect of the various costs of armed conflict on levels of human development can be telling. As human insecurity increases from armed conflict, people turn away from those social and productive activities that could have facilitated the development of their human potential. Lives are destroyed, families and communities torn apart, cultures decline, and investment is forgone or deflected. Development in the immediate area stagnates, and through spillovers, the entire region and perhaps the entire country are affected. In this manner, by degrading human security, persistent armed conflict ultimately affects human development and living standard (HDN 2005: 18).

RIDO: Multiplicity and Interplays of Conflicts in Mindanao

If the above macro-level perspectives of Mindanao do not look good, then what more if we take into account micro-level perspectives that highlight local sources of insecurity such as violent clan feuding, locally termed Rido³, that are, more often than not, power and resource motivated. Across Mindanao and the Sulu archipelago including Basilan and Tawi-Tawi, some 1,266 documented cases of Rido have occurred and lingered from as early as the 1930s to 2005, killing more than 5,500 people and displacing thousands. The provinces with the highest number of Rido incidents include Lanao del Sur with 377 cases, Maguindanao with 218, Lanao del Norte with 164, and Sulu with 145 cases. In short, these four provinces alone already accounted for 71% of the total cases documented.

But what is more alarming is that there is a steady rise in Rido conflicts in the 11 provinces surveyed from the 1980s to 2004. Fifty percent or 637 cases of the total Rido cases documented occurred in the last five years (2000-2005), which translates to about 127 new Rido cases per year.⁴

While Rido or clan feuds are neither exclusive to Moro communities nor only confined to Mindanao, its prevalence particularly in the ARMM has wider implications for conflicts in the region primarily because feuds tend to interact in unfortunate ways with separatist conflicts. Such interplays occur when parties to local feuds are themselves part of the military resources of both the state and the rebel forces, or where state and or rebel forces in ongoing-armed secessionists confrontations tap local armed groups.⁵ These interplays were evident in: MNLF-MILF-AFP clash in the Sultan Kudarat-Maguindanao border on July 28, 2009; the Christmas Day MILF attack in Kalamansig, Sultan Kudarat in December 2008 that triggered a major AFP offensive in the same area in January 2009; the Lintangan assault in January 2005; the Dapiawan encounters in August 2004; and the armed confrontations in Gli-gli in 1989. To better illustrate how such interplay of conflicts occurs or how Rido escalates into large scale secessionist-level armed encounters, Canuday (2007), also cited in Husin (2008), provides a glimpse into the Lintangan assault of January 2005, to wit:

Shortly before daybreak on January 9, 2005, a band of MILF guerillas assaulted the patrol base of the Alpha Company of the Philippine Army's 37th Infantry Battalion at Barangay Lintangan in Mamasapano town, Maguindanao. The attackers killed seven soldiers and overran the base. Immediately, government forces responded with sustained massive ground and air attack that preceded troop deployment. But at the core of

the Lintangan violence actually involved an uncle and nephews feuding over a piece of inherited land. The feuding relatives, however, were also separately aligned with conflicting armed groups operating in and around their village. The uncle, as the barangay chair of Lintangan, is linked with local government officials who controlled the Special Civilian Armed Auxiliary (SCAA) and Civilian Volunteer Organization (CVO), which are connected to the Army unit deployed in the area. The nephews are associated with the MILF's local base command. When tension between the uncle and the nephews erupted, into the conflict the SCAA, CVO, and the Army on one side and the MILF's local or area base commands and armed local militias on the other. This eventually led to mobilization of more forces from both sides of the bigger armed groups that escalated into a large-scale armed conflict between the AFP and the MILF

I am aware that the above citations will not suffice to capture the sense of insecurity and underdevelopment on the ground, but my field work from March 2009 to the present, in most of the provinces mentioned have lent me some degree of awareness, and hopefully, credibility. In fact, I had then just left Cotabato City for Marawi City when a bomb exploded outside the Immaculate Conception Cathedral last July 4, then missed another bomb that exploded in Iligan City on July 7 after leaving Marawi City via Iligan for Zamboanga City. I decided against proceeding to Jolo when on that same day another bomb exploded near the Cathedral in downtown Jolo. I also recall that after a recent FDG with Rido mediators last October 7 in the Matanog Sanguniang Bayan Hall, Maguindanao, a man was shot and killed a few hundred meters away where a barangay captain was ambushed a week before, both due to Rido or clan feuding. I have also witnessed how a local NGO and foreign-funded State Peace and Development Agency supported, without exercising due diligence, dubious peace negotiations that could have exacerbated existing feuds that

involved high-ranking MNLF and MILF commanders in Sultan Kudarat. These commanders were the main protagonists in a raging Rido armed conflict that spilled-over and led to a warpath between the 104th Brigade of the Philippine Army and the 105th Base Command of the MILF last July 28 in the boarder of Lebak, Sultan Kudarat and Datu Blah, Maguindanao where 20 people where killed and some 2,300 families displaced in Datu Blah alone.

I wish I could be a little clearer, or that the situations, as they happen, could be a little less complex. But these are the realities on the ground and I am not sure which of the peace and development paradigms presented before me could best explain them. Armed actors with their armed supporters operating in the same space where conflicts are continuously brewing due to injustice, underdevelopment, and squabbles over resources, are bound to run into each other and with neither distinction nor determination, violently engage each other to the detriment of the local communities. In spite of this overwhelming complexity of the terrain, it should be the locals themselves who will now face and learn how to maneuver around them. Thus, I proceed to highlighting some existing local efforts and initiatives that try to address some of these low-intensity conflicts that have potentials to trigger large-scale military encounters.

LEGAL PLURALISM: INDIGENOUS CONFLICT RESOLUTION STRATEGIES IN LOCAL COMMUNITIES IN MINDANAO

In “Experiences of Legal Pluralism, Culture, Biodiversity, and Conflict”, Maria del Pilar Valencia of Colombia, wrote that the right to traditional legal systems is an expression both of autonomy and of cultural integrity, as it is on this level that internal rules of play and the bases for inter-ethnic and inter-institutional relations are defined.⁶

But why is it necessary to employ traditional laws in this modern time? Aside from the lack of or absence of the proper enforcement of state laws in local communities in Mindanao, particularly in conflict affected areas and in the ARMM, which may either be stemming from fears of policemen to get involved in conflicts that could compromise their personal and families' safety or the fear of state legal institutions and courts to handle and dispense fair judgments to those guilty in carrying out criminal acts during episodes of conflict such as murder, arson, among others, the reality is, *most people still do not trust the state's legal institutions*. Furthermore, locals perceive state legal systems as expensive in terms of legal fees and charges, extensive or time-consuming, not a win-win process where one party is declared guilty and sent to prison or fined or both, that the ultimate goal is not to restore relationships and harmony but rather to punish, and most importantly, which could be easily influenced especially when the other party to a conflict is well connected politically or is itself part of the state machinery.

Local Conflict Resolution Mechanisms (LCRMs)

In recent years, some local government units (LGUs) in Mindanao have begun incorporating traditional mediation institutions and conflict resolution bodies into their respective frameworks. Thus, this section of the paper highlights some of these local initiatives (barangay, municipal, or provincial) that finally recognized the real needs of the people in terms of justice and peace.

A study on Mainstreaming Indigenous Conflict Resolutions in ARMM LGUs:⁷ identified some forms of Local Conflict Resolution Mechanisms (LCRMs) in the Maguindanao and Lanao del Sur provinces

which include: (a) the Traditional Justice System in Datu Odin Sinsuat; (b) Task force Kalilintad in Buldon; (c) the Mayor's Council in Upi; (d) the Municipal and Barangay Peace and Order Council in Matanog; (e) the Joint Ulama and Municipal Peace and Order Council (JUMPOC) in Barira; and (f) the Municipal and Barangay Peace and Order Committee in Kapatagan. In addition, new LCRMs have also been formed and now handling conflict cases such as the: (g) the Bleye' Kitab in South Upi; (h) the Arbitration Committee and Council of Elders (ACCE) in Calanogas; (i) the Simunul Barangay Justice Advocates (SBJA) in Tawi-Tawi; and (j) the Pondohan and Peace Development Management Committee in Sitangkai, Tawi-Tawi. To highlight some of these mentioned LCRMs and how their efforts are impacting local human insecurities through a legal pluralism paradigm, some brief descriptions are provided:

The Mayor's Council (Upi, Maguindanao)

The Mayor's Council was created by Mayor Ramon A. Piang under Executive Order No. 4 in August 2001 as a tri-people mechanism to effectively settle local disputes amicably and swiftly, and avoid the cycle of retaliation and revenge. It is a six-member council composed of two Teduray elders (called *Kefeduwan* or *Timuay* in the Teduray dialect), two Muslim elders and two Christians, carefully chosen through consultative assemblies. It harnesses a combination of traditional and legally mandated processes and complements the barangay justice system and the Municipal Peace and Order Council (MPOC). It does not act as a court but presides over conflict arbitration by integrating indigenous systems and formal judicial mechanisms. Cases that are not resolved by the Mayor's Council are elevated to the regular courts. To date, there have been 85 cases filed under the Mayor's Council. Sixty-six of these conflicts have been resolved

at their level and 19 cases were unsettled and elevated to the courts. Police cases have declined by 35 percent since the Council's creation in 2001. Upi's Tri-People way of conflict resolution won a Galing Pook Award in 2004.

The Bleye' Kitab (South Upi, Maguindanao)

The Bleye' Kitab or Mayor's Council was created through Executive Order in 2005 to facilitate resolution of cases that have not been resolved at the barangay level. It is represented by various groups in South Upi and uses a combination of traditional and prevailing laws in settling conflicts. Through the years, the Bleye' Kitab has achieved credibility in the community with a wide acceptance of its resolution of cases. It has effectively resolved a wide range of conflict from simple theft to estafa, slight physical injuries to frustrated murder or murder, other heinous crimes like rape, land conflict, and cases involving family relations, succession, and inheritance. However, as a matter of procedure, the Bleye Kitab does not resolve cases that have not been heard before the barangay conflict resolution body. To date, Bleye' Kitab has resolved 52 cases with 6 cases currently being heard. Only one case (murder) has not been resolved since 2005. It is the experience in South Upi that cases are referred to the Bleye' Kitab for mediation rather than to the local police.

*The Joint Ulama-Municipal Peace and Order Council (JUMPOC)
(Barira, Maguindanao)*

Formed in 2005, the JUMPOC is an Arbitration Council that negotiates conflict, settles disputes and also refers cases to higher courts when necessary. It is well organized and has five members representing the Muslim religious leaders, the women sector, and the traditional leaders such as the elders and the Sultans or Datus. Similar to Bleye' Kitab, JUMPOC does not hear cases that have not yet been handled at the

barangay level. In 5 years, it was able to resolve 136 major cases, with only 17 cases left unresolved. Example of a case: Imam versus Tumawis (between a Mayor and former Mayor). This was a celebrated rido resolved in 2008 after 10 years and 11 persons killed as a result of political rivalry.

The Qur'anic injunction “ an eye for an eye and a tooth for a tooth,” is followed; hence, if you kill someone with intent, you should also be killed. This kind of justice is being practiced in Islamic states like the Kingdom of Saudi Arabia. However, since the Philippines is not an Islamic state, the *taritib* and *igma* (traditional processes of conflict resolution) that allow the perpetrator of a crime to “buy back his life” through blood money are employed. The practice of giving “blood money” is also intended to compensate the aggrieved family for the loss of income as a result of the death of the victim and to ensure that victim's family is supported. Many people are involved in raising blood money (i.e. stakeholders) such as influential family members and local politicians like the mayor.

Their indigenous conflict resolution method includes: (a) *Kasapot*, which is only used for grave/serious cases. Here the perpetrator of the crime is wrapped in white cloth and laid down in front of the victim and his/her family. This act is “*sobra pa sa pagluhod*” (For Muslims, kneeling is a no-no) where conflicting parties and their relatives and friends are gathered together. A member of JUMPOC then cuts the rattan, breaks the egg, blows out the candle, and gives out warnings; (b) *Kapamamanekan* is used for petty crimes wherein the accused and his / her family, together with a member of JUMPOC visit the victim in his /her house. The mediator introduces the accused and says “Pedro is here to do *kapamamanekan*.” Somebody from victim's party replies, “Because of what Pedro did – this doing of the *kapamamanekan*, he's forgiven.” Then everybody does the

duwaa (i.e. prays), asks for forgiveness, gives thanks, and expresses hope that the crime will not be repeated and lastly, asks Allah to bless both the victim and the accused; (3) *Kanduri* is a form of celebration following a successful settlement of any offense or conflict wherein the accused and his / her family go to the house of the victim and bring yellow colored rice called *kuning* (tabak). This act shows it is given from the heart and the rice puts special importance to the occasion. If you are given this then you are very, very special like a VIP (Very Special Person). Then everybody eats the rice which is served in the *kanduri*.

The Municipal Peace Committee (Kapatagan, Lanao del Sur)

Kapatagan's conflict resolution mechanism created through an Executive Order in 2008 is referred to as the Municipal Peace Committee (MPC). It has 24 members with only one woman. The other members are traditional leaders and religious and local officials including the Local Legislative Council represented by its Secretary. Among the LCRMs, the MPC has shown significant progress in systematizing documentation of cases with user friendly forms that MPC members themselves developed. The usual practice is to keep only the *kapasadan* or the settlement agreement without carefully taking notes on what had transpired. This documentation system should be replicated in other LCRMs.

The Simunul Barangay Justice Advocates (SBJA) (Simunul, Tawi-Tawi)

The Simunul Barangay Justice Advocates or SBJA was organized in 2008. The SBJA is an organization of individual justice and peace volunteers in Simunul that aims to promote lasting peace in the island through strengthening the local conflict resolution capacities of the residents. After a series of trainings, the SBJA now serve as local trainers and facilitators, conducting community trainings on conflict mediation.

It facilitated the establishment of the Lupong Tagapamayapa (Peace and Order Council) and initiated the formation of the Barangay Agama Arbitration Council (BAAC) in Simunul.

The Pondohan and Peace Development Management Committee (Sitangkai, Tawi-Tawi)

The Pondohan and Peace Development Management Committee or PPDMC is a special committee created through an Executive Order in 2008 to promote peace and manage conflict in the island of Sitangkai. Half of the population of Sitangkai resides in the pondohan or cluster of residents living in the reefs, which are also the production bases for the seaweed industry in the area and where government presence is almost non-existent. There are recurring incidences of conflict over seaweed production which have turned violent. The PPDMC was created to facilitate the amicable settlement of conflicts and transform the situation at the pondohans into cooperative and productive economic activities. The membership of the PPDMC includes local officials, the Chief of Police, and civil society organization (CSO) representatives. The PPDMC facilitated the formation of the Local Conflict Resolution Bodies in the pondohans and organized the areas into six clusters to facilitate effective coordination with the municipal government. Moreover, the PPDMC collaborates with the Philippine National Police (PNP) and the Marines in developing a Community Policing Program in the pondohan. The PPDMC is also coordinating closely with the MPOC in implementing the Integrated Area/Community Public Safety Plan (IACPSP).

The LCRMs in Sitangkai and Simunul, Tawi-Tawi, have also been champions in establishing community-based Shari'ah justice system. This was done through the organization of the above mentioned BAAC as

part of the *Katarungan Pambarangay*. The Barangay Captains appointed Ustadz and Muslim religious leaders in the communities as members of the BAAC after they were trained in the Barangay Justice System and in the Shari'ah. Members of the BAAC are called peace advisors where in they perform three functions in community-based amicable settlement of conflicts: mediation, conciliation, and arbitration. In settlement of cases, these peace advisors use Qur'anic passages (Sunnah) and Hadith (Prophetic traditions) to facilitate resolutions.

In their operations, LCRMs have integrated the human rights and Culture of Peace (CoP) perspectives, anchoring the LCRMs on the concept of justice. These also include harnessing and enhancing existing local conflict resolution mechanisms, which may be traditional, legislated or a combination of the two. In whatever modality or approach they take, LCRMs build on indigenous, traditional, religious leadership to generate community acceptance and ownership of their conflicts and how to resolve them; strengthen the linkage between the local conflict mechanisms and municipal governments; and engage women participation in peace advocacy. These mechanisms have revived and mainstreamed indigenous laws; traditions and culture; and gender sensitive approaches in conflict resolution, resulting in increased access to justice and to local government services in settling disputes and managing conflict. Thus, people are spared from long processes of court litigation and conflict escalating to violence. The LCRMs exemplify community ownership of culture-based efforts in promoting peace, a stronger sense of security, and meaningful people's participation.

Provincial Crisis Management Group (CMG) of Lanao del Sur

A provincial mechanism that was put in-place by the incumbent Governor of the Province of Lanao del Sur to address and settle on-going

Rido cases is the Crisis Management Group, which brings together the different leaders of the province that include (15) *Ulama* or religious leaders from the *Provincial Ulama Council*, (15) traditional leaders such as *Sultans and Datus*, (10) members of the *Advisory Council*, which refer to former political leaders of the province, the PNP, and the AFP assigned to the province. This group claims to have already settled about 300 cases of Rido in Lanao del Sur since its inception in 2007.

With the *Ulama* and the *Sultans* institutionally in-place in the CMG, these two traditional and religious institutions are able to utilize their traditional and Islamic wisdom in approaching various types of conflicts in the province to the benefit of the provincial government. This means that the use of *tartib* and *igmah* along with the *Qur'an* and *hadith* also becomes instituted from the provincial level down to the communities where cases of Rido occur. The main mechanism utilized for the settlement of Rido cases is through the payment of blood money. Upon investigation by the CMG, and after a decision on a specific case is reached, the CMG presents its decision to the Governor for approval and support. Finally the Governor, along with the respective Mayors of the conflict-affected municipalities, helps raise the blood money and expenses for the *kanduri*. The provincial government allocates 10% of its annual internal revenue allotment (IRA) for settlement of Ridos.

ISLAMIC REVIVALISM

In the above brief review of existing local conflict resolution mechanisms, Islamic principles are slowly being incorporated into state mechanisms from the provincial down to the barangay level. This trend has also been observed in efforts to bring development into the conflict affected areas in Mindanao. This section will show how Islam and its principles are being revived or highlighted as a paradigm for peace and

development of the Bangsamoro Development Authority (BDA), and also as an environmental governance framework in the *Al Khalifa* advocacy.

*BDA's Islamic Peace and Development Paradigm*⁸

As the development arm of the Moro Islamic Liberation Front and an institution created by virtue of the GRP-MILF Tripoli Agreement on Peace in June 22, 2001, the Bangsamoro Development Authority has been in existence since June 2, 2002. Its mandates are to determine, lead, and manage relief, rehabilitation, and development programs in the conflict-affected areas of Mindanao. It promotes a model of development anchored on *Al Khalifa* or the belief of stewardship and on the values of inclusiveness, fairness, transparency, and accountability. Among the identified strategic development actions of the BDA include: (a) Socio-economic Improvement and Development Strategy; (b) Health Improvement and Development Strategy; (c) Environmental Advocacy and Management Strategy; and (d) Capacity Building and Strengthening Strategy.

Since its paradigm of development is rooted in the Qur'anic verse "*Allah does not change the conditions of people unless they change themselves*" (Surah Ar Rad: Verse 11), it assumes that people must be the initial focus or object of change. This development paradigm is also based on the Prophet Mohammad's (PUH) experience in Makkah and in Madina that put the people first. Thus, it is anchored on the belief that for development to take place, the people have to be developed first. This approach also favors their concern in terms of sustainability, since, according to Dr. Danda Juanday, BDA Chair, "it involves the people themselves in all aspects of program implementation. This produces better

results compared to the traditional practice of just making people passive recipients of assistance.” He adds that “if we can make every Bangsamoro do something about his or her situation, sustainability will be ensured.”

Part of the BDA’s efforts to bring about peace to conflict-affected communities in Mindanao is its Mindanao Initiative for Peace or MINPeace Program. This program also utilizes an Islamic framework as an approach to conflict resolution. In particular, MINPeace’s Islamic approach to conflict resolution is anchored on the *Shafii* School of thought on persons and family relations whose strategies on reconciliation, mediation, and amicable settlement of cases have been found to be very effective. BDA’s extensive coverage of six regional areas in Mindanao that include Central Mindanao, Southern Mindanao, Davao Region, Zamboanga Peninsula, ZambaSulTa, and the Lanao regions, along with its 450 trained Conflict Interveners and Development Catalysts or *CIDCs* in 150 Barangays of the 6 regional areas mentioned, has allowed it to resolve more than 300 cases of local conflicts in a period of only three months.

Its success in this aspect of conflict resolution stems from its not having to resort, as of yet, to providing blood money in its resolution efforts, but mainly to its adherence to and utilization of the Islamic faith as source and resource for most, if not all, of its reconciliation efforts. Reflecting on the state of local conflicts in Mindanao, MINPeace Coordinator Abdul M. Lantong, shared that the prevalence of local conflicts stems from the absence of effective justice system, which resulted from the fact that established traditional justice systems were displaced and then replaced by the state’s justice system, which to this day is still viewed by many as alien or foreign. Thus, the re-establishment of Islamic values along with the use of traditional mediation and conciliation strategies is working for

the BDA which is, in the local perspective, not just an alternative but its mainstream mechanisms.

*Al Khalifa in Environmental Governance*⁹

The war of the 1970s displaced the Bangsamoro and prevented the people from pursuing worthwhile development goals. From then on, the future of the Moros was tied to the armed struggle for self-determination in Muslim-dominated provinces in Mindanao. Self-determination was for “Land, People, and Religion”, but after the 1996 GRP-MNLF Final Peace agreement was signed: WHAT HAPPENED TO THE “STRUGGLE”? What became obvious was the conflict between western form of governance and Islamic values and principles. More so, the challenge for the Moros was to be abreast with the thrust in development and the global enviro-socio-political development, while keeping Islam as a driving force for the Moro towards this direction. The struggle for *hula* (home-LAND), *banga* (Nation, people), and *agama* (Islam) is at the core of the Moro aspiration. But what happened to the *hula*? The Moros are faced with a Mindanao that has already lost about 41,000 hectares of forest cover with an average loss of secondary forest of about 78,000 hectares every year; degraded coastal resources due to over-fishing driven by national and international demands; and tremendous destruction of our natural resources that threatens our sustainability.

ISLAM has a fundamental role to play in environmental protection and governance since it has maintained a tradition of nature conservation, love for creation, and respect for creatures. It can speak to believers with more authority than conservation efforts alone, where environmental theology and ethics are a central force for the implementation of environmental management via appropriate legislation. It can be more

effective, enforceable, and useful when it emanates from a nation's creed - when it represents its cultural and intellectual heritage. Good Environmental Governance can be sourced in Islam through: (a) the principles of transparency, accountability and participation/consultation; (b) the *QUR'AN* and the *HADITH* as guide for proper Islamic conduct where the Qur'an is the source of Islamic Law, or the Shariah, with the Prophet as the Exemplar; (c) ISLAM's emphasis on MAN's role as God's vicegerent on earth, and as such, heightens man's spiritual goals and acts.

The *AL KHALIFA* on Environmental Governance in Islam emphasizes LAW-COMPLIANCE as Moral Obligation; Man as the caretaker of his environment; and Man as the inheritor of the Earth. It identifies Qur'anic verses and Sunnah of the Prophet as sources of environmental governance/awareness/management and sanctions technical approaches in dealing with forest, coastal, and urban waste managements, with the involvement of local government, academe, religious sector, civil society, and households. For example, "while waste management has become a national law only recently, Islam has made waste management an obligation for Muslims more than 1,400 years ago for the good of the physical and spiritual lives of Muslims." Furthermore, *Al Khalifa* highlights the *HALAL/HARAM dichotomy in Islamic acts, in environmental management areas* and is anchored on the Islamic tenets of *Tawhid* (unity/one God), *Khalifa* (stewardship), and *Akhira* (accountability) to ensure that the Muslims submit to the will of God, while at the same time promoting the integrity of nature as part of the total submission to the *Almighty*.

Lastly, the principle of *khilafah wa amanah* or stewardship and trust rests on the belief that *Man is Allah's agent on earth to create a righteous world, Whatever man possesses: power, wealth, strength,*

influence, intellect or wisdom, are only trust from Allah, Such must be used to attain the pleasure of Allah.

IRANUN DEVELOPMENT COUNCIL: AN EMERGING ETHNO-BASED PEACE AND DEVELOPMENT STRATEGY IN MINDANAO

Following the all-out-war of 2000, many areas in Mindanao were devastated. This included the Municipality of Parang, Maguindanao, then site of the MILF's Central Headquarter Camp Abubakr As-Siddique. The same war also affected the adjacent municipalities of Buldon, Barira, and Matanog among others due the the heavy bombardment from both air and ground artilleries of the AFP. After the AFP regained, occupied, and controlled the said camp, civil authority of the same was returned to the hands of elected local officials. From then on, concerted efforts to rehabilitate and develop this area resulted in the birth of Iranun Development Council (IDC). The IDC wages and pursues the Iranun Sustainable Integrated Area Development (SIAD) campaign, with the support of the Department of Agriculture National.

In this section of the paper, I highlight an emerging strategy that utilizes existing political institutions to revive, strengthen, and re-employ traditional ethno-based institution, particularly the Iranun Supreme Council (ISC) through the collaborative creation of the Iranun Development Council (IDC) that covers and brings together four municipalities in the Maguindanao Province. The IDC was created by virtue of a memorandum of agreement between the municipalities of Buldon, Barira, Matanog, and Parang, Maguindanao, to group themselves, consolidate and coordinate their efforts, services, and resources to collectively promote, administer, and pursue the sustainable integrated development of the

people, territories, and communities within the jurisdiction of the four local government units, without prejudice to the autonomy of the affected local government units.¹⁰ Thus, the IDC is mandated to plan, coordinate, integrate, implement, monitor, and/or evaluate the sustainable integrated area development of the four mentioned municipalities.

The said Council has committed and dedicated its resources and efforts to unify the LGUs, NGOs in the area and the community; harness and optimize the natural resources of the Iranun area; raise the people's awareness and appreciation of the area's development; promote a business and investment friendly environment; advocate a legislative agenda on the Iranun's quest for self-identity; advocate and promote for the strong enforcement of the laws; and establish strong working relationship with local, regional, national, and foreign government and funding institutions including non-government organizations. In short, more than just pursuing post-conflict rehabilitation and development of the areas covered by the IDC, the quest for Iranun's recognition through their pursuit for self-identity have been institutionalized. This can also be attributed to their strong assertion and advocacy against domination and marginalization in the hands of other *Moro* groups such as the Maguindanaons of the Cotabato area.

Some of the achievements of the IDC include: (a) Sowing and strengthening the foundation of rehabilitation and development in Camp Abubacar Complex; (b) Formulation of the Barangay Development Plan for the barangays of three municipalities; (c) Formulation of the Comprehensive Development Plan for the municipalities; (d) Formulation of the IDC –SIAD Agenda; (e) Mobilization of huge amount for infrastructure and basic services from different line agencies and other funding institutions, Non-Government Institutions; (f) Mobilizing

Department of National Defense in support of rehabilitation and reconstruction efforts; (g) IDC-SIAD project inclusion to Department of Agriculture budget since 2003 up to present line up as locally funded projects, to wit: Construction and rehabilitation of Farm to Market roads, Construction of a Hanging Bridge, Construction of Solar Dryers, Provision of Farm Post Harvest facilities and Tractors, Provision of Farm Inputs and Working Animals, Provision of Seedlings and fruit tree plants, Funded strategic planning for ISIAD, Provision of funds for Project Management and Operation; (h) Improving Governance; (i) Establishment of Iranun's Peoples Assembly; (j) LGU effectively managing local resource mobilization; (k) National Anti-Poverty Commission's funding support for the construction of IDC Poverty Alleviation Action Center and provision of equipment; (l) Opening of IDC bank accounts; and (m) Establishment of Community Radio Station DXIB 100.7 Kh.

In terms of IRANUN- DEPARTMENT OF AGRICULTURE partnership for preserving the gains of Camp Abubakar Post-conflict Poverty-fighting, the following are being sought: (a) Establishment of Iranun Farming Service Centers that includes: Organizing Service Cooperatives of Agricultural Workers; Upgrading technical capabilities for contemporary farming techniques; Rendering available production support services; Acquisition and distribution of one tractor for each of the 8 Production Service Clusters; Acquisition and distribution 180 hand tractors; (b) Provision of Post Harvest Equipment and Facilities including: Mini Warehouse with Solar Dryers, Rice mills, Thresher/Husker/Sheller, Construction and Rehabilitation of Farm to Market Roads; (c) Supporting the formation and development of Iranun Development Corporation through making available micro credit finance; vehicles for rice, corn, hi-value cash crops, fisheries and livestock in support of the GMA Program of the Department of Agriculture; and Establishing the Rice and Corn

Grain Centers at Camp Abubakar Complex; (d) Production of farm inputs and work animals and hybrid white corn and rice; planting materials (fruit trees); carabao and cow, goat and chicken; and fertilizers; (e) Provision of funds for training on livelihood projects and agri-based micro enterprise; (f) Funding support for Project Management and operation of IDC; (g) Support for proposed establishment of Agricultural College in Camp Abubakar; and (h) Funding support for aquatic and fishery programs.

But while all these seem already promising, the struggle of the Iranun people for their nation's full development suffered a major setback when early this year their Province of Shariff Kabungsuwan was recalled and returned to the jurisdiction of the Maguindanao Province. This significantly eroded the political gains of the Iranuns particularly at the provincial and national levels. The Iranuns, however, are hoping that their province will be restored before the national elections in May 2010. They have even formed their own partylist group that will help promote the plight of these people at the national level. Like technocrats and architects, the Iranuns have developed their own blueprints towards development, while at the same time embraced their current realities with the willingness to engage, with different strategies on hand, at various levels of mainstream political, economic, and social realms in order to push their people's agenda. With the determination, organization, and drive, especially those I have seen from their leaders, the IDC will soon emerge as a major development block, not only in the conflict-affected areas, but perhaps in the whole of Mindanao.

CONCLUSION

As stated earlier, there can be no single paradigm that will fit

the many Mindanao. The various efforts cited here reveal different approaches to local peace and development concerns that are emerging, working, and evolving as they combine traditional or indigenous wisdom, Islamic principles, and mainstream state institutions in an effort to make sense of their specific contexts. Like the creativity that I have witnessed, the potentials of these diverse efforts seem limitless. Most evident and important is how traditional and state institutions are working together to combine moral and political authorities, traditional wisdom, and state resources in order to effectively resolve conflicts and restore harmony in their communities.

The reality of weak local governance stemming from ineffectiveness to prevent conflict and the displaced local traditional institutions are addressed when these institutions are brought together for the same goals. What I am saying here is that, as of the moment, one cannot do without the other. LGUs alone can not address all these conflicts especially so when the laws they are mandated to impose are those that are not in accordance with their own local traditions. At the same time, traditional leaders deprived of resources and political authority to command state agencies such as the police and the military cannot enforce ceasefires, lead negotiations, and substantially support settlements.

In terms of development frameworks, the emergence of Islamic principles and ethno-based paradigms are indications of where the directions of peace and development in Mindanao are headed. While the Muslims and the Indigenous Peoples remain minorities in Mindanao, their strong adherence to their faith and traditions should provide us with the frameworks on how to be more inclusive of the real needs of these minorities as we frame and re-frame our paradigms. Lastly, since I am not just here to expose but also to propose a peace and development paradigm,

it will have to be one that ties-up or brings together all these diverse efforts, a paradigm that is plural, inclusive, and grounded.

End Notes

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¹ AFP Brig.Gen. Sealana's Updates on the Security Situation in Mindanao, Thinking out of the Box: Perspective on Mindanao Peace and Development, RTD, Davao City, October 7, 2008, *Autonomy and Peace Review*, IAG Quarterly, October – December 2008, pp. 45-58.

² See Philippine Human Development Report: On "Peace, Human Security and Human Development", Human Development Network (HDN) 2005.

³ Rido is a term commonly used by Maranaos and Iranuns, which refers to a state of conflict where parties involved resort to violent retaliations and counter retaliations resulting to cyclic systems of vengeance. What makes Rido different from other violent conflicts are the tendencies of parties to retaliate violently targeting not just the offender but also other members of the family or clan. See Lingga in "Understanding Rido", *Right to Self-Determination, Autonomy and Peace review*, IAG Quarterly (2005:68-69)

⁴ See Rido: Clan Feuding and Conflict Management in Mindanao, Torres III ed. 2007

⁵ See Canuday's Big War, Small Wars: The Interplay of Large-scale and Community Armed Conflicts in Five Central Mindanao Communities, Rido, Torre III ed. (2007: 262-270) also cited in Husin' "Locating Triggers, Reducing Domestic Tensions: Community-based Conflict Management and the Prospects for Peace in Southern Philippines", a paper presented in Jakarta, Indonesia, September (2008)

⁶ Reclaiming Balance: Indigenous Peoples, Conflict Resolutions and Sustainable Development, Victoria Tauli-Corpuz and Joji Carino ed., Tebtebba Foundation, 2004.

About the Institute for Autonomy and Governance



The Institute for Autonomy and Governance (IAG) is an independent and non-partisan think tank founded in 2001 to generate ideas on making autonomy an effective vehicle for peace and development in the Southern Philippines.

IAG views autonomy as a broad and evolving concept that encompasses any political structure that is less than an independent state. It provides the country's minority Muslim and Indigenous Peoples platforms to evolve self-governance structures whether federal, autonomous or associative.

IAG continues to conduct research, fora, roundtable discussions, and conferences on the issues of autonomy, good governance and political settlements between the GRP and the Rebel Fronts (MNLF and MILF). It has published policy papers and journals on political, economic, and security issues that define the much needed measures to be undertaken for meaningful self-governance in the region.

IAG also provides support to the ARMM Regional Legislative Assembly and the Iranon 'County' (Buldon, Barira, Matanog and Parang), specifically in capacity-building with focus on the processes of policy formulation and legislation.

IAG is an institutional partner of the Konrad Adenauer Stiftung in the Philippines.

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