Background

Conflict in Mindanao stems from historical tensions between minority Muslim and indigenous groups in the southern island of Mindanao, and a majority Christian population in the Philippines as a whole. Islam arrived in Mindanao in the 14th century, 200 years before the colonial Spanish Catholics. A number of Sultanates were able to resist external attempts to establish dominance, until the United States took over as the colonial power in 1898.

The US (and, after independence, the government in Manila) promoted the settlement of Christians from the rest of the Philippines to the fertile lands of Mindanao, displacing local populations – Muslim and non-Islamic indigenous peoples. By the 1960s the local population was in a minority in its own homeland.

The armed struggle for an independent state began in 1969, led by the Moro National Liberation Front (MNLF), and was sparked by the alleged ‘Jabidah massacre’ of Muslim soldiers during their military service. The insurgency emerged in an environment of discrimination, Islamic revivalism and opposition to the Marcos dictatorship, and continued when democracy returned in 1986.

In 1996 the government and the MNLF signed a Final Peace Agreement, which granted the Muslim majority areas autonomy. However, the Moro Islamic Liberation Front (MILF) – which had split from the MNLF in 1984 – was unhappy with the deal and vowed to continue the struggle for independence.

The MILF nevertheless focused on a negotiated solution and signed a ceasefire agreement with the government as early as 1997, signalling the start of peace negotiations. The Tripoli Agreement (2001) defined a negotiation agenda between the parties, with three main elements: security (which had already been agreed on in 2001); humanitarian response, rehabilitation and development (agreed in 2002); and ancestral territories (2008).

On 7 October 2012, there was a historic peace breakthrough in the form of a Framework Agreement on the Bangsamoro. This accord set the road map for a transition, envisioning the creation of a new self-governing region in Muslim-dominated areas of Western Mindanao, called the Bangsamoro Autonomous Region. The Comprehensive Agreement on the Bangsamoro was signed between the Government of the Philippines and the MILF in March 2014.

The focus is now on transition – implementing the peace agreement and creating the new Bangsamoro entity. However, the Philippines Congress in Manila has not yet agreed to enact the legislation – the Bangsamoro Basic Law – needed for the peace process to progress, which has led to a political impasse. At the same time there is an increased call for a settlement that responds to the needs and expectations of the diversity of ethnic and political actors in the Bangsamoro. A new national administration (as of July 2016) has the task of identifying paths to overcome this new stalemate in a very protracted peace process.
Is reconciliation possible for Mindanao’s diverse peoples, amid the suspicion and distrust embedded in their collective consciousness, and among groups that have fought each other on the battlefield? What about justice for those who have suffered as a consequence of violence and other forms of historical prejudice? Is a peaceful shared future possible from Mindanao’s deeply divided past? There are no easy answers to these questions.

The establishment in 2014 of a Transitional Justice and Reconciliation Commission (TJRC) as part of the Comprehensive Agreement on Bangsamoro (CAB) was a significant milestone for dealing with the legacy of violent past in Mindanao, and a formal and functioning component of the current peace process and architecture. It was not, however, the first attempt to heal Mindanao’s wounded communities. There are many examples of local reconciliation and conflict resolution initiatives among the communities of Mindanao and between Christians and Muslims that have survived years of war and Martial Law, and successive and often stuttering peace processes.

The TJRC has involved significant innovations to engage communities through an extensive ‘Listening Process’. Still,
connecting local and national efforts remains a serious challenge. Grassroots reconciliation endeavours have struggled to reach upwards to make an impact on the broader national consciousness. They also remain vulnerable to the progress of the peace process and to ‘higher’ political developments – not least the attitude of the new Philippines President, Rodrigo Duterte, and the outcome of the stalled Bangsamoro Basic Law (BBL).

Without a more holistic transformation of relationships damaged by violent conflict at all levels – among communities within Mindanao, between the Moro people and broader Philippines society, and between Mindanao society and the state – it is questionable how meaningful or sustainable peace can be for Mindanao’s people. After the TJRC delivered its report to the Peace Panels in February 2016, the question remains: what next?

“Grassroots reconciliation endeavours have struggled to reach upwards to make an impact on the broader national consciousness.”

Peace process and core challenges to progress in reconciliation

The fate of Mindanao’s current peace process, including the TJRC recommendations, is now tied to the political will and priorities of President Duterte. Outgoing President Benigno Aquino III had made it widely known that the peace process was a priority. President Duterte has made positive signs towards reinvigorating the process, but it is still early in his presidency and he faces significant resistance.

The CAB needs to be translated into a basic law that would pave the way for transformation of relationships between a predominantly Christian-led national government and the Bangsamoro-dominated Autonomous Region in Muslim Mindanao (ARMM). Despite promises, President Aquino was unable to pass the BBL through the Philippines’ two legislative houses – the Senate and House of Representatives – before he stepped down in June 2016. During emotionally charged debates on the BBL in the two houses, old animosities and stereotypes of Muslims and Bangsamoro resurfaced.

Instead, an ‘alternative’ Basic Law for the Bangsamoro Autonomous Region (BL-BAR) was pushed. For many peace advocates, the BL-BAR offers no alternative as it contains provisions that severely weaken the powers of the ARMM.

Mindanao civil society groups are still reeling from the failure of the BBL. Many in Mindanao feel it was ‘killed off’ by a national legislative body chiefly composed of Christian Filipinos, significant numbers of whom appear to hold deep prejudices against groups that have championed the Bangsamoro right to self-determination – principally the Moro National Liberation Front (MNLF) and Moro Islamic Liberation Front (MILF). Such deep prejudice stems from a long history of exposure in the Philippines to anti-Muslim literature and narratives that portray Mindanao Moros, especially those who have taken up arms against the Philippine state, as ‘bloodthirsty’ or ‘violent’. This is exacerbated by shocking media headlines that identify ‘Muslim’ suspects with gruesome acts such as the beheading of kidnap victims by militant groups like Abu Sayyaf.

The BBL’s death knell is widely believed to be the failed security operation at Mamasapano in Maguindanao province in January 2015 involving the Special Action Force ( SAF) of the Philippine National Police. More than 60 people, including 44 SAF personnel, died in a fierce exchange with local armed groups. The groups were reacting to an SAF dawn raid to arrest Zulkifli bin Hir – aka ‘Marwan’ – a Malaysian national believed to be training local armed groups, including the Bangsamoro Islamic Freedom Fighters, a breakaway MILF faction. Media reports largely blamed the MILF, and many Filipinos accepted this portrayal as the ‘truth’. Before Mamasapano, the majority of Philippine legislators had reportedly been gearing up to stamp their approval on the BBL.

Local reconciliation in Mindanao during war and peace

Mindanao’s popular image as a war-torn region belies enduring local initiatives for conflict resolution and reconciliation among warring parties and families within Mindanao. In Maguindanao community in south-west Mindanao, for example, the concept of reconciliation is understood and practised in three ways – kapagulita (reconciliation), kapagayon (agreement and consensus) and kadsulia (going back to the previous peaceful state or relationship). Influential traditional leaders (datus), play a crucial role. The datu calls the parties involved and conducts a series of bilateral talks with each, usually one after the other. Then the parties are brought together to come to an agreement over what needs to be done to go back to the previous state of the relationship.

Among the Iranun communities of the municipalities within the Maguindanao-Lanao boundary, local hybrid mechanisms have been organised – including special bodies like the Joint Ulama (council of learned men) and Municipal Peace and Order Council (JUMPOC). JUMPOC entails negotiations, paying ‘blood money’ as reparation for the aggrieved parties, and holding kanduli (thanksgiving feasts) to signify the restoration of harmonious relations.

An NGO called the Pakigdait (‘promoting social harmony’) has also conducted several conflict prevention and resolution initiatives since the late 1990s. In two municipalities in Lanao del Norte, the mayors created a Council for settling community conflicts, with its membership divided equally among influential Christian and Meranaw community Muslim leaders.

Community conflict prevention and resolution efforts have certainly contributed to promoting peace in localised areas. But ‘best practices’ in achieving horizontal reconciliation among feuding groups have remained restricted to low-intensity conflict. Conflicts among influential political clans have remained intractable and challenging, despite the presence
of military installations in many of Mindanao’s so-called ‘hot spots’. In some cases, the presence of the military has exacerbated an already uneasy peace. Some low-intensity conflicts have escalated when a political family has direct ties to the conflict, for example relatives either in the military or rebel groups.

The trajectory of the conflict also determines the extent to which broader reconciliation initiatives could occur, as well as their impact.

**Under Martial Law**

Starting in the late 1970s to early 1980s, the United Church of Christ in the Philippines (UCCP) in Mindanao initiated inter-faith dialogue. This strategy was dubbed *Duyog Ramadhan* (literally ‘accompanying Ramadhan’), carried out during the holy month of fasting among Muslims. Christians ‘accompanied’ or visited Muslim communities, and stayed with families for the entire month.

While this was not explicitly building reconciliation skills, it was an insightful strategy for helping members of the majority Christian Filipino population understand the logic behind the practice of Ramadhan. Understanding the faith of the ‘other’ was already a step toward a reconciliatory process. Unfortunately, this initiative was not sustained after the period of Martial Law (1972–81), although the UCCP has remained fairly active in inter-religious dialogue.

Since 1984 the Silsila Movement based in Zamboanga City has offered a distinctive type of inter-religious dialogue. Italian missionary Fr. Sebastian D’Ambra, who founded the movement, was deployed in various municipalities in southern Philippines from the 1970s, at a time when several areas of Mindanao were virtual battlefields between the MNLF and Philippines military forces. Silsila continues its dialogue efforts to this day, despite many drawbacks and threats of violence against key workers.

**Post-Marcos**

A complex civil society terrain emerged in Mindanao after the fall of the Marcos dictatorship in 1986 and the rise to power of Cory Aquino. After years of conflict during the Marcos regime, the difficult process of healing and reconciliation could begin. At the same time, however, communities faced intense challenges due to lost livelihoods and a lack of resources to start rebuilding their lives after years of displacement. They also had to grapple with continuing structural challenges at the root of Mindanao’s conflicts, such as landlessness and abject poverty. Politically marginalised communities continued to live in virtual ‘evacuation-ready’ mode. One community member, participating in the ‘listening process’ facilitated by the TJRC (see page 38), expressed his agony over his family’s experience: “How can we heal [our past wounds] when we hear [and evade] gunshots everyday?”

In 1999 the MILF placed nine central aspects of what it considered the ‘Bangsamoro Problem’ on the negotiating
The point on reparation stands out as directly relating to reconciliation. But in the series of talks between the MILF and the government there has been no explicit agreement or consensus on initiating a comprehensive programme for healing and reconciliation. Prior to the signing of the CAB, the idea of transitional justice was never mentioned. For many Bangsamoro communities, the pain of having to go through innumerable displacements lingers on, even if the skirmishes they had to evade took place in the past. How can shattered communities move forward with the healing and reconciliation process?

**Transitional Justice and Reconciliation Commission**

One of the CAB’s provisions was for the creation of a TJRC as part of the Joint Normalisation Committee (‘normalisation’ aims to enable affected communities to return to a peaceful life). This was a significant milestone: for the first time in the country’s long, drawn-out peace processes, there was a body with an explicit mandate for promoting healing and reconciliation among Mindanao’s divided communities.

The TJRC’s mandate includes undertaking research and consultations and making recommendations to the peace panels on how the peace process can address legitimate grievances, historical injustice, human rights violations and marginalisation through land dispossession among the Bangsamoro.

The TJRC uses the Swiss ‘Dealing with the Past’ (DwP) framework based on the ‘Jointet/Orentlicher principles’ against impunity. These principles identify four key complementary areas: the Right to Know, the Right to Justice, the Right to Reparation and Guarantees of Non-Recurrence. Taken together, the principles provide the basis for a holistic strategy for forging transitional justice in communities deeply divided by conflicts, adapted to the cultural, historical and overall social contexts of Mindanao’s culturally diverse peoples.

Such a framework acknowledges and defines the rights of victims and the obligation of the state to provide remedies for serious violations of International Human Rights and Humanitarian Law. The DwP approach offers a constructive way of dealing with past wrongdoing and atrocities, while strengthening the peace and conflict transformation process. At a societal level, DwP is a prerequisite for reconciliation.

To carry out its mandate the TJRC designed a broad-based process of ‘listening’ to narratives of community members, combined with the organisation of expert study groups and a series of policy interviews. The TJRC Listening Process involved researchers visiting various parts of the region to document ordinary people’s narratives in order to understand how their concerns could be integrated into prevailing national discourses. The Listening Process was conducted from March to July 2015 in more than 200 Moro, indigenous and settler communities in Central and Western Mindanao, involving 3,000 community members and local officials. The official TJRC report was handed over to the Government and MILF Peace Panels on 10 February 2016.

The TJRC used a number of different methodologies, including a review of past and current initiatives in the field of transitional justice and dealing with the past in the Philippines and key informant interviews with policymakers. The Listening Process was particularly innovative in that it allowed for direct sharing of community members’ experiences and narratives. It was the first serious effort to reach out to a broad spectrum of conflict-affected communities in Mindanao. Most researchers were recruited from community-based civil society organisations, and were able to elicit a range of perspectives on healing and reconciliation, as well as reflect on their own experiences of the effects of war in their respective communities.

"The Listening Process was particularly innovative in that it allowed for direct sharing of community members’ experiences and narratives.”

**Diverse perspectives**

Healing and reconciliation in deeply divided societies is an arduous process, entailing a complicated web of interacting and sometimes conflicting perspectives and approaches. It could be an opportunity for building social cohesion among Bangsamoro conflict-affected communities, if not handled appropriately and carefully, however, it could also be divisive.

Interviews conducted by the TJRC revealed a variety of views, including for example: “asking for blood will not bring back the life of our dead relatives”; “we need other narratives to complete catharsis and not forget the past”; “memorialisation is important”; “we need to recognise different truths”; and “there is a need for justice” and “addressing impunity”.

For some people, healing can only take place when there is public acknowledgement of the wrongs and violent acts committed against them, along with an honest account of past injustices. Most of all, healing starts when those who acknowledge their violent acts propose how to ‘mend’ such wrongs. Accounting for past actions is an important element of healing and reconciliation; it is also among the first steps toward transforming relationships at different levels.

But remembering is not a priority for everyone. Some participants in the Listening Process expressed the belief that the past should be buried, along with all its painful experiences; that it should be forgotten to move on towards a more “peaceful” future. The common justification for
"forgetting the past" is that "our loved ones who died in the war can no longer be with us". This perspective is quite controversial for some people, as it seems to absolve past wrongdoers of their responsibility to rebuild broken relationships.

In a study of South Africa’s Truth and Reconciliation Committee, Anastasia Kushleyko notes that granting amnesty to perpetrators is equivalent to "foregoing accountability and redress". Many people baulk at the impunity amnesty provides to those who have committed unspeakable crimes against humanity or against a specific group of people, such as the ‘minoritised’ Bangsamoro and Mindanao indigenous peoples. Concerns were raised when some politicians associated with Martial Law, including members of the Marcos family, argued for forgetting the past in their May 2016 election campaigns.

Reconciliation across levels

In Mindanao, there is growing social awareness of peace and its myriad dimensions, and of the cumulative outcome and positive impact of grassroots and middle-range peacebuilding strategies. Such awareness, however, has not led to development of a collective consciousness to support transformation of relationships at various levels. Nor have these efforts influenced national and other policymakers to make decisions in favour of peace, healing and reconciliation in Mindanao.

Collectively, grounded efforts have had an impact within grassroots communities and middle-level sectors, especially in conflict-affected areas. Case studies of these initiatives described by Rosalie Arcala Hall in 2015 show that some low-profile rido (vengeance killings) cases have been solved, and peace and order in former ‘hot spots’ in Central Mindanao have improved: largely through peace and governance interventions of locally organised NGOs alongside hybrid conflict resolution mechanisms.

The impact seems to have stopped at local communities and specific social sectors; such efforts have not, for example, created a peace constituency among the larger Philippines population. There is still a lack of understanding of the root causes of conflicts in Mindanao, such as longstanding discrimination, human rights violations and land dispossession, or of the effects of the violence and conflict on the Mindanao population.

A core issue is that the grounded and middle-range peacebuilding strategies did not have the strategic coherence to link the cumulative outcomes of diverse healing and reconciliation efforts. This required a strong, coordinated and strategic framework for elevating the issues and root causes of conflicts in Mindanao to the national consciousness, especially among legislators and executive levels in the Philippine bureaucracy.

The TJRC Listening Process provided several insights into why elevating the root causes of Mindanao’s conflicts to national consciousness is important. The narrative of social exclusion dominated the sharing of experiences and lived realities in the different Listening Process sessions, as participants expressed their sense of alienation. It concluded that legitimate grievances, historical injustice, human rights violations, and marginalisation through land dispossession are the consequences of three mutually reinforcing phenomena: (1) systemic violence by the state expressed in terms of political, socio-economic, and cultural exclusion and in the disproportionate use of direct violence; (2) a pervasive culture of impunity that undermines the practice of the rule of law; (3) deep neglect by the state combined with the lack of vision for the common good.

In particular, the government has marginalised local histories and narratives of the diverse Mindanao ethno-linguistic groups, especially their struggles against both colonial masters and oppressive national policies and structures.

The education system also has a largely Christian perspective. For instance, class schedules only consider the holy day for Christians (Sunday), without recognising that for Muslims, Friday is the day of congregational prayer in the mosque. School calendars are also timed to coincide with Christian-based holidays such as Christmas and New Year, which Muslims do not celebrate. The curriculum of almost all higher educational institutions does not include the history of Mindanao and Sulu. This omission reflects the national government’s Christian bias and its focus on Luzon, the largest most populous island in the Philippines and location of the capital, Manila.

Most troubling is the imposition of a ‘homogenous’ Filipino identity and Philippine state on people with diverse Bangsamoro ethnic identities, who see themselves as pre-existing nations and whose core characteristics and values revolve around Islam. For many in Mindanao, Islam is a total way of life and its precepts do not separate the religious from the political and social realms. In contrast, the Philippine state, forged largely through the efforts of Luzon-based ‘nationalist’ struggles, is quite explicit in its doctrine of the separation of Church and State.

There is also the challenge of where to draw the line between historical injustices and legitimate grievances. If you wear the hijab and apply for a job in the Philippines today, for example, there is a high chance you will not get it, since the majority Christian society frequently finds traditional Muslim clothing unacceptable. Should such issues, then, be treated by the authorities as requiring active state intervention?

Politically too, the Bangsamoro have been marginalised, despite the establishment of an autonomous regional government in Muslim-dominated Mindanao provinces in 1989. Throughout its existence, the ARMM has never been truly autonomous. Past and present presidents interact with autonomous region leaders in a patron-client relationship, including different types of rent-seeking behaviour. Anointment by the sitting president is a guarantee of being elected governor, as shown in the past and present ARMM leadership.

An overall communications plan would help wider Filipino society understand the rationale for entering into a peace
process with a group that was previously denounced, most recently as part of a global network of ‘terrorists’. There is a long history of prejudice and demonisation of Muslims. The Listening Process highlighted the need for a rewriting of histories from the Mindanao population’s perspective.

The TJRC recommends the creation of a National Transitional Justice and Reconciliation Commission on the Bangsamoro to oversee a National Dealing with the Past strategy and to develop specific initiatives related to historical memory, impunity, promotion of accountability and rule of law, address land dispossession and promote healing and reconciliation in the Bangsamoro.

**Conclusion**

The road towards a shared, peaceful future in the Bangsamoro remains unfinished. The route has been mapped out, but there are huge obstacles along the way. A framework for reconciliation is yet to be crafted.

Government Chief Negotiator Miriam Coronel-Ferrer described what such a process involves in her speech during the TJRC public launch in October 2014:

“The work of the TJRC and its outcome must set off a process that does not control, formalise, bureaucratize nor narrow down the avenues, but rather generates, in addition to the state’s, people-driven initiatives to do transitional justice and reconciliation.”

This requires civil society actors – including academic institutions, which have not yet mobilised their capacities as ‘peace multipliers’ – to talk to each other and outside of their immediate circles to enlarge the windows of opportunity. It is also important for civil society actors to continue with their grounded peacebuilding and reconciliation work. While government assessments have recognised the history of grassroots initiatives, that lack of broader national consciousness has meant that the transformation of relationship is not yet possible: from the personal and interpersonal, to the societal, and eventually to more structural, equitable relations, especially between the Manila-centred government and Mindanao’s marginalised communities. At this juncture of Philippines history, a more focused and strategic framework for nation-building based on conflict transformation is crucial.

President Duterte can begin the arduous process of healing and reconciling Mindanao’s communities through the institutionalisation of a body – as recommended by the TJRC – that will provide a strategic framework for dealing with the past and collectively forging a more inclusive future both for Mindanao and the country as a whole. Yet, given current uncertainties regarding the BBL, the TJRC also concludes that, while there is no replacement for a durable peace agreement and legal framework for peace, their recommendations can be implemented by existing institutions immediately, and later supported by any national transitional justice and reconciliation commission that is set up.