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Armed Violence in Mindanao: Militia and private armies

The Institute of Bangsamoro Studies and
the Centre for Humanitarian Dialogue



The Centre for Humanitarian Dialogue (HD Centre)

“Mediation for peace”

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Cover images

Front: A member of pro-government militia unit under the command of the AFP aims his World War II-era M-1 Garand rifle as he guards the perimeter of a village in Maguindanao on the eve of national and local elections on 10 May 2010. © Jason Gutierrez/IRIN

Back: Close-up shot of 1000 peso featuring the banaue rice terraces. © Shutterstock images

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Contents

Acknowledgments and contributors	5
Terminology and abbreviations	7
Section 1: Introduction	8
Militia in situations of violent conflict	8
Armed violence in Mindanao	9
Motivations and methodology	10
Figure 1: Map of Mindanao	11
Terminology	11
Key findings	12
Conclusion	12
Section 2: Militia entities in Mindanao	13
Economic drivers	14
Box 1: Population and ethnicity in Mindanao	14
Historical overview of militia formation	15
Table 1: Mandates of the CAFGU Active Auxiliaries, Special CAFGU Active Auxiliaries and Civilian Volunteer Organizations	17
Table 2: Annual CAFGU Active Auxiliary strength	19
Table 3: Comparative benefits for militia type	20
Table 4: Allowances and pay of CAFGU Active Auxiliary members	21
Militia and human rights: A volatile mix	24
Gender patterns in militia	25
Section 3: Security services and forces	29
Armed Forces of the Philippines	29
Box 2: The availability of weapons in the Philippines	31
Philippine National Police	32

Section 4: Children and youth	36
Section 5: Survey findings	39
Militia demographics	39
Motivations	40
Security and counter-insurgency roles	41
Policies and socio-economic recommendations	43
Reflections on key findings	44
Section 6: Opportunities for policymaking to reduce violence	45
The Office of the Presidential Adviser on the Peace Process	45
Box 3: List of peace agreements	46
Dialogue with the MNLF and MILF	47
Specific efforts targeted at militia	48
Section 7: Conclusion and recommendations	50
Annexes	55
Annex 1: List of Focus Groups	55
Annex 2: Publication Review Meeting, July 2010	56



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Terminology and abbreviations

Below are the most common acronyms and local terms used in the report that might require explanation.

AFP

Armed Forces of the Philippines

ARMM

Autonomous Region in Muslim Mindanao

Barangay

Smallest political and administrative unit in the Philippines

BARIL

Bring A Rifle – Improve your Livelihood (buy-back scheme)

BM

Barangay Marines

BP

Barangay Police

CAA

Civilian Armed Forces Geographical Unit Active Auxiliaries

CAFGU

Civilian Armed Forces Geographical Unit

CEF

Civilian Emergency Force

COMELEC

Commission on Elections

CVO

Civilian Volunteer Organization

Datu

Traditional pre-colonial authority figures

DDR

Disarmament, demobilization and reintegration

GRP

Government of the Republic of the Philippines

JI

Jemaah Islamiyah

MNLF

Moro National Liberation Front

MILF

Moro Islamic Liberation Front

Moro, Bangsamoro

Original Muslim inhabitants of Mindanao at the time of colonization

NPA

New People's Army (Armed wing of the Communist Party of the Philippines)

OPAPP

Office of the Presidential Adviser on the Peace Process

Paltik

Philippine homemade firearms or firearms manufactured in cottage industries

Peacemaking

Negotiating a solution to violent conflict

Peacebuilding

Addressing the root causes of conflict to resolve enmity, violence and discrimination

Peacekeeping

Managing and preventing armed violence typically after a ceasefire or peace agreement

Rido

Clan conflict



Section 1: Introduction

In November 2009, the massacre of 57 people in the province of Maguindanao in Mindanao garnered global attention.¹ Directed by the politically powerful Ampatuan clan, against the family members of their political rivals, the Mangudadatu, many of the individuals accused of participating in the massacre belonged to Civilian Volunteer Organizations (CVOs) controlled by the Ampatuans. Such CVOs were recruited and funded by the local government units (LGUs) which form a core part of the country's national security policy. Despite the fact that they were under the control of the LGUs they had come to effectively serve as the private army of the Ampatuans.²

This was a graphic example of an everyday phenomenon in Mindanao where private armies, militia, 'civilian defense forces' and vigilante forces have become indistinguishable. The Philippines is marked by weak and fragmented public security which is dominated by lethal clan rivalries, dynastic politics and underdevelopment. Weak and poorly implemented gun laws mean weapons are readily available and often used. Militia have evolved to be actors in armed violence and violent conflict across Mindanao, particularly Muslim Mindanao which is predominantly the focus of this report.

Militia in situations of violent conflict

Violent conflicts increasingly feature a range of armed actors in addition to traditional or recognizable soldiers including civil defense forces, militia, paramilitaries, criminal groups, armed gangs and private armies. Militia are a common feature of modern warfare yet surprisingly little dedicated research and analysis is available on the phenomenon of militia globally.³

This lack of attention to militia has had profound consequences for peacemaking policy and practice. Within peace processes and resulting agreements, disarmament, demobilization and re-integration (DDR) programs are the dominant activity related to weapons control. However, DDR programs often rely on a civilian-military dichotomy that typically only considers disarming combatants. As such, militia have proven difficult to include in the security components of peace processes and agreements, and the needs and expectations of militia members are frequently overlooked. This leads to arms staying in their possession, both illegally and legally.

The examples of Guatemala and South Africa demonstrate the consequences of neglecting militia in peace processes.⁴ During Guatemala's civil war,

1 Mindanao is the second largest island in the Philippines located in the south near Indonesia and Malaysia. It refers to mainland Mindanao and the island provinces of Basilan, Sulu and Tawi-Tawi.

2 For more detail see, International Crisis Group, "The Philippines: After the Maguindanao Massacre", *Asia Briefing* No. 98, 21 December, (Jakarta/Brussels: International Crisis Group, 2009).

3 See for example: Tar, Usman A., "The perverse manifestations of civil militias in Africa: Evidence from Western Sudan", *Peace, Conflict and Development: An Interdisciplinary Journal*, Vol. 7 (2005); Jensen, Steffen and Stepputat, Finn, *Demobilising armed civilians*, Centre for Development Research Policy Paper, (Copenhagen: CDR, 2001); Buchanan, Cate and Widmer, Mireille, *Civilians, guns and peace processes: Approaches and possibilities*, Briefing Paper No. 1, Negotiating Disarmament Series, (Geneva: Centre for Humanitarian Dialogue, 2006).

4 Jensen and Stepputat, (2001).

civil patrols were organized by the army in 1982. Around one million men belonged to patrols at various points until 1995. Most patrols were armed by the army and gradually took over law enforcement duties. Although a peace agreement was signed in 1996 and patrols were legally abolished, they continued to operate and are alleged to have committed human rights abuses. In South Africa, self-defense units were formed by the African National Congress (ANC) in the 1990s. They increasingly pursued their own local interests, sometimes exploiting the communities they were meant to protect and the ANC lost control over them. Both countries continue to be racked by criminal violence largely attributed to the proliferation of arms and armed groups during the conflict period.

Armed violence in Mindanao

Armed violence in Mindanao is multi-faceted, motivated not only by ideology but also local and regional struggles over political power and resources, clan conflict, vigilantism, and opportunistic crime. Violence typically involves more than one of these elements. Motivations are difficult to determine due to a lack of clarity about the relationships between victims and perpetrators, power centres, power brokers, state officials and other significant actors.

Although attention is often directed at the Bangsamoro liberation movements and foreign terrorist elements, a closer look at the violence reveals that, in fact, most security threats come from elsewhere: powerful political clans; business interests; politicians; private security firms; non-state armed groups; and security forces.⁵ The use of armed civilians or militia is widespread and poses a range of challenges. The presence of militia in conflict-affected communities complicates implementation of ceasefires as much of the fighting between gov-

ernment troops and insurgents is started by Civilian Armed Force Geographical Unit (CAFGU) members or CVOs.⁶ Members of warring clans involved in clan conflict (rido) and who are also militia members can exacerbate the conflict and make resolution more difficult. The use of militia to gain political power and promote business interests can result in human rights violations.

“What differentiates these groups from other private armed groups in the country – particularly insurgent and rebel forces but also outright criminal organizations – is that they can claim either an explicit legal status or at least a grudging tolerance of agents of the state.” – Herman J Kraft, 2010

In a context such as the Philippines, militia have emerged to fill the vacuum left by ineffective state security services and the weak rule of law, particularly in Mindanao. Militia act as *de facto* community police or as auxiliary forces created by the state. As noted by one observer: *“What differentiates these groups from other private armed groups in the country – particularly insurgent and rebel forces but also outright criminal organizations – is that they can claim either an explicit legal status or at least a grudging tolerance of agents of the state. This is problematic when members of these groups are accused of human rights violations, especially on matters relating to the Communist insurgency and the Muslim separatist movement. In most cases, these acts have nothing to do with state-sanctioned operations against ‘enemies of the state’ but instead involve private interests.”*⁷

Thus, their varied role(s) makes security sector transformation and the task of disbanding the militia all the more difficult.

5 See, Widmer, Mireille, *Reducing Armed Violence in the Philippines*, Centre for Humanitarian Dialogue, unpublished (2007); Santos, Soliman, Jr and Santos, Paz Verdades M, (Eds.), *Primed and Purposeful: Armed Groups and Human Security Efforts in the Philippines*, (Geneva, Switzerland: Graduate Institute of International and Development Studies, 2010); Penetrante, Ariel Macaspac, *Guns, Goons and Gold as Burdens of a Fragile State –Dynamics and Mechanisms of SALW and Internal Conflict in the Philippines*, Paper presented at the German Association for Peace and Conflict Research meeting, April 10-12, (2008); Human Rights Watch, *“You Can Die Any Time”: Death Squad Killings in Mindanao*, (New York: Human Rights Watch, 2009); Espino, Irineo C, *Counterinsurgency: The Role of Paramilitaries*, Master Thesis, Naval Postgraduate School, (Monterey, California: Naval Postgraduate School, 2004).

6 In the MILF report for the period from July 1, 2008 to March 29, 2009, 23 armed clashes between Government and MILF forces involved the CAFGU and CVO. See Moro Islamic Liberation Front, *General Situation of Bangsamoro in Mindanao, South of the Philippines*. Report presented during the meeting of intergovernment groups of experts representing their respective states, Organization of Islamic Conference, (Davao City, 2009), pp.18-56. During the military operations against the MILF in 2000, 24,618 CAFGUs were mobilized by the AFP. See Pobre, Cesar P and Quilop, Raymundo Jose G (Eds.), *In Assertion of Sovereignty: The 2000 Campaign Against the MILF*, (Quezon City: Office of Strategic and Special Studies, AFP, 2008), p.45.

7 Kraft, Herman Joseph, “The Foibles of an Armed Citizenry: Armed Auxiliaries of the State and Private Armed Groups in the Philippines” in Santos, Soliman Jr, and Santos, Paz Verdades M, (Eds.), (2010), p.189.

Politics is a significant driver of feuds and warlordism in the Philippines. Large and influential families in Mindanao, particularly within the Autonomous Region in Muslim Mindanao (ARMM), arm civilians to fight for political dominance. Clan conflict or rido, which is mostly driven by politics and competition for land, further exacerbates the situation.⁸ Such action is tolerated partly because the national government relies on influential Mindanao families for political support during elections. In return, successive governments have allowed and enabled families to form private armies using state structures such as CVOs. As a result of the conflict and persistent underdevelopment of the ARMM, local government administration is weak and polarised and therefore unable to address this challenge.

Motivations and methodology

The Institute of Bangsamoro Studies (IBS) and the Centre for Humanitarian Dialogue (the HD Centre) collaborated from 2009 to mid-2011 to support information for policy formulation in this area. Both organizations are involved at different levels of the peace process in Mindanao.⁹ The objectives of the study were to:

1. Trace the history of militia in Mindanao, particularly the Autonomous Region in Muslim Mindanao (ARMM);
2. Understand and examine the demographic characteristics of the militia and the motivations and forces that promote their membership and activities;
3. Explore how the militia perform their roles in relation to their mandates;
4. Identify policies and programs for their demobilization from service and integration into civilian life, the Armed Forces of the Philippines (AFP) or the Philippine National Police (PNP).

For an independent mediation organization such as the HD Centre, a deeper understanding of militia can inform the negotiation of security sector reform and human security in peace talks, making it more likely that issues concerning militia can be effectively addressed. For IBS, which focuses on peace policy in Mindanao, the report contributes to consideration of which policies should be adopted to deal with the challenges of militia.

The report presents the findings of primary research undertaken over two periods and incorporating both quantitative and qualitative approaches. Firstly, over a six-month period in 2007, interviews were conducted by the HD Centre with a broad cross section of individuals in Manila, Zamboanga, Jolo, Davao, Pikit and Cotabato.¹⁰ Secondly, between mid-2009 and mid-2010, the IBS led dedicated focus groups and interviews across Mindanao. These included surveying the views of 577 militia members in nine provinces and one city across Mindanao including Maguindanao, Cotabato (North), Sultan Kudarat, South Cotabato, Sarangani, Lanao del Sur, Basilan, Tawi-Tawi, Sulu and Davao City (see Figure 1: Map of Mindanao).¹¹ The endemic and chronic occurrence of armed violence across these ten focus areas was the basis for selecting them. Militia, vigilantes, private armies, rebels or insurgents and politically-motivated private armies are all present in significant numbers in these provinces. Information generated through the work of the Sulu-based Armed Violence Reduction Initiative (AVRI), established by the HD Centre in 2007, supplemented this primary research.¹²

In addition, 14 focus groups and interviews of 22 key informants were conducted with participants representing a range of sectors including the military, police, academia, religious bodies, political and community leaders, business people, women's rights organizations and young people (see Annex 1: List of Focus Groups). Secondary sources such as newspaper articles, books, journals and electronic publications were also reviewed to complement and substantiate the validity of information gathered through primary research. The report was peer reviewed by two independent experts in this area

8 See Torres, Wilfredo Magno (Ed.), *Rido: Clan Feuding and Conflict Management in Mindanao*, (Makati: The Asia Foundation, 2007); Kreuzer, Peter, *Political Clans and Violence in the Southern Philippines*, Peace Research Institute Frankfurt Report No. 71, Peace Research Institute, (Frankfurt: PRIF, 2005).

9 Disclosure: In September 2010 Abhoud Syed M. Lingga, Executive Director of the IBS was appointed to the negotiating panel for the MILF. The HD Centre is a member of the International Contact Group in the GRP-MILF peace process and also assisted with the MNLF peace process also in Mindanao.

10 Interviews conducted by Mireille Widmer of the HD Centre from May to October 2007.

11 Specifically: 231 CAFGUs, 226 CVOs, 60 Civilian Emergency Force (CEF), and 60 Barangay Police and Barangay Marines (BPs and BMs).

12 The HD Centre is grateful to the Government of Switzerland for supporting the AVRI from November 2009 to December 2010.

Figure 1: Map of Mindanao



Courtesy of the UN Office for the Coordination of Humanitarian Affairs.

in early 2011. This was preceded by a larger review meeting in Manila in July 2010 (see Annex 2: Publication Review Meeting, Participants List, 27 July 2010, Makati City).

The report places a strong emphasis on gender given the disproportionate involvement of men and boys in all forms of organized armed violence in Mindanao. Cultural deterrence excludes females from direct involvement in militia but women and girls play a number of indirect roles. Importantly, this focus on gender is multi-faceted and does not assume that gender is synonymous with women or “women’s issues”.

Terminology

Terminology regarding militia in Mindanao is often convoluted and quite specific to the Philippines. In other contexts militia may be described as paramilitaries because of their association with a state security actor. In the Philippines, the term paramilitary is sometimes used to refer to, what this report describes as, militia given their creation and supervision by the Armed Forces of the Philippines (AFP). The term ‘paramilitary’ as defined by the US Defense Department means “forces or groups dis-

tinct from the regular armed forces of any country, but resembling them in organization, equipment, training or mission.”¹³ There are different types of militia groups in the Philippines and they are classified according to the involvement of the central government and the military. CAFGUs for instance, are embedded in the military hierarchy. CVOs are an unarmed component of the local defense organization but when used as police force multipliers, the CVOs are being armed. Vigilante groups are also employed by the government for counter-insurgency work.¹⁴ Therefore this report uses the wider term ‘militia’ to refer to those civilians that are organized and armed by state entities, elected representatives, clans and insurgent armed groups, whether they are uniformed or not.

13 Definitions from Director for Joint Force Development (J-7), *Department of Defense Dictionary of Military and Associated Terms*, (Washington, DC: Joint Staff J-7, 2010), p. 277. www.dtic.mil/doctrine/new_pubs/jp1_02.pdf Accessed May 12, 2011.

14 Banlaoi, Rommel C. “CAFGU, CVOs and Vigilante Groups in the Philippines”. Paper prepared for the South-South Network (SSN) Philippine Armed Groups Political Mapping Research Project, (2006).

Key findings

Poverty and underdevelopment

Common reasons cited by members for joining militia were poverty, lack of employment options, personal support for the group's goals as well as community and family protection. The chronic underdevelopment of Mindanao is a driver for involvement in organized armed violence and therefore represents a clear area for action. Sustainable youth employment strategies are a challenge but essential given that most militia members are drawn from poor households. The monthly living allowance of militia members is far below the national poverty thresholds, thus making them vulnerable to exploitation by affluent and influential individuals in exchange for monetary payment.¹⁵

Inadequate preparations for work

Most militia members surveyed had limited educational qualifications and are poorly qualified for other employment opportunities. They had generally served in militia groups for between one to five years. Many of them had served previously in other militia or armed groups, undergone military training and participated in combat operations.

Weak public security

In the context of unreliable public security in Mindanao many non-militia members interviewed approved of the work done by the militia. Some militia members said they had been involved in programs they felt had ultimately promoted community peacebuilding, conflict prevention and resolution. However, although most militia members have undergone basic military training and understand their mandate of 'maintaining peace and order' and 'protecting the community and civilians from rebels and lawless elements' (as described in focus groups), the actual roles they perform diverge from this mandate. They act mostly as 'force multi-

pliers' for the AFP and as escorts or bodyguards for politicians and business people, effectively becoming private armies. Thus the claims to meaningful contributions to peacebuilding should be regarded cautiously.

Disbanding the militia

Naturally there were opposing views relating to the disbanding of the militia. Most members do not endorse the dismantling of such groups as they primarily worry about the loss of income for their families. Integration into either the AFP or the police is a preferred option by many because it is an opportunity for steady income, benefits and other privileges. Furthermore, there are many in the security services who fear the loss of militia as important contributors in their efforts to combat insurgency.

Conclusion

The use of militia by clans, security agencies and politicians pose numerous challenges for more accountable public security in the Philippines. This report calls for the eventual disbanding of all organized armed civilian militia. In a modern democracy such as the Philippines which is working towards increasingly competent and professional security agencies, the need for such 'force multipliers' is questionable. However the IBS and the HD Centre recognize that a phased approach is necessary. In the interim, reducing the number of militia groups and ensuring that those remaining groups have improved administration and supervision is strongly recommended.

Ultimately, to end the practice of armed civilians performing ad-hoc and poorly controlled public security functions, several norms and factors must be tackled: the use of violence for political purposes must be condemned throughout the country; significant security system reform to end the reliance on militia by the police and army; education and employment opportunities need to be fundamentally transformed; the ban on private armed groups must be enforced; weapons availability must be severely curtailed to clamp down on the vast pool of guns in the grey and black markets; and cultural norms condoning the use of violence for settling family feuds must also be questioned with mechanisms put in place to diffuse family feuds before they escalate.

¹⁵ In 2009, a Filipino needed Philippine Peso (PhP)974 to meet his/her monthly food needs and PhP1,403 to avoid the poverty line. A family of five needed PhP4,869 monthly income to meet food needs and PhP7,017 to stay out of poverty. Figures from Virola, Romulo A, "2009 Official Poverty Statistics", presentation by Dr. Romulo A. Virola, Secretary General, National Statistical Coordination Board (NSCB), at the NSCB Operations Room, Makati City, February 8, 2011. Available at www.nscb.gov.ph/poverty/2009/Presentation_RAVirola.pdf Accessed May 2, 2011. The average monthly living allowances received by militia members were: PhP 983 for BP/BMs; PhP1,166 for CEFs; PhP1,416 for CVOs; and PhP 3,193 for CAFGUs.



Section 2: Militia entities in Mindanao

Conflict in Mindanao is complex, cutting across different divisions within society and triggered by a number of intersecting motivations. The most frequently reported source of conflict in Mindanao is between the Moro separatist groups and the Government of the Republic of the Philippines (GRP). The separatist movement is represented by two main armed groups, the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF). While the MNLF entered into a peace agreement with the GRP in 1996, the MILF is still engaged in peace talks and serious eruptions of conflict often occur, the most recent being between August 2008 and July 2009 which displaced over 600,000 persons.

Terrorism is a less lethal, but no less renowned, source of conflict. Led by a small number of mostly criminal elements in the Abu Sayyaf Group, these sources of conflict have largely been contained in recent years. However, high profile kidnappings of foreigners and nationals by the Abu Sayyaf Group and other kidnap for ransom groups have had a significant impact as they resulted in heavy-handed military operations.¹⁶ While some members of the Abu Sayyaf still purport to retain some ideological motivation, most observers would agree they are being driven largely by criminal desires.

Though it occurs in other parts of the Philippines, clan conflict is perhaps the most intractable and troublesome source of conflict in Mindanao. While the trigger of a clan conflict may be something rather trivial, it is often exacerbated by historical

grievances or rivalries dating back a generation or more. The conflicts may involve a number of other clans as a result of shifting alliances and conflicts may even be waged within clans, tearing families apart. The most common sources of clan conflict, however, are land disputes, political office, issues of honor and resources. Given the primacy of clan and ethnic identities, a conflict which begins as a family feud can potentially evolve into armed clashes involving armed groups, the army, the MILF or MNLF and the police. A case in point is the rido between the Tayuan and Mangansakan families. Among the members of the Tayuan family are MNLF commanders. When the Mangansakan family asked for help from the AFP, this exacerbated the conflict resulting in many casualties and the displacement of many families across four municipalities.¹⁷

All these types of conflict regularly intersect through alliances of convenience or through members of a clan or separatist group engaging in clan, criminal or even terrorist acts on their own. There is also considerable fluidity between actors, with individuals moving back and forth from armed groups to criminal networks to the armed forces. Unfortunately, the inability to maintain law and order and a lack of democratic practices has undermined the credibility of the local and national authorities. This has allowed criminal elements to proliferate and forced residents to either take the law into their own hands or rely on their clans to defend and enforce their rights.

16 See Ugarte, Eduardo F, "The phenomenon of kidnapping in the southern Philippines: An overview", *South-East Asia Research*, Vol. 16, March, (2008), pp.293-341.

17 United Youth for Peace and Development, "The Celebrated Cases of Rido in Maguindanao and North Cotabato", in Torres, Wilfredo Magno (Ed.), (2007), pp. 290-291.

Economic drivers

Muslim Mindanao's development is undermined by its continuous exclusion from the economic growth that the country as a whole has enjoyed over the past decades. This unsustainable development has taken place based on reconstruction and election-driven consumption spending, armed violence, the loss of educated people seeking opportunities elsewhere and instability. In 2006, poverty among families was high at 55.3 per cent in the ARMM compared to the national average of 26.9 per cent.¹⁸ Furthermore, in 2003, economic and social conditions in the ARMM lagged behind in comparison with other provinces and regions where four of its five provinces – Basilan, Tawi-Tawi, Maguindanao, and Sulu – remained at the bottom of the ten low-growth provinces in the country in terms of human development.¹⁹

This exclusionary political economy is further reinforced and sustained through a complex system of competition and violence. The combination of two types of conflicts – rebellion-related violence against the infrastructure of the state, and inter- or intra-ethnic, clan or group violence between and among families, clans and tribes – serve the interests of those with access to economic and political power and exclude the majority of those in Mindanao from opportunities to improve their lives.²⁰

Mindanao is marked by a strong underground economy in which is found the proliferation of unlicensed firearms; the trading of small arms and long weapons; the smuggling of goods; drug production, distribution and export; illegal mining; and human trafficking. The underground economy, corrupt electoral system and the vicious cycle of violence are legitimised (despite the loss of valuable revenues and the collapse of autonomous rule) in exchange for the delivery of votes to the ruling coalition during national elections.²¹ However, in the absence of better opportunities, conflict situations and the underground economy provide alternative economic opportunities for the growing number of unemployed people in the region.

18 National Statistical Coordination Board, *Annual Per Capita Poverty Thresholds, Poverty Incidence and Magnitude of Poor Families: 2000, 2003 and 2006*. Available at: www.nscb.gov.ph/poverty/2006_05maro8/table_1.asp Accessed 31 May, 2011.

19 Human Development Network, "Peace, human security and human development in the Philippines", *Philippines Human Development Report 2005*, 2nd Edition, (Human Development Network, 2005).

20 Lara, F.J. Jr and Champain, P, *Inclusive peace in Muslim Mindanao: Revisiting the dynamics of conflict and exclusion*, (London: International Alert, 2009).

21 Lara, F.J. Jr and Champain, P (2009).

Box 1: Population and ethnicity in Mindanao

Mindanao is the second largest island in the Philippines located in the south near Indonesia and Malaysia. It is divided into five administrative regions and one autonomous region, and is composed of 26 provinces, 33 cities, 422 municipalities and 10,083 barangays (villages).²²

Data from the 2007 census showed that Mindanao had a population of 21,586,641: 24 per cent of the Philippine population.²³ In the 2000 census the population of Mindanao was 18,104,337 comprising of more than 12 million Christian settlers with Muslims comprising more than 3.64 million, and Indigenous people, the Lumads, accounting for more than 1.53 million people.²⁴

The Bangsamoro is a relatively recent socio-political concept in Mindanao. Prior to the incorporation of the Bangsamoro territories into the Philippine state in 1946, the nation-state was based on sultanates, the most powerful of which were the Sulu Sultanate, Magindanaw Sultanate, Buayan Sultanate and the *Pat a Pangampong ko Ranao* (confederation of the four emirates of Lanao). Spain started colonizing the Philippines in 1565, but never managed to extend its grip fully to Muslim areas of Mindanao.

Most Bangsamoro now live in a contiguous territory inside the ARMM but several communities also reside outside the ARMM but not in contiguous territory.

The Bangsamoro are composed of 13 ethno-linguistic groups – Magindanaun, Meranao, Iranun, Tausug, Sama, Yakan, Kulibugan, Jama Mapun, Ka'agan, Sangil, Badjao, Molbug and Palawani.

The Bangsamoro are living under multiple authorities – the constitutional authority of the Philippine Government and the regional government (ARMM); the authority asserted by the MILF and MNLF; and the traditional authority of the *datus* (traditional leaders).

The Lumad are Indigenous people of the region. They are composed of different tribes. Historically the Lumads located within the Bangsamoro sultanates were left to their own social life. The Lumad also assert a right to self-determination.

There are also Christian settlers from Luzon and the Visayas. These communities are also not homogenous, coming from a number of ethnic groups in Luzon and the Visayas – such as the Cebuanos of Cebu, Ilongos of Ilo-ilo, Ilocanos of Ilocos, Warays of Samar and Leyte, Boholanos of Bohol, Tagalog of Manila, the Pampangos of Pampanga and others. Settlers are generally supportive of government policies and programs because they were the main beneficiaries of land redistribution policies and government encouragement of migration to Mindanao.

22 Lara, F.J. Jr and Champain, P (2009).

23 National Statistical Coordination Board, www.nscb.gov.ph/activestats/psgc/island.asp Accessed 31 May, 2011.

24 National Statistics Office, *Population and Annual Growth Rates for Region, Provinces and Highly Urbanized Cities Based on Censuses 1995, 2000 and 2007*. Available at www.census.gov.ph/data/census2007/index.html Accessed 31 May, 2011

Historical overview of militia formation

There is a long history of successive Philippine governments relying on militia as part of their counter-insurgency strategies. During the administrations of President Roxas (1946-1949), President Quirino (1949-1953) and President Magsaysay (1954-1958) militia were used to fight the Huks.²⁵ Since 1968, the AFP has had a formal mandate to organize, maintain, develop and deploy regular and citizen reserve forces.²⁶

Key reasons for the creation of civilian militia have been attempts by the state to assert its control over the country; the need for locals who understand the geographic as well as demographic terrain; and the relatively low cost of employing local militia as opposed to deploying regular forces. In effect the widespread historical use of, and reliance on, militia has now legitimized them. The Constitution even recognizes the need for civilian security forces and the AFP has reinforced this legitimacy through widespread use and acceptance of them.²⁷

Civilian Guards

This phenomena began in the 1950's when the Huks began to mobilize. The Huks were composed of 15,000 armed poor peasants who fought against the Japanese Imperial Army in Central Luzon and who turned into insurgents afterwards because their demand to have a share of the land owned by the landlords after the war was not granted. Another

group composed of former United States Armed Forces in the Far East guerrillas was organized to help the government in its counter-insurgency campaign against the Huks. The 7th Battalion Combat Team organized several militia groups under different names, such as Civilian Guards, Civilian Commando Units, Home Guards or Special Police.

These militia were used as security for the town or villages; as a blocking force to intercept the movements of the insurgents and their supplies; as guides and helpers to carry supplies for the government troops; and as a strike force in co-ordination with units of the regular armed forces. "*The guards were provided with radios and trained and equipped for counterinsurgency campaigns. Civilian guards took orders from the military but they were employees of local elites who were disliked by the people because of a bad reputation.*"²⁸ Among other functions, the Civilian Guards provided security for the towns or barrios, protecting civilians and their property; formed a blocking force to intercept insurgents and their supplies; guided and helped carry supplies for government troops; and served as a strike force in co-ordination with regular AFP units.²⁹

Barrio Self-Defense Unit

In 1968 AFP intelligence suggested that the armed wing of the Communist Party of the Philippines, the New People's Army (NPA) had grown in numbers. To better infiltrate this entity, and to assist in securing information about the location of NPA forces and weapons caches, from 1970 the AFP began sanctioning the organization of civilian volunteers for intelligence and information gathering. The Department of Defense officially created the Barrio Self Defense Units (BSDU) in July 1971³⁰ and they were established throughout rebel areas.³¹ Soon these forces were used for counter-insurgency operations. The Defense Order which established them legitimized the BSDUs as a militia under the Philippine Constabulary. The BSDUs' primary objective was to protect communities against the

25 Huk is a short name for HUKBALAHAP ((Hukbo ng Bayan Laban sa Hapon or People's Anti-Japanese Army) organized in 1942. In 1949, HUKBALAHAP was renamed Hukbong Mapagpalaya ng Bayan (HMB) or People's Liberation Army. See, Palafox, Quennie Ann J, "The Nationalistic Struggle of Hukbalahap", Pambansang Komisyon Pangkasaysayan (National Historical Commission). Available at www.nhi.gov.ph/index2.php?option=com_content&do_pdf=1&id=51 and Bridgewater, Lieutenant L. Grant, "Philippine Information Operations During the Hukbalahap Counterinsurgency Campaign", *Joint Information Operations Center*, Spring, (2006), pp. 37-41. www.au.af.mil/info-ops/iosphere/iosphere_spring06_bridgewater.pdf Accessed 12 May, 2011.

26 See Executive Order 297, otherwise known as the Administrative Code of 1987. Also see, Samson, PSSUPT Pelagui, *The Administration of CVOs: Peace, Security and Human Rights Concerns*, Presentation during the focus group discussion sponsored by the IBS, the HD Centre and the Philippine Institute for Peace, Violence and Terrorism Research (PIPVTR) at Camp Aguinaldo, Quezon City, 9 October 2009.

27 See: 1987 Philippine Constitution, Article XVI, Section 4; and Republic Act 7077, 27 June 1991. An Act Providing for the Development, Administration, Organization, Training, Maintenance, and Utilization of the Citizen Armed Force of the Armed Forces of the Philippines and for other Purpose.

28 Espino, Irineo C, (2004), pp.3-11.

29 Aguilar, Restituto, "Sibul CAA Detachment: The Longest Serving Militia Facility in Western Luzon", *Army Journal*, Vol. 4, (2001), pp.3-4.

30 See Defense Order No. 445, 10 July, 1971. This discussion draws from Espino, Irineo C, (2004), pp.8-10.

31 Van der Kroef, Justus, *Aquino's Philippines: The Deepening Security Crisis*, The Centre for Security and Conflict Studies, (UK: The Eastern Press Limited, 1988), p.17.

insurgents. A BSDU consisted of five enlisted men and five civilian volunteers, acting semi-independently under the command of an enlisted man. In Mindanao, the BSDUs were organized in towns and cities to assist the AFP in fighting the MNLF. They accompanied regular army troops in combat operations against the MNLF.

The BSDUs were more noted for their harassment, rape, torture and killing of civilians, and the looting and burning of property, than for their counter-insurgency role.³² As noted by one individual: “*The BSDU . . . had members of unbearable attitudes and behaviour. They drank a lot from day-break to midnight, sang and shouted at each other, disturbed people and stole chickens, ducks, and even dogs of the neighbours for their comrades drinking sprees. They were recruited mostly from lowly members of the populace with poor education, some as members of a gang or known criminals and could provoke a fight at the slightest difference.*”³³ The BSDUs also gradually became involved in illegal activities, acting on behalf of politicians in exchange for money. They were disbanded in 1976 after mounting public pressure.

Integrated Civilian Home Defense Force

Presidential Decree No. 1016 issued by President Marcos provided the legal basis for the creation of the Integrated Civilian Home Defense Force (ICHDF) in 1976 with the goal of integrating all paramilitary units and village defense under one banner so that they could work in tandem with state forces.³⁴ However, the ICHDF was plagued with management and co-ordination problems. Its mission was not made clear to military and police commanders, who in any case were under the influence of local executives and politicians. The militia received no training and were only given small living allowances, with no specific amount on an irregular basis. There were three

groups within the ICHDF: active reservists, private security guards and part-time soldiers.³⁵ The ICHDF was an attempt to integrate all paramilitary units and village defense forces. However, its command structure was not clear and members fell prey to military and police officers under the influence of powerful politicians, which in turn led to the abuse of civilians. It was dissolved and replaced by the CHDF in 1978.³⁶

Civilian Home Defense Force

*“The CHDF (Civilian Home Defense Force) were notorious for stealing from civilians. In our place (Lanao del Sur), residents were afraid of the CHDFs because of their connivance with the military in salvaging. The youth, especially, were prone to being targeted under suspicion that they were members of the MNLF. Many youngsters disappeared with no trace of their bodies. Late in the afternoon they started drinking along the highway. They become drunk and would start to show unruly attitudes to passengers passing by. They also organized a syndicate group for stealing animals (carabaos and cattle) of the farmers.”*³⁷

The CHDF had the same purpose as the ICHDF. It was envisioned that the CHDF would be better in terms of the screening, appointment, training, organization and provision of equipment than its predecessor. General supervision of the CHDF was considered the joint responsibility of the Provincial Governor, City or Municipal Mayor, and the commanders of military and Integrated National Police in the area.³⁸ However, the CHDF ended up falling prey to the same problems as its predecessors. They were particularly poorly trained, undisciplined and not well disposed to engaging insurgents (according

32 Pauker, Guy J, *Government Responses to Armed Insurgency in Southeast Asia: A Comparative Examination of Failures and Successes and Their Likely Implications for the Future*, (California: The Rand Corporation, 1985), p.29.

33 Remarks of Renato Gacayan, faculty member of Mindanao State University-Maguindanao and participant in the focus group discussion conducted by the IBS at Cotabato City on 11 October, 2009.

34 Through Presidential Decree No. 1016 signed on 22 September 1976. See www.lawphil.net/statutes/presdecs/pd1976/pd_1016_1976.html

35 Armed Forces of the Philippines, *Cadre Commanders Handbook: The Silent Heroes in the Battle for the Barangays*, (Quezon City: Office of the Deputy Chief of Staff for Operations, no date), p.24.

36 Villoria-Mejia, Jacqueline, *The Five Year Demobilization of the CAFGU Active Auxiliary: A Policy Paper, with brief background accounts of previous paramilitaries in the Philippines*, National Defense College of the Philippines, (Fort Bonifacio: National Defense College of the Philippines, 1994). Villoria-Mejia was the former Director of the Commission on Human Rights.

37 Dipsy D. Marohom, professor at Mindanao State University (MSU)-Marawi City and participant in the focus group discussion conducted by the IBS at MSU, Lanao Sur, 4 December, 2009.

38 Villoria-Mejia, Jacqueline, (1994), p.6-7.

Table 1: Mandates of the CAFGU Active Auxiliaries, Special CAFGU Active Auxiliaries and Civilian Volunteer Organizations

Militia type	Mandate
CAAs	<ul style="list-style-type: none"> • Defense of the barangays as holding forces, where CAAs will stay within the community to contain and suppress an insurgency; • Security of vital facilities and public utilities; • Intelligence collection; • Public information drive and community development activities.
SCAAs	<ul style="list-style-type: none"> • Secure establishments of sponsoring private companies or local government units.
CVOs	<ul style="list-style-type: none"> • Intelligence or information gathering; • Neighborhood watch (known as rondas); • Medical, traffic, or emergency assistance; • Assistance in the identification and implementation of community development projects; and • Gathering of relevant information and data for peace and order planning and research activities.

Sources: Information on CAFGU Active Auxiliaries;³⁹ Special CAFGU Active Auxiliaries;⁴⁰ and, Civilian Volunteer Organizations.⁴¹

to some accounts, they would drop their weapons and flee when attacked).⁴² They were also accused of abducting and torturing civilians.⁴³

As was the case with the ICHDF, powerful individuals connected to the police and military – as well as influential estate owners – maintained CHDF forces for their personal security.⁴⁴ Over time, the CHDF became a liability for the government and its counter-insurgency strategy. At the same time, the MNLF and the NPA grew in strength and support because many of the frustrated rural poor joined the insurgent groups hoping for a better future.⁴⁵ The CHDF was disbanded in mid-1987, shortly after the ratification of the new Constitution adopted during the presidency of Corazon C. Aquino provided for the dismantling of private armies:

“Private armies and other armed groups not recognized by duly constituted authorities shall be dismantled. All paramilitary forces including Civilian Home Defence Forces not consistent with the citizen armed force established in this Constitution shall be dissolved or, where appropriate, converted into the regular force.”⁴⁶

Ten days later, it was replaced by yet another incarnation.⁴⁷

Civilian Armed Force Geographical Units

“The CAFGU Active auxiliaries are essential components of the Integrated Territorial Defense System for the maintenance of peace and security.”⁴⁸

General Narciso L. Abaya, Chief of Staff, Armed Forces of the Philippines.

President Aquino created the Civilian Armed Force Geographical Units (CAFGU) on 25 July 1987 as a part of a wide-reaching plan to integrate all auxiliary forces into a Civilian Armed Forces (CAF)

39 Armed Forces of the Philippines, (no date), p.47.

40 Hermoso, Major Dickson P., “Armed vs Unarmed Peacekeeping: The Citizen Armed Force Geographical Unit (CAFGU)”. Paper presented during the conference, ‘Peace Policy Dialogue: Peacekeeping Initiatives in the Philippines’, Asian Institute of Management, Makati City, 14-15 September 2005.

41 Banlaoi, Rommel C., “CAFGUs, CVOs and the Maguindanao Massacre”, *Autonomy and Peace Review*, Vol. 6, No. 1, (2010), p. 68.

42 Staff Report to the Senate Select Committee on Intelligence, United States, 1 November 1985.

43 Buss, Claude A, *Cory Aquino and the People of the Philippines*, (California: The Portable Stanford, 1987), p.135.

44 Espino, Irineo C., (2004), p.12.

45 Baliscan, Ryan Hartzell, *Continued Paramilitarism and Its Implications on the GRP’s Compliance with its CARHRIHL Mandate: Situating CAFGU in the Legal Framework of Human Rights and Humanitarian Law*, College of Law, University of the Philippines, (Quezon City: University of the Philippines Press, 2009), p.30.

46 Article XVIII, Section 24, 1987 Constitution of the Republic of the Philippines. Available at www.chanrobles.com/article18.htm

47 Executive Order No. 275 on 15 July 1987 dissolved the CHDF. Also see, Kessler, Richard, *Rebellion and Repression in the Philippines*, (North Carolina: Yale University Press, 1989), pp.116-120.

48 Statement in Armed Forces of the Philippines, (no date).



Activists shout slogans from behind a barb wired fence after sneaking past a police blockade to rally their call for an end to martial law in southern Maguindanao province as they commemorate International Human Rights Day just outside the gates of Malacanang Presidential Palace in Manila, Dec. 10, 2009. AP Photo/Aaron Favila

“ . . . the best form of community defence is that which comes from the community itself.” — Fidel Ramos, Secretary of National Defense, 1990

command under the AFP, and comply with the new constitutional prohibition on private armies and other non-statutory forces.⁴⁹ Technically under the direct command of the Secretary of National Defense, CAFGUs are mandated to combat the insurgents by holding areas cleared of insurgents by state forces. The mobilization of CAFGUs requires presidential authorization. In 1990, the then Secretary of National Defense, Fidel Ramos, told a Senate Committee that the relative low cost of CAFGUs compared to regular AFP units was a “major factor” in the decision to establish the mili-

49 For more detail see Quindoza, Colonel Dario, *The CAFGU Battalion Concept: It's Impact on Internal Security Operations*, Master's Thesis, National Defense College of the Philippines, Camp General Emilio Aguinaldo, (Quezon City: National Defense College of the Philippines, 2008).

tia.⁵⁰ He supported the CAFGUs existence by arguing that “*the best form of community defence is that which comes from the community itself.*”⁵¹

Special Civilian Armed Forces Geographical Units (SCAAs), funded by private business and Local Government Units (LGUs) and under the operational control of the AFP, were authorized by a 1989 Directive of Chief of Staff General Renato de Villa.⁵²

50 Doronila, Amanda, “All Signs Point to a Period of Relative Calm Next Year”, *The Manila Chronicle*, 26 December, (1988), pp.1-6 cited in Frankel, Marvin E, Posner, Michael H, O'Neil, William G & Helton, Arthur C, *Out of Control: Militia Abuses in the Philippines*, (New York: Lawyers Committee on Human Rights Reports, 1990), p.65.

51 As stated by Fidel V. Ramos to convince the House of Congress about the existence of the CAFGU. Fidel Ramos was the Secretary of National Defense during the administration of President Corazon Aquino. He cited two more reasons in support of the CAFGU – that they can be easily disbanded once the communist insurgency is defeated; and the involvement of individual citizens in their own protection and welfare is cheaper for the government. Cited in Ilete, Ramos, “Contend on Counterinsurgency”, *Manila Chronicle*, 6 April (1989), pp.46-48.

52 On 4 April specifically. See, Human Rights Watch, *The Philippines: Violations of the laws of war by both sides*, (New York: Human Rights Watch, 1990), p.42.

Mobilization and utilization of the CAFGUs now falls under the AFP Reservist Act of 1991, known as Republic Act 7077.⁵³ There are three distinct categories of mobilization: full mobilization involves all units of the Ready and Standby Reserves and is done through a joint act of Congress and Presidential decrees; partial mobilization is also done through a joint act of the Congress and Presidential decree and only the units of the Ready Reserve are activated to meet the threat; and selective mobilization can be done by authority of the President alone and involves selected Ready Reserve Units to meet a local threat or emergency situation.⁵⁴ They are also regarded by some in the AFP as useful for helping the military guard camps and patrol highways to protect civilians from robbery and kidnapping.⁵⁵

Reservists perform voluntary services and fall into two categories: Civil Auxiliary Service and Military Auxiliary Service. A reservist under a military auxiliary service such as a CAFGU is subject to military law (Section 64, RA 7077). Civilian Volunteer Organizations (CVOs) are considered a Police Auxiliary Unit (PAU) and as such focus mainly on policing.⁵⁶

There are two types of CAFGUs: the CAFGU Active Auxiliaries (CAA), which are organized under the direct supervision of the army and receives living allowances from the AFP; and the Special CAFGU Active Auxiliaries (SCAA), which receive living allowances from companies or LGUs that employ them to secure areas or business establishments. They may also receive training and weapons from the AFP. Although opaque, the designation sets apart those formally incorporated in the military hierarchy (CAA) and their counterparts who are

53 The Act includes provision for the organization, administration, training, maintenance and utilization of the Citizen Armed Force of the AFP. Section 2 of the Act states: "It is the policy of the State to maintain a standing force or regular military force in times of peace consonant to its adequate and actual needs for the security of the State but which can be rapidly expanded by the well-disciplined Citizen Armed Force (CAF) in the event of war, invasion or rebellion."

54 CAFGU recruits are required to undergo 12-week CAFGU Basic Military Training. A four-week refresher course is also undertaken regularly by all CAAs nationwide. See, Armed Forces of the Philippines, (no date), pp.46-47.

55 Noted by Major Ruben Matillano, participant in the focus group discussion conducted by the Institute of Bangsamoro Studies at the Graduate School of Mindanao State University-Maguindanao on 28 August 2009.

56 Asto, Colonel Prudencio Ramos, *Roles of the Citizen Armed Forces Geographical Unit (CAFGU) in Peacebuilding*, Paper presented as term paper in the Graduate School of Mindanao State University-Maguindanao, 15 October, 2009.

Table 2: Annual CAFGU Active Auxiliary strength

Calendar 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	36,236
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
2006	52,748
2007	61,148

Source and note: Romero, Purple, (2008). 2007 is the latest year such data is available

working as CAFGUs on a purely voluntary basis (SCAA). CAAs are required to serve 15 days per month.⁵⁷ The loyalty of SCAAs lie with their employers which leaves them open to exploitation and manipulation as private armies. Both politicians and private companies have taken advantage of this and may use SCAAs to further their own political and private interests.

CAFGUs make up a significant part of the Philippines' security apparatus: the AFP currently numbers about 120,000 people while the CAFGUs comprise up to 53,000 members, mostly based in Mindanao (except for Sulu, where the Civilian

57 Balay Mindanaw Foundation and the Eastern Mindanao Command, Armed Forces of the Philippines, *Soldiers for Peace: A collection of peacebuilding stories from Mindanao*, (Cagayan de Oro City: Balay Mindanao Publication, 2010).

Table 3: Comparative benefits for militia type

Benefit	Regular CAFGU Active Auxiliaries (CAAs)	Amount	Special CAFGU Active Auxiliaries (SCAAs)	Amount
Subsistence Allowance	Same basic subsistence allowance as regular soldiers	PhP 60 per day	Subsistence allowance shall be paid by the business firm/LGU	PhP 60 per day or may be increased by the business firm/LGU
Educational Benefits	Can take part in the AFP Educational Benefits System Office (AFPEBSO) educational benefit program	Dependent on course and school	Dependent on company policy, if any.	Dependent on company policy, if any.
Hospitalization and Medicare	Treated in military hospitals if injuries and sickness incurred in line of duty as authorized by existing AFP circulars at government expense	Dependent on ailment and duration of treatment	Confinement in military hospitals authorized provided that all expenses incurred by the SCAA are paid by the business firm or company/LGU	Dependent on ailment and duration of treatment
Combat Clothing and Individual Equipment	Yearly insurance of basic CAA Combat Clothing and individual Equipment (CCIE) items at government cost	Dependent on budget allocation	CCIEs of 10 line items to be paid by the business firm/LGU	Usual CCIE line items may be increased by business firm/LGU
Disability Benefits	Special financial assistance pursuant to RA 6963 AFP MBI insurance benefit	Depends on the extent of disability per Armed Forces and Police Mutual Benefit Association, Inc. (AFPMBAI) existing policy	Dependent on company policy	Depends on the extent of insurance
Separation Gratuity Pay (Financial benefits to be received by separated CAA computed on the length of service)	Members of a deactivated CAA company shall be entitled to a separation gratuity in accordance with the provisions of AFP Circular No. 2 (7 March 1994)	Who served: 5-6 yrs: 25% of one year subsistence allowance; 6-7 yrs: 50% of one year subsistence; 7-8 years: 75% of one year subsistence allowance; 8-more: 100% of one year subsistence allowance	Separation gratuities for members of a deactivated SCAA company shall be granted by the business firm or LGU	Same amount provided under Circular No. 2 (7 March 1994) or can be more depending upon company policy
Death Benefits	Special Financial Assistance	PhP 10,950 from government	Special Financial Assistance to be given by the company	PhP 10,950 or may be increased by the business firm/LGU
	Burial Assistance	PhP 2,000 from government	Burial assistance	PhP 2,000 or may be increased by business firm/LGU
	Armed Forces and Police Mutual Benefit Association, Inc. (AFPMBAI) Insurance	PhP 18,000 for death in battle from government PhP 6,000 for non-battle related death from government	Armed Forces and Police Mutual Benefit Association, Inc. (AFPMBAI) Insurance	PhP 18,000 for death in battle or may be increased by company or LGU PhP 6,000 for battle and non-battle related deaths may be increased by business firm or LGU

Benefit	Regular CAFGU Active Auxiliaries (CAAs)	Amount	Special CAFGU Active Auxiliaries (SCAAs)	Amount
Military Burial Benefit	a. Military honors provided by the AFP b. The Philippine flag shall be presented to the wife/partner or family of the CAA who dies while: <ol style="list-style-type: none"> 1. On active duty or active duty training; 2. Performing authorized travel to and from the area of deployment or training; 3. Hospitalized or undergoing treatment for injuries incurred or disease contracted while on active duty or training. 	Provided by AFP	a. Military honors to be provided by AFP; b. The Philippine flag shall be presented to the wife/partner or family of the SCAA who dies while: <ol style="list-style-type: none"> 1. On active duty or active duty training; 2. Performing authorized travel to and from the area of deployment or training; 3. Hospitalized or undergoing treatment for injuries incurred or disease contracted while on active duty or training. 	Provided by AFP

Source: Armed Forces of the Philippines, (no date), p.38-39.

Table 4: Allowances and pay of CAFGU Active Auxiliary members

Subsistence allowance	PhP 21,900/annum
Combat Clothing and Individual Equipment	
Old Recruit	PhP 3,980
New Recruit	PhP 6,595
Death Benefits	
Battle Casualty	PhP 18,000.00
Non-Battle Casualty	PhP 6,000.00
Burial Services	PhP 2,000.00
Special Financial Assistance	PhP 10,950.00

Source: Data from Banlaoi, Rommel C, (2010), p. 63. Banlaoi's source was from the Headquarters of the Philippine Army, Office of the Assistant Chief of Staff for Operations, G3, 2006.

Emergency Force or BPAU, the local equivalent of the CVO, operates).⁵⁸

The significant achievement of President Ramos was his issuance of Administrative Order No. 81 in 1993 requiring that all community defense forces (e.g. CAFGUs, CVOs etc.), which were no longer needed for counter-insurgency operations should be disbanded.⁵⁹ However, this order was not imple-

mented in full. There was a decline in the number of CAFGUs from 1993 to 2000 but numbers began to rise from 2001 onwards as both the Estrada administration (1998-2001) and the Arroyo administration (2001 to mid-2010) used CAFGUs as a counter-insurgency force.⁶⁰ See Table 2: Annual CAFGU Active Auxiliary Strength. In 2006 President Arroyo issued Executive Order 546 which gave the PNP a mandate to actively support the AFP in suppressing insurgency. The same order authorizes the PNP to deputize the CVOs as force multipliers, often used as justification in arming the CVOs.

Civilian Volunteer Organizations

The concept of Civilian Volunteer Organizations (CVOs) dates back to the Spanish colonial period. Filipinos formed organizations for self-defense against pirates, invaders and lawless elements. Present day CVOs began in 1982 in the dissident-affected municipality of Claveria in Misamis Oriental and eventually spread throughout the Philippines.⁶¹ CVOs were originally created to assist the CAFGUs

58 Interview with AFP Brigadier General Juancho Sabban by Mireille Widmer, HD Centre, May 2007; Kraft, Herman Joseph, (2010), pp.195-206.

59 Issued on September 13, 1993.

60 Romero, Purple S, "CAFGU statistics", *Newsbreak*, December, (2008). Available at: http://newsbreak.com.ph/index.php?option=com_content&task=view&id=5734&Itemid=88889297.

61 Other sources say that the CVOs first occurred spontaneously in Davao in 1987 by people whose relatives were killed by the NPA. The relatives of the victims collectively organized themselves to seek justice and assert their constitutional rights for collective self-defense. See Frankel, Marvin E, et al, (1990), p.27.

in areas 'cleared' of insurgents by the military.⁶² Numbers are now estimated at 800,000 members.⁶³

CVOs function as auxiliaries to the PNP through legally mandated Peace and Order Councils in rural and municipal areas. Officially, the CVOs are understood to be part of the Police Auxiliary Units (PAUs) assigned to maintain peace and order at the barangay level. The overall co-ordinating body for this mechanism is the national Peace and Order Council (POC). However most of the barangays do not have active Barangay Peace and Order Councils (BPOCs). Where they do exist, members seldom meet.

Applicants must be at least 18 years old to volunteer to join a CVO. They must not have a criminal record and must be resident in the barangay. Screening of applicants is done by the local BPOCs based on criteria set locally by the barangay. The BPOC makes recommendations to the barangay chairperson based on the individual applicants that passed the screening process. However, questions have been raised about whether barangay chairpersons are biased towards their relatives and political allies who are among the applicants. CVOs can easily become vehicles for political supporters to use to harass rivals.⁶⁴

There is a degree of confusion as to the legal basis of CVOs. Although they were initially not supposed to be armed, CVOs are now issued weapons by mayors and barangay captains – firearms are said to be "unlicensed but authorised".⁶⁵ When

they encounter insurgent or criminal activity, they are supposed to report it, not respond with violence. However there are exceptions and CVOs are often seen carrying small arms. In conflict-affected areas when CVOs are deputized as force multipliers of the PNP they may be authorized by local Chief Executives to carry guns. In Maguindanao, families connected to the government, supply CVOs with the requisite ammunition to fight against the MILF's high powered guns.⁶⁶

Given that CVOs are composed of voluntary forces without a fixed salary, they are deeply affected by patronage, compelling members to perform a wide range of 'security functions' in exchange for remuneration.

The CVOs receive an allowance for their duty – ranging from 300 to 500 pesos (8 to 12 USD) weekly – but importantly, they also receive preferential treatment when they approach the mayor for help with the payment of dowries or funerals, or to settle personal conflicts. CVOs are known to serve at the command of the city/municipal mayors and are sometimes used as private armed groups. Given that CVOs are composed of voluntary forces without a fixed salary, they are deeply affected by patronage, compelling members to perform a wide range of 'security functions' in exchange for remuneration. There are no mechanisms in place to prevent CVOs from becoming *de facto* private armies and/or security guards of local politicians and clans. This is the case in the ARMM, especially in Maguindanao and Sulu where rivalry in politics among influential families is strong and paying for private armies is seen as a way of maintaining one's own security (in Sulu CVOs are known as Civilian Emergency Forces). In Basilan and elsewhere they are accused of widespread voter intimidation and election fraud.⁶⁷

62 Pedtucasan, Abdulwahid, *Civilian Volunteer Organizations: Its Creation, Mandates, Roles and Functions*, Presentation during a focus group discussion sponsored by the IBS at Pacific Heights, Cotabato City on 21 August, 2009. Also see, Samson, PSSUPT Pelagui, *The Administration of CVOs: Peace, Security and Human Rights Concerns*, presentation during the focus group discussion sponsored by the IBS, the HD Centre and the PIPVTR at Camp Aguinaldo, Quezon City, 9 October 2009.

63 Kraft, Herman Joseph, (2010), pp.195-205.

64 Interview with Vice Mayor Jun Salik of Upi, Maguindanao Maguindanao by Sulog Bra of the IBS, 11 September 2009; Comment by Ronnie Enderez, participant in the focus group discussion sponsored by the IBS at Iligan City, Lanao Norte, 4 December 2009.

65 Executive Order 546 issued by President Gloria Arroyo on 14 July 2006 served as the legal basis for arming the CVOs. Section 4 says the "The Local Chief Executives, in coordination with the Local Peace and Order Councils shall include in the integrated area/ Community Public Safety Plan of their respective city/municipality the priority program of action/thrust in resolving the insurgency and other serious threats to national security and ensure appropriation thereof for effective implementation of the Executive Order." During a focus group discussion in Camp Aguinaldo, Quezon City, on 9 October 2009 a police officer noted that CVOs are generally unarmed but in an insurgent-heavy area they may be armed on local arrangement with the Chief Executive or Mayor, as in the case of Upi, Maguindanao where Mayor Ramon Piang requested the AFP to provide firearms to the CVOs of his municipality.

66 See Jimeno, Jalleen F, "In Maguindanao, no one dares cross the Ampatuans", *GMA News Online*, November 24, (2009). Also see, Alamar, Noel, "CVO member's M-16 used in Maguindanao massacre", *ABS-CBN News*, 12 February, (2009). <http://abs-cbnnews.com/nation/regions/12/02/09/cvo-members-m-16-used-maguindanao-massacre> Accessed June 10, 2011.

67 Focus group discussion with members of the Basilan Women's Integrated Foundation, 17 November 2009; and interview by Sulog Bra of IBS with Joel Francisco, a CAFGU member in Lamitan, Basilan, 17 November 2009.

The 2010 Independent Commission Against Private Armies observed that the “*authority given to local chief executives to finance the administration and operations of PAUs [. . .] allows local politicians to ‘buy’ the loyalty of CVOs.*”⁶⁸ Since their living allowances are provided by the LGU or business entities they are protecting, the CVOs are vulnerable to manipulation and it is not uncommon for members to take on additional ‘services’, such as being bodyguards and support personnel for politicians, to ensure they are rewarded for their loyalty. Extractive mining companies have used CVOs for questionable ends. For example, the Xstra Mining Company operating in Tampakan, South Cotabato, repressed an uprising of local people against its operation by colluding with the local police force in recruiting civilian volunteers to act as its security force. The CVOs were trained and provided with arms by the South Cotabato Police Unit.⁶⁹

In general, the population views CVOs as an effective mechanism to mitigate armed violence – although in Mindanao opinions are less favourable, particularly in Moro communities.⁷⁰ In other places, particularly Luzon, CVOs have played active role in maintaining peace and order in the barangay and in civic-orientated activities, such as rescue operations during disasters.

Vigilante groups

*“Vigilantes pose a serious threat to civilian governmental supremacy in the Philippines. Continuing human rights abuses by vigilante groups are indicative of a broader failure on the part of the government to control or dismantle existing groups. Based on public statements for the last two years, it is clear that promotion of the CAFGU program, rather than direct action to dismantle or disarm vigilante groups, has been the greater concern of the government.”*⁷¹

68 Arevalo-Zenarosa, Justice (ret) Monina, “Executive Summary of ‘A Journey Towards H.O.P.E.’: The Independent Commission Against Private Armies Report to the President”, Letter addressed to Hon. Leandro R. Mendoza, Executive Secretary, Office of the President, 5 May, (2010).

69 Rosal, Gregorio, “Violence to escalate in mines development site”, *Sun Star*, 11 April, (2008).

70 Nario-Galace, Jasmin, *Gun Violence in the Philippines: A Human Security Concern*, PhilANSA, Philippine Action Network on Small Arms, (Manila: Centre for Peace Education, Miriam College, 2007), p.18.

71 Frankel, Marvin E, et al, (1990), p.135.

In its 1970s martial law offensive against Muslim dissidents, the Marcos administration resorted to arming Christian vigilantes, some of which remained active until the mid-1980s. In the Cotabato provinces they were given the nick-name “Ilagas” or “Illongo Land Grabbers Association”, a reference to their brutality and ruthlessness. Such groups re-appear at times of heightened conflict. They are also embroiled in the government’s counter-insurgency efforts.⁷²

Following NPA attacks in Davao City in the early 1980s, rebels who had left the NPA organized the *Alsa Masa* (Masses Arise) and, armed by the military, conducted counter-insurgency operations and set up checkpoints throughout the city. Politically motivated murders of suspected government informants by the NPA dropped significantly as a result. Davao City Commander Lt. Col. Franco Calida turned the *Alsa Masa* from a small group into a city-wide vigilante organization using intimidation to recruit and expand the vigilante network throughout Davao province.⁷³ They have since spread to many areas of Mindanao.

Vigilantes are distinct from CVOs and CAFGUs because they arise from a spontaneous grouping of individuals who have armed themselves to fight against a threat to their community. However, the military has been implicated in the organization of vigilantes by providing their members with heavy weaponry to fight against communist members and other rebellious groups in Mindanao. The most active vigilante groups in Mindanao are: *Alsa Masa*, *Alamara*, *Alsa Lumad*, *Iloga*, *Ituman Group*, *Kuratong Baleleng*, *Nakasaka* and *Tadtad*.⁷⁴

Private armies

Private armies are illegal. The police define them as organized groups of more than two persons with

72 Lamban, Santos, *Vigilante Groups Revival: Back to the Dark Days of Anti-Communist Regime*, Philippine Alliance of Human Rights Advocates, (Manila: Philippine Alliance of Human Rights Advocates, 2000) pp.1-2.

73 See Frankel, Marvin E, Posner, Michael H, O’Neil, William G & Helton, Arthur C, *Vigilantes in the Philippines: A Threat to Democratic Rule*, (New York: Lawyers Committee for Human Rights, 1988); May, Ronald J. *Vigilantes in the Philippines: From Fanatical Cults to Citizens’ Organizations*, (Honolulu: Center for Philippine Studies, University of Hawaii, 1992); Lawyers Committee for Human Rights, *Out of Control: Militia Abuse in the Philippines*, (New York: Lawyers Committee for Human Rights, 1990); and, Serril, Michael and Steward, William, “The Philippines: Rise of Vigilantes”, *Time Magazine*, 11 May, (1987).

74 Banlaoi, Rommel C (2006); Frankel, Marvin E, et al, (1988).

legally issued or illegally possessed firearms used in the conduct of criminal and/or oppressive acts primarily for the advancement and protection of the vested political and economic interests of a public official or private individual.⁷⁵ This definition excludes groups that are purely criminal in nature. However maintaining a private armed group is not a criminal offense – except when sedition or rebellion against the state can be demonstrated, or in the case of illegal association – and their members are therefore only charged, if at all, with illegal possession of firearms.

Private armies linked to clans and politicians pose similar problems to militia and vigilantes. There are 25 known private armies in Maguindanao, 45 in the ARMM and 102 more in Mindanao more broadly.⁷⁶ Usually controlled by local politicians, the practice of maintaining private armies exists throughout the Philippines but in Mindanao their impact is magnified by the insurgency and the level of weaponry in circulation. As armed groups, armed forces and police are drawn into family feuds, these can degenerate into full-blown armed confrontations with thousands of opposing combatants which leave tens of thousands displaced.

Private armies have been implicated in killings related to the operations of extractive industries in the Philippines. Mike Rivera, an officer of the organization Kaunsayan Formation for Community Development which is involved in advocacy for environmental protection and is opposed to mining, was shot dead while alighting from his car to go to church by a person involved with a suspected private army associated with a local mining company.⁷⁷ In a similar case, anti-mining advocates Pedrito Tabaco and his brother-in-law Alfredo Rabbit were gunned down by unidentified men while riding together on a motorcycle on their way home in Barangay Leron Buguey, Cagayan de Oro.⁷⁸ In the Cordillera Mountains, the Communist Party of the Philippines accused the Philippine military of performing the role of a private army

75 Arevalo-Zenarosa, Justice Monina, (2010).

76 Tan, Kimberly J, “132 armed groups exist nationwide”, *GMA News Television*, 8 December, (2009). Source of the information was the Department of National Defense.

77 Virola, Madonna, “Anti-mining activist shot dead in Oriental Mindoro”, *Philippine Daily Inquirer*, 17 May, (2010).

78 Virola, Madonna, “Gov’t asked: Probe Cagayan anti-mining activist killings”, *Philippine Daily Inquirer*, 19 May, (2010).

for large-scale mining companies operating in the region. In Palawan, top military officials of the AFP offered their troops’ services to large offshore mining companies operating in the Palawan sea and other potential oil and gas sites offered by the GRP for exploration.⁷⁹

Attempts to ban and dismantle private armies have been made in the past. In 1993, the Department of the Interior and Local Government issued a Memorandum Circular to all Provincial Governors, City Mayors, Municipal Mayors, barangay captains and PNP commanders ordering the dismantlement of “all private armies in Local Government Units”.⁸⁰ President Ramos launched *Oplan Paglalansag*, which called for the seizure of firearms, legally or illegally possessed. Regrettably these attempts have never gone far beyond words. The influence of clans in Filipino politics is such that law enforcement agencies are loathe to confront them, and leaders and politicians maintaining private armies are rarely, if ever, prosecuted.

Militia and human rights: A volatile mix

*“The armed group only wanted us to leave the place so they could take over our land. Now we face hardships in life but hope someday we will get back our land.”*⁸¹

An informant from the municipality of Datu Piang who had been forcibly evicted by a CVO under the command of a clan.

Over several decades, militias have carried out torture, murder, extrajudicial killings, rape, looting of property, forced disappearances, and arson.⁸² Yet a complete picture of atrocities remains elusive as many abuses go unreported as victims fear retaliation.

79 Miles, Banaue, “Philippine armed forces protecting big mining firms”, *Allvoices.com*, 22 September, (2010).

80 Department of the Interior and Local Government, Memorandum Circular No. 93-85, 13 July 1993.

81 Statement of a farmer evicted from his land in the municipality of Datu Piang, Maguindanao by CVO under the command of a clan. Interviewed by Mastura Tapa of the IBS on 18 November 2009.

82 Karapatan, *Oplan Bantay Laya: Blue Print for Terror and Impunity: 2009 Year-End Report on the Human Rights Situation in the Philippines* (Quezon City: Karapatan, 2009). The report states that from 2001 to 31 October 2009, there were 1,118 victims of extrajudicial killings in the Philippines and 204 who have been forcibly taken, disappeared and are still missing. The numbers of killed persons and disappearances surpassed the record of Marcos’ martial law regime.

The Philippine Commission on Human Rights (CHR) stated that in the year 2000 alone, 853 cases of murder, execution, disappearances and illegal arrest were filed against 1,017 CAFGUs. From 2001 to 2009 there were 1,312 cases filed against combined paramilitary members and armed forces of the Philippines.⁸³ However, the Ecumenical Movement for Justice and Peace (EMPJ) attributes a larger number of cases of human rights violations to the actions of CAFGUs. From 1988 to 2002, EMPJ recorded some 20,000 cases of killings, looting, illegal arrest, mauling and desecration of the dead by CAFGUs.⁸⁴ Children below 18 years old in Maguindanao have been recruited as members of the CVO.⁸⁵

Gender patterns in militia

A significant amount of literature has portrayed political violence and armed conflict as largely the domain of men, whether as forces of the state, or members of guerrilla groups or militia.⁸⁶ Images of male combatants are pervasive. Numerous accounts of political violence and armed conflict have perpetuated a rigid dichotomy of gender roles: men as ‘defenders’ of the nation and of women, and children; women as helpless and hapless victims of armed violence.

More recent studies, however, reveal that like all other social phenomena, political violence and armed conflict are highly gendered, that both men and women play crucial roles, and such roles need to be described comprehensively. Scrutinizing what men and women are, and do, in situations of armed conflict helps to analyse why militia are formed and why people get involved in them.

Membership in the various militia groups is technically open to women, according to the army commander in charge of militia recruitment.⁸⁷ However, only a few women ‘apply’ due to traditional proscriptions on women’s involvement in security issues. However women do work as security personnel in private security firms thus some roles are considered acceptable. Most Maguindanaons consider the protection of family and community members as the sole responsibility of men. Women who are considering a stint in government-organized militia like the CAFGUs are discouraged by the measly pay of its members. The militia members’ so-called “living” allowance is too paltry a sum to run the risk of community disapproval. A woman in Lamitan, Basilan has a graphic way of expressing her views on becoming a militia member:

“... what will I get if I become a member? It is only headache! The living allowance is too small, not enough for our family. Magtinda na lang ako ng gulay sa palengke (I rather vend vegetables in the market). Mas malaki ang kita (The income is big).”⁸⁸

Among male militia members there is little acceptance of the idea of female colleagues. Those interviewed repeated a range of culturally-embedded reasons for excluding women. When asked to elaborate, one man reflected: *“I cannot compromise the safety of my wife or even one of my young daughters to be a CVO or CAFGU. Even if they are trained to handle guns I doubt their capabilities to fight against the enemy. They would die or may be captured by the enemy.”⁸⁹*

Male interviewees also noted that their sense of masculinity will be questioned if they allow their wives or female family members to become militia members. One individual stated that he will be bothered endlessly by guilty thoughts of having to accept some form of role reversal:

83 Legaspi, Rowena, “Demobilization of CAFGUs: Problems and Prospects”, Presentation during the focus group discussion organized by the IBS, HD Centre for Humanitarian Dialogue and the PIPVTR at Camp General Emilio Aguinaldo, Quezon City, 9 October, 2009.

84 Cabides, Joel Joseph A, *Citizens Armed Forces Geographical Unit: It’s Relevance to National Security*, Unpublished Master Thesis, National Defense College of the Philippines, Camp General Emilio Aguinaldo, (2002) p.28.

85 See Camacho, Agnes-Zenaida, Puzon, Marco and Ortiga, Yasmin Patrice, *Children and Youth in Organized Armed Violence in the Philippines: Contextualization, Personal Histories and Policy Options*, University of the Philippines Centre for Integrative and Development Studies, Psychological Trauma and Human Rights Program, (Manila: The University of the Philippines, 2003).

86 Cynthia Enloe, as cited by Moser, Caroline O.N and Clark, Fiona C, in the introductory chapter, *Victims, Perpetrators or Actors: Gender, Armed Conflict and Political Violence*, (London: Zed Books, 2001), p.3.

87 This section draws on discussions conducted by IBS with Colonel Reynaldo Sungcaya, Major Ruben Matillano, Captain Jimmy Matalam and Captain Rommel Valencia of the AFP, which took place at the Graduate School of Mindanao-State University-Maguindanao, Datu Odin Sinsuat, Maguindanao, 28 August 2009.

88 Interview with Francisca Joel, wife of a CAFGU member in Basilan interviewed by Sulog Bra, 16 November 2009.

89 Interview with Catalino Ariston, Chair of the Committee on Peace and Order of the Municipality of South Upi, Maguindanao by Sulog Bra of the IBS on 25 September 2009.

*“Where will I place my conscience? My wife is out of home late in the night and guarding the community while I sleep soundly at home. A shameful life! The residents of this town will reproach me for attitudes as a husband.”*⁹⁰

*“. . . ano ang sabihin ng mga tao sa akin pag nakita nila ako na kasama-sama ko ang mga lalaking CAFGU (what will the people say about me if they see me in the company of the male CAFGUs)? Babaeng kaladkarin (a woman of dishonour or cheap)! Patayin ako, hindi lang ang aking asawa, pati mga kamag anak (I will be killed by my husband, or if not, my family members).”*⁹¹

In a similar vein, another male militia member said,

*“Can a woman be a CAFGU or CVO member? If she is my wife I will never allow her. It is awkward to see my wife carrying gun while I am only an ordinary civilian. What will the people in our community say of me- ‘under the saya’ (under the skirt) of my wife! I will die of shame! I cannot accept that idea. It is discrediting man’s honour.”*⁹²

Another said,

*“I cannot tolerate seeing them in the company of men while I do homework for the family. Isn’t it like reversing the flow of water from downstream going upstream?”*⁹³

Statements from women also reflect entrenched gender roles:

“. . . ano ang sabihin ng mga tao sa akin pag nakita nila ako na kasama-sama ko ang mga lalaking CAFGU (what will the people say about me if they see me in the company of the male CAFGUs)? Babaeng kaladkarin (a woman of dishonour or cheap)! Patayin ako, hindi lang ang aking asawa, pati mga kamag anak

*(I will be killed by my husband, or if not, my family members).”*⁹⁴

During the group discussions, some male military officers mentioned they have come across some women working for the CAFGU in their respective communities. According to these male military functionaries, the women are CAFGU members but they do not do foot patrols in the barangay; they serve as clerks doing administrative and financial records management duties. Allegedly, the women even do politically-sensitive work like communications and intelligence gathering. However the research team could not find women alleged to be doing administrative work for the CAFGUs.

When asked why no women were seen on duty in a local CVO guarding a politician, a woman in Maguindanao retorted: *“What will a woman get in tailing behind a politician? She’ll be called his mistress and will create trouble for his wife, inviting scandal. No upright woman will do that kind of job.”*⁹⁵

Indirect roles

Women play a range of informal and indirect roles through supporting their male family members (husbands, brothers, sons, fathers, uncles etc) involved in the militias. They express support for the counter-insurgency campaign, both in terms of its security goals and more practically for the income it provides their families. One woman noted: *“Do not disband the CAFGU. They helped greatly in terms of peace and order in the community. [If they disband], my husband will lose his job and source of income.”*⁹⁶ The link between livelihood and militia involvement is profound and a recurring theme. It is therefore a significant factor in any sustainable action to disband such entities.

This factor also affects women’s attitudes towards guns and gun carrying, legitimising it as defensive and protective. One woman commented: *“I could not allow my husband being shot by the enemy like a lame duck sitting in our house. At least, with the simple gun he has in his possession, he could defend*

90 Interview with Teng Abdulrahman of South Upi by Sulog Bra of the IBS, 12 October 2009.

91 Laila Sedik, a member of a women’s organization and wife of a CAFGU member, who attended the focus group discussion in Basilan, 17 November 2009.

92 Joel Francisco, CAFGU at Lamitan, Basilan, interviewed by Sulog Bra of the IBS on 17 November 2009.

93 Interview with a CAFGU at Lamitan, Basilan by Sulog Bra of the IBS on 17 November 2009.

94 Laila Sedik, a member of a women’s organization and wife of a CAFGU member, who attended the focus group discussion in Basilan, 17 November 2009.

95 Interviewee in Maguindanao in discussion with Sulog Bra of the IBS, 2 December 2009.

96 Thelma Iku of Bongao, Tawi-Tawi interviewed by Sulog Bra of the IBS on 13 November 2009.

himself and our family members from the enemy. Nowadays, without weapon to resist your enemy, you can easily be killed”⁹⁷

Respect and status flowing from employment is another reason women support their husbands’ involvement in militias: “Before, when my husband was not yet a CAFGU, the people in the community looked down on us because we were poor. Now, my husband could fight back because he has weapons. Nowadays you will be in pitiful situation without arms to use for the security of your family.”⁹⁸

Across Mindanao, men are expected to protect female family members and this role includes the earning of income, as well as ensuring they can protect female relatives from harm. In the broadest cultural sense, men are ‘authorized’ to use violence to protect and serve their family’s interest.

Roles and identities

Across Mindanao, men are expected to protect female family members and this role includes the earning of income, as well as ensuring they can protect female relatives from harm. In the broadest cultural sense, men are ‘authorized’ to use violence to protect and serve their family’s interest.⁹⁹ Such cultural perceptions of masculinity find resonance in other cultures, where the fundamental mark of being a ‘real’ man is the ability to hold and use a weapon for fighting.¹⁰⁰

In Bangsamoro communities in particular, women are traditionally expected to perform support roles to the men in their families including nurturing roles (for example, childbearing and rearing, and performing routine duties to maintain the household)¹⁰¹. Bangsamoro communities are

anchored on Islamic precepts and injunctions that spell out the roles and obligations of men and women. Islam provides specific guidelines on individual behaviour, that of institutions and organizations as well as the roles and status of every person in a family, in their community and in the community of believers or *ummah*. However, these guidelines are often more ideals than the reality in many communities affected by armed conflict in Mindanao.¹⁰² Among some Muslim Moro women an even more stringent, religious-based separation of duties between men and women is observed.¹⁰³ There are a number of ways that a woman can ‘dishonor’ her husband and household and women’s roles are rigidly specified and enforced.

Men are expected to earn a substantial income for their families, not only for the members of their immediate family, but also for their dependents, especially female, single siblings and parents or parents-in-law who live in the same house. Any digression from these standards is always a source of unease and even of shame. Men who perform household maintenance duties like cooking, dishwashing and cleaning the house are considered to have questionable gender orientation or are “*under the saya*,” (literally, staying “under” the skirt of the wife).

The security of the family is exclusively the responsibility of men. A study in 2008 on ‘task segregation’ among rural families in Maguindanao revealed that wives left responsibility for the security of family members and the community to their husbands.¹⁰⁴ Many women see themselves on the fringes of community activities although they bear a heavy burden in terms of maintaining the society during peace and war.¹⁰⁵

However, the experiences of women in peacemaking and during times of war show that they are

97 Partner of CAFGU member, interviewed by Sulog Bra in Bongao, Tawi-Tawi on November 23, 2009.

98 Partner of a CAFGU member in Basilan interviewed by Sulog Bra on November 17, 2009.

99 Bra, Sulog, *Participatory Rural Appraisal and Resource Social Assessment of 10 Coastal Barangays in the Municipality of Datu Odin Sinsuat, Maguindanao, Philippines*. (Cotabato City: Talainged Foundation, 2008).

100 Jacobs, S, Jacobson, R and Marchbank, J (Eds.), *States of Conflict: Gender, Violence and Resistance*, (London: Zed Books, 2000).

101 Philippine Women’s Research Collective, *The End is the Beginning: Alternative Philippine Report on the Impact of the Decade for Women*, (Manila: Philippine Women’s Research Collective, 1985); Hildson, Anne Marie, *Madonnas and Martyrs: Militarism and Violence in the Philippines*, (Manila: Ateneo de Manila University Press, 1993) p.90.

102 Cagoco-Guiam, Rufa, “The Philippines”, in Chia Siow Yue, (Ed.) *A Gender Agenda: Asia-Europe Dialogue 3. Economic Empowerment for Gender Equality*, (Singapore: Asia-Europe Foundation and Japan Center for International Exchange, 2006).

103 Ali Lidasan, Amirah, *Moro Women’s Struggle for Human Rights in the Philippines*, Unpublished paper presented during the conference, “Advancing Gender Equality and Women’s Empowerment in Muslim Societies”, held in Jakarta, Indonesia on 11-12 March, 2009.

104 Bra, Sulog, *Participatory Rural Appraisal and Social Resource Assessment in the Municipality of Kapatagan, Lanao Sur*, (2009, unpublished). The study was supported by Mindanao Rural Development Program under its National Resource Management Project funded by the European Union.

105 Cagoco-Guiam, Rufa, “Demanding a Voice”, in *Compromising on Autonomy, Mindanao in Transition, Accord. An International Review of Peace Initiatives Issue 6* (London: Conciliation Resources, 2009) p.64. The topic of women’s roles in war and peace was also tackled in the documentary movie, “Beyond the Veil,” produced by the Philippine Center for Investigative Journalism, 1999.

still a largely untapped resource for promoting a more inclusive peace in society. Their crucial roles in peacebuilding have not been fully recognized by either the national government or the rebel groups who are talking peace with the Government.¹⁰⁶

This is perplexing as the Philippines has set high standards in the region on several aspects of women's rights. Women's involvement in the long-running and ongoing formal peace negotiations between the Government and the MILF has either been as members of the GRP negotiating panel or as part of third-party groups providing technical assistance to the panels. The MILF panels have consistently been composed solely of men. However the MILF announced in September 2010 that two women would be appointed as advisers to the panel.¹⁰⁷ In April 2011, Bai Cabaybay D. Abubakar and Raissa H. Jajurie were appointed.¹⁰⁸ Whilst women are involved in these processes, they remain a minority and are much more visible in informal efforts to make peace. At present there are no women in the MILF peace panel. However the MILF Social Welfare Committee is unsurprisingly composed entirely

of women at all levels of organization (provincial, municipal and village). Women are yet to be fully accepted in other decision-making bodies of the MILF.

In March 2010, then President Gloria Macapagal-Arroyo signed Executive Order No. 865, creating the National Steering Committee on Women, Peace and Security (NSCWPS) to implement UN Security Resolutions 1325 and 1820. The Executive Order also provided initial funding for the committee to use. It is intended to be the mechanism for making operational the Philippines' commitment to implementing the two UN resolutions. The UN resolutions (and others) strongly exhort those involved in peacemaking to put women at the forefront of peace and security issues and concerns.

After a series of consultations, a National Action Plan on UN Security Council Resolution 1325 was developed and launched in late 2010. One of the most significant figures driving the process, Professor Miriam Coronel-Ferrer, was appointed a member of the current GRP negotiating panel after the national election.

¹⁰⁶ See Santiago, Irene, "Mindanao", in Centre for Humanitarian Dialogue, *Peacemaking in Asia and the Pacific: Women's participation, perspectives and priorities*, (Geneva: Centre for Humanitarian Dialogue, 2011).

¹⁰⁷ "MILF forms new peace panel, board of consultants", *MILF Official Web*, www.luwaran.com, September 13, (2010).

¹⁰⁸ Bai Cabaybay D. Abubakar is an educator and Raissa H. Jajurie is a lawyer.



Section 3: Security services and forces

Across Mindanao there are a range of armed groups waging insurgencies with various motivations. This report will not go into specific detail about these groups as these are thoughtfully described elsewhere. Two key state security services are, however, considered given their connections with militia creation and maintenance.

This does not mean that the HD Centre and IBS see the various armed groups as having no place or role in deliberations on the matter of militia. Indeed the negotiations between the Government and the MILF and MNLF will inevitably need to tackle the issue of militia.

Armed Forces of the Philippines

While the AFP increasingly encourages softer approaches to counter-insurgency – establishing community relations, conducting civic action programs, and implementing socio-economic development – its tactics are still largely based on eliminating and suppressing threats by force.¹⁰⁹ This approach has dominated the AFP's dealings with the Moro and NPA struggles. The government's strategic approach to the Muslim secessionist movements and the NPA insurgency in Mindanao is troop saturation and intensive military operations. The AFP's troop strength was estimated at 45,000 in 1967. By 1977 it had grown to 68,000 and increased most dramatically between 1990 and 2000 because

of President Estrada's all-out war policy in Mindanao – by 2000 the AFP had 164,000 troops. Today the military reports it has 120,000 troops, 55,000 of whom are in Mindanao.¹¹⁰

Despite this growth, the force remains proportionally small compared to the civilian population¹¹¹. Recruitment has stayed at largely the same levels in recent years, with an average yearly intake of 5 per cent.¹¹² To boost the reach of its counter-insurgency campaign at a relatively low cost, the AFP has therefore increased the use of civilian paramilitaries and militias.

In 2004, following a three-year joint defense assessment, a ten-point plan of action was devised. Mainly geared towards improving the army's operational capabilities in the context of the 'War on Terror', the plan nevertheless includes efforts at improving staff expertise and skills as well as discipline, law and order.

As for visions of the future, senior military officers prefer to speak of "disengagement" rather than "downsizing".¹¹³ In their view, an end to the

109 Lucero, Colonel Daniel, "The CAFGU Active Auxiliary: Peace, Security and Human Rights Concern." presentation during the focus group discussion sponsored by the IBS, the HD Centre and the PIPVTR at Camp Aguinaldo, Quezon City, 9 October, 2009.

110 Rommel Banlaoi, Executive Director of the Philippine Institute for Peace, Violence and Terrorism Research, 15 December, 2009. The source is the Operational Records of the Philippine Army, Camp Aguinaldo, Quezon City, Philippines.

111 Tupin, Alex, *New Society's Challenges in the Philippines*, Conflict Studies, (UK: Great Eastern Press, Ltd., 1980), p.20; Rosete, Rogelio, *Enhanced Development Command and Control of Army Ready Reserve Companies*, Unpublished Master Thesis, National Defense College of the Philippines, Camp General Emilio Aguinaldo, Quezon City, (1998).

112 Estabilo, Catalino B, *Military Reservists in Internal Security Operations: Responsiveness and Relevance*, Unpublished Master Thesis, National Defense college of the Philippines, Camp General Emilio Aguinaldo, Quezon City, (2005).

113 Interviews undertaken by Mireille Widmer, HD Centre in May-June 2007.

armed conflict will result in disarming the CVOs, demobilizing the Moro insurgent groups and CAFGUs and building up the capacity of the police service. They do not envisage the AFP pulling out completely, and argue that the current policy shift towards the prevention of armed conflict and encouraging dialogue will be characteristics of the AFP of the future.

Gender roles in the Armed Forces of the Philippines

In October 1976, then President Ferdinand E. Marcos signed Presidential Decree 1043. This was a benchmark in the history of the recruitment of women into the armed forces – it amended Republic Act 3835, the legal framework for creating the Women's Auxiliary Corps (WACs) of the AFP. The Decree clearly stated that enlisted women in the Philippine army have equal footing with their male counterparts as far as processes of promotion are concerned.

However, the Decree also included conditions. For example, as soon as an enlisted woman gets married, she has to be discharged honorably from the service. The only exception is when the female officer has served continuously for five years prior to her marriage. This rule does not apply to single enlisted men who decide to get married after having served in the AFP for less than five years.

Promotion within the AFP is based on combat experience. Combat-heavy areas like the ARMM and other areas in Mindanao are regarded as pivotal in the promotion cycle of military officers. The roster of Philippine military generals is filled with the names of male officers who have seen intensive combat action in Mindanao, fighting the MILF or the NPA. This policy naturally disadvantages female soldiers as they are discouraged from actual combat duty by their male superiors.

Nevertheless, the AFP recognises that women are essential to the waging of war and are skilled at key tasks such as intelligence gathering and disseminating and gathering information from the public.¹¹⁴ They work to promote the AFP, countering claims that the military is abusive and travelling to insurgent areas to speak to, and seek support

from, local communities.¹¹⁵ Thus, while the male military officers wage the 'real' war, women soldiers battle the 'softer' war: winning the hearts and minds of communities.

Drawn by the economic and career opportunities in the army, more highly-educated and professionally-orientated women are coming out of the Philippine Military Academy in Baguio City. Women score better than their male counterparts academically. Women have risen to the level of commanding officer, where in many cases they have "equalled with their male counterparts in dexterity and leadership".¹¹⁶ Rural women are driven to join the army largely out of economic need and the absence of educational activities.¹¹⁷ Some manage to make a career, using the army as a springboard to undertake professional training to become doctors, dentists and engineers.

In rare instances when women are assigned to combat areas male soldiers typically feel a need to protect them. Some army officers noted that effectiveness in battle is reduced when women are around¹¹⁸ and this view is expressed in other countries regarding the participation of women in combat.¹¹⁹ Many men in the AFP continue to believe that women need the protection of men and that the presence of women in camps is a source of distraction among men. Traditional views on women's 'inherent' vulnerabilities are indeed difficult to get rid of, as the following statement suggests: "*During field operations, we feel shy not to offer a hand to woman carrying heavy luggage. During encounters with the enemy, we worry about women being captured, tortured and raped, and if it happens we are helpless to save her.*"¹²⁰

114 As one example of how this is articulated see Balay Mindanaw Foundation and the Eastern Mindanao Command, *Armed Forces of the Philippines, "Women soldiers in the frontline of peacebuilding", Soldiers for Peace: A collection of peacebuilding stories from Mindanao* (Cagayan de Oro City, Balay Mindanaw Foundation, 2010), pp.66-67.

115 Interview by Sulog Bra of the IBS with Captain Rommel Valencia, Colonel Reynaldo Sungcaya and Major Ruben Matillano, Graduate School of Mindanao State University-Maguindanao, 28 August 2009; Interview with Lieutenant Udtong Salim, Philippine Army, assigned as field officer in the Municipality of Barira and Matanog, Maguindanao, 15 April 2010.

116 Colonel Prudencio Ramos Asto was interviewed by Sulog Bra of the IBS on 25 October 2009 at the Graduate School of Mindanao State University-Maguindanao. Colonel Asto's assigned place of duty is at Camp Siongco, Awang, Maguindanao.

117 Hildson, Anne Marie, *Militaries and Martyrs: Sexual Violence in the Philippines*, Paper presented at the Regimes of Sexuality Conference, Australian National University, Canberra, 5-8 July, (1993), p.88.

118 Hildson, Anne Marie, *Madonnas and Martyrs: Militarism and Violence in the Philippines*, (Ateneo de Manila University Press, 1993), p.90.

119 Enloe, Cynthia, *Does Khaki Become You? The Militarization of Women's Lives*, 2nd Edition., (London/Sydney: Pandora Press/Harper Collins, 1988).

120 Statements of Norodin Ere (army draftee) when interviewed by Sulog Bra of the IBS in Datu Odin Sinsuat, Maguindanao, 23 November 2009.

Box 2: The availability of weapons in the Philippines

The Philippines has the dubious reputation of being a country awash with small arms and light weapons, and with a gun culture akin to (perhaps even derived from) the United States. Demand for guns is high in the Philippines. There are a number of factors that motivate the acquisition and use of guns by individuals including the need for security (self-defense), the need for justice (settling scores, vigilante justice), economic considerations (using guns to make a living), political factors (using guns to be heard) and cultural elements (guns as a symbol of power and manhood).

Accurate figures on the number of guns held are hard to gauge. In 2007 it was estimated that the total number of guns in circulation in the Philippines was 3.9 million (between a high of 5 million and a low of 2.8 million).¹²¹ The number of registered weapons in 2006 (the latest figures) was 962,486.¹²² In 2005, the number of 'loose firearms' (firearms that have never been registered or that have expired licenses) were estimated by the PNP at 321,685.¹²³ However others dispute this figure and suggest that it is in the order of 4.2 million, extrapolating from the fact that unlicensed guns have been used in 93 per cent of resolved criminal cases.¹²⁴ Unsurprisingly, the widespread circulation of weapons is linked closely with crime.¹²⁵ The number of weapons held by insurgent groups is estimated at 8,170 by the MILF, 6,050 by the NPA and 300 by the Abu Sayyaf.¹²⁶

Reports from the Philippine Center for Transnational Crime state that most of the firearms and ammunition in the country come from local manufacturing; smuggling; theft from military and police arsenals; losses from PNP and AFP operations; as well as from legal trade.¹²⁷ Gun smuggling is a particular problem as the Philippine archipelago, with its 7,107 islands and tens of thousands of kilometers of irregular coastline, provides ideal cover for hidden landings and secret storage areas for gunrunners and traders. However, not all arms in the Philippines come from outside the country – many are locally produced.

The Philippine National Police - Firearms and Explosives Division (PNP-FED) reported there are 45 legal firearms manufacturers, 522 authorized dealers, 133 gun repair shops and approximately 5,000 illegal gunsmiths nationwide.¹²⁸ The Cebuano city of Danao is well-known for its gun industry. Cheaper than foreign-made handguns, these guns are also highly marketable and easier to procure.¹²⁹ Prices vary depending on the gun's origins: a 9 mm costs around 25,000 PhP (USD 543); a .45 caliber pistol around 24,000 PhP, and an M-16 some 26,000 PhP (USD 565). A Danao gun-maker has said he "can finish making a KG-9 in a month . . . with a capital outlay of about 7,000 PhP (about USD150) and sell it for about 10,000 to 11,000 PhP (about USD220 to 240)."¹³⁰

The government has tried a mixture of repressive and incentive-based measures to remove guns from circulation. Apart from *Balik Baril* (a disarmament program, which targets former insurgents) the government has also implemented other schemes, including *Oplan Bakal* and *Oplan Kapkap* (weapon searches in public places to recover loose firearms); *Loi Bawi* (to recover firearms not returned by active,

retired or dismissed police officers); as well as 12 amnesty programs since the Cory Aquino administration.¹³¹

Philippine gun laws are complicated with regulations, orders, amendments and acts spanning some five decades. They are woefully inadequate for the volume of weapons in the country and the prevalence of armed violence. Sound laws are frequently undermined by temporary revisions, which then become the norm (for example, on the carrying of guns outside the home). These are fundamentally ineffective due to poor implementation and co-ordination across the relevant agencies: the PNP, the AFP, border and customs departments. The most significant recent attempt to limit the growing number of guns is the Gun Control Act filed by Senator Antonio Trillanes IV in 2009. From August 2003, Trillanes has been detained at Camp Crame in Quezon City for rebellion against the government. He was among the military officers that led the aborted mutiny in 2003. However as a Senator he could still propose legislation while incarcerated.¹³² In December 2010 he was released after the Makati City Regional Trial Court granted his petition for provisional liberty.

121 Mendoza, Gemma-Bagayaua, "Armed and Dangerous: More Civilians Own Guns Than the Military and Police", *Newsbreak*, 29 January, (2011).

122 Quilop, Raymund Jose G, "Small Arms and Light Weapons in the Philippines: Possession, Demand, Supply and Regulation (Overview)", in Santos, Soliman Jr, and Santos, Paz Verdades M, (Eds.) (2010), pp.231-257.

123 Quilop, Raymund Jose G, (2010) p.204.

124 Small Arms Survey, *Small Arms Survey 2002: Counting the Human Cost*, (Oxford: Oxford University Press, 2002), pp.98-99. Information on the 93 per cent figure comes from: Philippine Center for Transnational Crime, "Illicit trafficking and manufacturing of firearms: the Philippine context", (undated, circa 2006) Available at www.pctc.gov.ph/papers/FA's%20illicit%20Trafficking%20&%20Manufacturing.htm Accessed 12 December 2010.

125 In the Philippines the distinction drawn between homicides and murders is based on knowledge of motivation and whether and how someone is charged for the killing(s). If intent to kill can be proven it is murder. If it is not established then it is homicide: therefore, killings are homicides until classified as murders. Also see, Fianza, Gen. Florencio, Office of the Special Envoy on Transnational Crime (OSETC), "OSETC and initiatives on regulation", presented at the Asian Parliamentarians Workshop on Small Arms and Light Weapons and the proposed Arms Trade Treaty, February 6-7, 2007.

126 Quilop, Raymund Jose G, (2010), p. 238; PhilANSA, *Voices to silence guns, The Philippines People's Consultation Report on the Arms Trade Treaty*, (Manila: PhilANSA and the International Action Network on Small Arms, 2008) p.12.

127 Small Arms Survey, (2002) p.99.

128 PhilANSA (2008), p.12.

129 Aragon, Chito O, "High powered firearms seized", *Cebu Daily News*, March 18, (2008).

130 Communication between Jennifer Santiago Oreta and Cate Buchanan, HD Centre in May 2010.

131 For statements from the President on stiffer gun control see, "Marksman PNoy Wants Stiffer Illegal Gun Possession Penalties", *GMA TV News*, 16 July, (2010).

132 Interview by Sulog Bra of the IBS with Edmund Gumbahali of the Sulu Armed Violence Reduction Initiative in Jolo, 13 March 2010.

“I see a woman as not being fit for combat”, said another male draftee.¹³³ “A woman is slow to move and delicate in body built. She would be left behind in a fast moving military operation. Besides, she has the tendency to be emotional when seeing people dying in the battle. She cannot hide the reality that as a woman she has that instinct and biological component different from man.”¹³⁴

Philippine National Police

The PNP was created through Republic Act 6975, otherwise known as the Department of the Interior and Local Government Act of 1990, which resulted in the merger of the Philippine Constabulary and the Integrated National Police on January 29, 1991.

The PNP maintain their own militia, the Police Auxiliary Units (PAUs), who are members of the public trained by the police and issued weapons by the local government. The PAUs have various names – CVOs in many places, Bantay Dagat in most coastal areas, and the Department of the Interior and Local Government Unit refers to them as Barangay Tanods (village watchers). In Sulu, the Civilian Emergency Forces (CEF) are now officially referred to as PAUs as are the Barangay Police and Barangay Marines of Tawi-Tawi.¹³⁵ The number of PAUs in Mindanao and elsewhere in the Philippines is unknown because they are not officially registered by the PNP and are loosely monitored by the government.

The PNP typically struggles with its law enforcement mandate because of a lack of resources and its ties to local government officials. It also has a reputation for extra-judicial killings.¹³⁶ In 2006, the PNP was authorized to deputize the barangay tanods (who were originally unarmed) to assist in its law enforcement duties.

The PNP is also undermined by the profound weaknesses of the justice system which provides powerful motivation for vigilante action. Improving the administration of justice in the most conflict-affected areas of the Philippines will probably depend on a general improvement of the security situation. However, interim solutions can be found. For example, encouraging the use of traditional, or utilising the barangay-level justice system, including the Katarungan Pambarangay (Barangay Justice System). In 1977 Shari’ah courts were established for settling disputes embracing personal laws among Moros. In 2004, Republic Act 9285 created an Office for Alternative Dispute Resolution with the objective of promoting the use of alternative dispute resolution in the private and public sectors.

Where the Moro and cultural minority populace was dominant, the “Council of Elders” was organized as an alternative group that could settle disputes in each barangay using traditional methods. Among the Moros it is called “*Walay na Bitiyara*”¹³⁷ (house where dispute is settled) and the Teduray (a tribal group in Maguindanao) call it “*Bli Kitab*”¹³⁸.

NGOs have intervened to reduce the number of disputes referred to the formal justice system through supporting alternative dispute resolution by implementing programs that strengthen the capacities of the local people in settling conflicts at the barangay level. For example, the Gerry Roxas Foundation, with the support of the United States Agency for International Development, implemented the Barangay Justice Services System and MinPeace (Peace for Mindanao) and currently the Barangay Justice for Peace in Mindanao which aim to support the capacity of each barangay in Mindanao for local dispute resolution, mediation, counselling and arbitration.¹³⁹ Furthermore, several local NGO bodies try to resolve local clan conflicts such as the Tumikang Sama-Sama in Sulu, a group of eminent persons that often mediate between warring clans.¹⁴⁰

Some of the PNP’s weakness stems less from a lack of technical capability and, more, from corruption. A PNP official “acknowledged that some police

133 Interview with Zaiton Onse, a soldier who resigned after five years of service, at Dalican, Datu Odin Sinsuat, Maguindanao by Sulog Bra of the IBS on 24 November 2009.

134 Statements of Abdul Bra (army draftee) when interviewed by Sulog Bra of the IBS at Kurintem, Datu Odin Sinsuat, Maguindanao, 23 November 2009.

135 Interview by Sulog Bra of the IBS with Edmund Gumbahali of the Sulu Armed Violence Reduction Initiative in Jolo, 13 March 2010.

136 See, Philip Alston, Special Rapporteur of the United Nations Human Rights Council on extrajudicial, summary or arbitrary executions, *Statement of UN Special Rapporteur on extrajudicial killings after visit to the Philippines*, 21 February, (2007); Asian Human Rights Commission, ‘Getting away with murder’, *Special Report: The Criminal Justice System of the Philippines is Rotten*, Vol. 6, No. 1, (Hong Kong: Asian Human Rights Commission, 2007).

137 Interview by Sulog Bra of the IBS with Mayor Tucao Mastura of Sultan Kudarat, Maguindanao, 5 June 2010.

138 Interview by Sulog Bra of the IBS with Mayor Ramon Piang of Upi, Maguindanao, 8 June 2009.

139 The IBS is the local resource partner of the Gerry Roxas Foundation in the implementation of the Barangay Justice Project in Maguindanao.

140 This initiative is supported by the HD Centre as part of its peace facilitation work in Sulu.

officers are vulnerable to opportunities for corruption.”¹⁴¹ A 2011 Pulse Asia perceptions survey revealed that the PNP is regarded as the second most corrupt government agency in the Philippines – behind the AFP.¹⁴² Further, the Philippine Public Transparency Reporting Project reported that in ARMM before a police recruit will be issued a firearm he/she has to pay PhP20,000 (USD465).¹⁴³ The report also alleged that for a new candidate to pass the ARMM Police Regional Office selection process under-the-counter payments of up to PhP350,000 (USD8,139) are paid.¹⁴⁴ Once in the PNP, low wages can make many police to become involved in bribery and corruption, opening them up to the influence of political leaders, influential and rich families, landlords and business-people who press them into service as their bodyguards, security guards or private armies.¹⁴⁵

In the ARMM, there is little practical distinction between the functions of the military and the police.¹⁴⁶ Officially, the AFP focuses on the insurgency(s) and the PNP on fighting crime, and supporting the AFP in terms of intelligence gathering and community mobilization.¹⁴⁷ However in practice it often appears that the AFP is taking the lead on all matters related to public security.

One possible reason for this confusion is the fact that, until the adoption of the new Constitution in 1987, the PNP – then known as the Philippine Constabulary – was under the authority of the Ministry

of Defense. With the new Constitution, control of the police was handed over to the Department of the Interior and Local Government. The law allows mayors and governors both operational command over the local PNP and the power to take certain disciplinary measures - leading to a raft of new problems.¹⁴⁸ The PNP suffers from a lack of independence due to the manner in which police directors and officers are appointed, which requires recommendations from Provincial Governors. It is also regarded as having inadequate equipment, personnel and resources for intelligence.¹⁴⁹ As local government executives sometimes step in to provide vehicles and support, the ties between the PNP and local governments become both interwoven and confused.

Women in the Philippine National Police

In June 2010, some 13,440 women were registered members of the PNP.¹⁵⁰ In theory, this number represents 10 per cent of the total number of enlisted personnel in the PNP as women were allocated 10 per cent in the recruitment of national police officers in legislation enacted in 1998, by then President Fidel V. Ramos. In practice, however, the recruitment of women may exceed or be less than 10 per cent depending on the number of women who apply and who qualify.

The 1998 Republic Act 8551, or the PNP Reform and Reorganization Act and represented a landmark. It is significant as it explicitly provided for equal opportunities for women to be accepted into the PNP ranks, and for them to access the same processes of promotion as male police officers. For the first time in the history of the PNP, a law spelled out unequivocally that the “. . . *police promotion system shall be gender fair and shall ensure that women members of the PNP shall enjoy equal opportunity for promotion as that of men. . .*” (Section 31).

Among women’s rights advocates the Act is widely known for creating ‘women’s desks’ in all police stations throughout the country. These desks aim to attend to sexual abuse and violence towards

141 “Some cops vulnerable to corruption: PNP”, *ABS-CBN News*, 29 March, (2011). See also, Varona, Glenn, “Collaborative Inquiry and Managing Police Ethics: Towards Better Governance of Policing”, paper presented at the Participatory Action Research and Action Planning 8th World Congress 2010, Melbourne, 6-9 September, (2010), p. 4. Available at <http://wc2010.alara.net.au/Formatted%20Papers/4.1.6.SEC.2.pdf>

142 The survey was conducted from February 24 to March 6, 2011. See *ABS-CBN News*, (2011).

143 Davis, Alan and Fajardo, Rorie R, “PNP ARMM: Serious Allegations of Corruption over Firearms and Recruitment Being Made – And Denied”, *Philippine Public Transparency Reporting Project*, 21 March, (2011).

144 Davis, Alan and Fajardo, Rorie R, (2011). Also see Rodis, Rodel, “Police corruption at its roots”, *Inquirer.net*, 17 October, (2010).

145 The involvement of Police Chief Inspector Zukarno Adil Dicay, officer-in-charge of the Shariff Aguak police and concurrently deputy provincial director of the Maguindanao police in the Maguindanao massacre, showed clearly, according to the International Crisis Group, “that the police in Manguindanao province were a wholly-owned subsidiary of the Ampatuan family.” See International Crisis Group, (2009), p.5.

146 Salilama, Police Supt. Badire, *An Evaluation of the Philippine National Police (PNP) Insurgency Operations in Zamboanga del Norte*, Unpublished Master Thesis, National Police College, Philippine Public Safety College, Fort Bonifacio, Makati City, (1996).

147 Interview of former ARMM Police Director by Mireille Widmer, HD Centre, May 2007.

148 See: Philippine Constitution Article Republic Act 6975, 13 December 1990. An Act Establishing the Philippine National Police Under a Reorganized Department of the Interior and Local government, and for other purposes.

149 Various interviews undertaken by Mireille Widmer, HD Centre, June-July 2007.

150 Letter from Police Director Abner Cabalquinto to Purple Romero of Newsbreak on behalf of IBS, June 22, 2010.



School children are seen through a wired window of a makeshift school in a conflict zone in Datu Saudi Ampatuan, Maguindanao. The Philippine government has announced a three-year recovery plan for those caught in the conflict between government forces and Muslim separatist rebels, as both sides prepare to resume stalled peace talks. © Jason Gutierrez/IRIN

women, as well as children. However, over time, the few women in the PNP have often been relegated to working on these desks – including the most senior woman in the PNP.¹⁵¹ Popular mass media in the Philippines, such as television soap operas, also depict policewomen as tied to their desks either taking care of cases on violence against women and children or tasked with relatively sedentary assignments.

In 2003, as part of implementing the Act, the PNP national leadership published the Police Community Relations Manual (PCRM) which

promoted “100 Days of Police Transformation”. A solid section is devoted to gender mainstreaming, a concept defined by the UN Economic and Social Council as:

“...the process of assessing the implications for women and men in any planned action, including legislation, policies or programmes. ...it is a strategy for making the concerns and experiences of women as well as men an integral part of design, implementation, monitoring and evaluation of policies and programmes in all political, economic, and social spheres, so that women and men benefit equally, and inequality is not perpetuated. ...the ultimate goal of gender mainstreaming is to achieve gender equality.”¹⁵²

¹⁵¹ The only woman in a senior PNP position, Director General Yolanda Tanguigue, heads the national Women’s and Children’s Protection Desk at the PNP National Headquarters in Camp Crame, Quezon City. Two separate interviews were the sources of this comment. An interview with Ms. Bahian, a non-uniformed member of the General Santos City Police force, and an interview with SPO₃ Merlyn Tolentino, who co-ordinates the Women’s and Children’s Desks in all police stations in the city.

¹⁵² Chapter IV, Section 1, “Gender Mainstreaming”, Report of the Economic and Social Council, A/52/3 18 September, (1997), p.2.

. . . the women police officer informants admit that, because the PNP lacks ‘operational funds’, the gender training sessions are only held ‘sometimes’ and are not regularly scheduled.

The PNP justifies the need for gender mainstreaming in “*order to advance the cause of women as partners of men in providing services and protection to the people; and in pursuing, albeit gradually, the establishment of a well-grounded gender-responsive premier law enforcement institution in the country.*”¹⁵³

Part of the gender mainstreaming process, according to the PCRM, is to conduct a series of gender sensitivity training sessions among the police officers, both men and women. However, the women police officer informants admit that, because the PNP lacks ‘operational funds’, the gender training sessions are only held ‘sometimes’ and are not regularly scheduled.

For all its progressive provisions on gender concerns, the Act remains token legislation and suffers from inconsistent implementation. The PCRM states one of the reasons why the PNP has chosen to focus on women’s development in their Gender and Development (GAD) planning is the recognition that “women are half of the country’s population, and as such, (they) are half of the producers of economic goods. . .”¹⁵⁴ Given this rationale, it is surprising that the Act only has a 10 per cent allocation for women police recruits. Secondly, there is an uneven commitment to the 10 per cent quota.¹⁵⁵

Finally, and most substantively, the PNP plan focuses only on so-called ‘women’s issues’. While this is important, it is only one part of the equation and a holistic view of gender is necessary if Philippines security services are to be fully representative. Simply put: “. . . *the involvement of women is not in itself enough to ensure gender sensitivity.*”¹⁵⁶

¹⁵³ Philippine National Police, *Police Community Relations Manual*, (Camp Crame, Quezon City: Philippine National Police, 2003), p.49.

¹⁵⁴ Philippine National Police, (2003), p.48.

¹⁵⁵ Interview by Rufa Guiam, consultant to HD Centre with Joannah Russel Bahian, administrative/personnel officer for PNP Regional Command 12, stationed at Tumbler, General Santos City on November 12, 2010. Interviews clarified that when there are fewer male than female qualifiers in the process of recruitment of new police officers, the Commanding Officer or the Regional Police Director may opt to recruit more than the 10% quota and this has been done quite frequently at the Regional Police Headquarters in Region 12, says Ms. Bahian. However the excess of the 10% has so far only been up to 2 to 3% more than the 10% quota, and not more than that.

¹⁵⁶ El Jack, Amani, *Gender and Armed Conflict. An Overview Report*, Institute of Development Studies, University of Sussex, (Brighton: BRIDGE, 2003), p. 34.



Section 4: Children and youth

“It’s hard when you’re not educated, isn’t it? Who will give you a job or entrust you with work especially if they know about my background? What happens when they find out that I have killed people? I’m wanted by the law. This is the reason why I rarely go out. Don’t you understand? I don’t want this job but I need it to live . . . it’s for my parents. What will happen to my brothers and sisters?”¹⁵⁷

The prohibition against using children in armed conflict is stated both in domestic law and the international treaties to which the Philippines has subscribed. Internationally, the Philippines ratified the Convention on the Rights of the Child on 26 July 1990,¹⁵⁸ which includes the right to protection from torture and maltreatment that will deprive them of their liberty or lead to separation from their parents.¹⁵⁹ In Filipino law, the protection of children in situations of armed conflict is stipulated in Republic Act 7610.¹⁶⁰ Article X (22) (b) provides that: “*Children shall not be recruited to become members of the Armed Forces of the Philippines or its civilian units or other armed groups, nor be allowed*

to take part in the fighting, or used as guides, couriers, or spies.”¹⁶¹

In August 2009, the MILF and the United Nations agreed on an action plan regarding the issue of recruitment and use of child soldiers in the armed conflict in Mindanao. The action plan prohibits the recruitment of children under the age of 18.¹⁶² The MILF committed to informing all commanders and officers of the Bangsamoro Islamic Armed Forces (BIAF) that using and recruiting children is not acceptable; establishing a child protection unit within the ranks of BIAF; and, in partnership with UNICEF, ensuring a wide-ranging community advocacy campaign on preventing the recruitment of children into any armed groups. The MILF is now working with UNICEF on the implementation of the Plan.¹⁶³

The AFP claim they adhere strictly to national law which bars those under 18 years of age from conscription into the military or militia. However, military training known as Reserve Officers’ Training Course (ROTC) is still one of the three

157 Statement of a child CVO member in Camacho, Agnes-Zenaida, Puzon, Marco and Ortiga, Yasmin Patrice, (2003), p. 44

158 World Organization Against Torture, *State Violence in the Philippines, an Alternative Report to the United Nations Human Rights Committee*, (Geneva: World Organization Against Torture 2004).

159 Marcelino, Elizabeth Protacio, Cruz dela, Maria Tereza C, Camacho, Agnes Zenaida V and Balanon, Faye A.G, *Torture of Children in Situations of Armed Conflict: The Philippines Experience*, University of the Philippines CIDS, (Manila: University of the Philippines, 2000).

160 Approved June 17, 1992.

161 Excerpts from Republic Act No. 7610 entitled “Special Protection of Children Against Abuse, Exploitation and Discrimination” (Promulgated 17 June 1992) Republic Act 9231 amended certain provisions of RA 7610.

162 Action Plan between the Moro Islamic Liberation Front and the United Nations in the Philippines Regarding the Issue of Recruitment and Use of Child Soldiers in the Armed Conflict in Mindanao, August 1, 2009. See also MILF-BIAF Supplemental General Order for General Order Nos. 1 and 2 in support of the Action Plan between the Moro Islamic Liberation Front and the United Nations in the Philippines Regarding the Issue of Recruitment and Use of Child Soldiers in the Armed Conflict in Mindanao, January 20, 2010.

163 UNICEF, in partnership with the IBS and Plan International, is now conducting a rapid registration of children who may be found in the ranks of MILF-BIAF.

options that college students are required to take for graduation.¹⁶⁴

Critics have contended that undergoing ROTC training, although optional, is in itself a conscription of underage individuals into the military since activities undertaken in these programs deal with military tactics.

The recruitment of underage youth into militia is more clear-cut, with documentation showing underage youth in both CAFGUs and CVOs.¹⁶⁵ One study revealed conscription of minors in the CVOs by the Ampatuans in Maguindanao. They were used to carrying out the killing of the family's enemies or individuals opposed to the leadership of the family.¹⁶⁶ One interviewee commented: "*Young boys with guns are visible in their communities at night as substitute for the fathers who are tired due to the day's chores and want to relax at night. They send their young boys, who enjoy themselves in drinking sprees with their commanding officer.*"¹⁶⁷

Economic incentives, limited alternative opportunities and the threat of being labelled NPA supporters are at the root of young male militia membership. As one young CAFGU member put it:

*"... my parents are poor with six children. Farming is the occupation of both my father and mother. We wake up early in the morning and help our father work in a small farm which is not our own. It is borrowed from a relative. The income earned every harvest, which is three to four months after planting, is not enough to support us to till the next planting season. My father will then borrow money from a businessman and pledge to sell the next harvest to him. We are drowned with loans. So, I decided to join the CAFGU at the age of 17. At least, I receive a small fixed monthly allowance that helps us survive financially."*¹⁶⁸

164 Republic Act No. 9163, An Act Establishing the National Service Training Program (NSTP) for Tertiary Level Students, January 23, 2002. The NSTC components are: (1) The Reserve Officers' Training Corps (ROTC); (2) The Literacy Training Service; and (3) The Civic Welfare Training Service. Compliance with any of the three components is requirement for college graduation. ROTC training is optional and voluntary.

165 Camacho, Agnes-Zenaida, Puzon, Marco and Ortiga, Yasmin Patrice, (2003).

166 Camacho, Agnes-Zenaida, Puzon, Marco and Ortiga, Yasmin Patrice, (2003), pp. 49-50.

167 Interview by Sulog Bra of the IBS with Ahmad Sabdula, Upi, Maguindanao, 15 November, 2009.

168 Interview by Sulog Bra of the IBS with a CAFGU member in Datu Odin Sinsuat, Maguindanao, 26 November 2009.

Providing security to politicians indulges the aggressive instincts of young men and appears to give them legitimacy. Politicians have taken advantage of this by seeking young bodyguards who are instinctively quick to obey orders without questioning them.

In addition, some young people simply find the work inherently attractive and adventurous.¹⁶⁹ Providing security to politicians indulges the aggressive instincts of young men and appears to give them legitimacy. Politicians have taken advantage of this by seeking young bodyguards who are instinctively quick to obey orders without questioning them.¹⁷⁰ Some boys and young men also revealed in interviews that avenging the death of one's father can be an important motivating factor for militia involvement.¹⁷¹

The scale of the problem is difficult to assess. Among the hundreds of militia members interviewed in this study, only five individuals admitted being minors at the time of the survey while 11 admitted to being minors when they were recruited. Nevertheless, the 2008 report of the UN Secretary-General on the situation of children and armed conflict in the Philippines noted that there are indications that national laws "*are not being respected in the recruitment for the Government paramilitary forces, CAFGU.*"¹⁷² This is further corroborated by other sources.¹⁷³ The response to such documentation suggests some level of denial and refusal to accept responsibility. Military officers blamed other commands or orders, suggesting it reflected local arrangements outside AFP direct control.¹⁷⁴

169 Interview with Drieza Lininding, youth leader of Lanao del Sur, by Sulog Bra of the IBS on November 5, 2010.

170 Mananghaya, James, "Mindanao politicians use teenagers as bodyguards", *Philippine Star*, 13 October, (2008).

171 Camacho, Agnes, *Child Soldiers in the Philippines*, paper presented to the Second Consultation Workshop on the Use of Child Soldiers in the Philippines with a theme "Enhancing Partnerships Towards Effective Strategies on DDDR", Lauremar Beach Hotel, Opol, Misamis Oriental, Philippines 9-12uman November, (2003).

172 *Report of the Secretary-General on children and armed conflict in the Philippines*, United Nations Security Council, S/2008/271, 24 April (2008), p.7. National law prohibits the recruitment of children under 18 years old for the military and police.

173 Camacho, Agnes-Zenaida, Puzon, Marco and Ortiga, Yasmin Patrice, (2003).

174 Lucero, Colonel Daniel, "The CAFGU Active Auxiliary: Peace, Security and Human Rights Concerns", Presentation during a focus group discussion organized by the IBS, HD Centre and PIPVTR at Camp General Aguinaldo, Quezon City on 9 October 2009.

Similarly, when a local chief executive was asked about the presence of young people among his bodyguards, he was quick to insist that all CVOs under his command were of appropriate age. In one municipality in Maguindanao, despite the apparent membership of underage youth in CVOs, the Mayor said that all individuals were required to submit birth certificates before being inducted.

However, this is a limited check on underage recruitment as birth certificates can be obtained and modified by bribing officials. As noted in one discussion in Iligan City, the barangay chairperson processed the papers for all his CAFGU recruits, including birth certificates, to accommodate his relatives. In return all the recruits owed allegiance to him and became his private army.¹⁷⁵

¹⁷⁵ Viewpoint expressed in focus group discussion in Iligan City on December 4, 2009.



Section 5: Survey findings

In order to assess militia members' demographics including their self-reported motivations for joining militia and roles in both counter-insurgency and peacebuilding, the IBS and the HD Centre carried out a questionnaire-based survey between July and December, 2009. The questionnaire, developed and validated by a group of experts and tested for reliability, consisted of 84 divided into six sections covering a wide range of topics and issues related to militia activities, including income, as well as official and unofficial roles (see Annex 3: Guide Questions for CAFGU Individual Interviews and Annex 4: Guide Questions for CVO Individual Interviews).¹⁷⁶ The questionnaires were administered through face-to-face interviews with 577 respondents (231 CAFGUs, 226 CVOS, 60 CEFs and 60 BP/BM) who were selected using opportunistic, purposeful and snowball sampling techniques.¹⁷⁷ Open-ended questions were included to elicit further responses. Ten research co-ordinators, one from each province, were hired to administer the questionnaires.

The survey was supplemented with focus group discussions, conducted in several locations and involving army and police officers, military personnel, militia members, political leaders, academics,

members of the media, women's organizations, youth and student groups and religious leaders (see Annex 1: List of Focus Groups). Additional key informant interviews were held with politicians, young people, leaders of women's organizations, survivors of armed violence, army and police personnel as well as militia members. Detailed data is presented in Annex 5. Finally, an extensive literature review was conducted.¹⁷⁸

Militia demographics

Survey respondents were all **male** militia members (91 per cent on active duty) with an **average age of 35 years** at the time of survey (median age 33 years). The average **recruitment age was 31 years** (median age 25 years). The vast majority (92 per cent) were **married**.

Gender. All respondents were male and this is because men dominate the militia. Effort was expended to interview female militia members but women largely 'contribute' to such groups in indirect support roles. Women in such roles were included in focus group discussions. When asked about the absence of women in the ranks, the reasons given varied and included women's (supposed) physical weakness; their fragile emotions; the primacy of their family obligations; and their inability to perform combat and other military operations. Generally respondents noted that women should stay at home and allow the men to protect them. One respondent commented:

¹⁷⁶ Annexes 3-5 are available online at www.hdcentre.org/projects/philippines-mindanao

¹⁷⁷ Opportunistic sampling involves an on the spot decision as to whom to interview for information to take advantage of an opportunity during actual data collection in the field. Purposeful sampling takes the credibility of the respondents as an important consideration rather than how the population is represented. Snowball sampling, or chain sampling, involves identifying subjects via people who know an individual that could be a source of rich information about the topic. See, Patton, Michael, *Qualitative Evaluation and Research Methods*, 2nd Edition, (London: Sage Publications, 1990), p.179.

¹⁷⁸ Literature review available at: www.hdcentre.org/projects/peace-making-research See *Annotated literature review on conflict management in the Philippines*.

“So far I do not know of any woman CVO in South Upi. In our culture, security work or task is a duty of man, not a woman. It is awkward to see woman guarding at night while men are sleeping soundly . . . I myself, will not allow a woman relative of mine to become CVO. I would be embarrassed. Culture and reasons both speak that women are not fit to work as CVOs.”¹⁷⁹

Women respondents shared similar views:

“. . . what will I get if I become a member? It is only headache! The living allowance is too small, not enough for our family. Magtinda na lang ako ng gulay sa palengke (I rather vend vegetables in the market). Mas malaki ang kita (The income is big).”¹⁸⁰

Another said:

“. . . ano ang sabihin ng mga tao sa akin pag nakita nila ako na kasama-sama ko ang mga lalaking CAFGU (what will the people say about me if they see me in the company of the male CAFGU)? Babaeng kaladkarin (a woman of dishonour or cheap)! Patayin ako, hindi lang ang aking asawa, pati mga kamag anak (I will be killed by my husband, or if not, my family members).”¹⁸¹

Prior to joining their current militia, most respondents (76 per cent) had been **previously affiliated with an armed group of some kind**, whether CVOs, Barangay Tanod, MNLF, MILF, or Police Auxiliary Unit. About one-fifth (18 per cent) of current CAFGU members had seen previous duty in a BSDU or CHDF/ICHDF. This is surprising because the CAFGU was created to end the abuses associated with the ICHDF and supposedly has very selective recruitment.

Militia members self-reported as predominately **Muslim** (51 per cent) and **Roman Catholic** (39 per cent), though all CEF and almost all (93 per cent) of BP/BM members are Muslim. Almost half (43 per cent) of all militia members reported attaining a **high school level education**; the one significant

variation was BM/BP members of Tawi-Tawi, over 40 per cent of whom self-reported attaining a college education. Though militia are generally ethnically diverse, the most prominent **ethnicity** in the total sample was **Cebuano** (20 per cent) followed by **Ilonggo** and **Tausug** (17 per cent each) and the Magindanaon (16 per cent).

The families of most militia members are **subsistence farmers** with little or no independent income. The average **monthly family income** across all militia respondents was **PhP 3,141 per month**, with wide disparities: income was highest among families of CAFGU members at almost PhP 4,700 (USD100) and lowest among CEF members at about PhP 1,500 (32 USD) per month. Overall, 50 per cent of all respondents have a monthly family income ranging from PhP 1,000–3,000 (USD 23–64). The poverty line is PhP 7,000–9,000 (USD 149–195) for a family of five. Those whose family income is above PhP 10,000 (USD 213) – mostly among the CAFGUs – reported having spouses engaged in business (such as produce and fish vending and small general stores). In Tawi-Tawi, Barangay Police members receive other income sources besides salary.¹⁸²

Motivations

The survey also explored the circumstances and the reasons for joining militia; family and community support as well as reactions to the decision to join; the amount of living allowance; how militia members spend their living allowances; and reasons for continuing or quitting.

Most respondents (85 per cent) joined their militia **voluntarily**, while others (11 per cent) were ‘persuaded’ either by the barangay chairperson or mayor to join; seven CEF members (1 per cent) said they were coerced to join by a politician.¹⁸³ **Poverty/lack of employment options** was the most common rationale given for joining (33 per cent). Others included: defense of the community from rebels (17 per cent); family protection (15 per cent) and gaining power and respect of the people (13 per

179 Interview with Kagawad Catalino Ariston, South Upi, Maguindanao by Sulog Bra on September 25, 2009.

180 Interview with Francisca Joel, wife of a CAFGU member in Basilan interviewed by Sulog Bra, 16 November 2009.

181 Laila Sedik, a member of a women’s organization and wife of a CAFGU member, who attended the focus group discussion in Basilan, 17 November 2009.

182 For example, in Barangay Pagasinan the chairperson assigned the BM and BP the responsibility of ensuring the safety and orderliness of the fish landing area; fishermen docking and hauling their catch had to pay the local government unit a fixed amount, a percentage of which went to the BM and BP.

183 Coercion is likely to be under-reported, however, and the tactics of ‘persuasion’ may include coercive threats, such as labelling individuals who refuse to join as insurgent supporters—which can carry heavy consequences.

cent). However, rationale varied by group and location. Among CAFGUs, community defense or insurgents was the primary reason for joining. For CVOs, poverty is the main reason for joining. Among CEFs in Sulu, besides poverty, support for political leaders was a reason for membership, followed in rank by 'peer pressure' and family members' insistence.

Most militia members (91 per cent) responded that their **family members support their involvement in militia**; only some CVO (8 per cent) and CEF (12 per cent) respondents indicated their families objected. As for the wider population, militia members reported differing levels of **community approval**. CAFGU and CVO members claimed almost universal community support, while up to 50 per cent of CEF and BP/BM members claimed that their communities had either no reaction or 'mixed/indifferent' reactions to the militia.

The average reported monthly **militia living allowances** from lowest to highest were as follows:

1. PhP 983 (USD 21) for BP/BM
2. PhP 1,166 (USD 25) for CEF
3. PhP 1,416 (USD 30) for CVO
4. PhP 3,193 (USD 68) for CAFGU

These allowances are a fraction of the minimum poverty threshold.¹⁸⁴ Allowances are described as 'supplemental' because militia members report for duty only 15 days a month and the remaining days are reserved for economic activities to support their respective families, although most members have no other occupation. Nevertheless, military officers claim militia work is done in 'the spirit of volunteerism', not full employment.¹⁸⁵ Focus group participants stressed that allowances are often delayed for several months.

As one CAFGU respondent said: *"I look forward to that day the CAFGUs' allowance will be increased and released regularly on time. Nowadays, our families face financial hardship. Our small allowance, which is not enough for our daily needs, is delayed for three months. My wife, [a fish vendor in the market], borrowed money as capital from a money-*

*lender with a high interest. Her capital for vending fish went instead to our daily needs."*¹⁸⁶

According to the AFP, the CAFGU monthly living allowance is PhP 3,000 (USD 64), but CAFGU respondents indicated it was actually in the range of PhP 2,700–2,800 (USD 60) and they are told part of the remainder goes towards administrative costs.

The CVOs, CEFs and BM/BPs do not receive a fixed living allowance. The LGUs where they are organized provide allowances but they can be irregular and are never more than PhP 2,000 (USD 43) per month.

The BM/BP in Tawi-Tawi are the lowest paid, at under PhP 1,000 (USD 21) a month. The barangay chairperson of Pagasinan and Lagasan said the BMs/BPs receive other benefits like food items, clothing and shoes, and medical check-ups – but BM/BP respondents were not able to confirm this.

The majority of militia respondents (59 per cent) **give their cash living allowances directly to their families**. Others spend it on personal needs (22 per cent) and on buying things for their families (14 per cent).

With the exception of the CEF, the majority of CVO and CAFGU respondents (62 per cent) said **they would continue reporting for duty even if they were not paid** in order to defend and protect their communities from insurgents; fewer would do so because they lacked other options and fewer CAFGU would do so because they supported their group's ideology. Only among CEF and BP/BM members did a significant number say they would quit if allowances were discontinued (30 per cent and 27 per cent respectively). In addition, half of all CEF members said a loss of allowances would throw them into confusion as to whether to remain or quit.

Security and counter-insurgency roles

A majority (66 per cent) of the militia respondents have been in **service for between one and five years** (CAFGU: 6 years, CVO: 4 years, CEF: 1 year, BP/BM: 3 years). Among the CAFGUs and CVOs, many members have been in service for more than ten years – some up to 20 years.

¹⁸⁴ See Virola, Romulo A, (2011).

¹⁸⁵ Interviews by Sulog Bra of the IBS with Colonel Asto Ramos of 6th ID, AFP on 10 November 2009; Attorney Sukarno Abas of PNP-ARMM, on 20 August 2009; and Major Ruben Matillano of 6th ID, AFP on 28 August 2009.

¹⁸⁶ Excerpts from the statements of Joel Lopez when interviewed by Sulog Bra of the IBS on 18 November 2009 at Lamitan, Basilan.

Many militia members had gone through **initial military training** before becoming a member of CAFGUs (96 per cent), CVOs (77 per cent) and BMs/BPs (57 per cent). Based on their individual responses the training included basic combat; handling of weapons; surveillance and monitoring techniques; first aid; securing the community in case of imminent danger; and conducting community development services such as cleanliness drives and deployment during times of disaster. Some 24 per cent who did not pass through training were hired on the spot by the barangay chairperson, mayor or governor. This was the case in the vast majority (87 per cent) of CEF interviewed individually in Sulu.

When those who received initial training were asked what the **official mandate of the militia** was, the answers varied. Among CAFGU, CVO and BM/BP members, ‘help in maintaining peace and order in the community’ and ‘protect the community and civilians from rebels and lawless elements’ predominated, followed by ‘help the military in combat operations’ (except among BP/BM, who were not tasked with the latter objective). Assisting in combat operations was the most stated mandate among CEF members (58 per cent) but completely absent among BM/BPs in Tawi-Tawi, where there is no insurgency.

Militia member’s actual roles departed from officially mandated roles. Performing auxiliary services (36 per cent) and helping the military in combat operations (28 per cent) were the most common roles played by all militia with the exception of CAFGU members with more than half (51 per cent) of them involved in combat operations. In the latter case, the contrast between stated mandate and actual roles is striking. Only 13 per cent of CAFGU members said that combat operations were part of their official mandate; yet 51 per cent said they were involved in combat. Among CEFs, acting as security guards and supporters of politicians (45 per cent) and performing auxiliary services (32 per cent) were their common actual core roles while the majority (75 per cent) of the BM/BP help in establishing peace and order in the community.

The majority of CAFGUs (68 per cent) and CVOs (52 per cent) have **participated in fighting alongside the military** and 50 per cent of CEFs have fought alongside military against government adversaries. In contrast, BP and BM have not participated in any sort of combat operations.

CAFGUs and CVOs reported that ‘guarding the community from outside threats’ was their primary **community service role** (40 per cent and 50 per cent respectively); the CEFs primary role was to ‘protect important persons’ (42 per cent); and ‘internal community security’ was the most common answer among BP/BM members (75 per cent).

The incidence of militia members’ involvement in **rido feuds** diverged across militia; 92 per cent of BM/BP members, 56 per cent of CAFGU members, 47 per cent of CVO members and 32 per cent of CEF members stated that their families did not have such feuds. Of those that did report rido feuds, militia members reported their involvement was ‘helping in defense and protection of family members’ (37 per cent) or remaining neutral or acting as a negotiator (32 per cent).

With the exception of BP/BM members, most respondents reported **participating in the government’s counterinsurgency program** (77 per cent for CAFGUs; 92 per cent for CVOs; and 50 per cent for CEFs). Specific roles varied, however, with CAFGU members primarily assisting in military combat operations, information gathering and monitoring of rebels; the latter was also an important role for CVO members.

Militia members described themselves primarily as security providers – including as law enforcers, model citizens, and by ensuring equitable justice – rather than as active ‘peacebuilders’ in the traditional sense.

Militia members described themselves primarily as security providers – including as law enforcers, model citizens, and by ensuring equitable justice – rather than as active ‘peacebuilders’ in the traditional sense. The survey attempted, nevertheless, to capture other activities that might contribute to peacebuilding. CAFGUs (48 per cent) and BP/BM (58 per cent) reported **helping in peace negotiations among armed conflicting individuals/groups** as their most important role in preventing armed conflict in the community. Among CVOs (28 per cent), co-ordination with barangay officials for fair/just implementation of the law was important for them to prevent conflict while half of the CEFs (50 per cent) said they do not have any idea of how conflict could be prevented in Sulu.

In response to open-ended questions regarding how conflict could be resolved in their respective areas, **facilitating amicable settlement**, was a common answer among CAFGUs, CVOs and BP/BMs. Among CEFs, many (38 per cent) said they have no idea of how conflict could be resolved. When asked how they could engage in helping conflict parties **resolve their differences peacefully**, CAFGU and BM/BP members most frequently identified 'advocating and promoting peace and reconciliation among the residents' (33 per cent and 45 per cent respectively). For the CVO members 'just and fair implementation of the law' and 'facilitating seminars on peace reconciliation' are of equal importance (25 per cent each) in promoting reconciliation. Other important roles identified across all members, except those in the CEF, are 'neutrality in times of conflict' and 'facilitating seminars on peace reconciliation and sponsoring reconciliation dialogue.' The CEF members' views are distinct. While many of them (47 per cent) said they 'do not have any idea' on how to promote reconciliation because of the complexities of the situation in Sulu, their existence is viewed as provocative by other armed groups in the province. It invites trouble and adds further challenges according to the focus group interviews.

When asked how militia members could be effective partners in **community peacebuilding**, respondents indicated a range of ideas but focused mainly on additional living allowances. Another common suggestion was 'proper orientation on duties and responsibilities.' Among the CAFGUs and CVOs, 'showing sincerity in the conduct of duty' and 'seminars on peace building and conflict resolutions' were also suggested. The CEFs and BMs/BPs mentioned 'livelihood programs' for additional sources of income.

Policies and socio-economic recommendations

Except for the CEFs, a majority of the CAFGU (92 per cent), CVO (64 per cent) and BM/BP (87 per cent) respondents favoured **integration with either the AFP or the PNP**. Across all militia, 'increase in salary and improved benefits' are seen as key benefits of integration, followed in descending order by "becoming regular force of the army or police" and having a 'stable source of income and living condition'.

Most CEFs (78 per cent) opposed integration. Their primary reason is that it will exacerbate feuds

in Sulu. Notably, CEF members, when integrated into either the PNP or AFP, will have the legal grounds for carrying military firearms. According to one informant in the province of Sulu, armed violence can be expected to escalate as a result.¹⁸⁷ Lack of education and qualifications, the distance of the assignment from family, opposition from politicians and the military, were some additional reasons that militia members opposed integration.

When asked for their **recommendations for integration** into the AFP, militia members highlighted nine conditions, among which 'comprehensive training and seminars' was the most common, followed by 'salary and benefits equal to that of the army or police'. In addition, 'proper selection and only qualified individuals will be absorbed' and 'standard recruitment procedures' were also advanced as major recommendations for integration.

CVOs, CEFs and BPs/BMs also recommended that their supervision be transferred to the PNP. According to barangay Kagawad Sabtuli of Bongao, Tawi-Tawi, they hoped that administration of CVOs, CEFs and BPs/BMs would be removed from the control of the barangay chairperson, mayor or any political leader to prevent their misuse for political means. If the administration is nationalised, as is the case of the police, this would free them from local exploitation.

Respondents were asked for their ideas and opinions about **reform**. Those who support reform (51 per cent) most prominently favored a need to have standard compensation, improved military capacities through training and a standard recruitment policy, among others. Almost half (48 per cent) had no idea or were not in favour of reform because they doubted the prospects of training or judged the militia to be without need for reform.

Most militia members (87 per cent) opposed the **disbanding of the forces** because of the loss of income it would imply and the problems it would generate for community security. The percentage was highest (98 per cent) among CEF who fear they will be targeted for retaliation by their former enemies and ostracised by the community.

Those members that favor disbanding cited separation payments and the reduction in militarization of communities as reasons. When asked about

¹⁸⁷ Sahasi Salim, interviewed in Sulu by Sulog Bra of the IBS, November 12, 2009.

problems that might arise following the disbanding of militia, additional disincentives to disband were raised including rebel infiltration of communities and lack of support forces for the barangays. It was also suggested by some that disbanded members would themselves become a source of insecurity.

When asked to imagine the forcible disbanding of militia and what steps should be taken in that instance, respondents called for livelihood training, cash assistance, separation pay, job training for disabled members, and scholarships for the children of militia members.

Reflections on key findings

The majority of the militia interviewed are poor and have low levels of education

Militia members and their families are heavily reliant on the meagre incomes received for participating in organized armed violence. Most of the men surveyed were from farming families. The majority of militia possessed elementary or high school level education and struggled with gaining a foothold in the skilled job market.

Mandate confusion is a feature of militia in Mindanao

It appeared that only the CAFGU members had an accurate grasp of their mandate with others citing a wide range of reasons for their formation (for example, the protection of family members from enemies; private security for business people). This is not surprising given the multiple entities organizing, and theoretically supervising, the militia. CAFGU members were subject to more detailed training and this was also a key reason why their mandate was clearer to them.

Although militia are not allowed to participate actively in combat operations, the majority of the respondents said that they participated in fighting against insurgents.

Guns and militia

CVO and CEF members are not supposed to carry firearms but involving them in combat justifies arming them. CAFGU members are permitted to carry firearms. Clear guidelines on who is to provide firearms to the CVOs and CEFs, and for what purposes, as well as strategies for their safe storage and tracking are not available. In 2010 it was stated that the PNP have only accounted for 4,702 firearms in the possession of provincial guards, barangay tanods and provincial security forces,¹⁸⁸ but there is no report as to the number of firearms in the hands of CVO, CAFGU and CEF members. There is no systematic accounting, on the part of the AFP, for the total number of guns in the hands of the CAFGUs.

Integration into security agencies

The majority of militia members interviewed, except those in the CEF, would like to be integrated into either the AFP or the PNP. This is problematic because they mostly do not possess the minimum educational qualifications to enter into either service. The July 2010 announcement from President Benigno Aquino III to increase the number of soldiers could be an opportunity for those who can qualify to enter the AFP.¹⁸⁹ The increased number of soldiers could then be a good reason to implement Administrative Order No. 81 which disbands/deactivates armed community defense forces, including CAFGUs and CVOs.

Gender and militia involvement

Whilst there is no direct policy prohibiting women from joining militia groups, cultural and political norms inhibit women from doing so. Women, however, perform a range of indirect support roles which ultimately contribute to the longevity of such groups.

188 Arevalo-Zenarosa, Justice Monina, (2010).

189 Sisante, Jam, "Tell us what you need and we will give it", Noynoy tells AFO", *GMA News TV*, 7 July, (2010).

Section 6: Opportunities for policymaking to reduce violence

This section broadly covers the government's main attempts to reduce armed violence. There have been many efforts over the past 36 years to try to reduce conflict with the MILF and MNLF (as shown by the list of peace agreements in Box 3), as well as initiatives that target CAFGUs and CVOs specifically.

The Office of the Presidential Adviser on the Peace Process

Among the range of government agencies involved in violence reduction, the Office of the Presidential Adviser on the Peace Process (OPAPP), which was established in 1993, is a leading one. It grew out of the recommendations of the 1992 National Unification

Commission, which was tasked with formulating a viable amnesty program and peace process through nationwide consultations. The OPAPP was later tasked with developing and implementing a comprehensive peace process for the Philippines, including talks with the various non-state armed groups. The office oversees government negotiations with the Communist Party of the Philippines/New People's Army/National Democratic Front (CNN), the MILF, the MNLF, and the Rebolusyonaryong Partido ng Manggagawa-Mindanao (RPMM).

Part of the logic of establishing the OPAPP was to ensure continuity and coherence of peace processes and the implementation of agreements. Successive governments have committed to 'six paths to peace' that OPAPP follows as a framework, including:



Soldiers stop motorists at a checkpoint in Cotabato City, July 1, 2009. Fighting had escalated in the oil and gas-rich marshlands in the previous months, forcing nearly 350,000 people to flee from their homes and farms and pushing back peace talks stalled since August 2008. © REUTERS/Erik de Castro

Box 3: List of peace agreements

Although framed as two separate processes, the MNLF and MILF processes are best viewed on a continuum, with the MILF clearly learning and building on the MNLF peace process.

MNLF process

1976 Tripoli Agreement

Establishes an autonomy framework in the Southern Philippines, including a “Special Regional Security Force”.

1977 Ceasefire Agreement

Declares a ceasefire between the Philippine Government and MNLF forces.

1987 Jeddah Accord

Aims at reviving the stalled negotiations and strengthening the Tripoli Agreement.

1993 Interim Ceasefire Agreement

Refers to the informal ceasefire in place since 1987 and establishes a Ceasefire Monitoring Team.

1996 Final Peace Agreement

Final agreement on the implementation of the 1976 Tripoli Agreement, aims at fulfilling the terms of the Tripoli agreement and expanding and deepening the ARMM, established in 1989.¹⁹⁰ Provides for the “joining in” of MNLF forces into the police and armed forces.

MILF process

1997 Agreement for General Cessation of Hostilities and Implementing Guidelines

Formalises the ceasefire between the MILF and the Government. A number of implementation agreements were also signed, which set up a monitoring structure – the CCCH (Coordinating Committees on the Cessation of Hostilities).

1998 General Framework of Agreement of Intent

Re-commits the parties to the peace process.

2001 Agreement on General Framework for the Resumption of Talks

Establishes a Suspension of Offensive Military Operations and broad principles of future talks after the “all-out war”.

2001 Agreement on Peace

Sets down the agenda for talks – security (ceasefire), rehabilitation, and ancestral domain.

2001 Implementing Guidelines on the Security Aspects

Provides for a cessation of hostilities and establishes support mechanisms –another CCCH and Local Monitoring Teams (LMT).

2002 Joint Communiqué

Establishes the Ad Hoc Joint Action Group (AHJAG) against criminal syndicates.

2002 Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects

Provides the establishment of the Bangsamoro Development Agency (BDA) by the MILF to implement relief, rehabilitation and development projects.

2004 Joint Statement

Establishes the International Monitoring Team (IMT)

2005 Consensus Points

Consensus points agreed upon between the GRP and MILF peace panels on concept of ancestral domain, territory of the proposed Bangsamoro Juridical Entity (BJE), sharing of resources, and governance.

2008 Memorandum of Agreement on Ancestral Domain (MOA-AD)

The GRP and MILF initialled the MOA-AD but the Philippine Supreme Court stopped the GRP peace panel from signing, and later declared the agreement unconstitutional.

2009 Framework Agreement on the Formation of the International Contact Group

The International Contact Group (ICG) was formed to assist the parties and the facilitator to sustain their interest in the negotiations and restore mutual trust between the GRP and MILF. Its membership is composed of states and international NGOs.

2009 Agreement on the Civilian Protection Component of the International Monitoring Team

To ensure the protection of non-combatants during armed conflict between the Government and MILF forces.

2010 Declaration of Continuity for Peace Negotiations between the GRP and MILF

To continue the peace negotiations building on prior consensus points achieved.

- Pursuit of social, economic, and political reforms that address root causes of the armed conflict;
- Consensus-building and empowerment for peace;
- Negotiated settlements with the different rebels groups;
- Programs for reconciliation, reintegration into mainstream society and rehabilitation;
- Addressing concerns arising from the continuing armed hostilities;
- Building and nurturing a positive climate for peace.¹⁹¹

¹⁹⁰ Republic Act 6734, the ARMM Organic Act, was approved on August 1, 1989. The first set of ARMM officials were elected on February 17, 1990 and the ARMM only formally started to function on July 9, 1990.

¹⁹¹ OPAPP Policy Framework. Available at <http://opapp.gov.ph>

Dialogue with the MNLF and MILF

Dialogue with the MNLF and MILF has not resulted in a significant reduction of violence, partly because of sensitivities about giving up weapons. While the declaration of ceasefires can significantly reduce violence¹⁹² no peace agreements concluded in the Philippines feature any direct reference to disarmament or demobilization, including the 1996 peace agreement with the MNLF.¹⁹³ Section 20 of the Agreement includes provision for 5,750 MNLF fighters to be integrated ('joined') into the armed forces, 250 of whom would be absorbed into the auxiliary service. A Joint Armed Forces-MNLF Secretariat Office was created to monitor the integration. The absence of references to disarmament or demobilization in the peace agreement was due to the GRP assessment that the MNLF could not be forced to turn in their firearms. Using terms such as 'disarmament' and 'demobilization' would be interpreted as a surrender of the MNLF.¹⁹⁴ It should be noted that the agreement was negotiated at a time when the MNLF was being eclipsed by the rise of the MILF. In his memoirs, then President Fidel Ramos said that insisting

192 For reduction of violence between the GRP and MILF, see Lingga, Abhoud Syed M, *Malaysia's Pull-out from the International Monitoring Team: Implications to Peace and the Peace Process in Mindanao*, Discussion Paper No. 2008-1, Institute of Bangsamoro Studies, (Cotabato City: IBS, 2008).

193 The 1986 GRP-CPLA (Cordillera People's Liberation Army) Mount Data Peace Accord did not require the disarming of CPLA forces. Today, former CPLA combatants are known to be finding employment as guns for hire, including for politicians. They are often even issued government firearms as part of informal and unwritten agreements for them to serve as scouts or guides for the AFP in their counter-insurgency efforts. Likewise, the 2000 GRP-RPMP/RPA/ABB (Rebolusyonaryong Partido ng Manggagawa/Pilipinas and the Revolutionary Proletariat Army/Alex Boncayao Brigade) Agreement included an arrangement – negotiated in a side agreement – that select rebel leaders and members would be issued SPTCFOR (Special Permit to Carry Firearms Outside of Residence) as a way to account for – but not collect – the weapons they carried (see OPAPP Report on the 2000 GRP-RPMP/RPA/ABB Agreement). The main reason in both these cases was the assertion by leaders of the CPLA and the RPMP/RPA/ABB that their lives and the lives of their members continued to be at risk, given that they were being hunted by the NPA. The CPLA and the RPMP/RPA/ABB are breakaway CPP/NPA/NDF groups who have entered into agreements with the Philippine Government. This, therefore, makes them 'traitors' in the eyes of their former mainstream communist comrades. Among their top national leaders assassinated by the NPA are Father Conrado Balweg of the CPLA, Arturo Tabara of the RPMP, and Romulo Kintanar of the RPA. Numerous other regional and provincial leaders have suffered the same fate at the hands of the NPA. The CPLA and the RPMP/RPA/ABB have also been responsible for assassination attempts and killings of their former comrades who are still with the mainstream communist movement.

194 Ramos, Fidel V, *Break not the Peace: The story of the GRP-MNLF Peace Negotiations 1992-1996*, (Manila: The Philippines Friends of Steady Eddie, 1996), p.87.

on disarmament and demobilization would have affected the sense of dignity of MNLF fighters, and led to an "unreasonable impasse".¹⁹⁵

The 1996 agreement also provided that in the transition period, "there shall be a program or process to allow the joining of MNLF elements into the PNP" and the GRP should allocate 1,500 positions.¹⁹⁶ It was decided that the new PNP Regional Command would be the institution into which remaining MNLF forces would be re-integrated and that assistance would be provided to facilitate this.

The net result of the integration of the MNLF fighters into the AFP and PNP was that firearms were issued to integrated MNLF forces and even more arms entered Mindanao.

Negotiations with the MILF started immediately in the wake of the 1996 peace agreement with the MNLF. Three issues were on the agenda: security (initially through a ceasefire); rehabilitation and development of conflict-affected areas; and ancestral domain. In 1997 the Government and the MILF reached an "Agreement for General Cessation of Hostilities" after almost a year of low-profile meetings in provinces and cities around Mindanao, without any third party involvement. Two separate committees, Coordinating Committees for the Cessation of Hostilities (CCCH), were established and included six members each from the MILF and the GRP. Although there were significant flare-ups in hostilities in 2001 and 2008, this mechanism greatly reduced violence and still remains the principal ceasefire monitoring mechanism today.

In 2004 and 2009, the infrastructure of the peace process was strengthened. In 2004, the two parties agreed on the creation of the International Monitoring Team (IMT) which includes contingents from Malaysia, Brunei, Libya and Japan and now Norway and the European Union.¹⁹⁷ From its inception to late 2008, very few armed skirmishes occurred between the GRP and the MILF.

Following the breakdown of the peace process in 2008, the two parties agreed to the creation of an International Contact Group (ICG) in 2009 including three states – Japan, the United Kingdom and Turkey (Saudi Arabia joined in 2011) – and four NGOs – the Centre for Humanitarian Dialogue,

195 Ramos, Fidel V, (1996), p.25

196 Section 19 (a), The Final Agreement on the Implementation of the 1976 Tripoli Agreement Between the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF), September 1996.

197 Indonesia agreed to be part of the IMT but has not sent representatives.

the Asia Foundation, Conciliation Resources and Muhammadiyah. In 2009, the two parties also agreed to a Civilian Protection Component (CPC) to verify and report on each party's commitments to human rights and international humanitarian law. The CPC is attached to the IMT and composed of international and local NGOs. Its effect on violence and human rights is yet to be determined.

Talks halted after the breakdown of the Memorandum of Agreement on Ancestral Domain in 2008 but have made some headway since then. At the end of the Arroyo administration, the two parties began discussions on final status talks. The new administration re-invigorated the talks, indicating that it is eager to reach a conclusion. However, it is unclear whether a final agreement will touch upon the question of disarmament. Both the MILF and the GRP agree that it would be dangerous to prioritise this issue, given that 'disarmament' is equated with 'surrender' in the context of the Philippines and that the issue of ancestral domain will need to be settled first. Tackling disarmament is difficult without addressing the broader issues which have led to widespread gun ownership throughout Mindanao. Since the Maguindanao massacre, the new government will probably seek to tackle this comprehensively through security system reform (SSR).

In the long term, discussions on self-governance between the MILF and the GRP are promising with regard to arms control and armed violence reduction. It will be up to the parties in the peace process to determine what kind of security organization will be in place in any future Bangsamoro State. Part of this discussion should centre on the role of existing groups using force including the police, the AFP, civilian militia, vigilantes, private armies and armed individuals. In discussions between the parties the concept has emerged that security is a shared responsibility between the Central Government and the Bangsamoro in which national security is the primary responsibility of the Central Government while internal security within the region shall be the duty and responsibility of the Bangsamoro State.¹⁹⁸ In this arrangement, armed opposition groups will certainly have roles.

198 Lingga, Abhoud Syed M, "Assertions of Sovereignty and Self-determination: The Philippine-Bangsamoro Conflict." *Mindanao Horizons*, Vol. 1, No. 2010-01, (2010) p.18.

Such issues could eventually be addressed if the enthusiasm of the Aquino administration is maintained. The new government has committed to continuing negotiations with the MILF and with the CNN. In his inaugural address, the President said: "My government will be sincere in dealing with all the peoples of Mindanao. We are committed to a peaceful and just settlement of conflict, inclusive of the interests of all – may they be Lumads, Bangsamoro or Christian."¹⁹⁹

The IPSP [Internal Peace and Security Plan] marks a shift from a predominantly military solution to a "people-centered" security strategy founded on the consultation and involvement of stakeholders.

One positive development in December 2010 was the issuing of a new Internal Peace and Security Plan (IPSP) by the AFP which replaced Oplan Bantay Laya, the Arroyo administration's counter-insurgency strategy. The IPSP marks a shift from a predominantly military solution to a "people-centered" security strategy founded on the consultation and involvement of stakeholders.²⁰⁰ It is still unclear what changes this may bring about in practice but the Philippine military is already well versed in engaging in human security approaches in conflict areas and undoubtedly under this administration, maintaining and supporting the peace processes will be of primary concern.

Specific efforts targeted at militia

While the OPAPP has driven forward talks with various armed groups, there have also been efforts over the past 20 years to tackle the specific challenges that are posed by militia. In 1993 President Ramos issued Administrative Order No. 81 directing the AFP and the PNP to jointly "evaluate and assess the tactical necessity of all community defense forces (e.g. CAFGUs, CVOs, etc.) organized according to law and immediately deactivate those which are no longer needed for counter-insurgency operations".²⁰¹

199 President Benigno S. Aquino III Inaugural Address, June 30, 2010.

200 Armed Forces of the Philippines, *Internal Peace and Security Plan*, (Quezon City: AFP, 2010), p.24.

201 Administrative Order No. 81, issued by President Fidel V. Ramos on 13 September 1993.

Subsequently, the AFP issued 1994 Circular No. 2 which outlined the policies and guidelines governing payment of gratuities to members of de-activated CAFGUs. In the first semester of 1993, 41 CAA companies were de-activated.²⁰² The number of CAFGUs when the administrative order was issued in 1993 was 67,691 and this number declined to 32,748 in 2000. In 2001 the number increased to 41,979 and rose to 61,148 in 2007 (see Table 2: Annual CAFGU Active Auxiliary Strength). The de-activation was later discontinued due to lack of funds.

In March 2007, President Arroyo signed Administrative Order No.172 creating the National Committee on Social Integration (NCSI) that would “*implement the Social Integration Program for rebel groups.*”²⁰³ Weapons-related issues are explicitly addressed in this Administrative Order: “*social integration*” is described as a “*process involving the management of forces, arms and ammunition of former rebels and their transition to civilian life.*”²⁰⁴ To be headed by an OPAPP undersecretary, the NCSI would be composed of representatives of the Office of the National Security Adviser; the Department of National Defense; the Department of the Interior and Local Government; the Department of Justice; the Department of Social Welfare and Development; and the Department of Foreign Affairs. However, this program appears to have generated little success and the new administration appears to have dissolved it.

The November 2009 Maguindanao massacre provided the impetus behind the creation of the Independent Commission against Private Armies the following month, which had a mandate to report to the President on actionable recommendations concerning private armies, CAFGUs, CVOs and more effective firearms management. It offered the following recommendations: enactment of laws that provide stricter sanctions against holders of unlicensed firearms; strict implementation of all laws and regulations on firearms registration, licensing, accounting and inspections; aggressive implementation of laws related to gun control in order to regulate the possession, manufacture, gun smuggling, importation and exportation of arms and ammunitions; provision for an expanded definition of firearms with ‘expired licenses’ and ‘illegal transfer of firearms’; a need to re-examine the executive issuances creating the CAFGU, PAUs²⁰⁵ and CVOs which were based purely on ‘military necessity’ and of allowing local officials to deputize barangay tanods; and, a critical look at the implication of the Local Government Code on the provision that spells out the relationship between the PNP and AFP with the local executives to avoid vulnerability to manipulative actions.²⁰⁶ Since then, little has been heard of this body and it is unclear how many of these recommendations were actually enacted or implemented. Clearly, though, it has had little immediate impact on the ground.

202 Senate Committee on National Defense and Security Report on P.S. Resolution No. 565, “Directing the Committees on National Defense and Security; Justice and Human Rights; and Peace, Unification and Reconciliation; to Inquire, in Aid of Legislation, into the Citizens Armed Forces Geographical Units (CAFGU), to Evaluate its Performance Records in View of Various Recommendations for its Abolition or Demobilization and to Study Possible Remedial Measures and Alternatives.”

203 Administrative Order No.172, March 23, 2007, creating the National Committee on Social Integration (NCSI) under the Office of the Presidential Adviser on the Peace Process to implement the Social Integration Program for rebel groups.

204 Administrative Order No.172.

205 Police Auxiliary Units organized under PNP LOI 40/08 “Damayan”, August 7, 2008 and PNP Memorandum providing Supplemental Guidelines to LOI 40/08 “Damayan” – Activation of Police Auxiliary Units (PAUs), August 10, 2009.

206 Arevalo-Zenarosa, Justice Monina, (2010). The Commission was established under Administrative Order No. 275, December 8, 2009.



Section 7: Conclusion and recommendations

Urgent attention is needed on militia and private armies given the threats they pose to human security in the Philippines. To date, little has been done to effectively discuss these issues and identify comprehensive and sustained solutions. This has primarily been due to national and local political interests; widespread tolerance; the marginal effect of most violence on a majority of the people; and, in some cases, the effective short-term roles militia have played. It is an opportune time to formulate new policies and programs with the President specifying security sector reform as a key component in peace and security.

There is a confluence of factors that tend to prevent a more open discourse on militia and private armies. Some of these include the vested political interests of both local and national political leaders; pervasive, highly patriarchal and militaristic views of militia as serving the security needs of people in the countryside; economic factors where militia are generally viewed as much cheaper to employ than additional police or military personnel; and cultural issues associated with the acceptance of militia in the Philippines. However, there are aspects of the conflict in Mindanao which have the potential to shift the policy debate. The Government of the Philippines and armed groups are engaging in a peace process that both parties have said requires security arrangements that eventually address all armed groups. In the Philippines a vigorous civil society is increasingly speaking out against armed groups and constitutes an asset for advancing such an agenda. More recently, the November 2009 massacre points to the risks mili-

tia pose to society. If all those in Mindanao and other parts of the Philippines – including politicians, civil society, business people and the media – join forces, the negative impact of the militia can be neutralized.

The following recommendations are offered to the Government of the Philippines and in particular to the Office of the President, Congress, the Department of National Defense, the Department of Interior and Local Government and the Office of the Presidential Adviser on the Peace Process. They are also offered to those involved in the peace processes, advisers, observers, foreign missions, civil society, business leaders and other stakeholders with an interest in creating a more sustainable and comprehensive environment for peace and security in Mindanao and the Philippines in general.

Design and commit to a ten-year Mindanao Security System Strategy

Weak security services and systems underpin armed violence and the prevalence of militia in Mindanao (and other parts of the Philippines). Without a holistic approach to reforming the ways in which the security system functions in Mindanao, little progress will be made to disband or reform active militia groups in a timely and sustainable way. Such a strategy should be formed through community and sectoral consultations. Reviewing how the police, military, justice system, border guards and other elements of the security system co-ordinate, prioritise and collaborate is critical

and long overdue. An executive order from the Office of the President could pull the OPAPP, Department of National Defense and the Department of the Interior and Local Government together to jointly develop a comprehensive 'Security System Strategy' to end the security services' use of militia and initiate the eventual disbanding of private armed groups.

Such a plan needs to ensure that gender perspectives are clearly and consistently incorporated. The 2010 Philippines National Action Plan on Security Council Resolutions 1325 and 1820 on women, peace and security provides a key starting point in this area.

Designate CAFGUs to be the sole national militia unit

There are too many militia groups and they have overlapping functions. An executive order issued by the Office of the President could ensure that only one national militia is maintained – with a detailed, time-limited strategy for its eventual disbanding - to reduce confusion among the public and to hold militia members, and those who supervise them, to greater account. If necessary, the CAFGUs (CAAs only) could be retained as, at least in theory, they are already integrated into the AFP in terms of administration and supervision. The SCAAs should be disbanded since they are vulnerable to abuse and to becoming private armies of political warlords. All other militia groups should be disbanded including CVOs as they lack a proper vetting process for recruiting members and have questionable legitimacy and claims of necessity. The 2006 Executive Order No. 546 which authorizes the PNP to deputize the barangay tanods as force multipliers needs to be repealed by the Office of the President to end the lack of co-ordination in militia creation. Congressional legislation to ban and disband existing vigilante groups should be passed to provide further impetus in this area.

Re-orientation for militia members

The possibility of militia members re-orientating their activities should be carefully explored. For example, in Basilan, 2,400 CAFGUs were trained in peacebuilding. The AFP – and other entities – could be working to improve the training of CAFGUs with

a view to increasing the possibility of some members qualifying for entry into the AFP or PNP, or working in other parts of government or community service. Both local and international NGOs should assist the AFP in this endeavour.

Set a timeframe for the disbanding of the militia

Militia should be gradually disbanded over a set time period. A five year period seems feasible for accurate identification of militia members, their needs and expectations, as well as viable integration options. This can be set out in the Mindanao Security System Strategy mentioned above. The AFP, the PNP, the Department of National Defense and the Department of the Interior and Local Government can work together on a realistic timeframe to disband all militia other than the regular CAFGUs (CAA).

Provide integration and rehabilitation programs for members of disbanded militia groups

Devising sustainable integration and rehabilitation programs will require consultation. This study found that many individuals joined militia groups due to poverty and to protect their families from enemies, and these motivations should be central considerations in any rehabilitation programs. The militia members interviewed made a number of recommendations themselves to help disbanded militia members and vigilantes restart their lives. These included the recommendation that suitably qualified disbanded members could be given priority for integration into the AFP or PNP (but subject to the same standards of physical training and professional standards). For those not interested or able to pursue entry into security agencies, support for viable livelihood projects and other entrepreneurial endeavours should be provided. Finally, they recommended that children of disbanded members could be considered for educational scholarships. Livelihood projects will require substantial funding support to be effective. International aid agencies should consider providing financial assistance to the Philippine Government for this purpose. Again, this could be included in the Mindanao Security System Strategy.

Implement Administrative Order No. 81

As part of developing a wider strategy, there is a need for the immediate implementation of the 1993 Administrative Order No. 81. This would build on the momentum of the 2010 Independent Commission Against Private Armies. The Administrative Order authorizes the de-activation of community defense forces which are no longer needed for counter-insurgency operations. A law recommended by the Department of National Defense and the Department of the Interior and Local Government, drawn up and passed by Congress authorizing the disbanding of the militia could improve on Administrative Order No. 81. In July 2010, Senator Francis Escudero submitted Senate Bill 2165, the Anti-Private Army and Private Armed Groups Bill to advance accountability in this area. The Bill seeks to prohibit the establishment and maintenance of private armed groups or private armies and provide sanctions against their leaders and members, and also sanctions against negligent military and police officers. It also provides for the dismantling of CAFGUs and CVOs. This ought to be supported by Congress as a concrete step towards demonstrating commitment to follow through with various pledges to address the problem of militia.

Phase out Police Auxiliary Units (PAUs)

PAUs should be replaced by regular police in barangays or by CAFGUs when required. There is very little accountability of PAUs and frequently they serve as personal bodyguards of local political leaders or as organized private armies of influential individuals for their business interests. This change needs to be led by the Department of the Interior and Local Government and ought to include a phased demobilization with comprehensive re-integration programs for PAU members and their families or integration into the military or police for those who qualify.

Reform the CAFGU recruitment process

Members who were not recruited on the basis of merit and qualifications should be replaced with new recruits who have passed through a rigorous recruitment process based on clear and transparent criteria. Military personnel and government officials responsible for unstructured recruitment should face administrative action, including removal from

office to end the culture of ad-hoc recruitment. Related to this, the blanket authority given to local government executives (barangay chairpersons, mayors and governors) to recommend individuals for CAFGU recruitment should be withdrawn. Removing the reliance on the Peace and Order Councils, which are usually dominated by the relatives and supporters of the local chief executive, is critical to greater transparency in this area. Forcible recruitment and allegations of the conscription of minors should be investigated and those responsible prosecuted.

A rigorous screening process would include the following components: setting a realistic age limit and ensuring more than one piece of legitimate identification tallies on the birth date; avoiding a reliance on “certificates of good moral character”; background checks should be conducted to ensure militia members with a criminal record or involvement in illegal activities are rejected; and, a minimum level of educational qualifications should be fixed. Once recruited, standard physical training should be provided that includes instruction in human rights norms, humanitarian law, peace-building, conflict resolution and reconciliation. This reform process should be led by the AFP and the Department of National Defense, and include an array of other agencies and NGO input.

Enforce a restricted mandate for CAFGUs

CAFGUs are currently involved in combat operations along with the military against insurgents. However, according to their mandate they should only be a “holding” force, maintaining order in areas once they have been cleared of insurgents by the military. CAFGUs should not, therefore, be used in combat operations. The uniforms of CAFGU members should be distinct from those of the military to emphasise this distinction and ensure clarity among the public about their role. Greater supervision by the AFP is needed and LGUs should no longer play any role in the supervision of CAFGUs in order to ensure a clearer line of authority and accountability.

Limit the ability of CAFGU members to carry firearms

CAFGU members should be allowed to carry arms only while on duty. During off-duty days (15 days a

month because they are on duty rotation) their arms should be placed in the custody of the commanding officer and properly accounted for. Similarly, CAFGUs should not be allowed to carry firearms and mobilized as combat forces beyond the place where they are recruited and assigned to work. Guidelines defining these limits should also include provisions on sanctions for those who violate the rules.

Improve the accountability of CAFGUs

Militia members who commit criminal offences and human rights abuses should be prosecuted to the full extent of the law. Many criminal cases relating to armed violence perpetrated by militia members remain unresolved because witnesses are afraid to testify. Measures for the prosecution of human rights violators should be strengthened, including the provision of witness protection by the government. This process should be led by the AFP but also overseen by the Department of National Defense. The Government might consider the creation of an independent oversight body which includes civil society.

Strengthen national firearms laws and regulations

The gun laws in the Philippines are in urgent need of an overhaul to ensure that they are clearly condensed in one law and reflect the nature of armed violence in the country. For example, as it is in Brazil, the minimum age for weapons possession should be set at 25. This recognises that young people, particularly young men, are acutely vulnerable to death and injury from gun violence. The Philippine Congress should review existing gun laws and introduce necessary amendments. To better manage the flow of arms, the GRP should undertake more robust efforts to control the licensing of gun holders and the registration of weapons: the two pillars of coherent gun laws. The Government should also control the smuggling, importing and local manufacture of small firearms. The PNP and the Department of the Interior and Local Government should lead the process of creating a gun law that includes strong penalties for violators.

Collect and destroy surplus weapons

A number of programs should be introduced to encourage guns to be handed in. A gun amnesty – enabling individuals illicitly holding guns to sur-

render them without fear of prosecution – could help take weapons out of circulation. The amnesty program regularly implemented by the government could be improved through effective communication and transparency regarding what happens to the guns collected. Gun amnesties have sometimes been quite successful in reducing the numbers of guns in circulation (including in South Africa, Australia and Brazil) although they are generally part of a wider plan to change attitudes towards guns, reform legislation and implement security sector reforms. So-called “Weapons for Development” programs also bear much promise, particularly in rural settings. The PNP could take a lead role in the implementation of this recommendation in conjunction with Departments focussed on health, social welfare and development.

Weapons in exchange for development

Careful and creative development processes that include incentives for handing in weapons or bringing them into the current legal regime as well as a tangible reduction of armed violence (for example, through the creation of viable gun free zones and revitalised local policing) have the potential to make a difference in Mindanao. Importantly, incentives that target and reward communities, rather than individual weapons holders, can – if done appropriately – reduce the risk of commercialising obsolete weapons and ‘rewards’ individuals who choose not to possess weapons. Participatory techniques and lessons are plentiful in this area. Given that the Philippines pledged its commitment to the Geneva Declaration on Armed Violence and Development, such approaches could usefully be tested in many parts of Mindanao. An important element is to ensure that weapons collected are clearly registered and destroyed, preferably in public ceremonies and that development ‘deliverables’ are swift and well documented (for example, through public information campaigns). The OPAPP, the Department of the Interior and Local Government, civil society, international donor agencies and local government units should collaboratively work together.

Gun free spaces

During elections in the Philippines, the Commission on Elections (COMELEC) enacts country-wide gun bans which make it illegal to carry licensed

firearms in the street. However, exemptions are issued to particular individuals, a provision which is open to abuse and should be removed. In addition, detailed consideration ought to be given to creating permanent gun free zones across the country. Such zones would need to be properly enforced, including through the prosecution of offenders, and keeping records of guns that are confiscated and destroyed.

Strengthen policing in the ARMM

The current difficulties faced by the police in maintaining law and order must be better understood so the police service can be strengthened and better equipped to deal with them. While the PNP Regional Office-ARMM claim to fulfil this role, it does not do so adequately. The recruitment and deployment of PNP personnel has to be insulated from the interests of local political leaders and ARMM officials and lawmakers should implement reforms in the ARMM police to guarantee its independence and capacity. The police-to-population ratio requires improvement to one police officer for every 500 persons as provided in Republic Act No. 6975.²⁰⁷

Boost local dispute resolution capacity

Local Government Units are often called upon to mediate between warring clans. However, the practice of paying “blood money” to settle disputes (which has to be disbursed by the authorities when the warring parties cannot pay) makes them averse to undertaking such a role. In other parts of the country, indigenous conflict resolution mechanisms

are used to settle disputes. As part of this, an early warning mechanism could also be put in place to intervene before incidents can escalate. The GRP-MILF ceasefire monitoring arrangements provide a model that could be extended to other types of violence, particularly if the process of armed violence reduction was viewed as separate from the GRP-MILF peace process. The Department of the Interior and Local Government should give mandates to the LGUs to take the lead on this effort with funding support. Civil society, which is active in local dispute resolution, could be involved in drafting plans for implementing such programs.

Create an independent commission on militia management

An independent commission is needed to monitor the organization, administration and performance of CAFGUs (who are currently supervised by the AFP). The commission should re-examine the executive issuances which created the CAFGUs and recommend laws and executive issuances to make CAFGUs accountable and ensure that they will not be used as private armies. The commission could verify the AFP recruitment of CAFGU members to ensure that standards are followed. It could also perform ombudsman functions for assessing the performance of CAFGU members regarding stated standards and goals as well as provide an independent authority for receiving complaints. The commission could then also take a lead role in monitoring the sustainable disbanding of other militia groups.

²⁰⁷ Section 27, Republic Act No. 6975, an Act Establishing the Philippine National Police Under A Reorganized Department of the Interior and Local Government And For Other Purposes, 13 December 1990.

Annexes

Annex 1: List of Focus Groups

Date	Place	Sector	No. of Participants
21 August 2009	Cotabato City	Police officers	3
28 August 2009	Cotabato City	Academics, Army officers and NGOs	13
9 October 2009	Camp Emilio Aguinaldo, Quezon City. Organized by the Institute of Bangsamoro Studies, the Philippine Institute for Peace, Violence and Terrorism Research, and the Centre for Humanitarian Dialogue	Army and police officers, Human Rights groups, NGOs, academics, Government officials	18
11 October 2009	Cotabato City	Academics and NGOs	6
26 October 2009	Marawi City, Lanao del Sur	Academics, student leaders, media, community leaders	14
13 November 2009	Bongao, Tawi-Tawi	Academics, women & NGOs	9
16 November 2009	Lamitan, Basilan	Women, academics, youth, students, NGOs	12
16 November 2009	Isabela, Basilan	Religious representatives	3
17 November 2009	Lamitan, Basilan	Women	7
4 December	Iligan City, Lanao del Norte	Army, police, academics, media, NGOs, barangay officials	33
12-13 March 2010	AVRI office, Jolo, Sulu	Academic, NGO and Religious representatives	10
8 April 2010	AVRI office, Jolo, Sulu	Women and youth	13
3 May 2010	Zamboanga City	Community workers, civil society, academics, Muslim professionals	11
5 May 2010	AVRI office, Jolo, Sulu	CEF, Army, NGOs	15
Total			167

Annex 2: Publication Review Meeting, July 2010

Participants List, 27 July, Makati City

	Name	Office/Organization
1	Rommel C. Banlaoi	Executive Director Philippine Institute for Peace, Violence and Terrorism Research
2	Director Renia Corocoto	Office of the Presidential Adviser for the Peace Process
3	Marites Vitug	Editor, Newsbreak
4	Maj. Gen. Emmanuel Bautista AFP	Deputy Chief of Staff for Operations Armed Forces of the Philippines
5	Rufa C. Guiam	Center for Peace and Development, Mindanao State University Gen. Santos
6	Police Director Felizardo Serapio (Ret.)	Detection and Investigation Police Office
7	Commissioner Jose Manuel S. Marnauag	Philippine Commission on Human Rights
8	Jasmine Nario-Galace	Philippine Action Network to Control Firearms and Center for Peace Education
9	Gemma Bagayaua-Mendoza	Newsbreak
10	Lt. Gen. Raymundo Ferrer, AFP	Commanding Officer, Eastern Command Armed Forces of the Philippines
11	Lt. Gen. Eddilberto P. Adan, AFP (Ret.)	Independent Commission Against Private Armies
12	Wilfredo Torres III	The Asia Foundation
13	Cate Buchanan	Centre for Humanitarian Dialogue
14	David Gorman	Centre for Humanitarian Dialogue
15	Ouseph Tharakan	Centre for Humanitarian Dialogue
16	Abhoud Syed M. Lingga	Executive Director, Institute of Bangsamoro Studies
17	Sulog Bra	Senior Researcher, Institute of Bangsamoro Studies
18	Arbaina Sali	Research Asst., Institute of Bangsamoro Studies

The following annexes are available online:

- Annex 3. Guide Questions for CAFGU Individual Interviews
- Annex 4. Guide Questions for CVO Individual Interviews
- Annex 5: Detailed data

Available at www.hdcentre.org/projects/philippines-mindanao