



Transitional **JUSTICE** and **RECONCILIATION**



In and Beyond the **BANGSAMORO**

Research Study on Community Narratives
of Resilience and Truth-Telling

Bangsamoro Transformative Justice Initiatives Project
2017 - 2019



Initiatives for
International
Dialogue

“Transitional Justice and Reconciliation: In and Beyond the Bangsamoro”

(Research Study on Community Narratives of Resilience and Truth-telling)

Bangsamoro Transformative Justice Initiatives Project (2017-2019)



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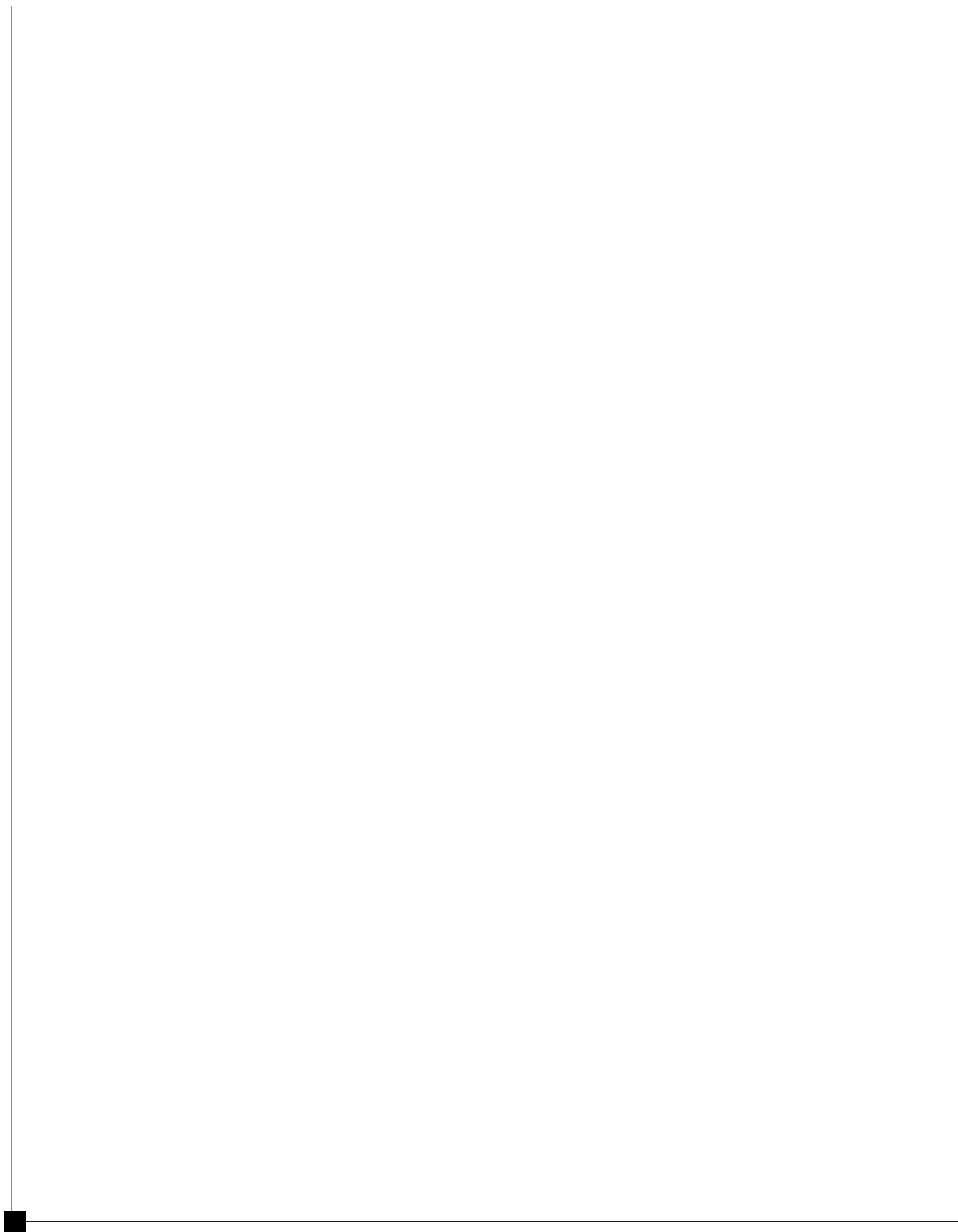
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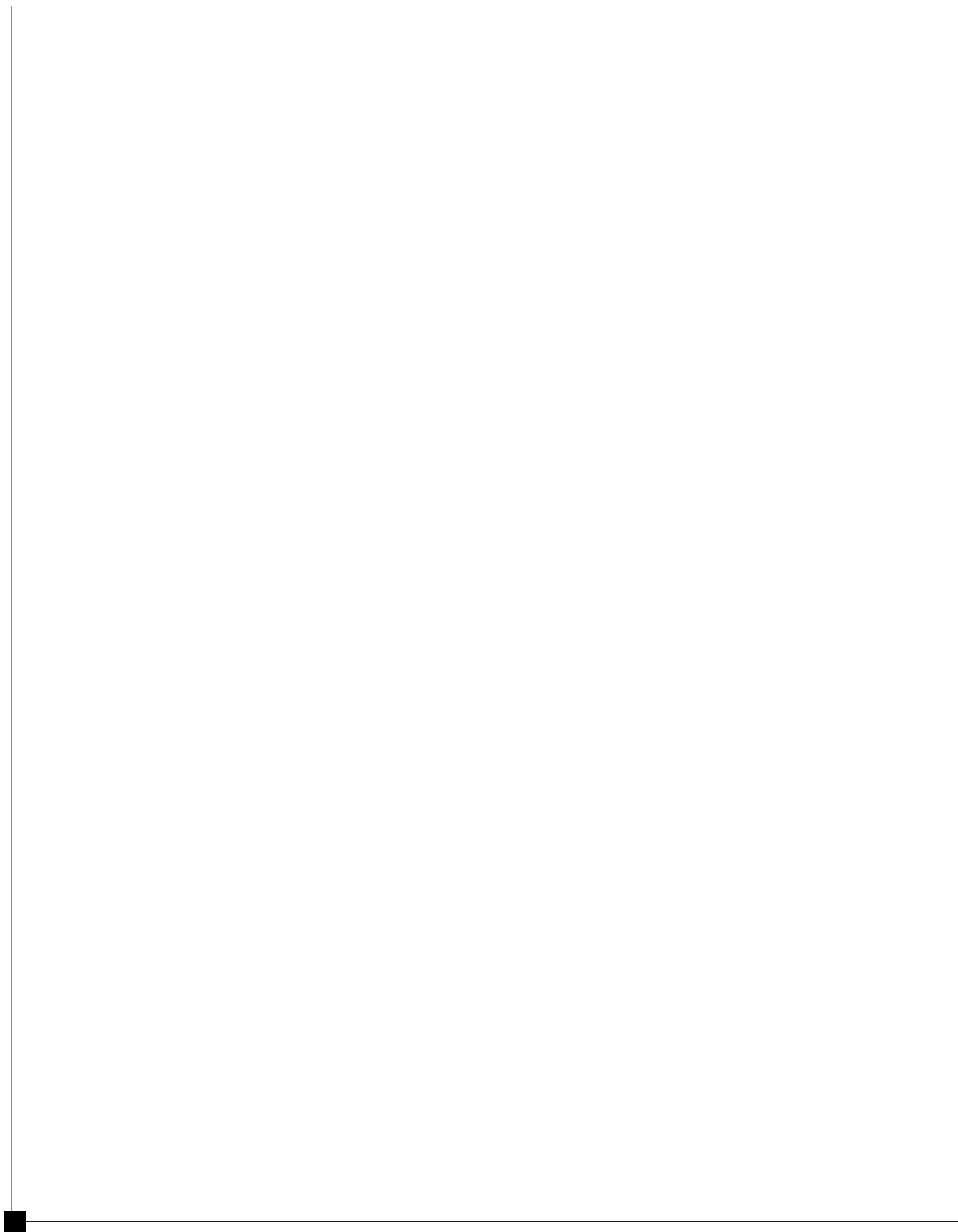
TRANSITIONAL JUSTICE AND RECONCILIATION IN AND BEYOND THE BANGSAMORO





*"May talagsaong karisma ang kalinaw ug kaangayan nga
dugukan sa tanan"* (Justice and Peace have a rare and
unique charisma where everyone can willingly
converge).

~ DATU AL SALILING, *Erumanen ne Menuvu elder*



Contents

Foreword	v
Acknowledgments	vii
Acronyms and Abbreviations	viii
Reading Guide	ix
The Research	
PART 1 Research Inquiry and Context: Bangsamoro and Beyond	1
A. Executive Summary	2
1. Culture	4
2. Continuum	5
3. Coverage	5
B. Research Design and Methodology	8
1. Research Assumptions, Rationale and Objectives	8
2. Methodology and Core Project Components	11
C. Context: Horizons of justice in the landscape of Mindanao peacebuilding	13
1. Contextualizing Transitional Justice with Right to self-determination (RSD) struggles in Mindanao	13
2. Current National Trends	16
3. Conflict Realities and TJR in Mindanao	17
4. Formal Mechanisms and Processes	19
PART 2 Models of Justice and Reconciliation: Learning from the World (Review of Related Literature)	25
A. Transitional Justice	26
1. Background	26
2. Concepts, Mechanisms and Challenges	26
3. Transitional justice concepts and predecessors in the Bangsamoro peace process	30
B. Reconciliation	35
C. Restorative Justice	40

PART 3	Models of Justice and Reconciliation: Learning from Mindanao (Research Case Studies and Results)	45
A.	Community Narratives of Resilience and Truth telling (Case Studies)	
	Case Study 1: STORY OF A MORO CHILD OF WAR	47
	Case Study 2: THE OTHER ILAGA STORY	50
	Case Study 3: RECLAIMING MT. FIRIS COMPLEX	54
	Case Study 4: HEALING TRUTH FOR POST-WAR MARAWI	58
	Case Study 5: KAKAP DULUNAN	64
B.	Indigenous, Moro and Christian Sources of Justice	69
PART 4	Transforming Transitional Justice and Reconciliation (Research Analysis and Recommendations)	75
A.	Analysis and Ways Forward	76
B.	Revisiting Culture, Continuum and Coverage	77
C.	Priority Domains of Action	81
1.	Advancing the Transitional Justice and Reconciliation Agenda in Government	81
2.	Cultural and IP Dialogue and Advocacy	82
3.	Crafting Histories, Healing and Living Memorials - Academe, Education and Training	83
4.	Engaging the Security Sector in TJR	84
D.	Challenges	85
E.	Forging an Integrated Framework: Strengthening Transitional Justice and Reconciliation - Embedding Community-based Restorative Justice in Dealing with the Past through Political Reconciliation	87
	Box 1. Integrated CBRJ Framework	88
F.	Transitional Justice and Reconciliation Recommendations and Policy Proposals	90
	Bibliography	99
	Annexes	
A.	Policy Imperatives, Learning from the IPs : Bases of an Independent Indigenous Peoples Transitional Justice and Reconciliation Body	101
B.	Project Briefer on the “Bangsamoro Transitional Justice Initiatives” 2017-2019	103
C.	List of Data Gathering Activities	106

Foreword

The research and case studies that are memorialized in this publication mirror our common quest to pursue, insist on, and achieve justice amidst our continuing collective struggle for peace, freedom and progress for our peoples. These stories are the result of a 2-year listening process among partners in the Moro, Indigenous Peoples and Settler communities in Mindanao who have been victims of injustices from different perpetrators. These could be wrongs coming from the State, non-state armed actors or from among and between their own peoples themselves.

This is part of a transitional justice project that we convened in the past year or so. We were inspired by the work of the Transitional Justice and Reconciliation Commission (TJRC) on the Bangsamoro peace process in Mindanao, and the akin experiences of our friends in the region and elsewhere. We hope to expand the constituency and participation of those who were involved in the TJRC process to also cover other communities and peoples who can still contribute further to the seminal work of the TJRC. We gathered partners and communities in Mindanao for the first meeting, including other sectors and peoples such as those from the indigenous peoples and settler communities.

During the listening process, we conversed with survivors and victims of human rights violations, violence and injustice from different but similar contexts and shared their stories and experiences together with activists, advocates and defenders -- most of whom are survivors and victims themselves. The hope was to come up with a common understanding of the issues besetting us and perhaps plan something together to mitigate the causes of the injustices perpetrated against us. We recognized the premium of listening to and honoring the perspectives of the survivors and victims themselves in our analysis, understanding, and thus actions in addressing these injustices and seeking durable solutions for avoiding the same from continuing into the future.

We conducted one assembly in Mindanao then convened a national gathering in Manila to also include survivors and victims of human rights violations perpetrated during the dark years of the Marcos dictatorship. We wanted to weave a link in the different layers of transitional justice processes



in the Philippines, even as we took off from the Bangsamoro experience whose transitional justice process was recognized and supported by a policy agreement between the government and the Moro Islamic Liberation Front (MILF). We hope to eventually weave the strands of these processes with those obtaining in the region.

The pursuit of justice is basic, common and universal. We can never have a genuinely free, equitable and prosperous society, especially in a so-called post conflict situation, if transitional justice issues remain, linger or persist. We cannot jump to reconciliation and harmony at once without the necessary step and process of enabling justice.

May these stories of sacrifice and heroism of survivors and victims inspire us with a lens to understand the root causes of the injustices perpetrated. It is still a long, tough road ahead. But may we strengthen each other and banish the shackles of injustices together.

Our deepest thanks to the Open Society Foundations (OSF) for making it possible for us to pursue this project.

Miclat
GUS MICLAT

Executive Director
Initiatives for International Dialogue (IID)

Acknowledgments

We would like to offer our deepest gratitude to all the individuals, groups and communities who made this project possible.

Our deepest and foremost appreciation to **Jeremy Simons** and **Radzini Oledan**, our passionate and indefatigable writer-storyteller tandem who served as the vessels of the stories of survivors and communities. They preserved these memories so that they will not be forgotten while caringly treading this memoryscape, retelling the narratives of hurt and grief of the past and how the communities in Mindanao seek to restore relationships as they persist to struggle for truth, mercy, justice and love.

Saluting and affirming the following brave and gentle storytellers who have shared their travails and past hurts as they survived the many faces of violence and injustice:

Bai Mariam Kanda, Timuay Santos Unsad, Prof. Tirmizy Abdullah for their own narratives and stories depicting the hopes and struggles of their people and their contribution to the case studies;

The **Indigenous, Moro and Settler communities** who have been part of the small listening processes we conducted since 2018. Primarily, the Erumanen ne Menuvu and Maguindanao clans of Carmen and Midsayap, as well as the grassroots leaders of settler communities in Aleosan, North Cotabato. And also, the leaders of the Téduray, Lambangian, Manobo, Iranun, Meranaw and Maguindanao communities in the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM);

Extending this heartfelt gratefulness as well to the following individuals and groups who were involved in various ways at different stages of the project:

Atty. Cecilia Jimenez-Damary, Atty. Al-Amin Julkipli, Myla Leguro, Prof. Rodelio Ambangan, our Advisory Consultants, who served as our ‘sounding board’, offering critical and expert advice during the document review of the research study;

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Joshua Campbell who along with **Jeremy Simons** conceptualized and rendered the integrated framework in diagram form of the “Community-Based Restorative Justice (CBRJ)” and how this is embedded with the “Dealing with the Past” framework of *Swisspeace*;

Our countless resource persons, advocates, activists, partners and friends;

Thanking wholeheartedly the **Open Society Foundations (OSF)** for their trust and support and believing in IID to carry out this vision.

And finally, honoring all those who have come before us. We pay tribute to them for leaving us with the legacy of building a future that is just and peaceful for all in the Bangsamoro, Mindanao and beyond.

Acronyms and Abbreviations

A

ASG	Abu Sayyaf Group
AD	Ancestral Domain
ALG	Alternative Law Groups
AFP	Armed Forces of the Philippines
ASEAN	Association of Southeast Asian Nations
ARMM	Autonomous Region in Muslim Mindanao

B

BIFF	Bangsamoro Islamic Freedom Fighters
BOL	Bangsamoro Organic Law
BARMM	Bangsamoro Autonomous Region in Muslim Mindanao
BTA	Bangsamoro Transition Authority
BTJI	Bangsamoro Transformative Justice Initiatives

C

CADT	Certificate of Ancestral Domain Title
CLOAs	Certificates of Land Ownership Awards
CAFGU	Citizen Armed Forces Geographical Units
CSO	Civil Society Organization
CHDF	Civilian Home Defense Forces
CPP	Communist Party of the Philippines
CBRJ	Community-based Restorative Justice
CAB	Comprehensive Agreement on the Bangsamoro
CCCH	Coordinating Committee on Cessation of Hostilities
CVE	Countering Violent Extremism

D

DAR	Department of Agrarian Reform
DA	Department of Agriculture
DENR	Department of Environment and Natural Resources
DSWD	Department of Social Welfare and Development
DwP	Dealing with the Past

E

EO	Executive Order
EVE	Extreme Violent Events

F

FPA	Final Peace Agreement
FPIC	Free, Prior and Informed Consent
FAB	Framework Agreement on the Bangsamoro

G

GPH	Government of the Philippines
GRP	Government of the Republic of the Philippines

H

HR	Human Rights
HRVs	Human Rights Violations
HRVCB	Human Rights Victims Compensation Board
HRVVMC	Human Rights Violations Victims Memorial Commission (MemCom)

I

IPs	Indigenous Peoples
IPRA	Indigenous People's Rights Act
IID	Initiatives for International Dialogue
IGR	Intergovernmental Relations
IDP	Internally Displaced Persons
ICTJ	International Centre for Transitional Justice
IMT	International Monitoring Team
ISIS	Islamic State of Iraq and Syria

J

JNC	Joint Normalization Committee
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L

LGU	Local Government Unit
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M

MOA-AD	Memorandum of Agreement on Ancestral Domain
MPW	Mindanao Peace Weavers
MPPA	Mindanao People's Peace Agenda
MSU	Mindanao State University
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
MAA	Most-affected Areas

N

NCIP	National Commission on Indigenous Peoples
NGO	Non-Government Organization
NPA	New People's Army
NDFP	National Democratic Front of the Philippines

O

OMI	Oblates of Mary Immaculate
OPAPP	Office of the Presidential Adviser on the Peace Process
OSF	Open Society Foundations

P

PNP	Philippine National Police
PCGG	Presidential Commission on Good Governance
PCHR	Presidential Commission on Human Rights

Q

QR	Quick Response
QRT	Quick Response Team

R

RJ	Restorative Justice
RIM	Reform Ilaga Movement
RSD	Right to Self-Determination

S

SSR	Security Sector Reform
SGBV	Sexual and Gender-Based Violence
SACs	Social Action Centers
SCAA	Special Civilian Armed Auxiliary

T

TFBM	Task Force Bangon Marawi
TJG	Timuay Justice Governance
TJ	Transitional Justice
TJR	Transitional Justice and Reconciliation
TJRC	Transitional Justice and Reconciliation Commission
TRC	Truth and Reconciliation Commission

U

UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNHCR	United Nations High Commissioner for Refugees

W

WASH	Water, Sanitation and Hygiene
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Reading Guide

The **Initiatives for International Dialogue (IID)** humbly offers this 2-year peacebuilding project of listening, dialogue, imagining and taking action towards contributing to the discourse on Transitional Justice and Reconciliation in and beyond the Bangsamoro.

Entitled “**Transitional Justice In and Beyond Bangsamoro: Research Study on Community Narratives of Resilience and Truth-telling**”, this is a bundled research publication and resource guide on basic concepts and narratives on how transitioning societies deal with past atrocities. We aim to see how these interlocking concepts of transitional justice (TJ), dealing with the past, justice, reconciliation, and restorative justice feed into each other in the universe of theory, practice and policy. The realm of practice is breathed into life by the stories of survival, truth seeking, and restoring relationships delicately woven in the entire documentation process.

This publication has four (4) parts: 1. Research Inquiry and Context: Bangsamoro and Beyond; 2. Models of Justice and Reconciliation: Learning from the World; 3. Models of Justice and Reconciliation: Learning from Mindanao; and 4. Transforming Transitional Justice and Reconciliation.

PART 1 illuminates the *inquiry of the research component* of the peacebuilding project broken down in three (3) sub-parts. The Executive Summary is the summation of the entire research publication and elaborates on the 3-pronged lens that the inquiry is based upon, from the prisms of *Culture, Continuum and Coverage*. The 2nd section contains the research design and methodology explaining the assumptions and the action-research approach that guided the documentation process parallel to the entire project. The 3rd section explicates how the stakeholders navigated the complex realities in post-conflict/transition and the nexus of TJ and right to self determination (RSD) within the national and local conflict milieus, while initiating and installing mechanisms to address historical injustices and large-scale violence at the community and institutional levels.

PART 2 is essentially the research’s *review of related literature* featuring the breadth of global and local literature weaving three (3) thematic strands on “transitional justice”, “reconciliation”, and “restorative justice”. This part encapsulates both the basis and evolution of the core concepts, principles, mechanisms, and initiatives alongside justice and reconciliation work in selected countries, including the Bangsamoro and the Philippines.

PART 3 is the section devoted to present the *case studies and research results*. The case studies are mostly community narratives informed by action research

principles and listening processes. These five (5) studies are emblematic of situational realities and dynamics that need to be addressed in transitional justice and reconciliation processes in the Bangsamoro. The section also presents a summary of key concepts of justice from the indigenous peoples, Moro and settlers' perspectives.

The first case study relates the story of a Moro woman, Mariam Kanda, a survivor of gender-based violence during the Malisbong massacre, and how she came to be a leader in advocating for the survivors and victims of mass atrocities that occurred during the 1970s martial law period.

The second reaches across to the other side of injustice, surfacing the stories of Christian militia leaders and their constituents involved in the Ilaga group, a paramilitary movement that is often accused of human rights violations that occurred during brutal anti-Muslim campaigns of the same time period.

The third case relates the collective historical trauma of over 50 years of violence and loss of ancestral domain experienced by Téduray and Lambangian non-Moro Indigenous Peoples, alongside their ongoing permanent displacement and exclusion in the peace process.

The fourth case study picks up the many struggles of traditional Maranao leaders and their people in Marawi City after the massive displacement, destruction and cultural desecration during the Marawi crisis of 2017.

“Kakap Dulunan” is the final case study which shares publicly, for the first time in hundreds of years, the rekindling of a legendary peace pact during a peace pilgrimage in late 2018 between indigenous Erumanen ne Menuvu (Aromanon-Manobo) and Moro Maguindanaoan clans in conflict-affected areas of Carmen, North Cotabato.

PART 4 is the final section presenting the research analysis, findings and recommendations. The overall analysis, in conclusion, finds its way by highlighting proposed actions and imperatives while indicating challenges that have to be unpacked and hurdled along the way. This research study articulates the proposition of a “**community-based restorative justice**” that has to be purposively integrated as another lens in the guiding framework of the TJR processes and programs currently evolving and developing at the regional or national level by relevant agencies.

This publication, as a research output of IID’s “Bangsamoro Transformative Justice Initiatives” project with support from the Open Society Foundations (OSF), intends to share the project’s learning and insights, and to interrelate these with other Mindanao-based experiences, as well as national, regional and global domains of praxis. It was conceptualized to strengthen and elaborate the TJR process and discourse through *culture, continuum and coverage* lenses. These prisms were aspirational during the project development, and were clarified and nuanced in the five case studies, findings and recommendations.

PART 1

Research Inquiry and Context: Bangsamoro and Beyond



Erumanen ne Menuvu women leaders perform a ritual before
a listening session in Midsayap, North Cotabato.

A.

Executive Summary

Justice in Mindanao is rooted in, and strives for, accountability, transparency, truthfulness, and fairness understood in and through the cultural realities and narratives of the people, even after decades of violence and loss. These elements of justice are anchored in the human dignity of both the survivors of loss, violence, and injustice, as well as the humanity of those who commit, enable, and perpetuate such actions. Transitional Justice and Reconciliation (TJR) is a phrase that is often used to describe efforts undertaken by governments seeking accountability and social reconstruction during “post-conflict” transitions from war to peace, or oppressive rule to democracy, in order to address widespread violence and/or massive human rights violations that occurred during a previous regime or civil war. However, such transitions are themselves beset by the very legacies of violence they seek to address, as well as emerging conflicts and political challenges.

In 2017, the Initiatives for International Dialogue (IID), along with some of its network members from the Mindanao PeaceWeavers (MPW) and other partners, initiated the “Transformative Justice Initiative,” which was intended to complement the Philippines’ formal Bangsamoro TJR efforts and respond to new and emerging realities. It was anchored on 30 years of local and regional peacebuilding and solidarity work, as well as the core values of the institution. This civil-society led transformative justice project was built on both formal and informal processes and activities conducted by peace advocates, development workers and local communities over many decades. This was informed by action-research methodologies and resulted in the crystallization of five case studies that are presented in this document:

The first case study relates the story of a Moro woman, Mariam Kanda, a survivor of sexual violence during the Malisbong massacre, and how she came to be a leader in advocating for the survivors and victims of mass atrocities that occurred during the 1970s martial law period.

The second reaches across to the other side of injustice, surfacing the stories of Christian militia leaders and their constituents involved in the

Ilaga group, a paramilitary movement that is often accused of human rights violations that occurred during brutal anti-Muslim campaigns of the same time period.

The third case relates the collective historical trauma of over 50 years of violence and loss of ancestral domain experienced by Téduray and Lambangian non-Moro Indigenous Peoples, alongside their ongoing permanent displacement and exclusion in the peace process.

The fourth case study picks up the many struggles of traditional Maranao leaders and their people in Marawi City after the massive displacement, destruction and cultural desecration during the Marawi crisis of 2017.

“Kakap Dulunan” is the final case study which shares publically, for the first time in hundreds of years, the rekindling of a legendary peace pact during a peace pilgrimage in late 2018 between indigenous Erumanen ne Menuvu (Aromanon-Manobo) and Moro Maguindanaoan clans in conflict-affected areas of Carmen, North Cotabato.

These five studies are emblematic of situational realities and dynamics that need to be addressed during transitional justice and reconciliation in the Bangsamoro. This post-conflict transition is oriented towards the full establishment of an autonomous Bangsamoro government in 2022, but is fraught with fragility, political uncertainties, and the re-emergence of violence and increasing impunity. These include the ongoing state of martial law in Mindanao, a potential shift to federalism, political apathy and intransigence by an (often) biased Christian majority, further acts of violent extremism, and the lingering effects of the Marawi siege followed by the heavy-handed government response in 2017.¹

TJR is part of the Bangsamoro peace process as stipulated by the Comprehensive Agreement on the Bangsamoro (CAB) signed between the government of the Philippines and the Moro Islamic Liberation Front (MILF) in 2014. TJR was delineated in the CAB’s Annex on Normalization, and elaborated by a Transitional Justice and Reconciliation Commission (TJRC) under the framework of “Dealing with the Past” (DWP). TJR was given statutory basis in the Bangsamoro Organic Law (BOL), which provides the legal infrastructure for the establishment of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). Within the Bangsamoro Transition Authority (BTA), which acts as the interim BARMM government, TJR

¹ The siege by an ISIS-affiliated conglomerate, ended with the destruction of Mindanao’s largest Muslim city, the debacle of stalled reconstruction, and ongoing displacement of hundreds of thousands of Maranao residents (Chandran, 2019).

implementation is under the purview of the Joint Normalization Committee (JNC), with representation from both the government and the MILF, and which follows the guidelines, mechanisms and benchmarks for the “post-conflict” implementation process.² Transitional Justice and Reconciliation as formulated under a DWP framework is a crucial element of the peace process, yet it has been awaiting implementation on a parallel track as the parties prioritized the political milestones of the peace agreement. It was only with Executive Order (EO) 79 on Normalization, signed by President Duterte in April 2019, that the next steps of normalization have begun, supported by an interagency convergence at the cabinet level.

This report examines and clarifies the challenges and opportunities represented by the case studies in relation to the formal transitional justice (TJ) process. This publication, as a research output of the IID Transformative Justice Initiative, intends to share the project’s learnings and insights, and to interrelate these with other Mindanao-based experiences, as well as national, regional and global domains of praxis. It was conceptualized to strengthen and elaborate the TJR process and discourse through three lenses: **culture**, **continuum** and **coverage**. These prisms were aspirational during project development, and were clarified and nuanced in the five case studies, findings and recommendations. The cultural dimension in particular represents an integrated framework in both process and substance that informs both the coverage and continuum of transitional justice and reconciliation processes. These three domains serve as the foundations for the discussions and recommendations at the end. Viewing the past through these lenses with a future orientation brings into focus critical domains of contextualization for transitional justice and reconciliation in, and beyond, the Bangsamoro:

1. CULTURE

The arena of a deeper **cultural contextualization** was in many ways the foundation of the project as it sought to highlight Mindanao’s existing socio-cultural justice resources which are embedded in indigenous (Lumad), Moro, and Christian spiritual-religious narratives of resilience. These sources of resiliency enable peace at the grass roots level as they are anchored in local forms of dialogue and restorative justice, and affirm the dignity of

² With the 2018 passage of the Bangsamoro Organic Law (BOL) by the government and its ratification by most of the BARMM in early 2019, the MILF began the reciprocal decommissioning process of its armed forces and the “transformation” of their camps.

the survivors of violence and injustice, as well as the humanity of those who commit and perpetuate such actions. These resiliencies are what undergird the call for cultural restorations of Maranao heritage and *maratabat* (honor) in rebuilding Marawi city; the cry for acknowledgement and restoration of lost Téduray ancestral domain and sacred sites such as Mt. Firis; and the re-assertion and reaffirmation of a centuries old Pagalatan/Peheletan peace pact between Maguindanao and Aromanon-Manobo clans in Carmen, North Cotabato.

2. CONTINUUM

Contextualizing TJR and DWP with an expanded view of the **continuum** means that addressing a violent past cannot be done overnight - it is a continuing process of reconciliation across generations and contains *multiple dimensions*. Dealing with the past is not forgetting the past, but creating spaces where the past can be remembered in a new way that allows for relational and social healing towards a shared future. The challenge is ensuring that victims of trauma are protected from potentially re-traumatizing politics and legal processes, while at the same providing pathways where they can project the substantive content of their truth-telling into arenas of political, legal and historical accountability. A deeper understanding of the variations across victims groups in their collective, cultural, spiritual, political, and therapeutic realities emerged in a variety of ways during the case studies and the solidarity gatherings. Thus, efforts undoing the displacement and traumatic experiences of the victims of the Marawi fiasco have been undercut by national political expediencies, while Téduray efforts addressing traumatic displacements are undercut by political dynamics in the BARMM. These realities require an expanded framework of reconciliation that addresses the interlocking relationships of historical injustice, political domination and the transgenerational trauma³ experienced individually and collectively by victims and survivors.

³ Transgenerational or intergenerational trauma refers to "A collective complex trauma inflicted on a group of people who share a specific group identity or affiliation—ethnicity, nationality, and religious affiliation. It is the legacy of numerous traumatic events a community experiences over generations and encompasses the psychological and social responses to such events" (Evans-Campbell 2008 in *Intervention to Address Intergenerational Trauma: Overcoming, Resisting and Preventing Structural Violence*, 2012). It is also labeled in research literature as Historical trauma, Transgenerational grief, Collective trauma and Historic grief.

3. COVERAGE

Lastly, contextualizing an *inclusive* TJR **coverage** involves recognizing how narratives outside the Bangsamoro geographic and spatial reality involve local communities' perspectives in dealing with the past. This project surfaced stories of people who may or may not identify themselves as Bangsamoro or live within the geographic territory so defined, yet share the same history of violent conflicts and wide-scale human rights violations committed against groups or individuals. This involved the retelling of survivors' stories of resilience after the Malisbong massacre and the Marawi siege, as well as the "other" side of violent narratives in the form of perspective-sharing by former Ilaga militia commanders and community members.

Appreciating and expanding the arenas of culture, continuum and coverage affirms how Mindanao communities, civil-society and the broader stakeholders of peace have implanted localized transitional justice realities and reconciliation practices in restorative justice⁴ and conflict transformation,⁵ and vice-versa. This affirms the long history of restorative principles and practices infused in grassroots and cultural peacebuilding in Mindanao as a local models of Community-based Restorative Justice (CBRJ).⁶ CBRJ principles and practices reflect deep cultural values spanning histories and communities, and are embedded in the lives, genealogies and indigenous governance systems of communities since pre-colonial times, during the era of Sultanates and throughout the evolution of the Philippine republic (Braithwaite, 2015; Cisnero, 2008; Liu, 2014).

4 Building on the definition of Tony Marshall, Zehr states, "Restorative Justice is an approach to achieving justice that involves, to the greatest extent possible, those who have a stake in the offense or harm to collectively identify and address harms, needs, and obligations in order to heal and put things as right as possible" (Zehr, 2015, p. 48).

5 Conflict Transformation is an idea developed by practitioners and scholars in the late 1980s and early 1990s that sees conflict as an opportunity for positive change in relationships and social structures, with a simultaneous concern for interpersonal relations, cultural dynamics and structural realities (Kriesberg, 2008; Lederach, 1995). In the words of John Paul Lederach, "Conflict Transformation is to envision and respond to the ebb and flow of social conflict as life-giving opportunities for [1] creating constructive change processes that [2] reduce violence, [3] increase justice in direct interaction and social structures, and [4] respond to real-life problems in human relationships" (Lederach, 2003, p. 14).

6 Community-based Restorative Justice as a Philippines practice was conceptualized at the Mindanao Peacebuilding Institute under a course titled as such between 2012-2014. Based on this and on our experiences, and taking into account research and theorizing on various articulations of restorative and community justice (Bazemore & Schiff, 2015; Burnside & Brookes, 2004; Park, 2010), we propose the following definition: Community-based Restorative Justice (CBRJ) is oriented and energized by (though not limited to) informal, endogenous and restorative cultural values, traditions, structures, practices and processes existing and emerging in the local community, notwithstanding external and institutional assistance, cooperation, or collaboration," especially noting Park's description (2010, p. 95).

In the current context, Mindanao's socio-cultural peacebuilding assets require stakeholders to strengthen existing modalities while finding new pathways to mitigate the complex interplay of unjust power relations, violence and domination that subvert and coopt these for questionable political purposes. Orienting TJR-DWP mechanisms around CBRJ embodies multi-dimensionality and envisions multiple forms of local conflict transformation, resilience, resistance, cultural-relational justice (such as peace pacts and traditional peacemaking processes) as foundational elements in the various institutional transformations (political, economic and social) envisioned in a *transformative* transitional justice.



The power of voice, culture, dialogue, listening, understanding and solidarity in truth-telling and memorialization.



B.

RESEARCH DESIGN AND METHODOLOGY

1. RESEARCH ASSUMPTIONS, RATIONALE AND OBJECTIVES

The design of this transitional justice study was conceptualized as a process of localized and ground-up theory building informed by previous IID baseline work on transitional justice and the Mindanao People's Peace Agenda (MPPA),⁷ which was a consensus agenda forged out of a broad listening process led by the institution. It was also built on studies of transitional justice in the Bangsamoro produced by independent scholars and the Transitional Justice and Reconciliation Commission (TJRC).⁸ More than just attempting to localize a global model, this design reflected "creativity to generate new solutions, and...problem-solving processes and serious negotiations to address competing claims and agendas" in five key arenas, according to Brankovic and van der Merwe (2014):

1. Multiple armed groups, in particular "where violence was perpetrated by multiple sides of a conflict, the battle over the legitimacy of different forms of violence *continues well beyond the end of the conflict* (emphasis added)" and so "understanding the historical dynamics that gave rise to armed rebellion or the establishment of militias may be just as critical in facilitating a process of reconciliation" (pp. 12, 13).
2. Legal pluralism and competing conceptions of justice, such that TJ should include sustained initiatives that "contribute to rebuilding foundations for local institutional and cultural capacity to deal with conflict" rather than one-off interventions (p. 13).
3. Ethnic and religious tensions, as they often reflect "fundamentally different histories of the conflict" as part of various groups diverse

⁷ The MPPA was a policy document generated by a 2-year consultation process under the leadership of the Mindanao PeaceWeavers (MPW) that was presented to peace actors and stakeholders starting in 2011.

⁸ Noting several commissioned works and the final report produced by the TJRC, as well as a 2014 compilation of essays and case studies by the German Civil Peace Service (FroumZFD).

collective narratives and stories (p. 13). The psycho-social dynamics of historic and collective trauma are difficult to negotiate and not well-understood, even as it has been recognized that “severe conflict and mass trauma...often cement competing memories and interpretations of past events” (p. 14).

4. Socioeconomic marginalization, which has proven to be particularly intractable in TJ processes. This means recognizing the importance not only of political and civil rights, but social, economic and cultural rights as part of a broader and longer term transformative agenda. However, care must be taken if development and education investments or land-reform projects are re-framed as “collective reparations” as it can be problematic to equate “the state’s developmental obligations with its duty to redress victims” (p. 14).
5. Gender equality has been legally affirmed in various transitional justice mechanisms through the prosecution of gender and sexual-based violence as a crime against humanity which reflects a growing consensus that addressing “gender-based violence broadly defined... must be integrated into all aspects of the transition process” (p. 15).

These 5 domains mirrored the assumptions that guided the development of the study:

- ▶ That we are already in the midst of a post-conflict era in the BARMM, which will shape and reconfigure post-conflict peacebuilding programs to integrate ‘dealing with the past’/transitional justice & reconciliation as a new component which has to be developed and operationalized by the peace community;
- ▶ That a multiple lens (hybrid) framework should be developed and adopted, building on the seminal and homegrown TJR framework guiding the process towards a more inclusive model. This model is to be context-specific and culturally-sensitive since the conflict landscape includes historical atrocities inflicted on minority populations (i.e. indigenous and Moro peoples);
- ▶ Restorative justice principles and practice have to take root in this TJR integrated framework complementing *swisspeace*’s “Dealing with the Past” plus Reconciliation plus evolving Transitional Justice perspectives, beyond legalese. RJ organically aligns with inherent features of the justice systems of minority populations in the

Philippines, both indigenous and Bangsamoro. These integral cultural processes include dual aspects of “restoration” and “resilience” for communities dealing with past large-scale violence, wherein *psycho-socio-cultural dimensions* provide a platform for a hybrid TJR discourse for the Philippines.

- ▶ The overall project infuses cultural dimensions, especially in its listening processes, emphasizing the role of local knowledge, ground-up processes and relational social cohesion in multicultural settings;
- ▶ The project is part of a “theory building process” working towards an inclusive, Filipino TJR process. This inclusivity enables multiple frameworks, combined mechanisms, and broad ‘tripartite’ participation of victims/survivors, perpetrators/offenders, and the communities that host them.

This aligns with recommendations in academic literature calling for nuanced case studies and action research supporting contextualized practice and policy recommendations. This should “repeatedly analyze TJ mechanisms with respect to their outcome, context and legitimacy” so that they are based on “sound knowledge of the interdependence of different mechanisms, levels and actors” (Fischer, 2011, p. 423). The research also mirrors some of the core issues proposed by critical peacebuilding scholars to add “analytical layers to render more complex the essentialist understanding of the local and the international dichotomy; decentralizing the focus from the Western perspective of the international; acknowledging possible blind spots inherent in the dominant place of local elites” (Paffenholz, 2015, p. 868).

The complexity of the current socio-political reality in the Philippines mirrors the challenge of supporting various groups of victims in a multi-transitional reality, causing one scholar to insist, “It is essential that studies of transitional justice further investigate the most pressing needs of victims in different contexts and further discuss how these needs can be integrated into transitional justice measures” (Hansen, 2011, p. 52). Finally, this research intends to complement and strengthen the processes initiated, and recommendations of the Bangsamoro Transitional Justice and Reconciliation Commission (TJRC), with the following objectives:

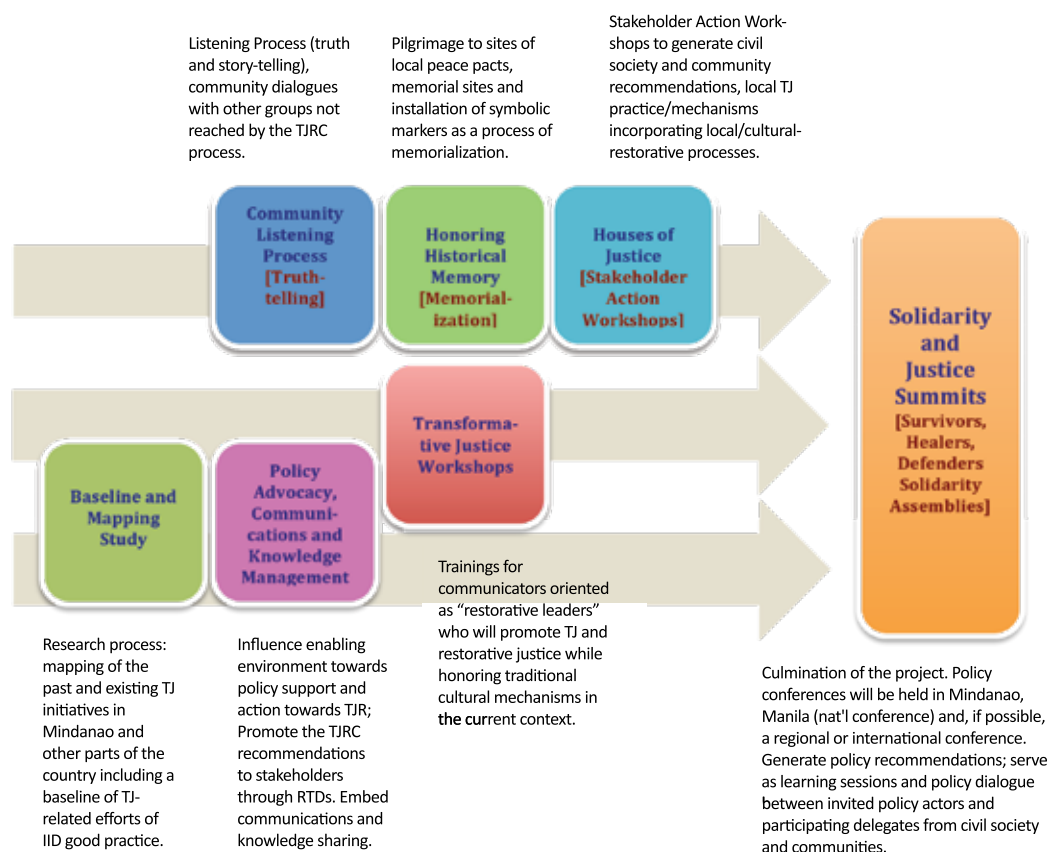
1. Broaden participation of communities in a “listening process” where the harms of the past are individually and collectively shared in safe, dialogue spaces with a focus on youth and women;

2. Weave an inclusive narrative of the collective violence experienced in other parts of the country and expand the “transitional justice” propositions initiated in the Bangsamoro and across Mindanao to include:
 - a. Injustices and human rights violations during the Marcos dictatorship
 - b. Legitimate grievances (land dispossession, land disputes)
 - c. Continuing injustices in the present (extrajudicial killings, marginalization)
3. Generate policy action and support from local and national actors to initiate and institutionalize mechanisms laying the foundation for a robust Transitional Justice and Reconciliation - Dealing with the Past process that includes Community-based Restorative Justice.

2. METHODOLOGY AND CORE PROJECT COMPONENTS

1. The project was grounded on the cultural dynamics and realities (spirituality, peace pacts, and kinship relations) in Mindanao laying the foundation for a contextual, communal and reparative healing process, a.k.a. “transformative justice.” This encompasses documenting, affirming and strengthening local informal and formal processes of truth-telling, reparation and social restoration for inclusion in a comprehensive covenant for Community-based restorative justice and reconciliation across Mindanao.
2. It included low-key, targeted initiatives to help build the capacity of grassroots religious and cultural stakeholders to engage in the formal transitional justice and reconciliation process as part of the official peace process mechanism. The consultation process was grounded on the framework that IP, Moro and settler community members are the real experts of their condition, and their narratives are important in the collective process of truth-seeking, accountability, and reconciliation. A gender lens was a core component in the methodology and consultation processes, endeavoring to further strengthen the public process by open and collaborative truth-telling, accountability and reconciliation.

3. The core components of the program were designed to be cumulative and interdependent of each other, including:
 - a. Community Listening Processes to document the cultural realities of peace processes at work in these communities;
 - b. Honoring Historical Memory, where indigenous rituals and symbols of justice, truth-telling and community memorialization as defined by the local community were affirmed and documented;
 - c. Stakeholder Action Workshops to collectively define and identify local and indigenous justice processes, principles and concepts at the community level, and introduce ways of applying and honoring traditional cultural mechanisms in the current context in order to develop local strategies engaging the formal process.
 - d. Solidarity Gatherings bringing together Mindanaoan, national, and Southeast Asian stakeholders were held for indigenous, religious, activist, government, and academic practitioners and scholars. Hailing from diverse fields including peacebuilding, development, psychology, anthropology, and human rights, they shared, reflected and processed together the emerging project stories and narratives in the light of current contextual realities vis-a-vis transitional justice theories and applications.



C.

CONTEXT: HORIZONS OF JUSTICE IN THE LANDSCAPE OF MINDANAO PEACEBUILDING

1. CONTEXTUALIZING TRANSITIONAL JUSTICE IN RIGHT TO SELF- DETERMINATION (RSD) STRUGGLES IN MINDANAO

Land, Territory and Ancestral Domain

Ancestral domain is central to the struggle of the Bangsamoro nation, and was the most complex and contentious issue in the peace negotiations between the Moro Islamic Liberation Front and the government. It defines all lands and areas, including the environment and natural resources of the Bangsamoro people, established through occupation, possession, and dominion since time immemorial by cultural bond, customary law, historic rights, and legal titles. For Mindanao's indigenous peoples, the land where their ancestors lived and where they are connected is considered sacred for it is where the spirits of the ancestors dwell.

At the core of the challenges in Mindanao is the historic and continuing disenfranchisement of indigenous and Moro peoples from their land. Packaged as the country's promised land, settlers started to come to Mindanao during the American period (1898-1946) to claim parcels of lands as a result of various government-initiated migration programs for settlers from northern areas of the country. This was the first of four "waves of dispossession" highlighted in the Land Report of the TJRC (*TJRC Land Report 2017: Dealing with the Past and Land Dispossession in the Bangsamoro*, 2017, pp. 22-26). The first wave "laid the foundation for the systematic land dispossession of

the Moros, indigenous peoples (IPs), and other original inhabitants of the country through” through legal, statutory and titling processes and the initial encouragement to settle in Mindanao, though only a small number of migrants (local, as well as Japanese and American) actually moved to Mindanao (and were often welcomed by local inhabitants as they were widely integrated among host communities) (pp. 26, 28).

The second wave, from 1946 to the 1960s, was when the largest percentage increase in population occurred, and migrants settled in most of the flat unclaimed land. The third wave from the early 1970s to the end of the Marcos administration, saw the rise of vigilante groups such as the Ilaga who displaced mostly Moro people. Mindanao “witnessed the peak of systematic land dispossession of Moros and IPs, intensifying with the imposition of Martial Law in 1972” as well as “the systematic and widespread clearance of virgin forests in Mindanao with particularly devastating effects for indigenous peoples” especially in the highlands (p. 23). The fourth wave, which includes the present time, points to the challenging complexity facing transitional justice in the Bangsamoro, is described as having,

...further complicated the land ownership and land dispossession situation in Mindanao. Five factors contributed to this: (a) the passage of a number of land-related laws (i.e., the Comprehensive Agrarian Reform Law in 1988, the Mining Act of 1995, and the Indigenous Peoples Rights Act in 1997), resulting in overlapping claims to the same piece of land; (b) the titling of most lands in Mindanao, even in the proposed Bangsamoro area (though subject to validation), as part of the process of modernizing land ownership; (c) the establishment of the Autonomous Region in Muslim Mindanao (ARMM) and the creation of a new set of Moro elite who also accumulated large tracts of land while in office; (d) major outbreaks of armed violence, involving both vertical (GPH and MILF) and horizontal (i.e., clan feuds or rido) conflicts, some of the latter triggered by local strongmen precisely for land grabbing; and (e) growing land scarcity and the cultivation of high-value crops (e.g., oil palm, coffee, cacao, rubber, etc.), which has led to an increase in land values and, subsequently, to an increase in land claims (p. 26).

The key historic drivers of this process started with a colonial statutory regime prejudicial to IP and Moro traditional land use and ownership; followed by inadequate land titling and management infrastructure, along with poor governance, that caused overlapping claims and allowed manipulation by the powerful at the expense of the weak even after independence; the expansion of migration, unregulated mining and logging; cyclical patterns

of horizontal and vertical violence and displacement; and environmental disasters causing further displacement (pp. 26–27).

Loss of Land, Proliferating Conflict, Attempts at Peace

In sum, homestead policies initiated a hundred years ago, the subsequent land grabbing, followed later by the massive logging of forest timber and the development of large scale export oriented plantation economies, led to the displacement and harassment experienced by Moro and indigenous peoples and planted the seeds of discord. It is important to note that not only national power players, but local political elites, Christians and some Moro leaders, also took advantage of the situation and acquired large tracts of land. In the 1960s and early 1970s, radical Marxist, Maoist and Liberationist/Nationalist de-colonizing movements converged and erupted into armed struggle in Mindanao and across the Philippines. The government countered with an aggressive militarist approach to control the island, which not only escalated violence, but opened the nation's mineral and forest reserves, increasing the devastation of ancestral lands. This included the use of force by paramilitary and private groups to quell opposition to these projects, leading to human rights violations, exacerbated by a prevailing lack of development and basic services in most areas. This coalesced with the ongoing rebellion by multiple groups as an assertion by the original inhabitants of their right to self-determination instigating a decades-long war, creating a more vulnerable population (particularly women and children), polarized communities, and a generation of internally displaced persons robbed of opportunities to live life and achieve their full development (pp. 28–29).

Nonetheless, there were parallel efforts towards addressing the root causes of violence and negotiating peace, and in 1996, the Moro National Liberation Front (MNLF) signed a “Final Peace Agreement” (FPA) that dovetailed with the unilateral creation of the Autonomous Region for Muslim Mindanao (ARMM) by the Philippine government (Vitug & Gloria, 2000). This was criticized, however, as a failed package, unable to respond to the entrenched decades-old problems facing Mindanao, much less represent the genuine interests of Moro communities. The system was blamed for perpetuating local elites and enabling them to exploit resources for their own advantage (Lara, 2014).

For the indigenous peoples, the Indigenous People's Rights Act (IPRA) law was passed in 1997 and it outlines the recognition, respect, protection, and promotion of the rights of the indigenous peoples on their ancestral domain,

self-governance, culture and integrity and human rights. It was also fraught with challenges such as manipulation by elites for access to resources in ancestral domains, and insufficient funding for implementation. During this time, the government prioritized the privatization of the energy industry with the approval of hydroelectric dams, geothermal power plants, and coal plants in the country, further impacting indigenous territories and Moro communities. Competing land claims and the hold of powerful elite communities in these territories compounded the situation.

Since the signing of the FPA with the MNLF, the passage of the IPRA, and despite the government's avowed push for peace and the multi-million development assistance from international development agencies for the rehabilitation of communities, Mindanao and its peoples continued to be rocked by conflict that not only stalled its growth and self-sufficiency, but resulted in large numbers of deaths and displacements of civilians. This resulted in a generation of survivors who had to deal with trauma, often on their own. By the early 2000s, efforts by Moro and IP communities, in partnership with peacebuilding NGOs, sought to break barriers and sustain peace by revisiting their own cultural processes, including traditional peace pacts and borders which define them as a people. Often on their own initiative, and with the assistance of CSOs, academic institutions, and the Social Action Centers (SACs) of local churches, these IP and Moro communities began rebuilding relationships and forging trust among their peoples. It is these realities and their precedents that lead to the negotiations for the CAB, and which the current transitional justice efforts must address, building on the strengths, successes and advocacies of a variety of stakeholders at all levels.

2. CURRENT NATIONAL TRENDS

Current and past efforts at political transformation, social justice and community reconciliation are now starkly juxtaposed against contradictory movement towards authoritarianism, polarization and state repression (Heydarian, 2018; Timberman, 2019). National level peace processes addressing the “vertical violence” of state-rebel armed conflict are pursued with varying levels of success, such as a promising peace process between the government and the Communist Party of the Philippines (with its armed wing the New People's Army NPA) that has since collapsed.⁹ Thus, not only

⁹ These negotiations were undone after claims of violations by both sides, aggressive anti-Communist campaigns targeting political front organizations and individuals, the

“leftists,” but human rights activists, church leaders, and opposition political figures with various ideological leanings who have challenged the administration’s human rights record have been jailed, fled into exile, or killed. (McCarthy, 2019; Human Rights Watch, *World Report* 2019).

Furthermore, five years after the historic signing of the CAB, the worst combat since World War Two decimated Marawi City in the heart of Mindanao’s autonomous Muslim region. On the other hand, efforts addressing the historic legacies of violence under the Marcos dictatorship, which ended in 1986, are still ongoing. This includes direct compensation for victims and the establishment of an official museum institutionalizing the public memory of the violence and atrocities. Conversely, the Marcos family has had several individuals elected into public office at the national level, and Ferdinand Marcos himself was buried in the national heroes cemetery in 2016 as repayment for the Marcos family’s political support that helped then-candidate Duterte into power. Meanwhile, the government’s “drug war” has left a “staggering” number dead at the hand of police and police-linked vigilant groups, amounting to “a textbook case of what the processes of genocide look like” according to an analyst writing in the journal of genocide research (Simangan, 2017; *UN human rights experts call for independent probe into Philippines violations*, 2019). These developments, along with persistent Lumad¹⁰ killings and historical injustice going back decades, were mentioned as possible situations for future TJ initiatives in a workshop by Filipino Alternative Law Groups (ALG) (*A Research Scoping Major and Outstanding Issues on Transitional Justice in the Philippines*, 2018).¹¹

3. CONFLICT REALITIES AND TJR IN MINDANAO

At the community level of conflict-affected areas of Mindanao, the survivors of recent and historic violence, and the perpetrators of such acts, often still live near each other, leading to retaliation as self-defense, communal polarization, and displacements. Social, economic, and

ongoing state of martial law in Mindanao, and the expulsion of progressive officials in the Duterte administration, replaced by military officials (Basallajes, 2019; Lischin, 2018; Macasero, 2018). This seemed to represent just another episode in a familiar pattern of failed negotiations between the government and the National Democratic Front of the Philippines which represents the CPP-NPA in the talks (Santos, 2016).

¹⁰ Lumad is a collective term encompassing the 20 non-Muslim indigenous peoples of Mindanao.

¹¹ ALG identified five “TJ-able” political realities: Marcos’ Martial Law, Bangsamoro Rebellion, Non-state armed actors especially the CPP-NPA-NDF purges and insurgency, the Marawi conflict, and Duterte’s War on Drugs. The results of the study were presented and discussed during the Transitional Justice Conference, April 11, 2018, Quezon City.

political forces at multiple levels (regional, national and international), along with local conflicts, have produced cycles of oppression, cultural disintegration, vicious land conflicts and structural violence, sometimes spanning generations (Jubair, 1999; Lara, 2014; Rodil, 2004). Individuals and communities have been directly harmed by neighbors and/or local rivals in what is known as horizontal violence, often in the form of political violence and *rido* (clan feuding). Others are impacted by violence perpetrated by military or police agents of the state or anti-government rebel forces, a phenomenon of vertical violence. In some cases the distinctions between the horizontal and vertical were unclear and involved persecutors identified with various forces and/or private armed groups (*Report of the Transitional Justice and Reconciliation Commission*, 2016).

These dynamics entangle people from multiple groups and identities, frequently blurring the distinctions between victims and perpetrators, state, paramilitary and non-state armed forces. Taking a restorative justice approach means recognizing that while multiple actors may identify themselves as victims and/or aggressors, there is still a need for all concerned to acknowledge their obligations in relation to the harm caused and work towards accountability, reparation, healing and prevention (Zehr, 1990). Additionally, throughout the peace process, one of the most challenging cross-cutting elements has been the **role and place of culture and identity**. This reflects the reality that the Bangsamoro territory is composed of multiple Islamic and non-Islamic tribal communities, along with Christian settler groups that migrated over the years from other areas of the Philippines. In fact, the Transitional Justice and Reconciliation Commission (TJRC) report states that the core of the conflict was caused by “the imposition of a monolithic Filipino identity and Philippine State by force on multiple ethnic groups in Mindanao and the Sulu archipelago that saw themselves as already preexisting nations and nation-states” (*Report of the Transitional Justice and Reconciliation Commission*, 2016, p. xi).

In other words, while transitional justice processes in the Bangsamoro undergird a transition away from the violence associated with the armed Bangsamoro struggle, countervailing forces across the nation, and particularly in Mindanao, compose an opposite trajectory towards impunity, radicalization and militarization, human rights violations, and entrenchment of a corrupt, authoritarian and anti-democratic political establishment.

The Mindanao experience, however, is not unusual when compared with other situations of extreme violence and protracted conflict around the world (Braithwaite & D’Costa, 2018; Gerlach, 2010). Seeking transitional justice in

such a complex reality therefore requires identifying, strengthening, and adapting local justice social assets and grassroots peacebuilding capabilities to the situation, while maximizing and contextualizing external inputs and formal strategies (Gready & Robinsy, 2014). In this context, according to Filipina scholar-activist Rufa Guiam, TJ is envisioned as “crossing a bridge from a dark, violent past to a brighter, and peaceful future” (cited in Maglana, 2019).

4. FORMAL MECHANISMS AND PROCESSES

The Bangsamoro Transitional Justice and Reconciliation Commission

Transitional justice and reconciliation reflect two dimensions of peacebuilding that are needed for the Philippines to help realize social justice and peace by dealing with the root causes of violence and oppression. As provided for in the Normalization Annex of the CAB, the peace panels agreed to jointly select “an international expert of recognized independence, competence, probity, and integrity” to head a Transitional Justice and Reconciliation Commission (TJRC), for which the panels selected the Swiss Federal Department of Foreign Affairs. The TJRC also included a representative nominated by each respective peace panel, and was tasked to,

- 1) undertake a study and recommend to the Panels the appropriate mechanisms to address legitimate grievances of the Bangsamoro people, correct historical injustices, and address human rights violations and marginalization through land dispossession, towards healing and reconciliation.
- 2) recommend programs and measures that will bring about the reconciliation of the different communities that have been affected by the conflict. (Report of the Transitional Justice and Reconciliation Commission, 2016)

During a recent forum¹² on the peace process, Miriam Colonel-Ferrer, former head negotiator for the Philippine government panel who signed the CAB, emphasized that the TJRC was recommendatory and study group in nature, as there was a consensus from the negotiating panels that the community had to define the elements of TJ, specifically the processes and concepts

¹² “Regional Peoples Assembly on Transitional Justice Solidarity”, Initiatives for International Dialogue, May 2019.

to look into, as going into the details might also derail the negotiations. Additionally, in setting up the actual TJRC, cultural differences served as one of the key factors for contextualizing TJ in the Philippines vis-a-vis the Dealing with the Past framework. The DWP framework reflected the background of the Swiss expert who came with extensive Latin American experience that emphasized a strong dichotomization between victims and perpetrators. The framework was then contextualized and "Filipinized" to focus on both victims and perpetrators and the dynamics of trauma and victimization on both sides, with the end goal of harmonious co-existence. Thus, it was transitional justice AND reconciliation (TJR) not just transitional justice (TJ). Miriam Colonel-Ferrer also recalled feedback from former Philippines President Benigno Aquino III, who felt that the TJRC report and recommendations were too monolithic on how the Philippine state and the various administrations addressed the issues of inequities that happened in the past ("Regional Solidarity Summit," 2019).

According to former MILF-nominated member Ishak Mastura, the commission kept in mind that the Philippines faces three major social dynamics inhibiting transitional justice and reconciliation:

1. Filipinos, as people, are more concerned on the present, not the past nor the future;
2. Filipinos are afraid of systemic societal change, which the TJ espouses, so they would rather focus on changing people instead of changing the system;
3. The Philippines holds to the unitary structure/strong one-man rule, wherein the imperial president is on the top of the apex.

Furthermore, the presenting issues identified as legitimate grievances of the Bangsamoro people - historical injustices, human rights violations, and marginalization through land dispossession - are closely inter-related with three mutually reinforcing phenomena: 1) systemic violence; 2) culture of impunity; and 3) deep neglect. Thus, the TJRC was set up as a study group, not "hard" like a Truth Commission, as it was the first time it was introduced as part of the peace process. It was guided by principles of a Bangsamoro/Filipino model, with a sense of ownership, gender and culture sensitivity, realism, and meaningfulness.¹³

¹³ Ibid

The TJRC obtained expertise and assistance from other organizations, such as the World Bank, which also conducted a separate, in-depth technical report on land issues. The commission convened discussions with Filipino historians and experts, and gathered stories and narratives at the grassroots level through listening processes farmed out across Mindanao. In completing its work, the TJRC issued three reports: The main report with its recommendations, in 2016; and in 2017, a report on the listening process itself that was used to craft the recommendations, as well as the "Land Report" on "Dealing with the Past and Land Dispossession in the Bangsamoro."

While the TJRC identified specific core concerns for resolving the root causes of the armed struggle, it also closed in on the 'Bangsamoro opportunity.' The implementation of the TJRC recommendations are framed as a "unique and extraordinary opportunity not only for Bangsamoro, but also for the whole Filipino nation," as transformational imperatives:

- 1) Asserting the historical and cultural resilience of the Bangsamoro and indigenous peoples to be recognized as a vibrant and constructive part of the Philippines, based on the acknowledgment of plural identities;
- 2) For the Philippine State to assume the political and moral responsibility for all of its peoples by opening and strengthening spaces for political debate and for the nonviolent management of conflicting views and interests;
- 3) For the Philippines to join hands with the Bangsamoro and indigenous peoples to promote the rule of law, security, and development in the Bangsamoro as a potential model for the rest of the country.
- 4) For the Philippines and the Bangsamoro to embrace diversity as one of the key human resources of its society, and for the country to become a champion in the protection of diversity and territorial integrity at the regional and international levels. (*Report of the Transitional Justice and Reconciliation Commission*, 2016).

In line with this, the TJRC recommendations take into account the many losses, traumas and other adverse effects of the armed conflict in Mindanao. They were elaborated with the intention of "opening the path for a joint Bangsamoro and Filipino process" of dealing with the past that can address both the root causes of the conflict and their consequences while building on the extraordinary capacity for resilience. As stated earlier, this involves two arenas of action: transitional justice, which is oriented towards

institutional and governmental mechanisms; and reconciliation, which is oriented towards healing and social reconstruction at the community level. As many scholars believe, “societies recovering from oppression or violent conflict need both legal and restorative approaches, addressing different levels and dimensions of truth and justice” (Fischer, 2011). Justice and reconciliation are complementary and the report and recommendations of the TJRC emphasize both.

In implementing the CAB, it is the Bangsamoro Transitional Authority (BTA) that acts as the key driver of the process. There is a statutory imperative on the BTA to implement TJR under article 9 of the Bangsamoro Organic Law since the BTA will function as the interim Bangsamoro government until 2022. During this time it will also focus on improving governance by establishing new administrative and parliamentary mechanisms and revamping existing bodies to improve security, socio-economic development, human capital, intergovernmental relations and transparency. This needs to be accomplished while ensuring the delivery of basic services, addressing acute issues, such as the delayed Marawi reconstruction process and ongoing threats of violent extremism. It also means facilitating the return to normalization of government and rebel armed forces and the transformation of their camps.

The challenges facing the BTA, along with the nature of implementing results from formal peace talks along the vertical axis of conflict, means that the majority of recommendations are geared towards judicial, security, and other formal institutions of government (at all levels), including the to-be established Bangsamoro Autonomous Government in 2022. Therefore, it is imperative that the “reconciliation” element in TJR undergo further elaboration and popularization in order to engender a more effective and sustainable peace at the horizontal level by embedding grass roots restorative processes within the formal DWP framework that guides the overall TJR process. *In essence, IID’s transitional justice project is an attempt to do deepen the articulation of reconciliation in transitional justice through a model of community-based restorative justice (CBRJ)¹⁴ in Mindanao, and in the Philippines as a whole.*

¹⁴ CBRJ as a term is used instead of transformative justice (another term proposed by civil society) as RJ is already a concept with a history in the Philippines, and *transformative* justice was easily confused with *transitional* justice. Regardless, transformation is the overall goal of both CBRJ and Transitional justice in the peace process.



Memory wall. Victims, survivors, defenders and healers alike translate their personal reflection into words, symbols, and drawings that matter to them as mnemonic resources to facilitate individual and collective memory of past atrocities.



Mass grave of the nameless fallen in the Marawi Public Cemetery. May 23, 2019, Meranaw civil society and community leaders, including solidarity advocates, memorialized the two year anniversary of the Marawi siege by installing a marker for the still unidentified persons who were buried in the Maqbara (public cemetery) in Marawi City.



PART 2

Models of Justice and Reconciliation: Learning from the world



Moro civil society leaders and peace advocates during a memorialization initiative in Marawi City.

A.

REVIEW OF RELATED LITERATURE

1. TRANSITIONAL JUSTICE

Background

Transitional justice dares to ask the most difficult question on law and politics, restructuring the discourse towards the safety, human dignity and protection of citizens from the state and their right to be effectively protected from abuse and other violations. It is defined by the United Nations as “the full range of processes and mechanisms associated with a society’s attempts to come to terms with the legacy of large-scale human rights abuses, in order to ensure full accountability, service justice and achieve reconciliation” (*Guidance Note of the Secretary General: United Nations Approach to Transitional Justice*, 2010, p. 2).

Transitional justice was conceptualized by human rights activists in the late 1980s to describe the different ways that countries deal with the massive human rights violations of previous governments. This was particularly highlighted in discussions over “dealing with the past” in Latin America’s attempts to address the legacies of impunity and human rights violations under dictatorial rule, and “democratic transitions” that occurred in the early 1990s within former Soviet bloc countries. South Africa’s de-institutionalization of structural injustice in the transition from Apartheid was also a significant model informing many nations’ efforts at holding perpetrators accountable for mass violence in post-conflict reconstruction (International Center for Transitional Justice, 2009; Teitel, 2014).

Concepts, Mechanisms and Challenges

As a descriptive term, the “transitional” aspect of transitional justice honed-in on the critical importance of the immediate aftermath of large-scale violence, though there has been no overall consensus on the length of that

time period nor what processes should be included therein. Transitional justice has tended to reflect the legal and criminal justice orientations of the human rights activists who witnessed (and some who experienced) extreme human rights abuses, and so first developed the movement, "with a distinct set of measures—prosecutions, truth-telling, restitution or reparation, and reform of abusive state institutions—whose aims were to provide justice for victims and to facilitate the transition in question" (Arthur, 2009, p. 325). In attempting to create accountability mechanisms going beyond the "naming and shaming" campaigns that helped depose dictatorial regimes, TJ was designed to criminalize state wrongdoings, inscribing them in the universal human rights framework, helping pave the way for the recognition and integration of human rights and international law through international cooperation (Arthur, 2009; Teitel, 2000).

Truth-telling, non-judicial processes and legal accountability

Truth-telling or truth recovery has revealed itself to be fundamental in the TJ process, though there have been two streams of thought and practice on how this might happen. Truth commissions have been organized in order to correct unjust historical narratives and facilitate uncovering, exposing and resolving the causes and effects of violence and impunity through public fora and broad social conversations. This has sometimes involved promoting restorative conciliation processes among victims and offenders. Drawing on the 1998 South African Truth and Reconciliation Commission (TRC) report, four "profiles" of truth were identified:

1. factual truth, reached by "bringing to light factual, corroborated evidence, of obtaining accurate information through reliable (impartial, objective) procedures";
2. ...personal or narrative truth...from listening to "people's perceptions, stories, myths and experiences"; pursued through testimonies, which provide "unique insights into the pain of (South Africa's) past," while also carrying a strong healing potential;
3. a social, dialogical...truth is...instrumental to "transcend the divisions of the past, to provide an environment in which all possible views could be considered and weighed"; and thus particularly instrumental for reconciliation; and

4. ...a healing and restorative truth... “that places facts and what they mean within the context of human relationships – both amongst citizens and between the state and its citizens” (TRC of South Africa Report in Girelli, 2017, pp. 47–48).

Since then, scholars and activists problematized truth even further, identifying a fifth dimension that includes “Legal or judicial truth” – which is qualified with the statement – “what is legal is not necessarily just” (Bleeker 2016 in Maglana, 2019).

Hayner (2011) has identified five essential aims of truth commissions.

1. to discover, clarify, and formally acknowledge past abuses;
2. to address the needs of victims;
3. to “counter impunity” and advance individual accountability;
4. to outline institutional responsibility and recommend reforms; and
5. to promote reconciliation and reduce conflict over the past (p. 20).

On the other hand, tribunals and courts in transitional justice are strengthened or created by national governments and/or international multi-lateral organizations to investigate human rights abuses and hold those responsible criminally liable. Thus, according to Hayner, truth commissions tend to be focused on victims’ needs, stories and agenda, while prosecutions and related legal procedures are focused primarily on offenders and perpetrators. The primary objective in prosecutorial processes is not absolute justice, but vindication for victims through the prosecution of high-level actors. Yet all these efforts have to contend with the social dynamics and political instability of transitions and fragile peace agreements, while attempting to re-solidify the institutional foundations necessary for democracy to grow.

In assessing truth commissions, Hayner analyzed 40 truth commissions that ran between 1974 and 2009, and concluded that truth commissions have made significant contributions to post-conflict peacebuilding, that they can be an important part of transitional justice processes, and that civil society participation is essential. Her conclusion was highly qualified, however, as they need to be realistically conceived, carefully constructed, appropriately contextualized, and meaningfully operationalized, in concert with other

measures of transitional justice, in order to positively contribute to the goals they are intended to achieve. Critical factors affecting the outcomes include the number of victims involved, the strength of complementary institutions and judicial measures, and the will of perpetrators to participate (p. 6). The often lofty goals of truth and reconciliation these mechanisms represent therefore need to be well understood as aspirational with qualified expectations - especially due to the fact that the majority of recommendations put out by the commissions remain without meaningful implementation the world over.

Localizing transitional justice and transformation

Since the early 2000s, scholars began recognizing and attempting to incorporate local justice processes, gender justice, historic harm and grassroots participation under a broader rubric of *transformative justice* (Daly, 2001; Fischer, 2011; Lundy, 2009). TJ expanded to include cases where there is actually no political "transition" within an existing liberal democracy, for example, in articulating a collective approach to historic injustice against indigenous peoples as in Canada, New Zealand and Australia. We must also pay attention to cases where TJ is used to mask or subvert its intended positive social transformations such as in a transition to a non-liberal democracy. Hansen identifies four distinct political situations where TJ has been applied: Transitional Justice in Transitions (to liberal democracy); Transitional Justice in Non-liberal transitions; Transitional Justice in Deeply Conflicted Societies and Transitional Justice in Consolidated Democracies (2011). This opens our eyes to situations of what one scholar calls transitional injustice or TiJ, such as with the Transitional Justice and Reconciliation Commission set up in Thailand after the massacre of Red Shirt political activists. This commission turned out to be an effort by the military government to suppress the memory of the movement and increase surveillance of the opposition (Sripokangkul, 2019). The Philippines current context falls somewhere in the reality of "transitional justice in a deeply conflicted society" which is in danger of becoming a situation of greater transitional injustice. Thus, transitional justice must not only be contextualized, but constantly assessed and contested to ensure that it achieves its intended ends. It should be promoted as a critical element in broader efforts at peacebuilding and the transformation of societies from negative peace to positive peace, that is, from the absence of violence to the presence of social justice (Sharp, 2015).

Transitional justice concepts and predecessors in the Bangsamoro peace process

► *Early efforts at transitional justice*

In order to understand how TJ fits into the current Bangsamoro peace process, it is important to understand the antecedents and formative elements that preceded the creation of the Bangsamoro Transitional Justice and Reconciliation Commission. Most analysts date initial efforts to the people power revolution of 1986, where the severity of the human rights reality can be seen in the number of cases filed in various jurisdictions, to wit:

In 1987, the Task Force Detainees of the Philippines...filed around 700 cases on various human rights abuses. The successor to the PCHR, the Commission on Human Rights, received 12,000 complaints in its first six years. But only half of the investigated complaints reached the prosecutor's office and the courts. And of the 200 decided cases, only fifty cases brought convictions (Plantilla, 1997).

Though it was not framed using transitional justice terminology, the anchor for transitional justice after the fall of Ferdinand Marcos's dictatorship was the creation of the 1987 constitution. An early attempt at a transitional justice truth commission in the Philippines (though it was also developed before the concept of TJ existed) was the Presidential Commission on Human Rights (PCHR), which ran from 1986-1987. It was supposed to investigate abuses committed from 1972-1986, but no budget or staff was given to it, and it withered away after the first 7-person committee resigned in response to the Mendiola massacre in January 1987.

Carranza argues that the Presidential Commission on Good Governance (PCGG), which was also created about the same time as the PCHR, and which he was a member of, was also a TJ mechanism, and that together they "confronted the Marcos dictatorship's twin legacies of corruption and human rights violations" (Carranza, 2014, p. 25). He attributes their inability to effectively carry out their mandates (despite some successes of the PCGG), as enabling the continuation of impunity, injustice and political instability over the long term. A mid-1990s analysis of "transitional justice" in the Philippines concluded,

Our experience of transitional justice started out strong, with the power of the people supporting it, but ultimately it failed to address

the fundamental institutional obstacles to justice in our country. It has created as many questions as it answered. Most of the victims of human rights violations under the Marcos administration are still waiting for justice. And the majority of the Philippine population still suffer the same old social and economic injustices (Plantilla, 1997).

These limited formal efforts have been complemented by private initiatives such as the *Bantayog ng mga Bayani*, a museum and memorial established for those who struggled and died opposing the Marcos administration. There has also been a successful civil lawsuit against the estate of the Marcos family that was filed in an American court. Efforts limped along, and a 2004 assessment mission by the International Centre for Transitional Justice “made some practical suggestions...but issues of acknowledgement and accountability were deemed intractable. The ICTJ merely conjectured about an initiative through or within ASEAN” (Sales, 2009, p. 325). With this, the discourse around transitional justice receded until it would reemerge during the Bangsamoro peace process.

However, a number of TJ-like commissions of inquiry have been conducted over the years in relation to impunity and extra-judicial killings. The first was actually initiated under Marcos, the Agrava Fact Finding Commission into the assassination of Ninoy Aquino in 1983; this was followed by the 1990 Davide inquiry into the coups that threatened the Aquino presidency; the Feliciano Commission on the 2003 Oakwood mutiny; and the Melo commission of 2007, which inquired into the numerous extra-judicial killings that occurred during the first part of the Arroyo administration. A 2009 assessment of these reports, following the visit of the UN special rapporteur on impunity, ended with the following skeptical conclusion:

There is a general acceptance, despite overwhelming evidence, that the system can work, that those who abuse it need only to be identified and punished. Various inquiries and commissions have gone about their work as if dysfunctional governance and a culture of violence with impunity can be tackled in the course of a few hearings. Successive regimes have established fact-finding missions as if the exposure of bad elements will put an end to state terror and other excesses; but, just as motorcycle-riding assassins frequently disappear through the gates of army camps, so the senior officials who send them on their murderous assignments often disappear through the doors of government departments (Sales, 2009, pp. 333-334).

An Asia Foundation study was published the following year and analyzed extra-judicial killings from 2000-2010. It found that, overall, 57% of assailants were simply unknown, while the vast majority, 77% of the known criminally charged perpetrators, were associated with Philippine military, police or politicians, and only 23% with rebel groups. However, the actual percentage of killings instigated by the government was probably higher as 94% of the victims were associated with alleged front groups of the CPP/NPA/NDF (Parreño, 2010).

In terms of broader indicators of state-organized violence, further analysis of data between 2006-2015 indicates that in spite of fluctuation in overall numbers across the two presidential administrations, police in the Philippines were consistently the most lethal in their use of deadly force. In fact, even prior to the Duterte administration, the PNP's lethality "dwarfed" even the most violent comparative jurisdictions globally such as Chicago, Jamaica and Brazil (Kreuzer, 2018, p. 681). This indicates that the primary institution to be held accountable for the culture of impunity that permeates the Philippines political and judicial system is the government itself.

In hindsight, Carranza highlights the importance of addressing corruption in the Philippines transitional efforts as the failure to fully recover and prevent the use of the Marcos family's hidden wealth allowed them to continue funding efforts white-washing their legacies of violence, supporting and insulating military officers responsible for violations, and funding campaigns of future politicians who would ignore if not undermine efforts at accountability. In spite of these serious deficiencies, the Human Rights Victims Reparation and Recognition Act (RA 10368) was passed in 2013 and provided for compensation, as well as "backdoor truth seeking" for victims of human rights abuses under the Marcos regime, through the Human Rights Victims Compensation Board (HRVCB) (Carranza, 2014, p. 26). Alternative law groups made a comprehensive assessment of TJ in the Philippines in 2018, stating that the lack of success has had devastating effects for the country's polity and society:

Governments since the time of Corazon Aquino have failed to address transitional justice issues at its core. Their initiatives of justice and reconciliation for the victims of conflicts are bereft with clear framework of settling down social issues which have nailed people into poverty, inequality, and discrimination. (sic.) Many leaders have emulated their former masters so much they perpetuate their oppressive habits in form and in substance (*A Research Scoping Major and Outstanding Issues on Transitional Justice in the Philippines*, 2018, p. 124).

► **Current frameworks of TJ in the Bangsamoro**

The framework that the TJRC used to guide their work was the Dealing with the Past (DWP) model, but it was modified early on in its application in the Philippines. Dealing with the Past is based on the four principles against impunity recommended by judge and UN special rapporteur Louis Joinet in 1997. The Joinet principles have been used and applied in a variety of ways and frameworks around the world, and DWP is one such articulation. The DWP framework involves “long term, more encompassing and more inclusive processes to address serious cases of HR [human rights] abuses” based on these four pillars:

Right to Know: which can involve Truth Commissions, Fact-finding bodies, Oral History and Memory Initiatives and Documentation and Archives;

Right to Justice: such as various types of courts, tribunals and even non-formal indigenous accountability forums;

Right to Reparation: in the form of material compensation or symbolic restitution;

Guarantee of Non-recurrence: preventing the return of widespread violence through vetting of security and government personnel, security sector reform, disarmament and demobilization, rule of law initiatives, and other measures.

The first three pillars are essentially backwards-looking and provide the primary strategies for dealing with the past, while the institutional reforms needed to guarantee non-recurrence are prospective and future oriented (*A Conceptual Framework for Dealing with the Past: Holism in Principle and Practice*, 2012; Maglana, 2019).

► **Human Rights Victims Reparation and Recognition Act of 2013**

The HR Victims Claims Board (HRVCB), which was created under the 2013 act, is a very relevant mechanism of transitional justice in the Philippines and much can be learned from their work. These included difficulty in gathering documentary evidence, limited time and resources (two years were spent in preparations, one year for the drafting of their implementing rules and regulations, and thirteen months to verify more than seventy five thousand applications), and communication with claimants (particularly those in far-flung areas).

As per records of the Claims Board, 75,749 victims/survivors filed their claims, with only 11,103 approved (14.6%). As per their verification process, they found 1,941 deaths happened during martial law, 384 cases enforced disappearances and 1,923 individuals who were tortured. More than 9.7 billion pesos was released for the reparations when they ended their work on May 12, 2018. However, during one of this project's gatherings, Atty. Carmelo Crisanto, who is the head of the Memorialization Commission (which succeeded the victims claims board), noted (with sadness) that many applicants were not able to submit sufficient evidence as the requirements were too much for many victims to recreate. Aggregated data also showed that only .007% of the reparations were given to the Bangsamoro people.

He said that a truth commission should have been created prior to the claims board to take charge of the listening and verification process. He also suggested that non-monetary reparations be made available to victims/survivors and their families, and memorialization be given to the victims and survivors. The efforts of the HRVCB were (coincidentally) implemented as discussions began over TJ in the CAB and provided important insights on successes and failures in implementing a victims compensation program, as only a tiny percentage of claimants were Bangsamoro or indigenous.

Recently, the Human Rights Violation Victims Memorial Commission (HRVVMC), or MEMCOM, was created under Republic Act 10368. Its primary mandate is to establish, restore, preserve and conserve a memorial museum, library, archive and compendium in honor of the victims of human rights violations during the Marcos regime. The budget for the museum is Php 500 million, with the University of the Philippines providing the land. The signing of the memorandum of understanding was made on September 21, 2018.

Crisanto said they would like to have the Martial Law period and the heroism of the victims and survivors recognized as a UNESCO-accredited memory or a part of the memory of the world. The fight of the Filipino people from 1972 to 1986 has spawned and inspired seventy-seven democracies all over the world, and it is humanity's loss if their struggle for freedom, democracy and human rights is obliterated or not remembered.

2. RECONCILIATION

Writing in 2005, David Becker poses the question, which is the title of his article, "Reconciliation - The wrong path to peace?" He goes on to criticize the ways in which reconciliation, as a concept, often undergirds, if not defines, the work of peacebuilding, trauma recovery, truth commissions and transitional justice as a desirable end-state condition. From working in conflict areas as diverse as Sierra Leone, Chile and Israel/Palestine, he deconstructs the notion and shares his deep ambivalence towards the term. His criticism is three-fold: that reconciliation as a term is morally compromised due to its religious, especially Christian, connotations and non-negotiability. Second it is politically compromised via manipulation by political elites and perpetrators to mask injustice. Third, he assailed it as psychologically re-traumatizing and disempowering of victims' self-determination by mandating forgiveness. This forced forgiveness dynamic directly contravenes the victims' struggle to regain agency and control, to work through their profound traumas and mourn their losses.

Those of us working in human rights organisations hated the term; for us it meant nothing more than denial, the willingness to forget the past, the victims, and their suffering. When the possibility of change finally appeared on the horizon, once again the perpetrators were protected. Reconciliation for us was synonymous with impunity (Becker, 2005, pp. 168-169).

Nonetheless, he concedes that reconciliation has been accepted as a core component in peace and justice agendas, and thus attempts to reconstruct a concept of reconciliation that mitigates the deficiencies he identified. Drawing on several sources, he asserts that rehabilitating reconciliation means detaching it from obligatory Christian connotations and the subsequent obligation to forgive. Second, rather than focusing on an end-state of interpersonal harmony, reconciliation involves "a long process of change that implies acknowledging, remembering and learning from the past," while clarifying that reconciliation is not:

- an excuse for impunity
- only an individual process
- in opposition to/an alternative to truth or justice
- a quick answer
- a religious concept
- perfect peace
- an excuse to forget nor a matter of merely forgiving (Becker, 2005, p. 175)

Becker draws on the work of Hamber and Kelly (2005), who suggest a "working definition" of reconciliation that is easy to understand, and addresses "conflictual and fractured relationships" and based on the "premise that relationships require attention to build peace," making reconciliation a

A Working Definition of Reconciliation

© Brandon Hamber & Gráinne Kelly

September 2004

Our working hypothesis is that reconciliation is a necessary process following conflict. However, we believe it is a **voluntary act and cannot be imposed** (IDEA, 2003). It involves five interwoven and related strands:

Developing a shared vision of an interdependent and fair society

The articulation of a common vision of an interdependent, just, equitable, open and diverse society. The development of a vision of a shared future requiring the involvement of the whole society, at all levels.

Acknowledging and dealing with the past

Acknowledging the hurt, losses, truths and suffering of the past. Providing the mechanisms for justice, healing, restitution or reparation, and restoration (including apologies if necessary and steps aimed at redress). Individuals and institutions acknowledge their own role in the conflicts of the past, accepting and learning from it in a constructive way so as to guarantee non-repetition.

Building positive relationships

Relationship building or renewal following violent conflict addressing issues of trust, prejudice, intolerance in this process resulting in accepting commonalities and differences, and embracing and engaging with those who are different to us.

Significant cultural and attitudinal change

Changes in how people relate to, and their attitudes towards, one another. The culture of suspicion, fear, mistrust and violence is broken down and opportunities and space opened up in which people can hear and be heard. A culture of respect for human rights and human difference is developed creating a context where each citizen becomes an active participant in society and feels a sense of belonging.

Substantial social, economic and political change

The social, economic and political structures which gave rise to the conflict and estrangement are identified, reconstructed or addressed, and transformed.

Two other factors are critically important, namely:

Reconciliation involves a **PARADOX**, e.g. reconciliation promotes an encounter between the open expression of the painful past but at the same time seeks a long-term, interdependent future (see Lederach, 1997). Reconciliation as a concept is always influenced by an individual's underlying assumptions. There are different **IDEOLOGIES** of reconciliation, e.g. a religious ideology often emphasises the re-discovering of a new conscience of individuals and society through moral reflection, repentance, confession and rebirth, but a human rights approach might see it as a process only achieved by regulating social interaction through the rule of law and preventing certain forms of violations of rights from happening again (see Hamber and van der Merwe, 1998; van der Merwe, 1999; Hamber, 2002).

Working definition developed by Brandon Hamber (✉ mail@brandonhamber.com) and Gráinne Kelly (✉ grainne@democraticdialogue.org) in June 2004 for Democratic Dialogue, www.democraticdialogue.org.

Working definition developed and adapted from: IDEA, 2003; Lederach, 1997; Porter, 2003; ADM/CPA, 2000; Rigby, 2001; Hamber, 2002; Hamber and van der Merwe, 1998; van der Merwe, 1999; Assefa 2001

Political Reconciliation

Philpott (2012), rather than tying reconciliation to peacebuilding, construes reconciliation as “a framework of justice that considers the past as a whole, integrating all of the important facets of justice while attending to the particularities of each” where “the central meaning of reconciliation is the restoration of right relationship” (pp. 3, 5). He focuses on the application of reconciliation in transitional justice situations, what he calls “political reconciliation,” that involves the “restoration of right relationship within or between political communities” (p. 16). In particular, he notes that this is a form of restorative justice, which includes a “broad portfolio of practices that redress the multiform wounds that massive political injustices inflict” where “the goal is respected citizenship defined by human rights, the rule of law within political communities, and respect for international law between political communities” (pp. 5, 6).

His contribution is in identifying the “wounds of political injustice” as the way in which “a political injustice ruptures right relationship within or between political communities and diminishes the human flourishing of those who are involved in that injustice” (p. 31), in particular, the victims, offenders, the wider community and the state. What makes the wounds of political injustice different than other crimes or natural disasters is the intent by which they are inflicted as,

“acts that directly disregard or purposely seek to violate their victim's human rights and dignity in the name of a political regime or ideology... The question of intent is essential to how the parties involved, especially victims, understand the loss of loved ones, bodily injury, and trauma that these injustices produce—namely, as losses that are compounded by their political, communal dimension” (p. 32).

He delineates these in order to help us understand the mechanisms of healing and political reconciliation needed as a response to the following wounds:

1. *The violation of the victim's human rights*, which is not only a concrete act of political injustice, but represents the wounded respect and dignity of the victim, such that, “when perpetrators violate human rights, they not only injure or extinguish a victim's life, bodily integrity, property or whatever good it is that rights protect, but they also disrespect the status and recognition that the victim rightly enjoys

under the law," that is, the victims' relationships with the state and civil society which the state represents are also damaged (p. 33).

2. *Harms to the Victim's Person*, which result in political or politicized trauma as political injustice and violence "are inflicted on body and soul, their political dimensions move from the motive of the perpetrator into the understanding of the victims" necessitating that "if politics is the source of wounds, then politics must be included in their diagnosis" (p. 35). He expounds further that when the "political dimension of the wound has encamped in the victim's understanding," an intense fear and helplessness results due to the overwhelming force of the regime responsible. Referencing the work of Elaine Scarry's "The Body in Pain," this is most cruelly revealed by the "language-destroying, world-destroying act of torture, through which a regime makes pain into the victim's lived reality and then stamps its own insignia onto that pain" where the purpose is "the victim's betrayal of his own beliefs and morality" so they may even "feel guilty for their own resistance or the death of loved ones" (p. 35).
3. *The Victim's Ignorance of the Source and Circumstances of Political Injustices*, which leads to the "trauma of uncertainty" that "flows from regimes' strategies of silence, strategies that they maintain long after they commit their injustices" (p. 36).
4. *Lack of Acknowledgement of the Suffering of Victims*, which entails a form of social isolation, a redux of the violation of human rights and the dignity of the person through the failure of the political community to recognize the losses that resulted in the name of the state. It is a strategy to prevent communication by which the "regime must not only suppress the victim's communication but also prevent other citizens from communicating with the victim or speaking out on behalf" (p. 38).
5. *The Standing Victory of the Wrongdoer's Political Injustice*, which represents how "the injustice continues to 'stand over' the victim and to stand against the norms of a just community...until it has been defeated decisively by a forceful, countervailing message of justice" (p. 38). This is the subtle but real message of a society that condones violence, in effect saying that what happened was okay, and is the key ingredient

in a culture of impunity. This involves a collective justification of the violence by which the community becomes complicit in the injustice.

6. *Harm to the Person of the Wrongdoer*, which conveys how evil and violence have a rebound effect upon the wrongdoer that "separates the wrongdoer's actions and commitments from his true moral self and is thereby destructive" (p. 40). This also causes the disintegration and fracturing of the soul and conscience of the individual as s/he rationalizes the violence, which can manifest in the suicide of perpetrators.

In response to the wounds of political injustice, Philpott proposes six practices of political reconciliation as *restorative* responses that mirror some of the mechanisms proposed by transitional justice. However, for Philpott, they are different from transitional justice mechanisms in that they are oriented by a restorative ethic of political reconciliation. In other words, the practices are necessary antidotes to the six wounds of political injustice and include: Building Socially Just Institutions, Acknowledgement, Reparations, Apologies, Restorative Punishment and Forgiveness (noting that the practice of "Restorative Punishment" is different from concepts of punishment that focus on retribution and deterrence¹⁵). Philpott argues that the six responses are grounded by the primary intention of relational restoration of culture and polity in order to overturn the standing victory of the regime's injustice.¹⁶

¹⁵ Various theories of punishment define its purpose as inflicting pain as a repayment for pain caused (punitive retribution); as a re-balancing of losses/wrongs caused by injustice (punitive restitution/compensation); as a deterrent to committing further violence (utilitarian deterrence); or as a means of reforming the perpetrator (utilitarian rehabilitation).

¹⁶ Philpott suggests that restorative punishment's purpose is neither utilitarian nor punitive, but is enacted to communicate socio-political disapproval and rejection of the acts of injustice while respecting the human rights of the wrongdoer him/her self and the potential for direct reparation.

3. RESTORATIVE JUSTICE

The conceptual background of restorative justice

In the modern legal conception of law that developed during and after the colonial period, violence and crime are primarily seen as incurring a debt to society, a legal offense against the state, or a violation of abstract human rights norms and standards. Under this paradigm, certain aspects, such as the psycho-social and cultural dimensions of violence were often lost. What is now called restorative justice (RJ) therefore emerged in North America, Europe, Australia and New Zealand during the late 1970s and 1980s as a corrective model of justice centralizing and prioritizing relationships in the justice process, as well as both the personal impacts and social harms that result from violence and offense (Suzuki & Wood, 2017; Zehr, 1990).

Legal processes have traditionally been driven by the need to establish guilt, rather than to restore relationships, repair harm, or rebuild community. Thus the psycho-social dynamics relevant to both victims, offenders, and community are excluded since they are not considered relevant facts in determining guilt. As Zehr states,

The legal concept of guilt which guides the justice process is highly technical, abstracted from experience. This makes it easier for offenders to avoid accepting personal responsibility for their behavior. It also frustrates victims, who find it difficult to match the legal description of the event with their own experience. Both victims and offender are forced to speak the language of the “system,” to define their reality in its terms instead of their own (1990, p. 72).

A restorative justice approach to reconciliation is oriented by the harm done rather than the law broken, and encourages society to see the crime not simply as a violation of a rule, but also as a violation of the person, resulting in pain, anger, fear, and shame. RJ recognizes that the various ripple effects (social, economic, cultural) of violations spread out to the person’s immediate family, and the wider community, where an affected circle of friends and neighbors may have a sense of diminished trust, insecurity, loss of income, and cultural marginalization. Additionally,

restorative justice would task us to consider the humanity of the offender: What factors may have contributed to him or her committing such an act? What is the psycho-social context of the offender's action and what underlying unmet needs or capacities require intervention? In raising such questions, RJ provides an important corrective to systemic and structural violence, as well as direct personal violence.

Pillars and principles of RJ

Zehr identifies three pillars of the restorative justice model: justice that focuses on the actual and relational *harms* caused by an offense; the corresponding *obligations* that offenders have to repair the harm to the victim; and direct *engagement* in the justice process by victims, community and a broader coalition of stakeholders. RJ seeks to answer three basic questions: Who has been harmed? What are their needs? and Whose obligations are these? (Zehr, 2015, pp. 31–35). Thus, RJ orients justice processes in terms of *relational* imperatives that address the interconnected humanity of those involved in, and affected by, violence; the restoration and transformation of victims' agency; and the prioritization of community as a direct relational and cultural stakeholder of justice.

Many scholars emphasize that RJ is as much a way of thinking as it is of practice, and so building on Van Ness, Morris and Maxwell's five principles of RJ, we propose six underlying orientations in thinking restoratively about justice in the aftermath of extreme violence (Van Ness, Morris, & Maxwell, 2001, pp. 5–6):

- 1) “restorative justice invites full participation and consensus” thus affirming the agency of all involved, and the expansive view towards stakeholder inclusion
- 2) “restorative justice seeks to heal what is broken” which means appreciating the humanity and woundedness of the victim, offender and the community. Particular sensitivity is required to seek out deeper, collective, or more existential needs that must be surfaced, understood and addressed.

- 3) “restorative justice seeks full and direct accountability” which Van Ness and colleagues believe means more than an offender only accepting that s/he has broken a law or are given punishment, but that they “must also face the people they have harmed and see how their actions have damaged others. They should expect to explain their behaviour so that the victim and the community can make sense of it...and take steps to repair that harm.”
- 4) “restorative justice seeks to reunite what has been divided” and recognizes that “one of the most profound harms” of oppression, human rights violations and violence is the divisions and polarizations it creates between people and groups. This opens the door for the possibility of a shared future, of reconciliation and reintegration, where roles created by victimization (victim/survivor, IDP, battered person, etc.) and persecution (offender, convict, perpetrator, criminal) are seen as temporary rather than permanent characteristics, “where people are no longer defined primarily by the harm they may have caused or suffered” and thus may rehumanize peoples’ identity.
- 5) “restorative justice seeks to strengthen the community in order to prevent further harms” by promoting awareness that violence and conflict are sometimes indicators of deeper underlying injustice, structural violence and/or historic oppression.
- 6) To these five principles, based on our experience in Mindanao, we add a sixth, which is that of dimension of cultural power, by which we mean that: restorative justice seeks and affirms cultural multi-dimensionality and the restorative cultural assets of social groups in dealing with crime, violence and oppression.

“Government is responsible for preserving a just order and the community for establishing a just peace,” and so Van Ness and Strong propose a model of restorative justice that defines and limits the roles of the four stakeholders in the justice process: state, community, victim and offender. This means the coercive elements (police and security forces) of government’s ordering power are balanced against the community’s peacebuilding agency, such that, “safety is sought through some combination of governmentally imposed order and community-built peaceful relationships.” This highlights both micro dimensions of resolution (vindication and recompense for victims), and macro dimensions of safety (peace and

order), in a comprehensive restorative justice response. The overall goals orienting the relationships between the four parties include redress (compensation and restitution) and healing for the victim, and (re)habilitation and fairness for offenders (Van Ness & Strong, 2015, pp. 47–54). In the same way that TJ can be misused or misapplied, RJ has to also contend with being coopted or manipulated, particularly in its claims to indigeneity, and is in need of a constant process of critical self-reflection and analysis (Shah, Stauffer, & King, 2017; Tauri, 2014).



RESTORATIVE JUSTICE

(Van Ness and Strong, 2015)



Listening sessions and solidarity gatherings were held with youth, men, women, elders, community and civil society leaders - survivors, victims, defenders, advocates and healers alike - from different areas in Mindanao and in Manila.

Models of Justice and Reconciliation: Learning from Mindanao



A.

COMMUNITY NARRATIVES OF RESILIENCE AND TRUTH TELLING (CASE STUDIES)

These case studies reflect the restorative and transformational justice work undertaken by indigenous and Moro peoples and Christian settlers in their own localities to build and maintain peace, and claim their basic human rights as they collectively journey towards peace.

STORY OF A MORO CHILD OF WAR

A Woman Survivor Rising from the Malisbong Massacre

With narrations from Mariam Kanda, Malisbong Massacre survivor

On September 24, 1974, in the coastal village of Malisbong in Palimbang, Sultan Kudarat, 1,000 Moro men were killed inside a Mosque, while 3,000 women and children were forcibly taken by batches to naval boats anchored off-shore, where they were detained while some of them were raped. 300 houses were also burned by units from the Philippine Army. The horror would continue not only for a month, but lingers until today.

Mariam Kanda, then 14 years old, was newly wed to her equally young husband on the fateful day of September 23. *“Madaling araw, kami po ay nagulantang ng napakalakas na putok sa dalampasigan mula sa ilang barangays ng Palimbang. Lahat ng residente ng barangay Malisbong, Kolong-kolong, Libua, Baliango at sa looban ay tumakbo sa bundok. Lahat kami walang nadala ni katiting man lang pagkain o damit. Naging no man’s land dahil sa operation.”* (At the break of dawn, we were awakened by a loud explosion in the coastline barangays (villages) of Palimbang. All of the residents in barangays Malisbong, Kolong-kolong, Libua, Baliango, and even in the interior ran towards the mountains. We were not able to bring anything, not even food or clothes. The whole town became a no man’s land because of the operation.)

Then municipal councilors Sapal and Pendatun negotiated with the military, and later asked the residents to come down from hiding. Bringing white clothes, or *tandong*, Mariam and the other residents of Palimbang

went down from the mountains with the assurance of the two negotiators that nothing bad would happen.

“Taliwas po doon, napakasakit po.” (The contrary happened.)

The men were led to their impending death, and women and children to unspeakable horror in the days that came. In the Tacbil Masjid (mosque), the government soldiers waited. Men were separated from the women and children. Mariam found it difficult to leave her husband, but the soldiers were not convinced that they were married. *“We were told to kiss each other before he was led to the mosque, along with my father and cousins.”*

In the mosque, the 1,500 men were killed. Some were told to dig their own graves. Children and women were led to the coastline and brought to the naval boat. Mariam said she still remembers the color of the boat, it was grey with the name of “Mindoro.” *“Nung nasa laot na kami, akala naming kung saan kami dadalhin. Walang makain. Walang mainom. Napakaraming mga bata ang namatay, tinatapon na lang.”* (We were in the middle of the sea, unsure to where they will take us. There was no food. No water to drink. A lot of children died. They were just thrown into the sea). Even women who were raped by the soldiers were thrown to the sea. Mariam opted to look after a baby and allowed herself to be urinated upon. *“Yung amoy ihi ka ng bata. Gusto ko*

mangamoy ang sot para hindi makuha ng mga sundalo. Pero hindi pa rin sila naniwala.“ (I wanted to smell like the urine of a baby so the soldiers would not take me. But they still didn’t believe me.)

After a day, the naval boat docked at barangay Kolong-kolong. Mariam, along with the others, saw two barangays in between Malisbong and Kolong-kolong being razed. Nothing was left. The community was bombed. When they were allowed to go down from the naval boat, one woman who was about to be taken by the military tried to stab the soldier with scissors. She was killed in front of the others. A few days later, a male relative who was able to escape the soldiers from the mosque informed them that all the other men were dead. Her father, then Barangay Captain of Malisbong, was one of them.

“After 15 days in Kolong-kolong, I was told that all of them were dead. I was my father’s daughter. It was difficult,” Mariam said.

But during that time, in fact, 80 persons had not been killed. Instead, they were asked to dig their own graves outside the mosque, where they were stripped naked, and then shot. The mosque was also strafed by the soldiers because there some inside who did not want to step out. Up to this day, the bloodstains of those who refused to go outside are still visible on the wall. The owner of the mosque refuses to have anything repaired or cleaned up inside.

At the time, Madaki Kanda, Mariam’s nine-year old nephew, was put inside a sack and was only spared because he could speak Ilocano (a language of the northern Philippines used by some residents of Mindanao). “*Hanggang ngayon, hindi mo siya matanong kung ano ba. Umiiyak pa rin siya,*” she said. (Until now, we could not talk about it with him. He still cries.) The soldiers

said they were looking for members of the Moro National Liberation Front (MNLF) but all of those who were killed were civilians. Another group of 80 males were transferred to another mosque where they were made to drink water, mixed with the urine of soldiers. Eventually, her mother was able to negotiate with the mayor to get her out of the barangay. “I rode a pump boat from Poblacion (central) Palimbang to Cotabato City for six hours. There, I took refuge with the DSWD.”

She lost her parents and her dreams to become a doctor as the pain left by the death of her father was too much to bear. It pushed her to join the MNLF as a *mujahidat* (female mujahedeen) where she led other women in the resistance against government forces. In 1978, encouraged by her brother, she continued with her studies. However, while she graduated with the degree in nursing, she could not find any peace inside her. “We really tried to survive and live our lives, even joining the Moro revolution, and while we finished with a degree, we have never recovered from the pain.”

Upon graduation, she decided to work abroad but returned home after several years. Eventually, she found herself in politics. “It helped, working with others, but I was looking for justice,” Mariam emphasized.

She has since gone into development work beyond her community as a woman leader, and eventually came out in the open to tell her story on the atrocities experienced by the locals during Martial Law. She is also actively working for reparation for the survivors of the Malisbong massacre. Mariam said that by going into peace and development work, she found healing. Being able to tell her story of hope also made a difference for her and the other women in the community.

In 2018, the Human Rights Victims' Claims Board handed out reparations to victims of the late dictator Ferdinand Marcos' martial rule. Of the 1,470 approved claimants for the government reparations in Mindanao, only 33 claimants came from Malisbong. Those who were denied or withdrew from the process said the requirements set by the claims board were too rigid and difficult for ordinary people to comply with. Mariam was one of those people, and did not receive compensation, even after more than four decades since the massacre and the declaration of Martial Law in September 1972. This was a period of grave human rights violations, not only against

individuals who were opposed to the Marcos regime, but against entire communities, such as Mariam's, in Mindanao.

Still, in a civil case, New York City judge Katherine Pol Failla signed the order on April 9, 2019 that mandates the transfer of \$13.75 million (P715 million) from the retrieved assets of the Marcos family to the victims of their patriarch's dictatorial rule. In a recent move, the government has started the review of other claimants and the reparation process. Thus, until today, the assertion for justice, and for the inclusion of the other Mindanao survivors of human rights violations during Marcos' Martial Law regime, continues.

THE OTHER ILAGA STORY

Christian Settlers' Lamentation During the Martial Law Era in Mindanao

With narrations from Christian community leaders in Aleosan, North Cotabato

During Martial Law in the 1970s, a paramilitary group known by their enemies as the “Ilonggo Land Grabbers Association” (Ilaga) gained prominence as protectors of Christian settlers and the Manobo tribe living in Aleosan, North Cotabato who were being harassed and exploited by the Moros. Alongside government troops, they were recruited, armed and fought against the so-called Moro Black Shirts.

Ilaga is the Visayan word for “rat,” and to their supporters the name harkened to the persistence of rats in fighting against Moro secessionists in Mindanao. In carrying out their legendary exploits, they relied on *anting-anting* (talismans) that protected them from bullets, but they were most notorious for the cannibalistic practice of mutilating the bodies of their victims and eating the ears of their enemies. In 1971, they became infamously known for reportedly butchering 65 defenseless Moros in a mosque in North Cotabato. In 1985, one of their members gruesomely killed an Italian missionary priest, Fr. Tulio Favali, in North Cotabato.

In a listening session¹, community members, (some who were descendants of early settlers who arrived in Aleosan in the 1930s and 40s), said that they joined the

Ilaga to protect themselves and their families from the alleged abuse of Moro elites in their community, as well as from the attacks of the Black Shirts. In the 1970s, they shared how the entire community was burned down, including their Church and school, which caused massive displacement. A local LGU official in Aleosan² cited the culture of separation in describing their relationship with the Moro people.

“Maliit pa ako, naririnig ko na—ingat sa mga Moro na iyan, kalaban natin iyan...Takot kami sa Blackshirt noon, parati kami naga bakwit. Akala namin, ‘wala na kaming pag-asa.’” (Even as a child, I already heard that we should be careful of the Moros, as they are our enemies...We were afraid of the Blackshirts before, we had to continuously evacuate. We thought, ‘we have no hope.’)

In time, he started hearing the exploits of an *Ilaga* leader, Kumander Toothpick. The *Ilaga* took on the role of protectors of the community, but they were also labeled as land grabbers (mostly by Moro people), when settlers started to forcefully purchase lands in the area. *“Hindi naman totoo na inagaw namin ang kanilang lupa. May mga tao lang talaga na magaling*

¹ Listening session with Aleosan community leaders by IID, June 2018.

² The key informant expressed anonymity for this document.

gumawa ng istorya at magpaaway” (It is not true that we grabbed their lands. There are some people who really spins stories that result to conflict), residents claimed.

How did the term *Ilaga* surface? This LGU official said that since their homes were burned and looted, Ilonggo settlers took it upon themselves to retaliate against the Moros by doing the same thing that was done to them. “*Ilaga* means *himasin*, or finish off, akin to what a rat does,” he pointed out.

When Moros stole the carabaos (water buffalos) they used in farming, or when they were driven off their lands, the *Ilaga* took the lead in protecting the community by arming themselves.

“Kung maganda ang kalabaw mo, hihingin nila. Kung hindi mo ibigay, wala pa rin—kukunin pa rin nila. Kung may mga tanim kami na palay, pagtutulungan din nila na kuhanin. Parang sila ang may-ari, kaya parang napaisip na rin kami kung hanggang kailan nga ba ang pang aabuso.” (If your water buffalo was of good quality, they would ask for it. If you didn’t give it to them, it didn’t matter, they would take them away. If we harvested rice, they helped themselves to it. They acted like they were the owners, thus we were thinking, ‘until when will this abuse continue?’)

He however still remembers the goodness of some Moro neighbors who would even cry whenever their properties or belongings were destroyed and forcibly taken, “*Kawawa din sila. Parehas kami. Walang naiiwan sa lugar. Umaalis kami lahat.*” (They were also a pitiful sight. We were in the same situation. No one was left in the area. We all fled.) he pointed out. During that time, anything that remained on the ground belonged to the conqueror—the Moro Black Shirts, “*Sila na mga matatapatang, sila ang mga kumukuha ng mga naiiwan.*” (Those who

braved the situation, they were the ones who took what we left behind.)

In 1977, when he won and became the new barangay captain in his town, he thought of coordinating with other officials in nearby barangays (villages) to develop their road network to not only improve their livelihood, but also as an attempt to quell armed groups and individuals who might take advantage of the situation. However, the bulldozer that was used for the road network was ambushed, signaling the start of armed clashes in Barangay Dungguan, Aleosan. Other barangay officials were themselves bent on resisting any road development, and mobilized community members to oppose it by arming them. The Mayor of Aleosan at the time called for a meeting of the Municipal Peace and Order Council, warning everyone that the tension could escalate. It did, for three days, causing displacement and evacuation of the local population.

The LGU official said that from 1997 to 1999 Aleosan experienced a period of peace, until the year 2000, when armed clashes erupted again.

“Tinatawagan ako sa icom o hand-held radio at sinasabihan, ‘alis na kayo diyan dahil lugar namin ang Mindanao, mga settlers lang kayo.’ Hindi ko alam kung sino ang tumatawag, pero dialect ng mga Moro brothers natin. One time sinagot ko, ‘magkapatid naman tayo. Na-Christianize lang kami, pero hindi tayo magkalaban.’” (During that time, somebody would call and say, “You all must leave the area because Mindanao is our land and you are just settlers.” I really did not know who called, but based on the tone, it sounded like one of our Moro brothers. One time I answered, ‘we are all brothers, but we were just Christianized. We are not enemies.’)

Residents from Tomado, Aleosan corroborated this. They also experienced the

same abuse from Moro peoples as early as the 1950's because of their resistance to giving up their land, and in return, some of the settlers were killed. Most claimed that they relocated to Aleosan because their parents were able to buy land from the Moro peoples. According to one community leader,

"Adtong 1950s gikan mi sa Iloilo, wala may yuta ngadto, mao nga niadto mi diri sa Mindanao. Kadtong programa sa gobyerno, pero ang mga Moslem ang gapasulod, mao to nga gi-survey ug gi-title, tapos, naamu-a na." (In the 1950's we came from Iloilo [in the central Visayan region of the Philippines] as we had no lands there, thus we came here to Mindanao. There was a government program (for distributing land), but it was the Muslims who welcomed us, then there was a survey conducted and titles were given, thus the land became ours.)

Peace was disrupted when some of the Moros started to ransack their houses to get their money and their carabaos. Some families were allegedly massacred in their own homes. There were also those who were, without any provocation, sprayed with bullets in their vehicles. During the 1970s, the name of Kumander Toothpick and his exploits in Upi, Maguindanao surfaced. The government started to arm his followers, while some of them were recruited and started to defend themselves by saving up and buying home made guns from other Moros in neighboring barangays.

Residents traced the formation of the *Ilaga* to 1970. With arms to protect themselves, the community took the side of the *Ilaga* while they tried to restart their lives. Repeated skirmishes resulted in them being uprooted from their own barangays, so they sought refuge with other family members in Kidapawan, North Cotabato and even as far as

Sta. Cruz, Davao del Sur. Alarmed, the Mayor of Aleosan asked them to return the lands to the Moro peoples. The division between them became more pronounced.

It was only the initiative of local community members, especially the indigenous Manobo tribe who also had experienced displacement, who paved the way for settlers to start a dialogue with Moro leaders in their own area. Citing the traditional peace pacts, the Manobo datus sought an audience with the Moros in 1974 in a bid to reestablish their relationship as brothers and sisters. These often occurred via conversations and collaborations between neighbors who served as informal intermediaries.

"Giantos gyud namo kung unsa man ang ginabuhay sa amoa, pero niabot sad namo na kinahalanglan gyud mi makigistorya sa ilaha kay naa man mi kasabutan sa una." (While before, we just suffered in silence as to what had been done to us [the atrocities]; we also felt that we had to talk to them, most especially because we had a peace pact [guiding our relationship] with them in the past.)

They however cited that between the Moro and the Manobo tribe, they were more likely to live harmoniously with each other in the community.

"Lahi sa Moro kay hinumduman gyud nila. Ang sa amo man gud, kung human na, peace na gyud. Dili na mi magdumot." (It's different with the Moro because they really remember. Unlike us, if it's done, then peace prevails. We won't bear a grudge anymore.)

Like other local leaders who experienced how it was to be dislocated from their own community, the LGU official³ also took the

³ The key informant expressed anonymity for this document.

initiative to reach out to the Moro community. As a high-ranking municipal public servant, he started the on-going review of land claims in Aleosan and returned questionable land titles to their original owners. He cited the community processes to restore relationship between the Moro, Manobo and settlers in Aleosan to their being involved in peace education conducted by NGOs, the interreligious dialogue program of the Oblates of Mary Immaculate (OMI) and the Pikit Parish. Today, barangays in Aleosan, like Tomado, designate a regular market day and spaces for Moro people in neighboring barangays to be able to display and sell their goods. Inter-marriages were also mentioned as significant actions that also facilitated the restoration of trust and relationships among the different groups.

Analysis

Paramilitary groups and cults emerged in Mindanao as a self-help community protection mechanism to thwart abuse by local elites. This practice, however, was used and manipulated by the government, and in most areas they were formed and supported to fight insurgents. On September 22, 1976, Marcos signed Presidential Decree 1016, creating the Integrated Civilian Home Defense Forces (CHDF) to “expedite the effective solution of the peace and order problems throughout the country and thereby accelerate national socio-economic development.” Alongside government troops, these paramilitary groups, and the CHDF, became visible in local communities and have been criticized for many human rights violations.

After the Marcos dictatorship was ousted, all paramilitary groups were banned under the 1987 constitution, but this was overturned by Executive Order 264, which formed the Citizen Armed Forces Geographical Units (CAFGU) in July 1987. In 1991, Republic Act 7077 or the CAFGU Act, was passed, thus composing the paramilitary as “force

multipliers” for the Philippine Army. In 2006, Executive Order (EO) 546 was signed into law, authorizing local chief executives, through the Philippine National Police, to deputize civilian village security personnel as force multipliers in support of counterinsurgency efforts. In 2008, the government formalized the establishment of “investment defense forces” to protect development projects from armed attacks of the New Peoples Army (NPA), which legalized the revival of Special Civilian Armed Auxiliary (SCAA) units, composed of private security guards of companies.

In 2008, during the Memorandum of Agreement on Ancestral Domain (MOA-AD) debacle, the *Iliga* re-emerged as the Reform Iliga Movement (RIM) and warned the Moro Islamic Liberation Front (MILF) to stop their “harassment and attacks” against civilians in Mindanao. Then, in 2011, suspected members of the Alamara paramilitary in Arakan Valley, North Cotabato, killed another Italian missionary priest, Fr. Fausto “Pops” Tentorio. Thus, the ongoing presence and reality of private armed groups and civilian militias associated with various actors continue to signify an uncertain and tenuous security situation at the community level.

Despite the state-sponsored violence and its penchant to perpetuate divide and rule realities, local peace mechanisms—often based on traditional processes and agreements between the Moro and indigenous peoples, specifically the Manobo tribe in the case of Aleosan, North Cotabato - have re-emerged as the platform by which dialogue takes place and where relationships among community members can be reestablished. Additionally, the ongoing peace mechanisms and education conducted by the parish has proven to be effective in addressing some of the trust issues and deeply-rooted biases among community members.

RECLAIMING MT. FIRIS COMPLEX

The Journey of the Téduray and Lambangian Non-Moro Indigenous Peoples

With narrations and written account from Timuay Santos Unsad, displaced resident of Mt. Firis Complex

“Noon, maganda ang pagsasama ng mga Téduray at Maguindanaoan dahil magkakatabi lang kami ng lugar ng mga kapatid na Maguindanaoan. May pagbibigayan, katahimikan at kapayapaan. Kung maka-ani kami ng palay-kataasan, maghahatid kami doon sa aming mga kapatid na mga Maguindanaoan sa kapatagan, kahit kokonti lang dahil sa kasunduan ni Mamalu at Tabunaway. Sa tuwing mag-aani, yung dalawang gantang bigas ng palay-kaitaasan para sa kanila. Ito ang tinatawag namin na paghahatid ng “SAWIT,” isa sa nilalaman ng kasunduan ni Mamalu at Tabunaway. Pagkatapos, ang mga kapatid na Maguindanaoan, magbibigay ng isda, niyog, asin at iba pa, subalit sa kalaunan ay na-abuso ng iilan sa mga Maguindanaoan ang magandang gawaing iyon. Pinapadalhan na kami ng empty sacks mula 20 hanggang 100, dapat pupunuin namin at ipapahatid sa baba, mismo sa bahay ng nagpadala ng mga sakong walang laman. Yung mga kalabaw na ginagamit sa pang-araro, kinukuha habang nakikita namin o di kaya’y habang nag-aararo kami.” (There was a good relationship among the Téduray and Maguindanaoan brothers and sisters before. We live adjacent to each other as neighbors. There was generosity, tranquility, and peace. If we harvested rice grain, we gave some to our Maguindanaoan brothers and sisters on the plains. We shared no matter how little we had in order to keep the legacy of the Mamalu and Tabunaway’s agreement. Every time we harvested, at least two chupas (“gantang”) of rice grain were allocated for them. We called this process of giving “Sawit” as it was part of Mamalu and Tabunaway’s agreement. And in return, our Maguindanaoan brothers and sisters would give us fish, coconut, salt, etc. However, some of them eventually abused that beautiful practice with the passage of time. They would send us more empty sacks. From 20, it became 100, and we were expected to fill them all and deliver them down to the house [of the Datu] that had sent the empty sacks. In some instances, the carabaos that we used for plowing were taken from under our noses (literally “while we watched and plowed”).

— Timuay Santos Unsad, Titay Bleyen (Assistant Supreme Tribal Chieftain of the Timuay Justice and Governance)

When the Téduray and Lambangian tribes identify themselves as permanent internally displaced persons in their own ancestral domain, it immediately points out

not only the historical injustices committed against them at the Mt. Firis Complex, but also shows the steadfast determination and assertion of a tribe to reclaim their own

territory, identity and culture.

Up until the 1960s, the whole area of the Mt. Firis Complex was solely inhabited by thousands of Téduray families. The whole territory of the Téduray and Lambangian, from as far as the coastal areas of Upi (now the Municipality of Datu Blah Sinsuat), the whole undivided Municipality of Upi and the northern side of Lebak, is considered the sacred heart of their ancestral domain.

Timuay Unsad said the whole area was disturbed by the ILAGA group in 1970, which caused massive evacuations and an exodus to other areas in what are now the provinces of Maguindanao, Sultan Kudarat, South Cotabato, Sarangani and Cotabato. “From then on, the area was an unwilling sanctuary of the bandits. When the war between government forces and the Moro rebels broke out in 1972, it became a sanctuary of the rebels along with the bandits,” he added. In 1996, after a brief respite, the Moro Islamic Liberation Front (MILF), led by Ustadz Amiril Umbra Kato, suddenly arrived in the area and declared Mt. Firis as their camp. Without any consultation with them, or information given to the tribe, the ancestral domain of the Téduray was identified and turned into MILF camps, known as Camps Omar and Bader. Timuay Unsad related that,

“Having known that the area was declared a camp by the MILF, Timuay Gogon Ignacio, along with his fellow tribal leaders, went to Camp Abubakar in 1996 to talk to the MILF Central Committee. Fortunately, they talked with then MILF Vice Chair for Military Affairs Al Haj Murad Ebrahim, and urged Vice Chair Murad to pull out their men from the area because it is sacred to the Téduray. However, Vice Chair Murad

replied, “we are just borrowing the area while the war is on-going, after the war, we will leave the area.”

Later, Timuay Gogon and other tribal leaders also talked with the MILF Vice Chair for Political Affairs Gadzali Jaafar, but the latter made the same reply as that of Murad Ebrahim, who had become the MILF Chair by that time.

The Téduray’s assertion continued. However, during the “all out war” of former President Joseph Estrada in 2000, Camp Omar was overrun by the Armed Forces of the Philippines. When the peace negotiations took place between the GRP (government of the Republic of the Philippines) and the MILF in 2005, the whole area of the Mt. Firis Complex, now located at the common boundaries of the Municipalities of Talayan, Guindulungan, Datu Saudi, Datu Unsay, Datu Hofer and South Upi, all in Maguindanao Province, were acknowledged by the GRP panel as the host of MILF satellite camps (Omar and Bader) without the knowledge of the Tédurays in the area. These two camps were included among the six (6) MILF Camps recognized by the GRP as stipulated in the Framework Agreement on the Bangsamoro (FAB). Because there were no clear boundaries for the newly created municipalities,¹ the jurisdictions of the different Local Government Units (LGUs) are not clear as well, thus hindering the Téduray’s access to basic social services.

Today, Téduray families are scattered in ad hoc villages and clusters of houses in the Mt. Firis Complex. Some are in Hill 224, some are in Sitio Bagung and some are in Sitio Firis. The Municipalities of Datu Saudi

¹ The new names were those of Moro leaders in the area

and Datu Unsay claim jurisdiction over those villages, but only the Municipality of Datu Saudi is providing basic social services on a limited basis to the Téduray constituents. Some Téduray families are in Sitio Makun and Sitio Kébolon of Barangay Limpongo, Sitio Buntud and Sitio Méléngit of Barangay Makalag. However, these were abandoned after they were burned, and a series of killings occurred in December 2017, events that were attributed to Bangsamoro Islamic Freedom Fighters (BIFF), a breakaway group from the MILF. Some of the displaced residents are now in Barangay Toron, Municipality of Datu Hofer. Others are in Sitio Daa Fute, Sitio Mari, Sitio Tamatalun, Sitio Mëringën, Sitio Riyar and Sitio Fénutfut, both of Barangay Ahan, Guindulungan, which are under Camp Bader. These villages were frequently harassed by the BIFF, though Sitio Bagung and Hill 224 avoided BIFF attacks because they are controlled by the Armed Forces of the Philippines (AFP).

In order for the Téduray to stay in a portion of Camp Omar, able-bodied males voluntarily trained as members of the Civilian Armed Forces Geographical Unit (CAFGU), but not all of the villages around have detachments of the CAFGUS. “Those residing in Camp Bader tried to befriend the Moros to withstand the oppression and suppression done against them and stay in their ancestral lands,” explained Timuay Unsad.

Several alleged harassments and attempts by the MILF to drive away the Téduray occurred in 2000 and 2005, while the BIFF did the same to the indigenous communities residing in the area soon after it split from the MILF in 2008. In 2012, a weeklong attack by the BIFF against Sitio Hill 224, Kabingi, Datu Saudi, Maguindanao was attempted, but due to the presence

of the CAFGUs and Special Forces of the Philippine Army, they were unsuccessful. Still, civilians suffered during these attacks, as women, children, and non-CAFGU men stayed in foxholes for safety and had to crawl to their kitchen to cook their food. In early 2017, armed Moros occupied parcels of land of the Téduray in Firis (Camp Omar) and established their farms and gradually encroached into areas presently occupied and utilized by Téduray families.

In Camp Bader, the farms of the Téduray were forcibly taken and occupied by Moro armed forces. Several cases of indiscriminate killing along with the burning of houses were also noted in 2018, forcing the Téduray to move to other areas. Despite repeated pleas calling for the attention of the government - the Téduray have not received any clear intervention, nor was an investigation conducted by government agencies or the MILF leadership.

With the passage of the Bangsamoro Organic Law (BOL) and the continuing encroachment of former Moro rebels in their ancestral domain, Téduray leaders assert that any development projects intended for Camps Omar and Bader (as stipulated in the Annex of Normalization) be implemented for the Téduray and Lambangian Non-Moro indigenous peoples as the rightful holders of their ancestral domain in those areas.

Salient Points and Analysis

For decades, the Téduray and Lambangian tribes have been caught in a war not of their own making. Pushed aside by government and rebel forces, they struggle to maintain their culture and identity, including their indigenous political structure, in order to take hold of whatever they can to be able to survive. Living in fear for their lives, skirmishes and

killings have become rampant as armed actors attempt to take hold of their territory. The tribes have, time and again, approached and negotiated with the MILF and government agencies to protect their lives and uphold their rights, as well as to recognize their ancestral domain. It seems it has been to no avail. In the words of Timuay Unsad,

“In the current wars, the military used the full force of their mortar cannons and air power to demolish enemy positions. In the same manner, the rebel forces employed their full force and strength. For outsiders, it is easy to understand the impact and effect of those wars on the living conditions of the Téduray and Lambangian who have resettled at Bagung, Firis, Daa Fute, Mari, Tamatalun, Mëringën, Riyar, Mari, Mabir and Hill 224.”

Given the intrusion of Moro families into Téduray ancestral domain in order to benefit from livelihood/development projects intended for Camps Omar and Bader, as stipulated in the Annex on Normalization, it is only right that a review be initiated regarding the beneficiaries of the program. Again, it would help correct an ongoing historical injustice against the Non-Moro indigenous peoples of the BARMM for the Téduray and Lambangian peoples to be primary recipients of such benefits, considering that it is their ancestral domain.

Settling this contentious issue will bode well as the government and the newly installed Bangsamoro Transition Authority (BTA) of the Bangsamoro Autonomous Region for Muslim Mindanao (BARMM) journey towards peace. More specifically, the Téduray and Lambangian tribes assert the following,

so that they will not become the victims of peace in the same way that they were victims of war:

- Immediate issuance of their Certificate of Ancestral Domain Title (CADT) by the National Commission on Indigenous Peoples (NCIP), recognizing their ownership of the unified Ancestral Domain of the Téduray and Lambangian;
- Recognition of Mt. Firis as a Peace Sanctuary by the government in coordination with the Téduray and establish the mechanism for such;
- Initiate the return of displaced Téduray and Lambangian Non-Moro Indigenous Peoples, who are the original inhabitants of the area;
- Development projects intended for Camps Omar and Bader, as stipulated in the Annex on Normalization, should be implemented with the Téduray and Lambangian Non-Moro Indigenous Peoples as the original residents of the area;
- Establish a Joint Peace and Security force for the Téduray and Lambangian Non-Moro Indigenous Peoples as provided in Par. 1, Article 30 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Their appeal is not to remove the existing paramilitary positions from the area.
- Establishment of the area as a separate and distinct political subdivision with the Indigenous Political Structure as the form of governance;
- Implementation of development projects in accordance with the decision-making processes of the Téduray and their development framework.

“HEALING TRUTH FOR POST-WAR MARAWI” Meranaw Narratives on Reclaiming Their Land and Identity

*With narrations from Prof. Tirmizy Abdullah,
History professor at the Mindanao State University (MSU) in Marawi City*

“Pini-pray ko na hindi darating sa punto na 10 years from now ang naratibo namin from Marawi ay naging permanent kami na internally displaced person. Pini-pray ko na hindi darating sa 10 years from now na yung naratibo namin ay about reparation na gagawan ng law.” I pray that it would not reach the point that 10 years from now, our narratives as Meranaws has become that of a permanent internally displaced person. I pray that it will not reach 10 years before reparation will be provided and that, eventually that it will become a law, will be the narrative for us.

— Sultan Abdul Hamidullah Atar, Sultan of Marawi

Days after the siege erupted on May 23, 2017, an estimated 98 percent of the total population of Marawi City (201,785 individuals in 96 barangays, based on the 2015 census) had sought shelter in different evacuation centers or with their relatives.¹ But just a month after, it swelled to 349,989 individuals and only 5% of the IDPs opted to stay in the evacuation camps while the rest went to host families, according to government estimates.² And even after two years, most of the Marawi internally displaced residents have yet to return to their homes and rebuild their lives. Desperate residents have demanded from government to provide them with full information on the rehabilitation work that it has promised

but failed to provide. “All of our life is gone now, and here we are living in a tent with our children without any livelihood to speak of, or even money of our own to start anew,” Farina, age 38, said. In the aftermath of the Marawi crisis, Farina and her family were forced to live in the “Blue Tent,” an evacuation village designated by the government. There is no clear timeline on when conflict-stricken barangays will return to normal, leaving most of the civilians who have sought shelter in different evacuation centers or with their relatives outside of Marawi City in limbo.

The Marawi siege took place three days before the start of the Islamic holy month of Ramadhan. The armed confrontation between government forces and a group of ISIS-inspired militants resulted in the massive displacement of the civilian population of Marawi City in Lanao del Sur province. The militants laid siege to the whole 250 hectares

¹ UNHCR Philippines, IDP Protection Assessment Report, June 2017.

² Ibid.

land area, which is composed of 24 barangays in the "most affected area" (MAA) or the ground zero.

It was perhaps the bleakest Ramadhan for the people of Marawi City and Lanao del Sur in their entire history. The Maranaw traditional Ramadhan social, spiritual and religious routine was totally disrupted. The blessed month of Ramadhan for the Meranaw is beyond fasting. It is a month where family members and relatives congregate from *iftar* (breaking of the fast) to *sahur* (dawn meal) to *tarawee* and *tahajjud* (Muslim night prayers).

The militants reportedly attacked those who were on a mission to serve a warrant of arrest upon Abu Sayyaf Group (ASG) leader Isnilon Hapilon, who was believed to be hiding in the area. By the same evening, the confrontation spilled over to other barangays in the city as the pro-ISIS group began increasing its forces, occupying civilian structures, including school buildings, masaaqid / mosques, a church, the Philippine National Police outpost, and a hospital. Killings and hostage takings of civilians were also reported and in less than 24 hours, the pro-ISIS group was able to control strategic locations in the center of the city, including government facilities. In an attempt to control the situation, the whole island of Mindanao was placed under Martial Law for 60 days, which was later extended to 31 December 2017 and then again to 31 December 2018. More military troops were deployed and clashes continued over the next several weeks. The Martial Law declaration by President Rodrigo Duterte was made "on the grounds of existence of rebellion" in Mindanao. In effect, it replaces the civilian government with military authority, empowering soldiers to do random searches and lowering the standards for arrests.

The government also rejected the appeal from local *ulama*, traditional leaders and civil society organizations for ceasefire and peace negotiations to save Marawi and its people from destruction. There were also calls against the use of aerial bombing to save the lives of the civilians, but these were also ignored.

Civilians took refuge in nearby Iligan City and nearby municipalities in Region 10, though the vast majority of the displaced population sought shelter with their relatives, instead of going to evacuation centers. The strong sense of honor – or "*maratabat*" – of the Meranaw, which is the predominant ethnic group in Marawi City, is key to this phenomenon.

In addition, when the civilians took refuge in nearby cities like Iligan and Cagayan de Oro, there were lots of reports of discrimination. Many non-Meranaw apartment owners refused to rent their spaces to the IDPs because they were convinced of the prevalent narrative that all Marawi residents / IDPs are "coddlers" of the pro-ISIS groups, which of course is untrue.

*"Masakit sa nanay ko, sa aming lahat na sabihin na 'kasalanan niyo 'yung nangyari sa Marawi kasi ginusto niyo yan, kamo mga Muslim, mga Maute!' Yung situation naming bini-blame kami parati, maraming complaint sa amin ang buong Pilipinas, tapos kapwa rin naming Bangsamoro bini-blame kami na 'kasalanan niyo yan!'"*³ (It was painful for my mother and also for many of us, they said, "it was your fault, what happened in Marawi because you support that, you Muslims are Maute!' We were blamed by the entire nation,

³ Prof. Tirmizy Abdullah, January 2019, Mindanao Survivors Assembly, Initiatives for International Dialogue (IID).

even by our own fellow Bangsamoro, that it was our fault.)

On several occasions, President Duterte even reinforced this narrative in public statements.

The irony of the situation lies in the fact that the hostilities dragged on, and that although the Maute-led/ISIS-inspired armed men are now gone and their leaders declared dead by the military, Ground Zero is still being guarded and the IDPs are not allowed to return to their homes.

The crisis has affected economic and commercial activities in the rest of Lanao del Sur province, triggering further displacement. Government-assisted return started in October 2017 to barangays outside the “most-affected areas” (MAA). Many of the families displaced by the war found themselves “instantly poor” after the siege. Looters ransacked their homes, now bullet-ridden. Their worst fear is not being able to return to their ancestral home as they lack proof of land ownership.

Some of the emerging issues focus on the lack of information and communication, which hinders access to services and appropriate assistance for the IDPs. In most cases, those who are not in the evacuation centers and are living with host families find difficulty in getting help with their concerns. To begin with, the IDPs noted that there was a lack of communication about the registration process, as well as the unavailability of a mechanism for participation by the internally displaced people. This remains to be a core issue confronting humanitarian assistance and response.

Profiling data from the protection cluster led by the UNHCR shows that 17% of IDP children aged 5-11 have not started nor

attended school. There are also cases where elder children are considered the head of households, but could not be prioritized in terms of assistance, particularly shelter, food and livelihood.

Marawi residents have expressed hope that the government would exert all efforts in rehabilitation with the same zeal it had taken when it was fighting terrorism. Reparation remains a primary concern, considering the lack of participation by the IDPs in the rehabilitation and reconstruction plan. “*The degree of aggressiveness in terms of neutralizing the enemy, that should be the same degree of aggressiveness in pouring in assistance to reconstruct Marawi City. That’s how we can address resentment,*” Zia Alonto Adiong, spokesperson of the Lanao del Sur Crisis Management Committee pointed out. The Task Force Bangon Marawi (TFBM) was criticized for not starting the reconstruction more than a year after the siege ended.

The Duterte administration has prepared a multi-year, comprehensive Marawi reconstruction plan without the full participation of the affected residents. Military engineers and equipment were deployed by the Armed Forces of the Philippines to help in the rehabilitation efforts. According to Professor Tirmizy Abdullah,

“Displaced kami ng giyera, at displaced din kami ng agresibong development. After ng nangyari sa Marawi, sample ito ng estado na nang-aagaw ng lupa ng mga tao. Duterte pronounced last October 2017 that Marawi is liberated but it turned out ngayon to be takeover of another occupation. At kung hindi kami makakabalik, eh di sino kami? Ang displacement na ito ay may malaking ugnayan at impact sa aming pagkatao at identity,” (We were not only displaced by war, but also by aggressive

development. What happened in Marawi was an example of the state grabbing the people's lands. Duterte pronounced last October 2017 that Marawi is liberated, but it turned out that it was a takeover of another occupation. Who will we be if we could not go back to our land? This displacement really impacts and effects our humanity and identity.)

Furthermore, what complicated the rehabilitation issue is the government priority of the construction of another 10-hectare military camp inside Marawi's ground zero, which was strongly opposed and criticized by many Marawi residents. The government is being perceived as having higher priority for its "militarization" rather than the rehabilitation and humanitarian side of the issue as the entire land in Marawi ground zero has owners and occupants.

"...Ano 'yung nawala? what was lost? Kahit ayokong maniwala sa konsepto na minsan nawawala sa'yo ang dignidad mo kasi nga ang tingin ko sa dignity ay tulad din ng sinabi sa Q'uran,⁴ kung saan sinabi ni Allah na ako ang nagbigay ng dignidad sa tao. So ang Diyos ang nagbigay ng dignidad at walang sino man ang makakabawi nito. Pero what happened? Parang sabi ko, part of our dignity nawala."⁵
(What was lost? Even if I do not want to believe the concept that one's dignity can be lost, like what Allah said that He is the one who gives dignity. It is Allah who bestows dignity, and no one could take it from us. But what

happened? Its like what I said, part of our dignity was lost.)

Another issue was the undocumented missing and dead civilians, and until today there have been no serious efforts from the side of the government on this. Marawi CSOs estimate that there are between 1,500 to 2,000 missing civilians, indicating that human rights violations under Martial Law have become the new normal.

"Gusto namin kasi healing truth, marinig ang naratibo ng mga sibilyan kasi ang dominant ngayon na narrative ay narrative ng military o ni Duterte... natatakot kami na mabulilyaso ang rehabilitation especially 'yung sa lupa, sa amin mabalik. Kaya hindi lang dapat idadaan sa task force ang issue ng Marawi, dapat ito issue ng national policy." (We need healing truth--to have the voices of the civilians listened to because the dominant narrative now is that of the military or President Duterte's. We are afraid that the rehabilitation will not push through, especially on being able to take back our land. This is an issue that should not just be tackled by just the Task Force, but should be a national policy issue.)

Salient Points and Analysis

1. **Durable Solutions.** The principles on internally displaced people identify the rights and guarantees relevant to their protection in all phases of reconstruction. It provides protection against arbitrary displacement, offers a basis for protection and assistance during displacement, and sets forth guarantees for safe return, resettlement and reintegration. Although it does not constitute a binding instrument, the

4 Al Qur'an, Surah Al Israh: 17, "Wa laqad karramna banee Aadam" (We have conferred dignity on the children of Adam...).

5 Prof. Tirmizy Abdullah, sharing last January 2019 solidarity assembly.

principles reflect and are consistent with international human rights and humanitarian law. The continuing human rights violations in Marawi shows the need for the internally displaced to be closely involved and consulted in the planning of durable solutions. Deliberate effort is needed to ensure participation and consultation includes the representation of women and youth. Anent to this, as a policy proposal, is the need to expedite the adoption of the Internal Displacement Act bill to provide the necessary institutional framework for durable solutions.

2. **Right to safe and dignified return.** In line with the “build back better” approach, the call for the unconditional recognition on the right to return to their places of habitual residence in safety and dignity and, in close consultation with the displaced, to enable the creation of conditions to be sustainable, should be heeded. The participation of the IDPs themselves will help ensure that any interventions and assistance from the government and other international actors would be culturally sensitive and responsive to their condition.
3. **Greater access to basic services and sustainable livelihoods.** Ensuring the rights of IDPs to an adequate standard of living, including access to water and sanitation, health services, education, shelter, as well as adequate housing compliant with international standards, should be ensured. Options and support should be made available for the internally displaced to resume their livelihood, especially those

related to their cultural heritage.

4. **Active protection of women and children.** Implementation of measures addressing the protection and psychosocial needs of IDPs, and for government agencies to effectively prevent and respond to sexual and gender-based violence (SGBV) in the evacuation centers and transit sites is imperative.
5. **Compensation and reparation.** In a transparent and non-discriminatory manner, the state’s responsibility to ensure and provide restitution, compensation and reparation to the families of all individuals who died, got separated, went missing, were illegally detained, and those whose houses, properties and livelihoods were destroyed, looted or damaged during the conflict.
6. **Collaboration and Coordination.** Consolidation of data and information systems, including collaborative practice to strengthen coordination mechanisms. If IDPs are to achieve a durable solution, all stakeholders, including humanitarian, development, peace-building and human rights actors – from the government, civil society, the private sector, and the international community – must collaborate in ensuring proper documentation and coordination of efforts. Information-sharing mechanisms, in particular on sex, age and diversity, including disaggregated data, should be strengthened so as to facilitate the timely sharing of accurate updated data to inform and improve IDP response programming by all concerned actors.

7. Restoration of Culture and Identity that were lost because of the war which was not of the making of the civilian residents in Marawi. Reclaiming the dignity, culture and identity of the Meranaws also means the reconstruction of important facets of their culture such as masajid and madrasa. Any effort to build back Marawi should be based on their culture and identity as a people, in the same way that the Meranaw have painstakingly built and made Marawi their home.

8. Accountability and transparency in the rehabilitation to ensure that resources for the internally displaced are properly accounted for. The monitoring and participation of the IDPs themselves in the management of these funds remains crucial for a corruption-free rehabilitation effort.

Beyond the issue of violent extremism, the situation of the internally displaced persons (IDPs) in Marawi reflects extreme uncertainty. Without a home, and their means of livelihood severely affected, with thousands of IDPs who are still mired in an inhumane situation, living in cramped evacuation centers, or unable to claim appropriate assistance as in the case of those living with relatives, this situation affects their honor, pride and dignity, or “*maratabat*.”

“Alam ko po maraming important sa amin, sa aming kultura, sa aming identity, ‘yung mga mosque namin nasira, ‘yung mga madrasah namin nasira. Kung titingnan, na-violate talaga ng Gobyerno at ng Armed Forces of the Philippines ‘yung Convention on the Protection of Cultural Heritage. Kasi ang mga mosque sa Marawi, buhos po

yan. Kaya kung titingnan niyo kahit buhos yan mabobomba pa rin, meaning binomba talaga siya, may mga ginamit na bomba kaya natumba talaga, so napakasakit noon sa amin. So sana maibalik ‘yung part of our dignity that was lost, ‘yung ma-initialize mismo ‘yung transitional justice ng Marawi.”

⁶ (There were a lot of things that we consider important in our culture and identity. The mosque that was destroyed. The Madrasah. If we look at it closely, the government and the Armed Forces of the Philippines have really violated the Convention on the Protection of Cultural Heritage. The mosque in Marawi was well built with concrete, but it was bombed. It was so painful for us. Part of our dignity was lost. If they could bring that back, transitional justice can start in Marawi.)

The government has severely failed to be sensitive to the culture of the Meranaw people, with a rebuilding effort devoid of real participation, and which grossly neglects the very fabric of the culture, and of the relationships within the community that were destroyed by the violence. Given these tensions and fissure, the erosion of trust could fuel resistance among its young people, if no clear interventions are undertaken soon.

⁶ Ibid.

“KAKAP DULUNAN”

An Aromanon Manobo-Maguindanaoan Community Peace Pact on Traditional Boundaries in the Cotabato Region

“In the past, our relationship with the Mahindanaws¹ was very close, and it was characterized by immeasurable love. However, as observed nowadays, this relationship has encountered challenges which we need to overcome. The Mahindanaw sultans and our forefathers had an understanding and agreement in the past, which was the result of harmonious dealings and dialogue. This agreement has been challenged by the unfolding of events inside and outside our territories. Thus, the descendants of the peace pact holders, the clans of Enalang, Mantawil, Saliling and Pontongon, have agreed to revisit and relive the agreement/peace pact as it is one of the reasons that the descendants of the clans have survived until the present.”

— Datu² Al Saliling, Aromanon Manobo elder

¹ Referring to Maguindanaoans by Aromanon Manobo.

² Tribal chief.

For the Manobo and Maguindanaoan, kinship is heavily defined by the traditional boundaries set and agreed upon by their elders as distinct peoples with their own culture and identity in a shared space. The core binding element of the “*Pagalatan/Peheleten*”³ (boundary) lies on it being a point of connection, rather than limitation, a shared story of how their ancestors agreed to end the “great war” by defining the traditional boundary that established their respective territories as distinct peoples. The “*Pagalatan/Peheleten*,” commonly called “*dulunan*” (boundary), laid down guidelines for distinctiveness regarding the political, economic and cultural aspects (including

faith) of the communities. Datu Al Saliling said the boundaries that were revisited go beyond the physical boundary between territories, to include “boundaries that would define our kinship and relationship in the past.”

In a bid to revisit the traditional agreement defining territory, resources and governance institutionalized in culture and history, Aromanon Manobo (*Erumanen ne Menuvu*)⁴ and Maguindanaoan communities in Carmen, North Cotabato organized a community pilgrimage, called “*Kakap Dulunan*.” This pilgrimage reaffirmed and reenacted the traditional agreement established by their

³ A shared term for “boundary” - Manobo (*Peheleten*) and Maguindanaoan (*Pagalatan*).

⁴ Term introduced by the Summer Institute of Linguistics (SIL) in the 1960s that refers to “Aromanon Manobo.”

ancestors that not only enabled their tribes to coexist, but to maintain peace and harmony while encouraging economic sufficiency and independence.

The tribe went back to honor the agreement in order to protect future generations from a “mulaka” (curse). The Aromanon Manobo and Maguindanaoan clan leaders and community members retraced the history and guiding principles of the agreements that connect the past to the present - from the narratives of Rempong and Sebala⁵ - to the peace pacts between communities, and how grassroots peacemaking can even help contribute to a complex and sophisticated process such as the formal negotiations between revolutionaries and the national government. The community-led peacebuilding and memorialization process was convened by Gempa te Kelindaan ne Kamal te Erumenen ne Menuvu (the Aromanon Manobo Indigenous Political Structure), the Upper Sebangon Kutawato State Revolutionary Committee of the MNLF,⁶ and the descendants of the Enalang clan led by Pakinegen Inalang (a.k.a. Kumander Kineg, the head of the Kapalawan State Command of the MILF⁷).

“During the leadership of Apo Angas and one Mahindanaw Datu/Raja Mudah (Sultan), the two had conflicts. Apo Angas was angry with the group of this Sultan as they took the Manobo’s animals and harvests. Apo Angas organized a federation of Baganis⁸ and they assembled in Tumbao. When the Sultan’s

group came to fight the group of Apo Angas, they planned to dock at the bucana (mouth) of the Mulita River, but they were not able to do so as their boat was cornered by a giant eel, locally called “binalig”⁹ (“kasili” in Visayan). As their boat was unable to move and dock, the Sultan told his men to bring down their red flag and replace it with a white flag indicating that they will not fight the Manobo. Immediately, the Sultan’s boat moved as the giant eel serving as a barrier left, and thus they were able to dock in Tumbao. Apo Angas told the Sultan’s group that if they decided to fight, then his Baganis would fight them. But the Mahindanaw Datu replied that they came not to fight but to have a dialogue. With this, Apo Angas came down to talk with the Sultanate leader. The latter told Apo Angas that they wanted to have an agreement. Both offered a valuable thing to one another as a symbol of their understanding and agreement. Apo Angas gave his machete, called “taak” (“sundang” in Visayan) to the Datu/Rajah Mudah, while the latter gave Apo Angas a white gong (“uhis na agong”), gold as big as an egg, and a flute (“pelendag”). After this, the two warring groups were reconciled and promised that they will not fight one another.”

— Apo Lolito Saliling (+), Tribal Elder of Erumanen ne Menuvu

Central to these narratives is the *taak*, which was given by the *binalig*, a mythical giant eel along the river, to signify the agreement between the tribes to forge peace and end the conflict between them. Memories of the elders from both tribes claim that the *taak*, as a symbol of reconciliation, is 400 years old. The *taak* was said to be the one given by Datu Al Saliling’s forefathers to one

5 The Aromanon Manobo names for Mamalu and Tabunaway, two brothers who appear in different tribes’ legends, one of whom adopted Islam upon the arrival of the first Muslim missionary in Mindanao and one who did not, after which they agreed to respect each other and live in peace.

6 Moro National Liberation Front

7 Moro Islamic Liberation Front

8 Tribal warriors

9 A mythical giant eel with a length of 5-10 coconut trees.

of the Rajahs of Maguindanao hundreds of years ago until it reached the Datu sa Inug-og. The peace pact holders' descendants can only recall that the last known keeper of the "taak" was Bai a Laga", a direct descendant of Rajah Sumunsang from a Matangguwanen wife. They bore a son named Zunzonga (the Datu of Kabacan) whose sister got married to another Maguindanaoan leader, the Datu sa Inug-og (his second cousin as well). These two are the parents of Bai a Laga. The children the Datu sa Inug-og had with his other wife had no royal blood, so they were not allowed to keep the *taak*. And because he had no other sons, Bai a Laga was given the *taak*, because her mother came from a royal family, which means that she has pure royal blood. Bai a Laga never got married, which was the reason she was called Bai a Laga,¹⁰ which means a royal blooded single woman. According to Datu Haron Mantawil,

"At that time, Datu "Zunzonga" Mantucan Mantawil, (my father) was also a direct descendant of Rajah Sumunsang and Zunzonga, and was adopted by the Bai a Laga, whom he considered his own mother. When Bai a Laga got sick, she handed the taak to my father and told him to keep it, as it is very historical and valuable. When my father got very old, the taak was handed over to me to continue safekeeping the legacy."

This was the reason that the Manobos and Maguindanaoans in this part of North Cotabato never engaged in conflicts thereafter. The Maguindanaoans consider the *taak* a "pusaka," which means a treasure or heirloom, which could bring a curse ("busong" in local terms) if not well taken care of.

¹⁰ From the word "dalaga" or old maid.

Datu Aquino Manial (+ now deceased), an Aromanon Manobo elder, vividly recalls that in 1976 when he was 13 years old, he joined his elders to visit the Bai a Laga, who was already very frail, in Pedtad, Carmen. He was in a meeting with his father, Datu Macabangen Manial, and uncle, Datu Bucalan Manial, when the Bai a Laga reminded these Manobo datus - along with both Datu Mantucan Mantawil (Bai a Laga's "adopted" son) and his brother Minseruban, who were young Maguindanaoan leaders at that time - of the ties that bind the IP-Moro clans and their duty to follow the agreement forged by their respective ancestors. Due to this, the MNLF forces under Mantawil's command¹¹ abide by the agreement and treat the Manobos well, so they will not suffer the dire consequences brought about by the curse. And indeed, after many years, there was no story of, nor any form of abuse and discrimination against, the Aromanon Manobos by the Mantawil clan. In fact, a strong harmonious relationship has been sustained even after Datu Mantucan Mantawil died in 2018.

"On the economic side, the Maguindanaoans and the IPs also had engagement and agreements. In the past, when our forefathers went to the highlands, they would bring products and exchange them with the highlanders. The Maguindanaoans brought salt, called "timos," and bartered it for wax and other forest products as there was no concept of money at that time. On the social aspect, our ancestors practiced "pakang," a kind of local peace agreement, wherein the IPs gave important and valuable things to the Maguindanaoans, and the latter would do

¹¹ Datu Mantucan Mantawil is the head of the Upper Sebangon State Command of the MNLF (Nur Misuari faction).

the same. For instance, they exchanged wavy-bladed kris (ceremonial swords), among other items. Whenever a highlander went to the lowlands, the first thing that the lowlanders would ask for was the “pakang.” The same thing happened when a lowlander went to the highlands. There were also intermarriages. The Mantawils married Manobo women, and many Maguindanaoans have married Manobos. On culture, some of the ways of life of the lowlanders are somehow patterned after the culture of the highlanders. There are also cultural traits of the highlanders that are patterned after the lowlanders. We need to tell these stories especially to our younger generation, so that they would know and appreciate the relationship we have with the Manobos. I urged the young people to re-live the relationship and never think of any boundary.”

— Sultan Maniaga Mantawil¹²

Salient Points and Analysis

The narratives revolving around the “Peheleten/Pagalatan” can be traced back to the Manobo’s story of Rempong and Sebala, referring to the Mamalu and Tabunaway narrative, wherein IP-Moro kinship emerged when these ancestors forged a peace pact. This remains the basis on which the tribes establish peace and engage in continuous dialogue between clans - as a distinct cultural process and form of grassroots peacemaking. The framework of understanding hinges on

¹² Datu Mantucan Mantawil’s older brother, designated as the Sultan in their clan. Maniaga is a retired dean of a local college in Cotabato.

the tribal kinship laws of Mindanao: mutual recognition and respect; mutual sharing of information; mutual cooperation; mutual protection of life; and mutual sharing of resources, assistance and help.¹³ This framework, the tribes would emphasize, clearly indicates that the Moro and IPs are brothers and sisters, and the first peoples in Mindanao. It underlines the following:

Concept. The IP and Moro have their own concept of ancestral domain. This refers to territories inherited from the ancestors since time immemorial or areas generally belonging to the Indigenous Peoples occupied or possessed through their ancestors.

Territory. They have mapped their traditional boundaries, which encompasses their belief system, knowledge, and history of customary law and territory of economic survival. The Moro claim asserts an encompassing Moro homeland,¹⁴ while the areas where they exercise self-governance define the IP claim.

Resources. They have identified their resources - lands, waters, and natural resources - which are also their sources of economic survival. These resources are also sources of conflict, especially when corporate, government and other entities encroach on and control them.

Governance. Both the Moro and IP have their own concept of governance, which is distinct from the state government. They have customary laws, justice systems, and traditional agreements.

¹³ See Datu Migketay Victorino L. Saway, “The Indigenous Peoples’ Perspective on Ancestral Domain” in *Insights on Referendum, Ancestral Domain and the Right to Self-Determination* Edited by Senturias, Alvaro O. (SCC-CEREA) Midsayap, 2007.

¹⁴ Collectively referred to as the Bangsamoro homeland, but for MNLF this meant the entire MINSUPALA (Mindanao, Sulu, and Palawan).



The IP-Moro Peace Pact Holders. The descendants and keepers of the story on the “ancestral treaty” manifested by the “taak” (machete heirloom) led by the elders of the Aromanon Manobo clan Apo Lolito Saliling (+) and Datu Al Saliling, together with the Maguindanaoan clan Datu Mantucan Mantawil (+) and his son Datu Haron Mantawil.

Peoples. The Indigenous Peoples strongly assert that they have their own distinct identity, and that they do not belong to the Moro. On the other hand, there is an assertion by some of the Moro that the term “Bangsamoro” includes the non-Islamized native inhabitants.

In several dialogues, the Moro Islamic Liberation Front (MILF) peace panel recognized the relations between the Moros and IPs at the time of the conquest and colonization of Mindanao. Under the current peace agreement, indigenous peoples’ customary rights and traditions, including the indigenous justice process as an alternative mode of dispute resolution, are recognized. However, under the newly established BARMM,¹⁵ contestations on land, especially the indigenous territories occupied and turned into MILF camps, have to be judiciously studied and seriously dealt with. A strong culture of continuous dialogue and open communication among and between the

Moro and Indigenous Peoples from various levels and political spaces can guarantee pathways towards mutual understanding and respect.

The story of the “taak,” as a concrete proof of a traditional peace pact forged by IP and Moro clans, can also serve as a rallying symbol and call to peace for all. It took over 400 years of waiting for Aromanon Manobo and Maguindanaoan clans in North Cotabato (and some parts of Bukidnon) before they validated for themselves that the sacred heirloom referred to in their ancestral stories indeed existed when it was finally revealed in public. Initially commemorated by the “Kakap Dulunan” community pilgrimage, the “taak” is emblematic of the truth behind the “Pagalatan/Peheleten” narrative of a local peace pact on traditional boundaries between IP and Moro communities. This pact is still held sacred and continues to be followed by most clan members up to the present time, and so is emblematic of the resilience of grassroots IP and Moro communities who persevere through incessant cycles of violence and abject poverty.

¹⁵ Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), the expanded ARMM after the 2019 plebiscite.

B.

INDIGENOUS, MORO AND CHRISTIAN SOURCES OF JUSTICE

What does transitional justice mean for local communities? Filipino languages reflect Filipino concepts of justice, which are intimately related to concepts of rights, responsibilities and relationships. Results of the locally based conversations and listening processes, as well as workshops with local communities and at the national level, show that justice is a highly moral concept that is in some ways similar to, but broader and deeper, than western concepts of justice.

The goals and objectives of justice

Perhaps the deepest symbolic practice and concept of justice is encompassed in the idea and practice of *bangon*, a word common to several languages in Mindanao. This means to raise up, or be brought back to life, and refers to the restoration of *maratabat*, *bantug* or *bansa*, the dignity, honor and pride, not only of the person, but of his or her family, clan and community. The way to accomplish this, whether due to an individual or collective offense, for the Maranao, is *pagtanggap at pagsisisi* (full acceptance and repentance), that involves bringing the whole family and clan to kneel down and appease the loss of *maratabat*, loss of dignity, the feelings of having done nothing, of being dehumanized. Addressing this kind of humiliation, such as the Maranao felt after the destruction of Marawi, will allow for *bangon* to occur, and a return to *kapatiran* (brotherhood/sisterhood) between former rivals.

Similarly, the purpose of seeking restoration, for the Téduray, is to achieve a condition of *kefiyo fedew*, peace of mind and right spirit, felt both individually and collectively, through the full restoration of relationships between and among conflicting parties, which is the ideal and overarching goal of justice. A *kefiyo fedew* must be worked out and the processes may vary, as long as the same end result will be achieved, as there will be no genuine peace without *kefiyo fedew*, especially in that key processes would involve restoration or recognition of the IPs' traditional systems (culture and belief system,

ancestral domains, and self-governance). Thus, communities emphasize and integrate both collective, structural, familial and individual aspects of restoration that are complementary in working out justice.

For example, in some traditional practices, the performance of *bangon* as a response to a killing could entail the family of the offender offering up the responsible person to be adopted into the victim's family. This act would thereby literally replace the person who had been killed, and in particular, their labor and livelihood supporting the remaining family members. This symbolically brings the dead person back to life and also serves the very practical and economic needs of the victim's family by restoring their capacity to make a living. This demonstrates that justice outcomes should not only be relationally restorative, but economically reparative for those who are indirectly impacted. There is sense of equivalent exchange, so that in easing the pain there is just compensation, reciprocation and restoration, so by the end of the process, the scale is balanced. That's why images associated with the word justice, expressed by most TJ workshop participants, refer to that of a scale or *timbangan*, which indicates the need for balance, fairness, and equity.

The pillars, values and processes of working out justice

For the Aromanon Manobo, the three pillars of justice are *uram* (respect for others), *tigker* (patience and perseverance), and *limo* (love), in combination with *ambanara* (truthfulness). Justice embraces the concept of equity (often referred to by local communities, as *kaangayan*). In Maranao, it also requires truth-telling, which is referred to as *kabenar*, from the root word, *benar* (truth). For the Maguindanaoan, the concept of *kebanar* (justice) is also hinged on the *kawagib* or *katotohanan* (truth). In Tausug, justice is referred to as *adil*, while Téduray refer to it as *ke tanek*. For settlers, the root word of *katarungan* is *tarong* in Bisaya,¹⁵ which means straight, upright, appropriate or correct.

Among various indigenous and Moro peoples, justice processes are tied to “*pagkilala sa karapatan*” or respecting rights, and of upholding them to ensure that they are fully protected. There is a common word for rights: *karapatan*. Its root word—*dapat* or *nararapat* in the Tagalog language—has a meaning very close to *tarong*—which indicates what is right, correct and appropriate to do morally. However, what is *tarong* is complemented by what is *haum*, that which “fits” the situation. Justice, for many of the local communities,

¹⁵ Bisaya, or Cebuano, is originally the language of Cebu, but has been used for a century or more as the trade language across the central Philippines and Mindanao.

means doing the right thing, based on the common understanding of what is morally right or wrong (based on their culture), and of the appropriate thing to do—largely defined as something which causes no harm to others, affirms collective relationships, and fully respects the rights of the other.

The process of mediation is referred to as *husoy* among some Lumad communities, or *husay* in Bisaya, where elders and *datus* work together as mediators who shuttle between conflicting individuals and clans. This includes the negotiation of settlements and symbolic restitution necessary for both sides to feel a just resolution has been achieved, solemnized through public rituals such as *tampuda hu balagon* or *pakang* and celebrations called *dyandi*.

Spirituality, healing and restoration through story telling and forgiveness

Justice was also defined as "pagkilala sa kapwa tao" or recognition of the identity of each one, and of being heard and taken into account. In *pagkilala* (recognition) of the *kapwa tao* (the closest English is fellow-man/fellow-woman), the language indicates that the justice process is governed by an overriding recognition and sense of collective identity and solidarity, for the *kapwa tao* is someone who shares the same basic human essence, or humanity, as oneself. Through *timbang* (weighing scale), the process must remain flexible to allow for the judges and mediators to weigh what would be appropriate for the particularities of the situation. In this there is equal concern for the dignity of both victims and offenders. So, to understand and feel the pains of others is also justice, it means listening to others, empathy, expressed as *makinig* (listening), *alaman* (knowing), *damahin* (feeling), and *makiisa* (becoming one).

The process, therefore, is as important as the outcome, for the *sukudan* in Maguindanaoan means that the person in the middle of the conflict is related to people on all sides, and thus has a vital role to bring peaceful relationships through a process of *shura* (consultation) *mashuara* (community consultation) and *ijma* (consensus). The Kalinga tribal *bodong* structure is composed of community elders, and they will discuss collectively to mediate and judge both intra-tribal and inter-tribal disputes. For the Subanen there is a similar structure called *gukom*. The Téduray engage in a collective dialogue called *tiyawan* guided by mediator-judges known as *kefeduwan* who compose the *fagilidan*, or Téduray justice system.

Participants asserted that victims of injustices should be provided with safe spaces where they can freely and meaningfully participate in the conversations on peace and justice. The perpetrators must also join in these dialogues. There has to be trust building at the very start with truth-telling as an initial step. These dialogues are not simply individual conversations, but inclusive dialogues of life, spirituality, words and action that compose a *Bayanihan* (community collaboration) framework of justice. The restoration process is holistic, integrated, and multi-dimensional. The spiritual dimension should be considered as a very important element in transitional justice since it is a crucial aspect of the restorative justice systems of indigenous, Moro and Christian peoples.

Social and ecological justice

Revisiting and understanding the worldview of indigenous peoples, particularly their concept and system of self-governance, might lead to a more meaningful restoration of relationships between and among the tri-people of Mindanao. IPs have continued asserting their ownership and control over their ancestral domains because their life is interconnected with the land and resources therein. The IPs believe that there is a strong connection between spirituality and justice. Holistic healing can only happen when individuals or groups have also restored their relationship with the spiritual world enabling them to achieve balance and harmony. The sixth principle of the Téduray-Lambangian's Timuay Justice and Governance (TJG) system emphasizes the importance of closeness and good relationship with nature so that each individual will be empowered without oppressing others. "We are spiritual beings on a journey here and we will return to where we came from."

Conclusion

For tri-people Mindanaoans, social justice is freely chosen, enforced fairly and equitably administered. It respects the rights of all individuals with a special concern for the poor and marginalized. It is fair as it seeks to be measured, and met by duty bearers. It has the elements of respect, transparency and of being immediate (thus, the concept of justice delayed, justice denied). It is, as reiterated by Moro and IP participants in most of the conversations and listening processes, about asserting the claim to equity and justice due to peoples and communities.

These languages, highly reflective of praxis, invite the readers to turn to the narratives of local communities, which is first and foremost, about the continuous struggle to promote and uphold human rights, concepts of good relationships, order, equity, fairness and harmony with people and nature, as well as to maintain peace in a just society, and promote diverse historical and cultural narratives.





KAKAP DULUNAN. IP-Moro Grassroots Peacemaking, a community-led memorialization to revisit the "peheleten/pagalatan" narrative (shared term of Aromanon Manobo and Magindanaoan which means "boundary") by the IP and Moro clans in Carmen, North Cotabato. The descendants of the peace pact holders come from the Saliling and Pontongan clans, the Mantawil clan who are also part of the Upper Sebangon Revolutionary State Committee of the Moro National Liberation Front (MNLF), and descendants of the Enalang clan who are also members of the Kapalawan State Command of the Moro Islamic Liberation Front (MILF).

PART 4

Transforming Transitional Justice and Reconciliation



Peace advocates and grassroots leaders trekking together after a community listening session.

A. ANALYSIS AND WAYS FORWARD

This project represented a concrete, grounded attempt to construct a multi-dimensional architecture that reflects a multiplicity of lens supporting the overall infrastructure and vision of transitional justice in the context of Mindanao. In so doing, the participants, partners, and proponents in the project shared a common vision of building peace that moves towards transformative, action-oriented models of justice and reconciliation. This project was driven by a belief, which is reinforced in the findings, that there is no one size-fits all transitional justice (TJ) model (Brankovic & van der Merwe, 2014). Rather, transitional justice that is transformative of post-conflict/war/peace-building in multicultural settings is culture and conflict-sensitive, context-specific, victim/survivor-centered, and relationship-driven.

Key learnings and impressions

- ▶ Strong local resources on indigenous peace making and dialogue provides the platform to surface truth, and address historical injustices, including the drafting of community response on continuing HRVs.
- ▶ Culture of storytelling, openness and practices of dialogue are indicative of community-based processes to address and resolve conflict and can be tapped in peacebuilding and other TJ related initiatives.¹⁶
- ▶ Peacemaking as a traditional way of resolving conflict. Existing peace pacts as cultural assets that should be incorporated in the formal peace negotiations (BOL implementation / NDFP peace talks).¹⁷
- ▶ Significant impact of CSO partnerships and community-based advocacy in supporting, building and strengthening the peace lens and peacemaking of local community partners.
- ▶ Meaningful participation of local peacebuilders, including traditional leaders, is imperative in the design of TJ initiatives to take into account culture and local knowledge in assessing conflict and in designing peacebuilding initiatives.

¹⁶ Traditional dialogue processes have been strengthened by years of engagement with CSOs facilitating inter-religious dialogue starting in the 1970s and culture of peace and grassroots peacebuilding in the late 1990s.

¹⁷ The proposals of Lumad Husay Mindanao, (an alliance of tribal peacebuilding advocates), provides models of this for the NDFP peace talks.

- ▶ Community resilience in the face of political domination and state sponsored violence is possible through truth sharing (in the form of narratives from the local community and survivors), advocacy and mobilization work.

B. REVISITING CULTURE, CONTINUUM AND COVERAGE

Culture, continuum, and coverage were the formative concepts that framed the project and as the project developed, provided focal points of understanding through the use of interdisciplinary lenses; as well as pivot points of action - leveraging and multiplying participation, sustainability, and effectiveness. The development of such process-structures that include both multiplicity lenses and multi-dimensional pivot points express complex, local models of action-reflection praxis and transformative justice theory-building. The key lenses/pivots of culture, continuum and coverage, when taken together, provide insight into, and actualization of, the infrastructure needed to envision and cultivate restorative justice and reconciliation in the rich peace-building ecology of Mindanao. Culture, continuum and coverage are also inter-related and interconnected, so that elements of each overlap and intersect with the other.

Culture

Several aspects of the cultural lens/pivot-point emerged in contextualizing Mindanao's transitional justice efforts with indigenous and local knowledges as resources for peace. **As stated, the meaningful participation of local peacebuilders, including traditional leaders, in community-based TJ initiatives, takes into account culture and local knowledge in assessing conflict and designing peacebuilding initiatives.** For example, Christian/settler community members associated with the Ilaga movement in Aleosan recognized that both the church and the local indigenous community had played key roles in helping facilitate dialogue between groups, rebuilding trust, and neutralizing deeply-seated biases. This is just one indicator of the value of local storytellers, mostly elders (and women in their own separate platform), who facilitate dialogue and found ways to build peace within and among peoples.

Second, affirming culture in transitional justice processes means understanding how cultural symbols, artifacts and values have also been victimized, destroyed and distorted due to protracted or extreme violence. Therefore, community-based restorative justice should involve the reconstruction and local prioritization of both tangible and intangible cultural heritage. Bangsamoro people using armed struggle to assert their right to self-determination are stereotyped as inherently violent, which reinforces in-group/out-group stereotypes between Christians and Muslims. "Christian" values of forgiveness can be distorted when they are politicized as a way of excusing corruption, and clan loyalty is manipulated for patronage politics and government contracts. Furthermore, the destruction of mosques and madrasahs in Marawi was not simply a loss of religious and educational buildings, but was felt as an assault on Meranaw *maratabat* (honor), dignity and identity because they also served as community gathering places. In fact, the creation of a cultural restoration agenda through internal and external dialogues may be the foundational transformative justice and reconciliation task of Bangsamoro, indigenous and Filipino peoples.

Third, appreciating culture means being open to it as an avenue and mechanism for surfacing deep issues of the past beyond the strictly legal objectives of transitional justice. **While local resources on indigenous peace making and dialogue provide the platform to surface truth and address historical injustices, (including the drafting of community response on continuing HRVs), we learned that culture itself is a vessel for truth-telling, the intergenerational transfer of knowledge, memory, narratives and trauma.** A critical aspect is that the practice of a "Listening Process" needs to be relationally refined to provide more time to continuously interact with the sources of narratives, (rather than a one-time visit and/or consultation with survivors of violence), through a deeper cultural awareness and rootedness that allows the expression of deep stories of cultural trauma and resilience.

In this dimension, a point of critical awareness is needed. While a "culturalized" process provides potent opportunities for dealing with intergenerational trauma, it is imperative to respect the story-tellers themselves by acknowledging their positionality, alongside the differing positionality of various stakeholders, partners and participants involved in inter-group peace and justice processes. As 'keepers of stories' and gatekeepers of local knowledge, their role serves to preserve and protect

the entire collective memory system of their communities, and thus their indigenous identity. Understanding and valuing why and how story keepers have maintained their roles and narratives means being open to their convergent and divergent interpretations of, and intentions for, the various “uses” of their stories, and even the findings of this project.¹⁸

Continuum: extending multi-dimensional cultural healing resiliencies vs political domination

The cultural positionality of story-tellers provides a natural transition for discussing the challenge of the continuum of the Bangsamoro transitional justice and reconciliation process in light of the various cultural frameworks, knowledge systems, and world-views of the stakeholders. This brings into focus how overlaying culture with continuum opens up new possibilities through a parallel **cultural continuum** addressing trauma, justice, suffering and healing, that extends beyond the linear timelines of the process.

An **extended continuum** allows the inclusion of processes dealing with large-scale violence, intergenerational traumas, and historic harm that predates the dark years of Marcos' Martial Law and the colonial past, even to the early Republics of the Philippines and IP-Moro traditional peace pacts. “Dealing with the past and present towards a reconciled future” will facilitate TJR issues that embody a ‘continuing past’ of large-scale atrocities like the burning of Jolo, the Bud Dahu massacre, and the more recent past such as the Zamboanga and Marawi sieges.

A **multi-dimensional continuum** describes findings at the nexus of contentious political realities, trauma and truth-telling, oriented towards healing and reconciliation. The victims of identity politics and gender-based violence are usually muted and excluded in sharing narratives in multi/intercultural and public settings. Furthermore, there is still silence on numerous cases of gender-based violence in local communities and even, trafficking among IDPs, rape and incest. The utilization of gender and intersectional lenses and approaches in psychosocial work should therefore be parallel, but distinct to, truth-telling, even as trauma and healing are inextricably linked in the whole transitional justice and reconciliation process.

¹⁸ This entails a sensitivity to the *existential positionality of cultural survival* that infuses the role of peace pact holders, an element of their identity that is different from the positionality of most others involved in the project.

The project found that victims and survivors well-being and psychosocial readiness were coupled with a climate of trust, thus creating safe spaces is essential in laying the groundwork for truth telling. Vital to the exercise of their agency is an increased understanding of the needs and dynamics related to trauma and victimization. Victims' narratives will generate a more textured analysis of contentious issues related to large-scale violence, which are often minimized or ignored at the expense of political goals. This reveals a challenge in that there needs to be both interconnection and insulation between trauma processing, the politics of transitional justice and broader truth-telling, in order to counteract the negative aspects of elite politics and impunity.

Coverage: Expanding boundaries and layers of truth-telling in varied geographies of justice

The coverage of the Bangsamoro Transitional Justice process as defined in *Dealing with the Past* was expanded in the implementation of the this project, allowing the emergence of interwoven and contextual **layers of coverage** across varied **geographies of justice** for a transformative approach. The first element of coverage is **spatial and geographic**, in the sense that transitional justice processes will need to take into account a broader geographic region than physical territory of the Bangsamoro. Thus, for example, TJ processes will need to cast a wider net to include incidents such as the Malisbong massacre, which occurred outside what is now the BARMM. Even within the BARMM, there will be a necessary necessary reorientation and overlaying of the "map" of the "geography of transitional justice" for example, in addressing the particular situation of MILF camps located within Ancestral Domain of the Téduray tribe. Addressing this complex issue of Téduray autonomy within Bangsamoro autonomy requires additional **layers of coverage** in bringing to bear a variety of cultural stakeholders, processes and tools in the implementation of transitional justice and reconciliation.

Second, large scale, extreme violent events, such as the burning of Jolo, the Zamboanga siege and the Marawi crisis, will also require extra **layers of coverage** through customized TJ interventions that restore and reinforce local resiliencies. These truth-telling and restorative accountability layers are needed due to the complexity of concentrated violence, their political implications and widespread social ripple effects. In that sense, extreme violent events are emblematic and iconic, highlighting the severity of deeply entrenched issues. They are also frequently distorted and manipulated in

order to promote polarizing conflict narratives, and simplified in ways that mask the complex interplay of institutions, individuals, and dynamics that contributed to their eruption. In these contexts, community resilience in the face of political and state sponsored violence is strengthened through multiple venues and mechanisms of *layered truth sharing*, in the form of narratives from the local community and survivors, as well as by advocacy and mobilization work.

Strong among the narratives of survivors is the sense of systemic exclusion, and of being deliberately left out in decision making. Despite numerous consultations, with the absence of significant participation among survivors of violence, the priorities of survivors are lost. On the other hand, a survivor-driven process and politics of remembering facilitates healing and justice. How this will be utilized by the state, later on, to exact accountability and bring perpetrators to justice remains to be seen. We found that local elites perpetuated domination by ignoring local narratives, silencing disparate voices and excluding survivors from decision-making, in spite of pro-forma "consultation" efforts. This lead to a deepening of trauma, increasing frustration and further grievances, often compounding the trauma first experienced during actual violence and displacement. However, this domination can be resisted by multiple protective layers of truth telling that builds agency, voice and resilience.

C. PRIORITY DOMAINS OF ACTION

1. Advancing the Transitional Justice and Reconciliation Agenda in government

There is no need to restate the outputs of the TJRC, but to emphasize the dire need to prioritize the passage of laws/acts for implementing the recommendations of the Transitional Justice and Reconciliation Commission at the Regional (BTA) and National (Legislative) levels. This could be assisted by pushing for the temporary reconstitution of the TJRC in order to assess implementation and make specific recommendations in the current context.

1. The imperative on institutionalizing Transitional Justice and Reconciliation (TJR) during the Bangsamoro Transition has to be pursued by making TJR a legislative agenda in the 18th Philippine Congress, thereby installing the regional TJR body in the BARMM.

A strong policy push is needed for the reparations of victims and survivors of the Marawi siege and policy support for their safe return, resettlement and integration, ensuring meaningful participation of IDPs themselves in decisions related to rehabilitation and in the rehabilitation process itself.

2. Whole-of-society Transitional Justice Architecture: A separate Transitional Justice and Reconciliation Program should be installed for all peoples (across sectors and ethnic lines) for the whole country. This entails a highly functioning civil society and interagency interface, especially with government entities initiating “transitional justice” activities such as the Commission on Human Rights, the Human Rights Violations and Victims Memorial Commission (MemCom), and other relevant agencies (i.e. National Historical Commission of the Philippines, National Archives of the Philippines, National Commission for Culture and the Arts) whose mandates can be utilized to teach the public about history, memorialization, culture and heritage vis-a-vis the atrocities of the past.
3. Creation of a national consortium on transitional justice and reconciliation composed of scholars, academe, justice practitioners and civil society. They will collaborate and work towards advocacy and accompaniment in the TJR process through community-led truth telling and memorialization efforts, joint publications, on-line memory sites, and engaging policy and learning platforms.

2. Cultural and IP dialogue and advocacy

For IP communities, several key arenas of action emerged which need further strengthening and actualization. They would be best backstopped through the establishment of an Independent Indigenous Peoples Transitional and/or Transformative Justice Body¹⁹, separate from the NCIP. This could be framed as an Independent Truth telling Commission or Tribunal addressing historic harm, or a Council on transgenerational healing and the resolution of past and present injustices against IPs, as defined in the recommendations below. However, until such a body is created, there is nothing to prevent IP leaders, community organizations, tribal councils, civil society organizations, academe and support groups to work on these recommendations through existing projects, initiatives and alliances:

¹⁹ Refer to Annex A for more details on the bases of an Independent Indigenous Peoples Transitional Justice and Reconciliation Body

1. Establish and assert a Right to Culture in TJR mechanisms and discourses; invite the UN Rapporteur on the Right to Culture to the Philippines.
2. Focus and prioritize mechanisms addressing acute/immediate community peace, justice and human security issues faced by IP/Lumad, grounded on a comprehensive mapping and analysis of the state of IP communities in Mindanao and the Philippines.
3. Strengthen customary and IP-driven processes addressing displacement of IP communities and loss of Ancestral Domain vis-a-vis conflict affected areas, battle zones, bases and camps.
4. Create spaces and resources for intra-tribal dialogue in order to support the provision of amnesty, inclusion, participation and reparations for armed and un-armed IP's who joined revolutionary movements.
5. Recognition of IP historical sites, particularly those affected by armed conflict and displacement.
6. Capacitate culturalized gender justice: Indigenous/customary, conflict-sensitive and human rights-oriented processes that are led by IP facilitators.
7. Tri-people, inter-religious and joint dialogue processes including agama/church/religious leaders.
8. IP representation in high level mechanisms and bodies.

3. Crafting histories, healing and living memorials - academe, education and training

Develop, consolidate and share modules, curricula and lessons on TJR in formal classroom settings, as well as community and alternative learning environments. The burgeoning literature, academic and otherwise, on transitional justice and related themes, especially the reports of the TJRC, provide extensive subject matter for educational efforts. In particular, there is a silver lining to the attempts at historical revisionism to the Marcos dictatorship history. This can be found in that the revisionist efforts are provoking survivors to speak out, document and report their experiences in variety of media and formats. Capturing and cataloguing these would provide extensive material for researchers and educators at a variety of levels.

There is also a need to continue to strengthen and affirm the non-linear, fictional, creative, dramatic and musical expressions of justice and

injustice. Infusing trauma awareness and healing cross training across disciplines of education, law, health and arts will be a key function in raising and popularizing transitional and restorative justice capacities. Some traumas and violence can only be expressed through metaphors, parables and stories. We need look no further than the fact that the first Philippine revolution was instigated not by a factual list of atrocities committed by the Spanish, but by Rizal's fictional story portraying Filipino struggles under Spanish colonial rule.

This is where the interdisciplinary and complementary roles of justice advocates, trauma/psychosocial workers, and scholars can be woven together. This will provide interfacing relationships that open safe spaces and parallel processes for gendered voices of suffering, healing and transformation, while insulating and protecting victims/survivors from further harm and traumatization. Mechanisms must be recovered and/or developed among local communities that break this silence and assist survivors to create and sustain safe/protective spaces for trauma healing.

These efforts can underwrite the generation and articulation of alternative people's histories that counteract the dominant discourses of violence and authoritarianism. The Mindanao history project is one such effort, where the narration and collection of unheard stories and unknown experiences, conducted in safe spaces, provides creative opportunities to nuance, diversify and strengthen the retelling of dark strands in the national narrative.

4. Engaging the Security Sector in TJR

Coming from those most displaced and affected by the Marawi debacle, there was actually little discourse supporting a military approach in dealing with terrorism and its aftermath. The people most affected were more interested in having immediate survival needs met; their tangible losses, livelihoods and living sites restored; and in terms of justice, a deeper and more comprehensive inquiry into the various actors responsible for the destruction of the city. This calls for the following responses:

1. Security Sector Transitional Justice and Reconciliation Education: TJR should be linked with Security Sector Reform (SSR) initiatives as state security sector actors (AFP, PNP, and civilian auxiliaries/paramilitaries) have been consistently identified as key agents of impunity. Thus it is necessary to link together ongoing and future

TJR and SSR initiatives, as well as internal AFP trauma support initiatives. While educating the security sector through victim-centered narratives may be an uphill battle, it is precisely needed to bridge outside perspectives and accountabilities for those who are often considered simply collateral damage and those responsible for that damage.

2. Paradigm shift from CVE to EVE: Assess and contest militarized Countering Violent Extremism (CVE) initiatives and Martial Law policies and discourses by promoting Transitional Justice as an alternative paradigm for Transformative Justice for Extreme Violent Events (EVE) (Zamboanga Siege, Marawi Siege, Jolo bombings, etc). The traditional security sector-dominated counter-terrorism/counter-insurgency discourse, relabeled as CVE, tends to shift responsibility to "radical" actors, often mobilized by foreign networks, who are politically labeled "terrorist." This engenders a security-centric mode of intervention, which mask the complex economic and political ecology in which these actors grow, develop and transform, as well as the proliferation of other armed groups even with the MILF decommissioning efforts.
3. Support provisions complementing Transitional Justice and Reconciliation in the National Action Plan on Preventing and Countering Violent Extremism (NAP-PCVE)²⁰ of the Philippine Government. Lobby towards an "inclusive convergence approach" not only limited to government agencies, but one that provides space for civil society and community participation in the national efforts addressing VE and shifting social mobilization towards the whole-of-society.

D. CHALLENGES

- ❑ Women and youth as peace resources remain largely untapped;
- ❑ Appreciating and integrating local peace mechanisms and traditional pacts between IPs and Moros and other grassroots peace making efforts with settler communities in the BOL and in the larger peacebuilding effort is needed;

²⁰ In July 2019, the Philippines adopted the National Action Plan on Preventing and Countering Violent Extremism (NAP PCVE), to be implemented by the Department of the Interior and Local Government (DILG). The NAP PCVE is a comprehensive, synchronized national strategy to prevent and counter violent extremism and radicalization. It promotes soft power and community-based approaches countering the political, economic, cultural, psychosocial, and religious drivers of radicalization.

- ❑ Surfacing the “voices” of minority groups in the BARMM (such as the IPs and Christian settler communities) in the BOL and in the Mindanao narrative; and guaranteeing safe space of the same for local truth telling on past injustices and prevailing issues and concerns;
- ❑ There is a scarcity of well-documented information on land grabbing and other HRV cases raised by IPs which can be utilized to assert accountability among state and non-state actors. Addressing the weak support/network focusing on IP protection and land rights in the BARMM is a critical element in this;
- ❑ Pervading HRVs, civilian protection issues, and the rising armed hostilities due to land disputes and clan feuds (“rido”) in the absence of a coordinated ‘monitoring and protection’ response and strategy among HR institutions, civilian protection networks, and the existing peace mechanisms (i.e. ceasefire structure, Joint Normalization Committee, and ad hoc entities responding to peace and order, terrorism and security issues);
- ❑ Managing expectations and frustrations towards the Normalization programs for the MILF, especially decommissioning and camp transformation in and beyond the BARMM;
- ❑ Political domination and elite bargains forged in the negotiated consensus (e.g. signed agreements, BOL, BTA installation) will define the continuing dynamics in the center-periphery power relations [Philippine government-BTA], wealth sharing, and post-conflict peacebuilding and transitional justice;
- ❑ Elite bargains are becoming institutionalized and will play out in the kind of economic development in the post-war Bangsamoro. Specifically, the next frontier of contestation is managing high-value natural resources - a potential driver in post-conflict corruption. Resource-capture and grievances related to this have to be closely monitored since the conflict reconfiguration is now focused on land distribution and allocation of resources. This will guarantee inclusive development for all people in the BARMM, especially poor and marginalized communities and vulnerable groups;
- ❑ The development projects aligned with the Normalization programs (e.g. decommissioning and camp transformation) can worsen conflict dynamics and lead to intergroup conflict if left unattended/unmitigated. A key to post-war economic recovery and peacebuilding entails managing the red flags of unmet expectations and inequalities in the distribution of revenues and resource allocation in the BARMM.

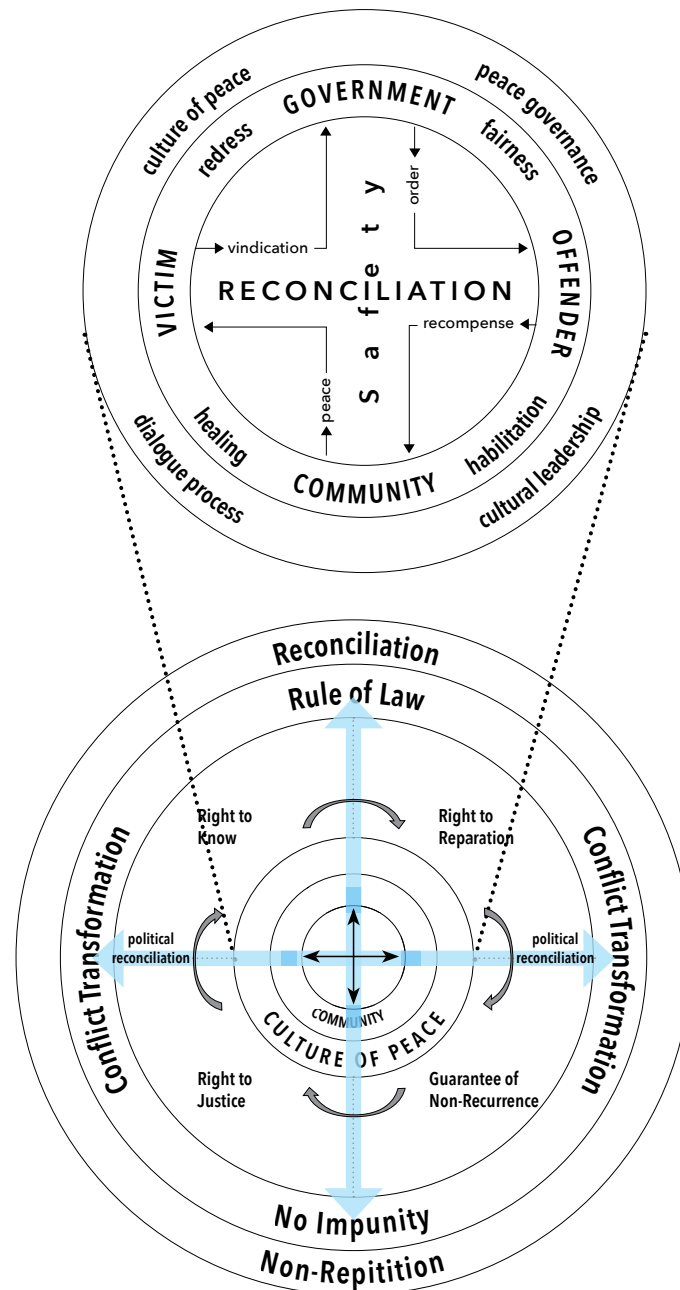
E. FORGING AN INTEGRATED FRAMEWORK: STRENGTHENING TRANSITIONAL JUSTICE AND RECONCILIATION - EMBEDDING COMMUNITY- BASED RESTORATIVE JUSTICE IN DEALING WITH THE PAST

Although there are numerous models of both restorative and transitional justice, few have been used for this discussion. When considering the DWP and RJ models, the rights-based mechanisms of DWP are primarily the domain of government, which it is duty-bound to ensure with the support of the community. Furthermore, in the RJ model, the horizontal social reconstruction processes of reconciliation which are primarily the domain of communities are brought into focus, yet enabled and backstopped through government and institutional support. Philpott's model of restorative political reconciliation brings into focus the vertical imperatives of restorative justice as a layering of long term practices that address the relational harms to political cultures that stem from political injustice. If we superimpose the RJ model in the center of the DWP framework, the specific dynamics and goals in the social and relational transformations of victims, offenders, community and government are brought into focus at the center of the transitional justice and political reconciliation processes (Figure 1 below). This reinforces the critical "protective" human rights imperatives, due process functions and public safety roles of government in relation to the provision of safe spaces for community-based restorative processes and higher level social reconciliation. These are strengthened by the higher level restorative political reconciliations and institutional transformations ensuring the right to know, the right to justice, the right to reparation, accountability and preventing recurrence, which are all part of government's mandate highlighted in the DWP framework. Embedding CBRJ, Political Reconciliation and DWP ensures that the downsides of each model are reinforced by the strengths of the other, thus charting a way forward that allows us to seize the Bangsamoro opportunity as a chance and space for just reconciliation and durable peace.

Conclusion

Considering the collective reflections, discussions, suggestions, commitments and dreams for the future embodied in this project, the result does not simply portray a uni-centric transitional justice and reconciliation process. Rather, what emerges is a multi-polar restorative movement

DWP CBRJ Integrated Framework



for social justice and transformation that extends beyond the bounds of Bangsamoro post-conflict peacebuilding. This is not grounded in abstract philosophies of political theory, but in real-world collective and individual experiences of violence and peacemaking embedded in a context of social injustice and cultural survival. Continuing to facilitate and engage in transformative justice discourses across multiple identity groups, sectors of society, and levels of government and civil society will strengthen and develop this movement while promoting inclusive and positive peace, strengthening justice for communities in the Bangsamoro, and beyond.



POLICY RECOMMENDATIONS

F. TRANSITIONAL JUSTICE AND RECONCILIATION RECOMMENDATIONS AND POLICY PROPOSALS

SUMMARY POLICY RECOMMENDATIONS

Towards a Policy Agenda on TJR In and Beyond the Bangsamoro

A. Institutionalizing Transitional Justice during the Bangsamoro Transition

- 1 Support House Bill No. 5669 or “Transitional Justice and Reconciliation for the Bangsamoro Act.”
- 2 Engage the BTA through a well-written proposal for the creation of Tri-people Victims of War department, agency or commission.
- 3 Enactment by the BTA of an enabling law to harmonize the four justice systems in the BOL.

ON LAND DISTRIBUTION ISSUES

- 4 Install mechanisms that will interface with the BTA and Parliament structure on issues related to land claims such as the IP Ministry, Ministry on Agrarian Reform and Natural Resources, etc. This interagency mechanism will pursue review of DAR, DENR and DA orders that are in conflict with the ancestral domain area within the BARMM.
- 5 Address the issue on competing land claims especially by landed elites, and corporate entities (local, national, or foreign) in the BARMM through sound policy action by the Intergovernmental Relations (IGR) mechanism in coordination with national mandated agencies on land and natural resources management (i.e. DAR, DA, DENR, NCIP).
- 6 Moratorium on issuance of Certificates of Land Ownership Awards (CLOAs), mining and other development intrusion permits within the BARMM pending the development of the “land distribution” policy agenda of the BTA and the Parliament.
- 7 Create an appropriate law on land distribution/agrarian reform.
 - a. Enforce alternative dispute resolutions (traditional customary law) for clan-based mediation in land conflicts.
 - b. Recognize and strengthen the role of sultans/traditional leaders in land dispute settlement.

ON HUMAN RIGHTS & CIVILIAN PROTECTION ISSUES

- 8 There is a need to institutionalize a TJ system within the BARMM and the HR concerns are still unclear. Is it possible to approach the issue not only from the legal lens, but also with moral and cultural lenses?
- 9 Institute and support existing mechanisms on human rights and civilian protection that reduce/eliminate violence in the BARMM. Specific provisions for QRT legal assistance for vulnerable communities of IPs, Moro and settler groups in the region.
- 10 Include Bangsamoro in diaspora (*namakwit*) in the coverage of transitional justice.
- 11 Maximize existing peace and other local mediation (*rido*) mechanisms in place like the International Monitoring Team (IMT), Joint Normalization

Committee, International Contact Group, and civilian protection groups/actors, Bantay Ceasefire, CCCH, and other relevant groups.

ON FRAMEWORK, TRUTHTELLING, MEMORIALIZATION

- 12 For the Transitional Justice process to recognize and integrate in its approach and framework the traditional and Islamic Reconciliation and Peacebuilding principles/values of “*atoran*” (restoration) and “*kukuman*” (resolution) as well as the historical relationships and community peacemaking forged in IP-Moro/IP-settler/Moro-settler shared boundaries.
- 13 Pursue a mapping of IP-Moro traditional agreements (local peace pacts carried over through generations) related to covenants respecting boundaries, identities, cultures, and promoting community solidarity in times of war and peace and embed this as a shared platform in truth-telling and memorialization.
- 14 TJR joint process among IPs-Moro-Christians (*agama, simbahan*, Muslim religious leaders) should include the narratives of the settlers and other minoritized narratives on violence.
- 15 Address historical injustices in various levels (government, armed groups, Moro to Moro).
- 16 Memorialization of historical sites as part of transitional justice.

ON FULL INCLUSION & PARTICIPATION OF IPs

- 17 For the IPs in the BARMM, the normalization process should go beyond the legal dimension by recognizing or acknowledging the original occupants of ancestral lands where the camps are located. Explore the possibility of institutionalizing an *inter-generational recognition of historical sites* as part of the transitional justice process.
- 18 Use the territorial/AD-based approach in implementing the resettlement and rehabilitation program.
 - a. The ancestral domains located in Mt Firis complex occupied by two MILF camps, Bader and Omar, must be returned to the Téduray and Lambangian tribes. The original occupants and Téduray-Lambangian combatants must do the camp transformation. Expansion of the camps must also be stopped.
 - b. Include in the normalization process the (re) settlement of all those who were displaced, particularly those who were affected by armed conflicts in Mt. Firis, PC Hill, High Point, Macabenban and other historical sites.
 - c. All displaced families (who have become permanent IDPs in nearby provinces, some of them are now informal settlers in North Cotabato) must be able to go back to their original place.
- 19 Recognize in the implementation of transitional justice the collective participation of the Timuay Justice and Governance (TJG), the Indigenous Political Structure of the Téduray and Lambangian Manobo tribes in the BARMM, as the legitimate owner of a unified ancestral domain with their own set of customary laws.
- 20 Ask the government/courts and the MILF not to interfere in cases where the traditional justice system is applicable.
- 21 Conduct intra-tribal dialogue to process Téduray combatants who have joined the MILF to defend their ancestral lands.
- 22 Promote IP-Moro kinship through the “Mamalu-Tabunaway shared narrative” as a relevant entry point for joint truth-telling and memorialization process for IPs and Moro.

- a. Consolidate different versions of the Mamalu-Tabunaway narrative. Allow each tribe to tell their own story and acknowledge their historical account as part of the evolution of the Mamalu-Tabunaway narrative.
- b. Strengthen Moro-IP dialogues on the *Sapa* and other peace pacts at various levels to fully understand history especially the Mamalu-Tabunaway narrative. Rituals like the *pasan luwas* may be done as a form of cleansing towards healing and a reaffirmation of restored relationships. Ensure participation of youth and women in these dialogues.

B. Whole-of-society Transitional Justice Architecture

- 23 A separate Transitional Justice and Reconciliation Program be installed for all peoples (across sector and ethnic lines) beyond the BARMM and in the whole country. This entails a highly functioning civil society and interagency interface, especially with government entities initiating “transitional justice” activities such as the Commission on Human Rights, the Human Rights Violations and Victims Memorial Commission (MemCom) and other relevant agencies (i.e. National Historical Commission of the Philippines, National Archives of the Philippines, National Commission for Culture and the Arts) whose mandates can be utilized to teach the public on history, memorialization, culture and heritage vis-a-viz atrocities of the past.
- 24 Creation of a national consortium on transitional justice and reconciliation composed of scholars, academe, justice practitioners and civil society collaborating on advocacy and accompaniment in the TJR process through community-led truth telling and memorialization efforts, joint publications, on-line memory sites, and engaging policy and learning platforms.

ON REPARATIONS

- 25 Issuance of Executive Order/hasten the passage on the continuance of an HR Claims Board that will now include claimants seeking “collective/community reparations” especially in the Mindanao and Visayas areas. The HRVCB has closed and there are still thousands who have not yet claimed reparation, hence this push for a legislative agenda to continue the reparation process nationwide.

ON MEMORY AND MEMORIALIZATION

- 26 The Human Rights Violations and Victims Memorial Commission (MemCom) should include efforts in its national strategy on memorialization to initiate/support truth-telling processes from the ground up.
- 27 Develop and support a national program guaranteeing an intergenerational, multi-sectoral, and interdisciplinary “**transfer of memory**” which entails a setting up of a system of documentation, archiving, data sharing, and learning processes. The role of arts and culture as well as human interaction will enhance understanding and insight (i.e. museums, alternative-museums, film showing, theatre/music/visual/literary performances, and other artistic innovations). Conduct a national process of brainstorming workshops for truth telling and memorialization focusing on overarching frameworks, documentation, database and repository processes.
- 28 For transitional justice advocates to understand the role of memory in identifying gaps of *remembering and forgetting* in both local and national histories to further inform the truth-telling and memorialization processes. Ensure actual ‘sites of memory’ of past atrocities vis-a-viz ‘memory spaces’ (to remind us of the past) in coping with loss of memory and politics of memory.

- 29 Work towards the ‘democratization’ of the memorialization process through innovation and use of digital technology and social media. Pursue “digital memorialization” (e.g. ‘sites of conscience’, online museums and memorials) as alternative discourse and virtual ‘mnemonic’ space to educate the public and ensure transfer of collective memory across generations.

ON TRUTHTELLING

- 29 Truth telling to provide the right process and space (especially for customary, indigenous and traditional) and a variety of narratives both oral and non-linear in forms (which includes figurative language, drawings, film, media arts).
- 30 Truth telling must provide safe spaces for survivors/victims to share their narratives and facilitate inclusion for all victims and offenders alike, including community members.
- 31 An inclusive truth telling process engenders intergenerational participation. Include the keepers of stories and memories in documentation work while bridging these keepers of the stories and the young people who are usually left out in the peacebuilding work.
- 32 Truth telling abides with the “multiplicity of truths” principle, there will always be a diversity of perspectives and opinions. Finding its nexus in trauma work has to be sought since there will be ‘hidden or suppressed truths’ as a result of stigma serving as blind spots in history telling and making.
- 33 Truth-telling processes must be culture-sensitive and gender-sensitive. Transitional justice should also consider the “*kaulaw*” and “*dangal*” and safety of women victims. Sensitive cases like rape should not be presented in public. If possible, these cases should be settled at the community level using traditional processes.
- 34 Listen to the voice of the perpetrators. The so-called ‘perpetrators’/offenders will have their own space in the truth-telling process.
- 35 Include the narratives of the settlers since current narratives are focused on the IPs and the Moro.
- 36 Build mass support for documentation of past and continuing HR violations.
- 37 Include in the truth-telling processes atrocities not only committed by the state (via the military forces) but also by non-state armed actors.

ON LAND ISSUES

- 38 Recognize the role of traditional leaders in dispute settlement especially on intractable land conflicts at the grassroots level within their scope of influence.
- 39 Pursue a review of land titles especially by landed elites and corporate entities (local, national, or foreign) at the barangay and municipal-level.
- 40 Enforce traditional/customary law, as well as clan-based mediation on land conflict.
- 41 Revisit role of traditional leaders and sultanates on land dispute settlement.

C. Initiating a Transitional Justice Discourse and Program for the Indigenous Peoples

- 42 Claiming of rights over their identity, culture and belief system, and ancestral domains including recognition of where they come as internally displaced persons and the right to go back to their original place.

- 43 Prioritize institutionalization of mechanisms to reduce or eliminate violence against the IPs (killings, arrests, and other human rights violations related to land conflicts). Push for the creation of quick reaction teams and timely provision of legal assistance to help IPs in distress.
- 44 Revisit the peace pacts and historical narratives especially on conflict resolution, mediation, traditional boundaries and kinship.
- 45 Review the transitional justice track and reconsider extending the coverage to colonial injustices and past atrocities during earlier Philippine republics (commonwealth government). Redesigning the transitional justice architecture to include the indigenous peoples' narratives of systemic exclusion.
- 46 Victims/survivors do not only refer to direct victims of displacement of the war but also those who have joined the revolution at a certain time. They should be given safe spaces in the truth telling process and included in all reparation mechanisms. Amnesty should be extended to all active and former combatants.
- 47 Ensure equal and meaningful participation and representation of indigenous peoples in TJR mechanisms.
- 48 Document the massacres that happened in IP communities. The HRVVMC should also research on the human rights violations against IPs during Martial Law.
- 49 The IPs have also been victims even long before the Martial Law, during the arrival of Islam in Mindanao, does the TJRC include their narratives too?
- 50 Truth telling to provide the right process and space (customary, indigenous and traditional).
- 51 Lobby for the creation of HRV Claims Board for IPs to document and facilitate past atrocities in the earlier republics especially during the commonwealth government.
- 52 Institute mechanism to reduce/eliminate violence and guarantee provision for QRT legal assistance and victim support program for IPs and their immediate and substantive *access to justice*.
- 53 Support IP-led documentation of traditional processes on conflict resolution, consensus building and healing process and embed this in designing the truth telling process for indigenous peoples.
- 54 Support IP empowerment and justice governance through the Indigenous Political Structure (IPS) and its administration of justice within their ancestral domain (AD). This entails the following:
 - a. Mandatory for government agencies (including military) to consistently consult the tribal leaders invoking the principle of 'free, prior, and informed consent;
 - b. Non-utilization of IPs in the proxy wars thru the declaration of all ancestral domain and indigenous territories as priority *ceasefire zones (buffer/demilitarized areas)* and end recruitment of IPs by all armed groups;
 - c. De-listing of IP leaders (former combatants) in the order of battle of the Armed Forces of the Philippines (AFP).
- 55 Strong policy action by the government to address AD-related conflicts by supporting an NCIP-led review of DAR, DENR and DA orders that are in conflict with AD.

- 56 Moratorium on issuance of CLOAs/mining and other development intrusion permits.
- 57 Full implementation of IPRA law and policy review of NCIP guidelines and status of implementation on all bundles of rights.

D. The Traditional Leaders and Sultanates in Transitional Justice

- 58 Policy review to study the political recognition and rights of the sultanates. There has to be structure and authority of the Sultanate in the current peacebuilding in the BARMM.
- 59 Strengthen role of sultanates and/or traditional leaders by providing clarity on their participation in peace and governance; provide them with political space to exercise their authority.
- 60 Study the experiences of other countries on the involvement of traditional leaders in peace building, governance and conflict settlement in a tri-people/multicultural context.
- 61 Specify political representation of the sultans/traditional leaders in the Bangsamoro parliament to guarantee meaningful participation and roles of traditional leaders and the Wali in the BTA.
- 62 Establishment of institutions/entities intended for the welfare of the sultanates and datus.
- 63 Revisit/rewrite the history from the perspective of the traditional leaders

E. Marawi in the Normalization Annex and Transitional Justice

- 64 Commence the transitional justice process in Marawi by initiating a multileveled ‘truth telling’ and memorialization process supported by the whole-of-government (BTA, JNC, TFBM, OPAPP and Congress). A crucial start will be an impartial and thorough investigation by a credible, independent body on the Marawi siege.
- 65 National campaign for Marawi’s “healing truth” that weaves mass atrocity and actual incitement to violence against the people. Analysis of the Marawi crisis should go beyond the destruction and the large-scale violence but also the incitement to violence inflicted against the Meranaws. Since political interest always intervenes and distorts the truth, localized and Meranaw-led TJ processes will pave the way for catharsis and healing.
- 66 Marawi IDPs as the original occupants take the lead in the physical rebuilding of Marawi to help restore their attachment to it. Meaningful IDP participation in the rehabilitation should be actualized in the structure and process.
- 67 Women’s participation in post-reconstruction is primordial and actual physical presence of women in safe spaces has to be encouraged. One of the fears of a traumatized person is isolation. Moving together with women in safe spaces and conducting religious and social rituals in places where they can ritualize their pains, will broaden their survivor identities, and facilitate the grieving and subsequent healing process.
- 68 Lobby the 18th Philippine Congress to make Marawi reparations an urgent legislative agenda and support the passage of the Compensation Bill.

- 69 Support and implement a working “peace table” with the OPAPP and IDPs.
- 70 For TFBM to abide by the durable solutions framework of IDPs regarding return, relocation, and resettlement. Ensure that all transfers are voluntary, and comply with national and international laws governing IDP rights.
- 71 Address WASH, health, nutrition, education, and livelihood issues through sound national policy measures in Marawi rehabilitation.

F. Capacity Development on Trauma, Healing and Psychosocial work

- 72 Train the 1,200 psychologists all over the country on Transitional Justice since they are the ones handling trauma and psychosocial activities of victims/survivors. They are mostly exposed to the academic context of the issue but do not have specific training on how to understand people who have undergone trauma related to Martial Law and other large-scale violence.
- 73 Transitional Justice documentation training program cascaded on a national scale involving education and learning institutions, justice and legal community, historical and social sciences community (sociology, social work, psychosocial, anthropology).
- 74 Tap the mental health care fund and facilities as provided by the Mental Health Care Act to allow mental health professionals to give support services at the community level where healing usually takes place.
- 75 Increase the capacity of the Department of Health (DOH) to deliver services related to mental health and psychosocial assistance contextualized based on the culture of the population upon whom the violence had been afflicted and its conflict environs.

F. Gender in/and Transitional Justice

Gender has its own location in setting the framework, procedural, and normative processes of transitional justice. It is equally important that the feminist lens, gendered perspective and gender equality are ingrained in the substance, structure and process of TJR.

- 76 Guarantee the gender balance in the composition of the truth commission and any other truth telling and memorialization bodies/mechanisms installed. Women should take a leading role in any reconciliation and healing processes.
- 77 Observance of protocols in getting the testimonies of women who suffered sexual violence and avoidance of overlapping ‘victimization’ of women survivors even in truth seeking process. Provide necessary support systems for victims/survivors of violence against women.
- 78 Full inclusion of appropriate gender equality practices in designing and implementing reparations, truth telling, memorialization, accessing justice and instituting reforms to address sexual and gender-based violence within the recorded historical injustices.



Survivors, victims, healers, defenders and advocates gather together as they share their stories of past hurts, resistance, survival and hope. Their journey together included collective community memorialization in visiting historical sites, remembering the Marawi siege, lobbying congress for transitional justice and normalization as a policy agenda, trainings on justice and reconciliation with women healers, and listening and storytelling sessions.





The Bangsamoro Transformative Justice Initiatives project was punctuated by solidarity gatherings of survivors/victims, defenders and advocates in and beyond BARMM - including justice advocates from Manila, Cambodia, Aceh, Malaysia, Indonesia and East Timor.



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Annex 1

Policy Imperatives: Learning from the IPs

Bases of an Independent Indigenous Peoples Transitional Justice and Reconciliation Body

- 1. Indigenous peace and justice structures and values should remain intact and recognized.** For the Arumanon-Manobo, their three pillars of peace are: *uram*, which means respect for others, *tigker* or patience and perseverance, and *limo* or love. Truthfulness or *ambanara* is also an equally important value that guided the tribe since time immemorial.
- 2. Revisiting and understanding of the worldview of indigenous peoples, particularly their concept and system of self-governance by the Bangsamoro and settlers might lead to a more meaningful restoration of relationships between and among the tri-people of Mindanao.** IPs have to continue asserting their ownership and control over their ancestral domains because their life is interconnected with the land and resources therein. This assertion must be understood and accepted by the Bangsamoro and settlers.
- 3. The restoration process is holistic, integrated, and multi-dimensional. The spiritual dimension should be considered as a very important element in transitional justice since it is the crucial aspect of the restorative justice system of indigenous peoples.** IPs believe that there is a strong connection between spirituality and justice. Holistic healing can only happen when individuals or groups have also restored their relationship with the spiritual world enabling them to achieve balance and harmony. The sixth principle of the Téduray-Lambangian's Timuay Justice and Governance (TJG) emphasizes the importance of closeness and good relationship with nature so that each individual will be empowered without oppressing others. "*We are spiritual beings on a journey here and we will return to where we came from.*"

4. **Victims of injustices should be provided with safe spaces where they can freely and meaningfully participate in conversations on peace and justice. The perpetrators must also join in these dialogues.** There has to be trust-building at the very start with truth-telling as an initial step. For the Téduray, aside from reparations, a *kefiyo fedew* or the “full restoration of relationships between and among conflicting parties” must be worked out. The processes may vary as long as the same end result will be achieved and involve restoration or recognition of the IPs’ traditional systems (culture and belief system, ancestral domains, and self-governance). There will no genuine peace without *kefiyo fedew*.

Annex 2

Project Briefer on the “Bangsamoro Transitional Justice Initiatives” 2017-2019

Background

The **Initiatives for International Dialogue (IID)**, in coordination with its partner peace networks, is initiating a civil-society led *transitional justice* project to build on what has already been done in the past and present by both formal processes and community initiatives emblematic of *transitional justice in and beyond Bangsamoro*. At the core of this effort is the key findings and recommendations of the Transitional Justice and Reconciliation Commission (TJRC) and the entire gamut of its framework, components and processes.

The IID focuses on a three-pronged lens it will use in the entire *transitional justice* discourse – **culture, coverage, and continuum**. The cultural dimension in an integrated framework is both process and substance. This project emphasizes how communities utilize cultural rituals and perspectives in *dealing with the past*. Secondly, the narratives to be woven will now include stories beyond the Bangsamoro yet sharing the same history of violent conflicts and wide scale human rights violations either committed to groups or individuals in other parts of the country. Lastly, IID posits that addressing a violent past can't be done overnight since it is a continuing process; that undoing the past is actually *dealing with the past and present towards building a reconciled future*. A guiding framework incorporating these interlocking lens puts premium in the **reconciliation process** and **intergenerational trauma** which are usually set aside in most *transitional justice* approaches.

This project came at a time when the over all health of the peace process is being gravely challenged since the implementation of the peace agreements experienced serious delays, and worse, even terminated in the case of the GRP-NDFP talks. Moreover, there is heightened level of insecurity due to pockets of armed hostilities spilling over in the Marawi aftermath, the military action between the government and the reds, and the crackdown unleashed by the Martial Law extension in Mindanao.

This context is no way near to a post-conflict state of affairs and may lead to an armed conflict situation in seeming perpetuity. But most of the countries in transition after concluding violent and wide-scale hostilities experience a rapid escalation to urbanization, urban violence, crime ², land disputes and resource-based conflict. But this should not stop the peace actors from pursuing the Normalization track in the peace process, changing the notion of a linear progression of the roadmap milestones, and especially implementing the Transitional Justice process which was already launched by the TJRC.

IID believes on the *transitional justice* imperative especially nowadays in the Philippine setting wherein the *red carpet is rolled* for the perpetrators of indiscriminate armed violence and extrajudicial killings - deepening the stigma and allowing the culture of impunity to take root. Why wait for tomorrow in undoing the unjust? Injustices of the past that continue in the present have to be addressed immediately in order to build peace infrastructures, mend broken relationships, prepare divided

¹ Extended project period for 4 months

² South Sudan Monitor, November 2011, Saferworld.

communities to become more tolerant and resilient. And *transitional justice* initiatives will pave the way for these to happen; it should be broadly supported and systematically implemented, now.

Towards a Transformative Justice

Transitional Justice and Reconciliation (TJR), as the *transitional justice* approach of the TJRC is basically guided by the *Dealing with the Past (DwP)* framework developed by swisspeace. As an envisioned process in the Bangsamoro, TJR will encompass correcting historical injustice, addressing human rights violations, responding to the legitimate grievances of the Bangsamoro people and land dispossession.

And whatever the outcome of the political part in the peace process, this project will specifically carry over *a cultural procedure weaving these elements together* which plays a key role in *rebuilding trust and transforming relationships* within the communities of the Bangsamoro, and across the nation. This in itself is a *transformative process* that could lay the groundwork for *social and national reconciliation* by promoting and affirming long standing cultural processes and that have helped restore peace and order in communities in the absence of formal governance structures.

Thus, there is a need to localize formal and informal processes for deep and sustainable reconciliation during the transition, in particular, *by reclaiming, re-asserting and deepening the understandings of local peace resources*. These include re-affirming the pre-existing traditional peace pacts between and among the Indigenous People and the Moro people of Mindanao, which can be done through a process of dialogue, documentation and ceremony. This will support the “Management of Diversity”³ within the TJR aspect, which seeks to root peace and social restoration at the community level.

Objectives

1. **Broaden participation of communities in a “listening process”** where the harms of the past are individually and collectively shared in safe, dialogue spaces with focus on youth and women;
2. **Capacitate ‘peace communicators’** from among educational institutions and CSOs across the nation to learn about the historical injustices done to the Bangsamoro and other marginalized peoples in Mindanao;
3. **Weave an inclusive narrative of the collective violence experienced** in other parts of the country and integrate the “transitional justice” proposition initiated in the Bangsamoro and Mindanao;
 - *Injustices and human rights violations during the Marcos dictatorship*
 - *Legitimate grievances (land dispossession, land disputes)*
 - *Continuing injustices in the present (extrajudicial killings, marginalization)*
4. **Generate policy action and support from local and national actors** to initiate and institutionalize mechanisms in laying the foundation of a Transitional Justice process.
 - *Local policy resolutions and responses supporting and sustaining Transitional Justice initiatives*
 - *Issuance of an enabling policy document to support the establishment of a national body on Transitional Justice and Reconciliation*

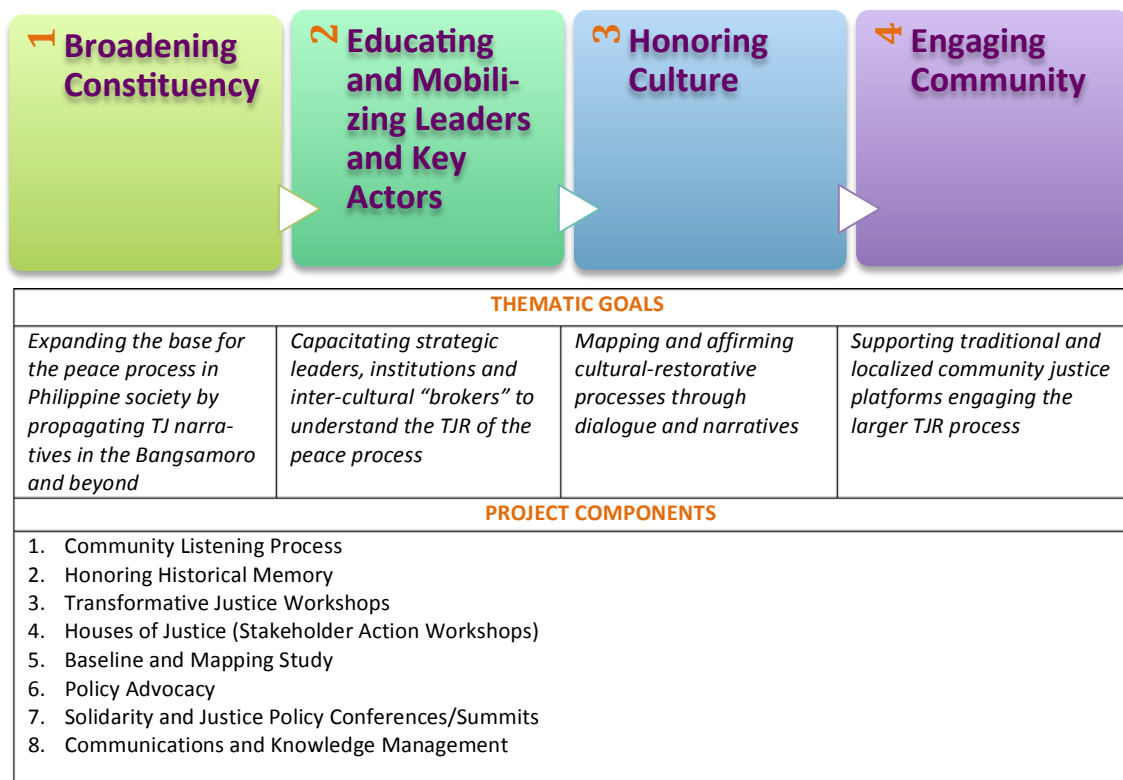
Core Project Components.

This project is basically grounded in the cultural dynamics and realities (spirituality, peace pacts and kinship relations) of Mindanao, will initiate in **laying the foundation for a contextual, communal and reparative healing process, a.k.a. “transformative justice.”** This will involve documenting, affirming and strengthening local informal and formal processes of truth telling, reparation and social restoration for inclusion in a comprehensive covenant for transformative justice and reconciliation across Mindanao. It will include low-key, targeted initiatives to help build the capacity of grassroots religious and cultural stakeholders to engage in the formal transitional justice and reconciliation process. The outcomes of the project will lay the groundwork for an open, collaborative and public process of truth telling, accountability and reconciliation.

The Bangsamoro Transformative Justice Initiatives (BTJI) project is supported by the Open Society Foundations (OSF) – Southeast Asia Program through the Open Society Budapest Foundation.

³ *Executive Summary, Report of the Transitional Justice and Reconciliation Commission (TJRC), page xi.*

Core Project Components



This will be a year-long project towards the development of a program on transitional justice for IID. Core components that are cumulative and interdependent of each other are : (1) Community Listening Process, (2) Honoring Historical Memory, (3) Houses of Justice (Stakeholder Action Workshops), and (4) Solidarity and Justice Policy Conferences/Summits. While the rest are either complementary, supportive or cutting across the rest of these core components : Baseline and Mapping Study, Policy Advocacy, Transformative Justice Workshops, and Communications and Knowledge Management.

PROJECT PHASING :



Annex 3

List of Data Gathering Activities

Data Gathering, Interview, Listening Sessions		
2018		
Feb 19, Mar 11	2 Listening Sessions : Meranaws IDPs, civil society	Iligan City
March 18-19	Jabidah Massacre in Marawi Memorialization	Marawi City
May 21	Listening Process with IP Elders	Libungan, Midsayap, North Cotabato
June 12-13	Christian Settler Listening Process	Aleoson, Midsayap, North Cotabato
Sept 8-9	Kakap Dulunan (Community Pilgrimage)	Carmen, North Cotabato
Nov 21	Restorative Justice Seminar	Davao City
Dec 12-13	Listening Pilgrimage to Sultan Kudarat Tomb	Suktan Kudarat, Maguindanao
Dec 12	House of Justice – IP Leaders	Cotabato City
Dec 13	House of Justice – Moro Traditional Leaders	Cotabato City
2019		
Jan 23-25	Mindanao TJ Victims & Survivors Conference	Davao City
Feb 20-22	National TJ Victims & Survivors Conference	Manila
Feb 22	Civil Society House of Justice	Manila
Feb 25-26	All-Women Healers Training on TJ (House of Justice)	Davao City
Mar 7	Listening session with IPs	Carmen, North Cotabato
Mar 8	Listening Session with IPs in the BARMM	Awang, Maguindanao
May 20-22	Regional TJ Victims & Survivors Conference	Manila
May 20	1 st TJ Roundtable Discussion (regional advocates)	Manila
May 23	Marawi Siege Anniversary (Memorialization)	Marawi City, Iligan City
May 31	2 nd TJ RTD/Forum, Launch of Case Studies	Davao City
July 4-5	Kakap Stakeholders Consultation	Davao City
Aug 22-23	TJ Stakeholders Consultation	Davao City

HEALING THE PAST

COMMUNITY
NARRATIVES
ON RESILIENCE
AND TRUTH-TELLING
IN AND BEYOND THE BANGSAMORO

or
Dialogue

PEACEMAKING FROM THE GROUND UP

Stories from
Communities as
Resources Towards
Truth telling and
Reconciliation...

May 31, 2019 (Friday) at 1:30 pm - 5:30 pm

Media Room, 8th Floor, Ateneo Community Center
With Solidarity Iftar (Duyog Ramadhan Dinner)

THIS SERVES AS AN INVITATION
RSVP to 09177247579, 09985869707

Initiatives for
International
Dialogue
2019



REGIONAL PEOPLES' ASSEMBLY ON TRANSITIONAL JUSTICE

QUEZON CITY, PHILIPPINES MAY 19-22



WITH THE SUPPORT OF:
OPEN SOCIETY
FOUNDATIONS

Healing the Past...

peoples' solidarity for justice and dignity

February 20-21 2019 * Hive Hotel & Convention Place * Quezon City



Revisiting boundaries of our lives

Kakap Dulunan

PEACE PACT HOLDERS



Datu Mantukan Zunsunga



Apo Lolito Saliling



Norjana Mantawil



Datu Al Saliling



Cita Saliling



Datu Pakinegen Enalang



Datu Aquilino Manial



Kag. Ronaldo "Jojo" Ambangan



"Kakap Dulunan" runs across several barangays in Carmen Municipality, North Cotabato — Sinemburan sacred ground in Brgy Aroman, So Lumayong in Brgy Ugalingan, and So Pagalatan in Brgy Lanuon.

SAVE THE DATE!

Regional Peoples' Assembly on Transitional Justice

20-22 May 2019
Manila, Philippines

Formal invite and programme details will be sent to you soon.

Initiatives for International Dialogue

dealing with the past & present, towards healing the future

SULTAN QUDARAT LISTENING PILGRIMAGE

DECEMBER 12, 2018

Initiatives for International Dialogue

HOUSE OF JUSTICE ACTION WORKSHOP

December 12-13, 2018

dealing with the past & present, towards healing the future

Initiatives for International Dialogue

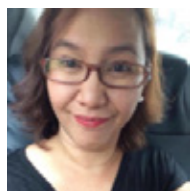
About the Writers



JEREMY SIMONS

Jeremy Simons is completing doctoral studies at the National Centre for Peace and Conflict Studies, University of Otago, New Zealand. He has worked as a trainer, consultant, and researcher with expertise in Conflict Transformation, Restorative Justice, and Appreciative Inquiry. He earned a BA in International Affairs (1997, Gordon College USA) and MA in Conflict Transformation (2002) from the Center for Justice and Peacebuilding at Eastern Mennonite University.

Born and raised in the Philippines (where he lived for over 20 years), Jeremy resided in Mindanao from 2008-2017 working as a peacebuilding trainer and educator, as well as an advocacy accompanier with Indigenous Peoples. He helped edit the publication "Moving Beyond: Towards Transitional Justice in the Bangsamoro" and has been published in various print and on-line media. His doctoral research focuses on restorative leadership for transformative justice.



RADZINI OLEDAN

Radzini Oledan is a Mindanawan writer and researcher. She holds a PhD in Development Research, and is an invited professor in Development Communications for the Graduate School of the Ateneo de Davao University. Oledan was a Mindanao Peace Reporting Awardee in 2001 and 2004. She was previously the Knowledge Management Officer of the Initiatives for International Dialogue (IID) and co-authored the Mindanao Peoples' Peace Agenda (MPPA), a policy document developed by Mindanao peace advocates in 2011. She also took the lead in the Listening field visits in Mindanao undertaken by the CDA Collaborative Learning Project with IID in 2009.

Among other publications, Oledan has also written on Local and Community Based Dispute Prevention and Settlement Mechanism in Southeast Asia; Young People's Participation as an Alternative Peacebuilding Model in Mindanao; Voices from the Field: Community Women's Perspectives in the GPH-NDF Armed Conflict for the Women Engaged in Action on 1325 (WEACT 1325) and Conflict Prevention Mechanisms in Southeast Asia for the Global Partnership for the Prevention of Armed Conflict (GPPAC).

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Rodelio Ambangan

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The **Initiatives for International Dialogue (IID)** is a Philippine-based advocacy institution promoting human security, peacebuilding, democratization and people-to-people solidarity.

Established in August 1988, IID conducts dialogues, policy advocacy and campaigns on peacebuilding, democratization and right to self-determination themes in Southeast Asia, with particular focus on the Philippines, Burma, South Thailand, West Papua and Timor Leste.

IID has long been at the forefront of civilian broad-based processes in engaging both state and non-state armed actors. Its strength in coalition building and collaboration with broader networks has proven instrumental in courageously asserting the perspectives and proposals of civil society as part of its mandate for active citizenship and public participation.

The wealth of experience and lessons learned, as well as the goodwill IID has built with conflict actors and civil society, is a viable source of inspiration that enables the institution to take on the challenging task of animating citizens' participation in promoting democratic reforms and constructively engaging the peace processes in its focus countries in Southeast Asia. In a span of more than thirty years, IID remains committed to helping build social movements that advance human security, peacebuilding, right to self determination, democratization and people-to-people solidarity.



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