

Summary: “Peace Lens: On Normalization in the Bangsamoro” roundtable discussion (May 14, 2014)

Video link: <https://www.youtube.com/watch?v=giLwOvHg4E>

During a time when many peace process stakeholders engaged in discussions regarding the fate of the Bangsamoro Basic Law (BBL), which was still under review by the Office of the President at the time of writing, the organizers decided to focus the conversation in this eighth series of the Pakighinabi: Peace Lens on the aspect of normalization in the Bangsamoro. The FAB’s Annex on Normalization signed in January 2014 emphasized that normalization is a process by which communities can achieve their desired quality of life. It also aims to ensure human security in the Bangsamoro.

The organizers invited Atty. Naguib Sinarimbo as the lead discussant on this topic to shed light on the details of the envisioned normalization process in the Bangsamoro and to address some of the contentious issues involving this aspect of the comprehensive agreement. Atty. Sinarimbo is legal adviser of the MILF and also a senior adviser of the Word Bank-Facility for Advisory Support for Transition Capacities (FASTRAC).

The following summarizes the conversations between the lead discussant and/among the participants from the civil society, government, security sector, academe, and people’s organizations:

Mechanisms to settle challenges in the GPH-MILF peace process are still in place even after the signing of the Comprehensive Agreement on the Bangsamoro.

The panels, the International Contact Group, the Third Party Monitoring Team, the third party facilitator, among other bodies, are still in place even after the signing of the Comprehensive Agreement on the Bangsamoro and as the BBL will be submitted to Congress. In case the roadmap will not proceed in the way currently imagined by both parties (such as during BBL legislation in Congress, varying results in the plebiscite, if the BBL will be constitutionally challenged in the Supreme Court...), there will be safety nets such as the deliberations between the panels to address the challenges.

In the normalization process, would there be mechanisms on local participation which are accessible to the communities to provide feedback?

Over and above the mechanisms found in the Annex on Normalization, the existing mechanisms on the ground such as the Coordinating Committee on the Cessation of Hostilities (CCCH), Ad Hoc Joint Action Group (AHJAG), and International Monitoring Team (IMT) will still be around in the normalization process. Under the structure of the IMT, it has a Civilian Protection Component composed by civil society organizations. Among its functions are to monitor the safety of the civilians in conflict areas and monitor acts of violence against civilians. It is assumed that this is one of the feedback mechanisms that grassroots communities can access. In addition, the Joint Normalization Committee will set up office in Cotabato where people can come and present concerns. How inclusive and accessible these mechanisms will be still remains to be seen.

Aside from the decommissioning of arms among the combatants and private armed groups, how would the proliferation of loose firearms among individuals be addressed in the normalization process?

It is stated in the Annex that the Joint Normalization Committee will develop a program to address the reduction and management of small arms and light weapons being carried by individuals and groups such as through a registration process by the Government and other mechanisms.

On the part of the MILF, its Central committee has been very clear that for the Bangsamoro to be governable, there has to be a substantial reduction of firearms. It is emphasized that a democratic society will not thrive with the current level of proliferation of firearms.

The lead discussant emphasized that for the Bangsamoro, who have experienced violence by state forces for a long time, it is a natural reaction to people to hold on to firearms. What is important is that firearms alone do not singly create the problem. If the root causes of the conflict that actually drive people to take up arms, then putting their arms beyond use might be easier for current gun-holders.

'Not a surrender of guns, but putting arms beyond use'.

On the decommissioning of arms, the MILF combatants were resisting the idea of 'giving-up their arms' because the 'surrender' implied by this is not acceptable to those who pledged loyalty to the organization and to the cause. Part of that is a pledge to the Holy Qur'an to fight to the last until the aim is achieved. Some of these combatants might prefer death over surrender.

To address this, the key message has been that weapons will not anymore useful in the 'future Bangsamoro'. Thus, putting their weapons beyond use is the best thing to do. The communication strategies around this message should be clear. After all, they can still fight for the cause that they believe in but this time without using weapons -- the arena of the struggle needs to shift from guns into a civilized way of resolving the probable issues that the MILF will have with the Central Government.

How will the demobilization and decommissioning roll out in MILF active forces outside the Bangsamoro? Will they be covered? What would be their incentives?

Decommissioning applies to all of the MILF combatants, which includes base commands outside the future Bangsamoro political entity such as in Davao Oriental, Zamboanga Peninsula, Sarangani, Sultan Kudarat, South Cotabato and North Cotabato. All combatants will be covered by the decommissioning, however sensitivity is needed on the communication strategy (*see previous discussion*).

In the FAB, there would be services provided to the communities outside the Bangsamoro both from the side of the Central Government and the Bangsamoro. As part of the decommissioning process, there is an accompanying socio-economic program in which those combatants outside the Bangsamoro would still benefit as part of this process.

How would the normalization process deal with the narrative that "firearms are part of the culture" of the Bangsamoro communities?

One of the reasons why firearms proliferate in communities is that they were used by individuals who hold little faith with the existing justice system or have found the justice system not to be reliable.

So in the process of decommissioning, it would be a challenge since the carrying of firearms is seen by some as a continuity to the historical and cultural significance attached to weapons such as the "*kris*", or the "*badung*" or other *sword-like* weapons. This includes the mindset that acquiring these weapons are not just about protection but also about prestige.

As it would be more comfortable for all to live in a society where there is freedom of movement without worries of stray bullets and loose firearms, it is hoped that these cultural aspects will be gradually transformed as the security situation improves.

This implies that the heart of the process would still be a political solution to the political problem in the Bangsamoro. If this is achieved, then many of the challenges currently faced by the Bangsamoro would be solvable, including the issue of firearms.

Trust-building is significant in the normalization process.

How to address concerns of IP groups who are more comfortable with seeing the government forces as their provider of security? The assumptions, fears, and anxieties of the IPs (such as alleged cases of incursions into their lands) should be addressed objectively and properly.

While the peace process is ongoing, alleged cases of human rights violations involving land and security issues in IP areas can be addressed by existing legal laws and government structures in place. There is no need to wait for the mechanisms of the Bangsamoro government to address pressing concerns currently felt.

However, it has been also discussed in a previous Peace Lens that possibly conflicting multiple legal systems (legal pluralism) exist in the Bangsamoro which are invoked conditionally and contextually by different groups. One specific case is the non-implementation of IPRA within the ARMM because of questions of legalities which contributed to the non-delineation of ancestral domain areas of the indigenous peoples within the Bangsamoro.

What are concrete ideas on how local mechanisms will be institutionalized in the normalization process? How to ensure genuine participation of communities in terms of normalization? How will the process of transitional justice look like?

One of the initial mechanisms is the creation of a Transitional Justice and Reconciliation Commission (TJRC) tasked to study all the issues and recommend to both panels the appropriate mechanisms to address the legitimate grievances of the Bangsamoro, correct historical injustices, and address human rights violations.

Both panels had a lot of challenges in addressing this dimension in the normalization annex. Some of the questions raised here is how to address transitional justice? Should the people go for a "truth-telling" with little accountability such as in South Africa? Should they go for pure accountability as the case of Cambodia? How do we go about documenting past injustices? Should we go by the very strict standard rules of scientific evidence in court proceedings?

Another question would be how far we need to look back into the past in such a process (since American period when a number of massacres were committed or even back to the commonwealth period which saw the beginnings of legislative discrimination at the expense of Mindanao's original inhabitants)?

Other issues include how to account on who are actually the land-owners; how to ensure that the right people will be compensated; or how to integrate traditional mechanisms of dispute resolution and reconciliation. These are some of the challenges that need to be studied by the Transitional Justice and Reconciliation Commission.

Ensuring that transitional justice processes would not exacerbate existing conflicts.

Transitional justice processes should aim to normalize relationships and not to create new forms of conflicts between different groups. Therefore, justice must be rendered to all concerned groups, not just to the Moros.

Even though a sense of 'victimhood' is prevailing among all groups including Muslim, IP, and settler-communities, it is good to note that in most areas in Central Mindanao, all of these have expressed interest to enter into reconciliation processes. Unlike in other contexts like that of Sri Lanka or Bosnia where people do not even want to talk about reconciliation, in Mindanao, people do want to be reconciled, but according to their *notions of justice*.

Thus, another challenge is how to address different notions of *truths* on the ground; how to develop narratives of truth that will not marginalize other 'truths'. One option is to bring down the writing of these narratives closer to the ground. Mechanisms should be in place so that people can express and write their own narratives and not an imposition from the outside because that would create another layer of conflict inside the Bangsamoro.

On the issue of *reparation*, the TJRC can also learn from the experiences of the people who are currently applying for the Reparation Act (recognizing the victims of human rights violations during the Marcos regime). It needs to be studied on how accessible the mechanisms of this law are to the victims. There are cases shared that the burden of gathering and delivering the necessary documents create another layer of marginalization among the victims, based on their capacities to cope with the legal requirements.

Misinformation on the ground is a continuing concern.

As the peace process continues, misconceptions and misinterpretations of what is happening at the top level negotiations still persist in Christian-dominated communities, IP communities and in MILF communities.

Most civil society organizations have tried to address this issue over and over, through consultations and community work. However, more institutionalized mechanisms or formal processes should be initiated on the level of the government and on the MILF on how to counter deliberate acts of spreading misinformation on the ground which may trigger violent escalations and fuel latent conflicts and feelings of mistrust.

On the part of the MILF, they are beginning to engage the Committee on Dawah, to develop consistent messaging for Friday sermons. This avenue could be used to explain to their constituencies about the agreements and the proposed BBL, and also to address some of the questions that sow fears and anxieties among the people.

Transition is difficult by definition.

The Bangsamoro people should not live frozen in a time capsule. The challenges are new and people need to be dynamic and open-minded to be able to adapt and to respond to current problems. In transition processes, there are high expectations at all levels. But the level of capacity to deliver both in terms of capacities of the liberation front(s) and of the Government to implement what they are mandated is not always there. It is a reality in all transition processes. This implied that the parties need to be careful about what can be actually achieved and how these goals and achievements can be communicated.

While both the MILF and the Central Government and all other stakeholders keep the expectations at a level that they can manage, they should be mindful of sustaining the enthusiasm spurred by the signing of the agreements, otherwise everything will be back to square one.

Video of Atty. Sinarimbo's talk: <https://www.youtube.com/watch?v=gilwOvHg4E>

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