

The Work for Land Rights, Justice, Development and Sustainable Peace in Mindanao: Some Thoughts

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By Charlito “Kaloy” Manlupig
President, Balay Mindanaw
Independent Mediator, GRP-RPMM Peace Process

I. Introduction

This is an attempt to reflect on and draw lessons from the 13-year journey of Balay Mindanaw. As I reflect on the evolution of our strategies, programs and engagements as we pursue our mission of “Helping Build Empowered Sustainable Communities. Helping Build Peace”, I will give particular attention to the interconnectedness of land rights issues, access to justice processes, development work and peacebuilding work.

Balay Mindanaw Foundation, Inc. (BMFI) is a Mindanao-based, Mindanao-focused and Mindanaoan-led NGO founded on May 8, 1996 focusing on land rights and advocacy for political parity and economic equity. It later evolved into a good governance and development NGO with the barangay (Philippine village, and smallest political and administrative unit) as the locus and focus of intervention. It eventually evolved into a peacebuilding and conflict transformation NGO.

The current Balay Mindanaw Peacebuilding Programme is jointly funded by Misereor and Cordaid. Its evolution into a peacebuilding NGO was initially supported by the German agencies DED, KAS and GTZ.

This paper will also try to answer the following questions and concerns:

- Our engagement as independent mediators and independent secretariat in the peace process between the Philippine Government (GRP) and the communist Revolutionary Workers Party of Mindanaw (RPMM), especially as it relates to the issues of land rights, marginalization and the pursuit of justice.
- The complex process of land ownership redistribution and transitional justice in Mindanao, and our organization’s efforts to integrate both approaches. I will reflect on our experience of journeying with the farmers in Mindanaw as they continue to struggle for their rights over their lands, and the indigenous peoples as they practice and enhance their indigenous justice system, and secure ownership of their ancestral lands.
- The current state of the implementation of the Agrarian Reform Program in the Philippines, looking into the windows of opportunities it offers, the difficulties and setbacks and the challenges as we move forward.

- Our work for empowerment and participation of the poor and other marginalized groups, and how we manage to deal with the massive power imbalance between the different stakeholders without risking that the poor are encouraged to take part in a process which in the end they might emerge from as “losers.”
- Our continuing discernment about the work for justice. We continue to grapple with question of punitive versus restorative justice, or what could bring about a final closure to the past and present injustices so that we could move forward.

II. Context

1.1 The Philippines

The Philippines is an archipelago of 7,107 islands with a total land area of 299,764 km. The population was 76.5 million in 2000 and is estimated to have reached 90 million in 2009.

It has a colonial history that dates back to its “discovery” and annexation by Spain in 1521. On June 12, 1898 Filipino revolutionaries led by Emilio Aguinaldo declared Philippine independence from Spain. Despite the declaration, Spain still ceded the Philippines to The United States of America through the Treaty of Paris. In other words, Spain sold what it no longer owned, because the revolutionaries had declared that they were in control of the Philippines earlier. In other words, too, the Philippine-USA agreement was actually an effort to subjugate an independent country which had not yet been able to consolidate itself.

The United States eventually recognized Philippine independence on July 4, 1946 in the [Treaty of Manila](#). The Philippines’ governmental structures are patterned after that of the US except that it has a unitary (not a federal system), thereby concentrating or centralizing all resources and decision-making in the seat of power and center of commerce that is Manila.

The Philippines is one of few countries to have formally recognized the rights of the first nations or indigenous peoples (IPs) through a law, the Indigenous Peoples Rights Act (IPRA), enacted in 1997. The total indigenous population was estimated at about 12 - 15 million persons, or 15-20% of the total population in 1998. Aside from recognizing the rights of the IPs, it also recognizes indigenous conflict resolution and justice mechanisms.

It also has one of the most progressive laws on agrarian reform and local governance and decentralization. The Comprehensive Agrarian Reform Law which was originally passed in 1988 is considered as a social justice legislation aimed at correcting the landlessness of the Filipino farmers. It is an enabling law for the Constitutional principle of “Land to the Tiller”. After more than 20 years and two extensions, most of the farmers have remained landless and poor. It has also given rise to “second generation” land problems like the growing indebtedness of the rural poor. There are however some success stories like the Mapalad and Sumilao Struggles where farmers won the ownership of their

farmlands after a peaceful hunger strike and a succeeding 1,700-kilometer peaceful walk from Mindanao to Manila which captured national and international attention.

The Local Government Code is an attempt to correct the over-centralization of governmental powers in Manila. While it has produced some inspiring stories of innovations in local initiatives, empowerment of local communities and devolution of powers, there is still a growing clamor for at least a shift to federal form. After almost twenty years of the Local Government Code, decisions about the budgets and funds for the farthest and smallest political units are still made in Manila.

1.2 Mindanao

Mindanao is the second largest of the country's 7,107 islands. One out of every four Filipinos are Mindanaoans. One out of every three hectares of land is in Mindanao.

Most of the Philippines' earnings from agricultural and fisheries exports come from Mindanao. One hundred percent (100%) of banana, pineapple and tuna exports come from Mindanao. More than half of the country's mineral and forest resources are in Mindanao.

Despite the island's richness and giftedness, Mindanao remains as the country's poorest region. Its rural populace alone, despite their closeness to agricultural resources are among the poorest, mainly because seventy percent (70%) of those who work in agriculture do not own the land that they till. Mindanao remains marginalized economically, politically and culturally. Decisions concerning the lives of Mindanaoans continue to be made by decision-makers in Manila, the Philippines' seat of economic, political and socio-cultural powers.

Aside from being the poorest (or perhaps more correctly, because it is the poorest), Mindanao is also the most war-torn region. It continues to suffer from the violent conflicts and the armed struggles being waged by the Moros as they continue to fight for self-determination, the Maoists' revolution for national liberation, and the local Marxists-Leninists' struggle against landlessness, marginalization and poverty. In fact, four of the six parallel peace processes are focused on Mindanao.

Mindanao has a history of unrest due partly to the diverse character of its population, encompassing indigenous peoples, the Moros – Muslim communities, and Christian settlers. This diversity has somehow aggravated the conflicts between and among these groups. The indigenous peoples remain the least involved or consulted group of all. Fourteen (14) of the country's 20 poorest provinces are in Mindanao. All the Moro provinces belong to the 10 poorest.

III. The Continuing Struggle for Land Rights

3.1 Landlessness, Poverty and Unpeace:

Poverty and the powerlessness of the poor in the Philippines are largely caused by inequitable ownership of the basic economic and political resource: land. The continuing unpeace and the violent conflicts are deeply-rooted and largely caused by the inequity, marginalization and poverty among the many.

The dispossession of lands and the marginalization of the indigenous communities can be considered as among the biggest unresolved historical injustices in the Philippines in general and in Mindanao in particular.

The inequitable land ownership can be traced to the country's colonial past. When the Spaniards came in 1521, they introduced the *encomienda* or *hacienda* (plantation) system vesting complete control of vast tracts of lands to the *encomendero* or the appointed overseer or administrator. These overseers eventually became the richest and most powerful persons in the country. When the Americans came, they further helped consolidate ownership of lands by the few when they introduced the land titling system. Without the appropriate literacy or education, the natives simply could not compete with the well-entrenched elite who had the means to comply with the legal procedures for land titling. Effectively, generations of poor Filipinos have become landless since then.

If all the agricultural lands in Mindanao were to be distributed equitably, each farming family would have at least five hectares to own and till. In fact, a simple mathematical calculation could very well show this point: the present Philippine population is 90 million or 12.9 million households (average Philippine household size is 7), 63 million or 9 million households are farmers (70% of the population). If the 9.1 million of Philippine agricultural lands were to be divided evenly among the farmers, each Filipino farming household would have at least one hectare of farm. Thus, no one should go to sleep with an empty stomach when enough food for everyone could be produced by a reformed agricultural sector.

However, this is not the case. Poor farmers have remained basically landless. Attempts to restructure land ownership date back to more than half a century of legislation and government programs. In fact, the father of the current Philippine President Gloria Macapagal Arroyo, the former President Diosdado Macapagal, was called "the father of land reform" because of his attempts to implement the restructuring of land ownership during his term in the late 1950's and early 1960'. His successor, the former President and Martial Law dictator Ferdinand Marcos also followed suit and issued Martial Law Presidential Decree Number 27 in 1972 in his own handwriting, declaring a nationwide land reform program that would "free the farmer from the bondage of the soil". The martial law land reform program ended up a dismal failure due to political concessions and manoeuvrings of the landed elite.

In the late 1980s, under the Aquino Administration that was born of the 1986 EDSA People Power Revolution, the State's policymakers decided that agrarian reform was imperative to respond to the longstanding clamor of the peasantry for social justice and to propel the country towards greater agricultural production and industrialization. The Comprehensive Agrarian Reform Law or Program (CARP) was passed in 1988. Twenty years and two extensions later, the promise land

reform and rural development have remained unfulfilled. Inequity, poverty and unpeace persist.

3.2 Agrarian Reform and Land Reform

In the Philippines, the foundation of agrarian reform is land reform – the transfer of control and ownership of agricultural land to small farmers and landless agricultural workers. The lack of control over land resources by most peasants and rural workers has been one of the most important causes of persistent poverty and violent struggle in the country. Land is not only a factor of production, but also often a basis for social acceptability and self-esteem. Hence, its redistribution democratizes not only economic assets but also social participation and political power. Land reform is carried out to address the inequitable distribution of land, which is often linked to social unrest and violence. Beyond social justice, the agrarian reform program should promote efficiency, stimulate greater farm production and increase incomes. In the process, it contributes to social peace and sustainable development.

While land reform is essential, agrarian reform is a more general process that includes access to natural resources, finances, technology, infrastructure and other components of the agrarian system. It is land reform plus a package of support services that cover credit, agricultural extension, rural infrastructure and marketing facilities, plus human resource and institutional development.

There are at least two social justice legislations that provide the legal framework and mandate for land re-distribution, securing ownership of lands, and promoting rural development. These laws also provide the “windows of opportunities” towards addressing the skewed land ownership structure and the resulting poverty of the majority.

The Comprehensive Agrarian Reform Law (originally Republic Act 6657 in 1988 and extended by Republic Act 9700 in 2009) defines agrarian reform as “the redistribution of lands, regardless of crops or fruits produced, to farmers and regular farmworkers who are landless, irrespective of tenurial arrangement, to include the totality of factors and support services designed to lift the economic status of beneficiaries and all other arrangements alternative to the physical redistribution of lands, such as production or profit-sharing, labor administration, and the distribution of shares of stock, which will allow beneficiaries to receive a just share of the fruits of the lands they work.”

The Indigenous Peoples Rights Acts (IPRA) recognizes and promotes the rights of indigenous peoples to ancestral domains and lands, the right to self-governance, economic and social rights, and cultural integrity, including indigenous culture, traditions and institutions.

The law restores the rights of indigenous peoples over their ancestral lands and ancestral domains. The term *ancestral land* under the IPRA refers to lands

occupied by individuals, families, and clans who are members of indigenous cultural communities (ICCs), including residential lots, rice terraces or paddies, private forests, farms, and tree lots. In order to count as ancestral, these lands are required to have been “occupied, possessed, and utilized” by them or their ancestors “since time immemorial, continuously to the present.” Ancestral domains are defined as areas generally belonging to indigenous cultural communities, including ancestral lands, forests, pasture, residential and agricultural lands, hunting grounds, worship areas, and lands no longer occupied exclusively by indigenous cultural communities but to which they had traditional access, particularly the home ranges of indigenous cultural communities who are still nomadic or shifting cultivators. Ancestral domains also include inland waters and coastal areas and natural resources therein. Again, these are required to have been “held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present.”

The law enumerates the rights of indigenous peoples over their ancestral domains/lands. These are the right of ownership over the ancestral lands/ domain, rights to develop and manage lands and natural resources, right to stay in territories and not to be displaced therefrom, right to regulate entry of migrants and other entities, right to safe and clean water, right to claim parts of reservations, and right to resolve conflicts according to customary law. Indigenous peoples also have the right to transfer (ancestral) land or property among members of their community, and to redeem those that have been acquired from them through fraudulent transactions. The law also stipulates that the indigenous peoples and their communities have the responsibility to maintain ecological balance, restore denuded areas, and “adhere to the spirit and intent of the Act.”

The IPRA also upholds the right of indigenous peoples to self-governance and empowerment. Its implementing rules further define the range of the exercise of these rights. These are the rights to pursue their economic, social, and cultural development; to use commonly accepted justice systems, conflict resolution mechanism, peace building process, and customary laws; to participate in decision making; to maintain and develop indigenous political structures; to have mandatory representation in policymaking bodies; to determine their own priorities for development; to establish their tribal *barangays* (villages) and equivalent voting procedures; and to organize people’s organizations. Indigenous peoples may now also utilize a vital instrument for their empowerment—the principle of free and prior informed consent (FPIC).

IPRA also states that *The [indigenous peoples] shall, within their communities, determine for themselves policies, development programs, projects and plans to meet their identified priority needs and concerns. The [indigenous peoples] shall have the right to accept or reject a certain development intervention in their particular communities. The indigenous peoples’ decision to accept or reject a proposed policy, program, or plan shall be assessed in accordance with their development framework and their value systems for the protection of land and resources.*

3.3 Balay Mindanaw's Work for Land Rights:

Balay Mindanaw Foundation, Inc. (BMFI) was born in 1996 basically as an agrarian reform or land rights NGO. Most of its pioneers and founders are agrarian reform advocates and implementers, some of whom have occupied key positions in the Department of Agrarian Reform (DAR), the government agency mandated to lead in the implementation of the State's agrarian reform program.

The conceptual framework which guided BMFI during its initial years illustrates that the inequity in the ownership and control of the basic economic resources (land and fishing grounds) had caused the poverty of the majority. Since land is also a basic political and cultural resource, it has caused the marginalization and continuing powerlessness of the majority. These continuing inequity, injustice and marginalization are therefore the main causes of the continuing unpeace and violent conflicts in Mindanao. Therefore, in order to bring about peace, the conditions of underdevelopment, poverty and marginalization caused by inequities have to be addressed squarely. Thus, the focus on land rights.

Among the very first activities of BMFI was conducting agrarian reform **information and education seminars and workshops** for leaders of peasant organizations and NGO workers. This intervention was premised on the principle that the key stakeholders (the farmers) need to be informed of their rights and responsibilities and be encouraged to work aggressively and persistently in claiming what is rightfully theirs.

When BMFI fielded its community organizers called Sustainable Integrated Area Organizers or SIADOs (pronounced "shadows"), working and living with farmers and understanding the land ownership situation in the communities became one of their primary tasks. Particular attention was given to the **organization and strengthening of farmers associations**. This is based on the principle of strength in unity or power in number.

While the locus and the focus of the work was the community in general, they gave special attention to **affirmative actions that sought to create space for women to genuinely participate and lead**. This was done through simple acts like ensuring that at least half of the participants in all its capacity-building interventions and community projects are women, and projecting current women community leaders as models or champions and resource persons.

Education and information interventions eventually evolved into **paralegal formation** aimed at demystifying the laws and legal processes by developing the internal capacities of farmers to understand and interpret the laws, mediate in local land conflicts thereby avoiding tedious legal processes, and even represent themselves in court proceedings when necessary. By training and developing farmer-paralegals, the capacity and self-confidence of farmers to peacefully fight for their land rights are developed and enhanced.

Another useful strategy adopted by BMFI is the **establishment of a broad-based and strong agrarian reform movement** of farmers, civil society, church, academe and other sectoral organizations. Pressure has to be exerted both inside

and outside, and below and above the implementation mechanisms of agrarian reform to counter the problems of political corruption and the lack of political will.

The first four strategies are basically aimed at helping empower the farmers by “*putting the law in their hands*” (educating, capacity-building and organizing) and “*building their own future themselves*” (mobilizing, claim-making and sustained action towards land ownership).

Perhaps one of the biggest lessons in agrarian reform is the need to mobilize multiple stakeholders and the broadest support possible. The law at first glance looks divisive as it seems to fit the farmers against the landowners. It faces so many strong roadblocks. Some people even perceive it as a form of class war. It has claimed so many lives as a result of agrarian-related violence. Therefore, it is painfully difficult to implement a program without the support (and worse, with the active opposition) of the other key players: the national and local government officials, the military and police, the business community, and the other residents of the community.

Learning from this lesson, BMFI made a critical shift in its work for land rights. *Agrarian reform is better achieved through partnership.* It realized that working exclusively for and with farmers had further alienated the other key players. It also learned that the State, business, church, academe and other sectors and organizations are not monolithic. There are progressive elements in all these sectors that support agrarian reform. There are many in the bureaucracy who are capable and committed to fully implement the program. They have to be given the space to contribute meaningfully. Agrarian reform has to be implemented in an atmosphere of cooperation and inclusion. The “enemies” and the doubting Thomases have to be won over, and not defeated. *Agrarian reform implementation, to be effective and meaningful, needs to combine the power of the state and the power of the people.*

3.4 Roadblocks to Agrarian Reform:

One of the biggest roadblocks is strong and powerful **landowners’ resistance**. Since the law provides legal remedies for landowners to question the coverage of their lands, the implementation has become extremely litigious with many legal cases needing more than ten years to resolve. For instance, it took the Mapalad and Sumilao farmers almost twenty years to finally win ownership of their ancestral and farmlands after resorting to both legal and metalegal means. The Philippine legal system often works in favor of the rich because majority of the poor farmers do not have the wherewithal to cope with the expensive lawyers’ services and the long-drawn legal battles. **Thus, organizing work and the formation of farmer-paralegals are seen as key strategic responses. The farmers have to make noise. They have to know how to use the law to their advantage creatively.**

Another set of hindrances closely related to the first one is the government’s **lack of political will, and graft and corruption in the bureaucracy**. There are many

in the government bureaucracy who are passionate and committed to the implementation of the agrarian reform program. They are however hampered by the lack of support from the top and/or by political interference from officials and politicians who are less supportive of change. Most of the biggest landowners are also the most powerful politicians and government executives. Further, some landowners use their political influence and money to frustrate the intent of the program. **A strong, loud and forceful but peaceful agrarian reform movement and effective agrarian reform lobby are therefore needed to provide the pressure to keep the implementers on their toes.**

The many **loopholes in the agrarian reform law** have also given those who are against it the leeway to circumvent it. The law allows non-land transfer options, deferment of coverage, exemptions from coverage and conversions of land use. These loopholes have left millions of hectares of lands under the continued ownership of big landlords, corporations, academic institutions and even churches. This is a roadblock that seems insurmountable in the short-run, and could only be corrected by legislation. The battleground for this is in congress or parliament. **Thus, a strong lobby for the removal of these loopholes has to be exerted among the national legislators, making national and Manila-based groups relevant in pursuing agrarian reform.**

It was earlier said that agrarian reform is not just land reform but also the corresponding package of support services that cover credit, agricultural extension, rural infrastructure and marketing facilities, plus human resource and institutional development. However, government needs to do more in providing that much-needed support package. This **deficiency in support services** has given rise to **second generation problems**, the most serious of which are the failure of farmers to pay the bank amortization for their lands and their inability to engage in profitable agricultural production. As a result, small farmers who have benefited from land reform now stand to lose ownership of their farmlands once again. Many have resorted to usurious borrowing, pawning their land titles, and even onerous contracts with agri-capitalists. Thus, it is not enough to work only for land ownership. **A comprehensive and integrated approach to community development has to be pursued.** The rural poor have to transform themselves into rural entrepreneurs and be active players in the formulation and implementation of their community development plans.

Maybe the biggest obstacle in the transitional justice process and to the end of unpeace is the “**feudal consciousness and arrangements**” that persist until today. Generations of small farmers and farmworkers have often lived under the “benevolent auspices” of the landlords so that they have become totally dependent on them. They rely completely on the landlords for food, clothing, shelter, education (if any), medicines and practically all their needs to survive. They even look to their landlords to tell them whom to vote for in elections. For many small farmers, it is unimaginable and unconscionable to “bite the hands that feed them”. For many of them, it is completely unimaginable to be landowners themselves. After generations of feudalism, many small farmers and farm workers have lost their self-esteem. **This calls for more determined and sustained consciousness-raising efforts.**

On the other hand, the Indigenous Peoples Rights Acts (IPRA) has also failed to fulfil many of the promises that it brings to the indigenous communities. Like CARP, it also continues to suffer from many limitations and constraints.

The titling process is extremely tedious, expensive and beyond the capacities of most tribal communities. The process is even more difficult and expensive than the processes under CARP. The slow pace of progress has brought about so much frustrations to communities.

Perhaps an even greater threat is the emergence of the “tribal dealers” – a play of words now used to describe opportunistic and corrupted tribal leaders who have no qualms about selling the future of the tribe to mining, logging and other business interests. For example, in Agusan del Sur in Mindanao, a certain *datu* (tribal chieftain) applied for some 76,000 hectares of ancestral land raising fears that he will sell out and facilitate the entry of corporations and business persons to the detriment of the tribe.

Some negative effects are also felt at the community level. Since IPRA was promulgated, there has been a noticeable rise in community-level disputes like boundary conflicts attributed to longstanding conflicts over resources like water for irrigation and territorial delineation. IPRA may have exacerbated these conflicts.

IV. Peace Processes

Balay Mindanaw acts as the Independent Mediator and Secretariat of the GRP – RPMM Peace Process.

There are at least six formal peace processes going on in the Philippines today. Four of these peace processes have the conflicts in Mindanao as their focus.

The process BMFI has been involved with is perhaps the most low-profile peace process, between the Government of the Republic of the Philippines (GRP) and the Rebolusyonaryong Partido ng Manggagawa sa Mindanaw (RPM-M) or the Revolutionary Workers’ Party of Mindanao. RPM-M was a Mindanao "component" that broke away from the Communist Party of the Philippines (CPP).

“Our” peace process, which has been dubbed “the other peace process”, though small, deserves due attention as a source of hope. It has been called “the other peace process” because it represents a small rebel group and peace process compared to the big or major rebel groups and peace processes like with the National Democratic Front (NDF), Moro Islamic Liberation Front (MILF) and Moro National Liberation Front (MNLF) and other armed groups in the Philippines, and because of its *radically different approach from that of the big top-level peace negotiations* in most cases.

It has not started off as a series of complex political peace negotiations between leaders. Rather, a local peace and development agenda that will have an immediate impact on the ground is being formulated by the concerned communities and tribes in Mindanao through participatory local consultations to

identify problems and needs as well as responses there which could take the form of projects. Such empowered and sustainable communities are the real foundation of peace. The process itself will allow these communities to win small victories and build peace by themselves. The final political settlement is important but the communities need not wait for this. Building peace for them is here and now. This community-level process continues to be pursued independent of the panel-level talks and despite the latter's delay and occasional stand-still. Still, the RPM-M peace process keeps on getting back on the latter track which is still needed for a final resolution to the conflict.

One of the agreements signed by the two negotiating panels from both sides is entitled "Rules for the Conduct of Local Consultations as Integral Part of the GRP-RPMM Peace Process". This formal agreement has institutionalized stakeholders' participation especially the communities and tribes affected by the conflict, thus effectively giving to these stakeholders a share of the life and momentum of the peace process.

After the signing of that landmark document, local consultations involving ninety seven (97) barangays (with more than half of the barangays within ancestral domain claims) in ten municipalities in five provinces in three regions of Mindanao have been held. Also, some confidence-building measure projects are already being implemented, and more consultations are scheduled and more development projects are due for implementation.

More importantly, this Peace Process has survived and surmounted odds and obstacles – the lack of resources, the long lull caused by the electoral/political season, the differences in frameworks and approaches of the parties involved, the moments of doubt when one or both parties were seriously contemplating of ending the process, the moments of impatience, anger and despair, and many other tests of endurance, fortitude and commitment. The parties involved have emerged stronger, wiser, more committed, more principled, more peaceful.

If there is a need for models of authentic dialogue with the communities, here is one in Mindanao which also has the merit of upholding the equal importance of peace negotiations between rebel groups and the government. There is a potential here for developing an effective combination of public consultations and peace negotiations, pursuant to the relatively new strategy of public participation in peacemaking. The RPM-M articulates this in this way: "A community-based and people-centered peace negotiation among revolutionary groups with the government should be an insurance for achieving a sustained and genuine political settlement. **The people should be seen as active participants and the principal stakeholders in any political settlement between the revolutionary groups and the government. Hence, the participation of the masses and the corresponding development of the political consciousness in all levels (and in all stages) of the peace process would ensure the substantive democratic content.**"

Women's Role in the GRP-RPMM Peace Process:

The GRP – RPMM Peace Process started with women playing key roles. The official decree which now serves as the official basis for the process was issued by the Philippines second woman president. The Philippine Government was led and represented in the informal preparatory negotiations and the eventual formal negotiations by two women Cabinet members, Teresita “Ging” Deles and Corazon “Dinky” Soliman. On the other hand, RPMM appointed a woman cadre as first Chair of its negotiating panel. She was later replaced by another woman Chairperson. There has also been a significant participation of women in the local peace consultations. Affirmative actions that provide equal space for women to participate and lead are part of the preparatory and mobilization activities.

Community Empowerment and Participation Made Concrete: A Case Study

Like most of the hinterland barangays of Mindanao, Barangay Miatan was once a haven of violent armed conflicts. Stories of communities sandwiched between forces of the military and the rebels, stories of abuse and fear. This is what Mr. Bonifacio Tomas, the barangay captain of Miatan, told us. He is glad those horrific times were over and have become nothing more than grim memories.

Miatan is a 1,000 hectare barangay of the Municipality of Katipunan. Located deep into mountains, Decayo River welcomes you as you enter the center of the barangay where a hanging bridge is suspended. The bridge is passable only to people and motorcycle, any four wheeled vehicle has to pass right through the river.

In 2003, the GRP-RPMM Peace process began and one of its unique features is the local peace consultations. Barangay Miatan was one of those identified to go through the process. The local peace consultations are spaces where communities identify problems and at the same time identify solutions themselves. The main objective in the process is to help them become empowered and active participants in the peace process. In these consultations most if not all of the barangays always identify livelihood projects in addressing the need to increase income of the families.

Barangay Captain Bonifacio Tomas said that one of the problems in their barangay is lack of access to capital. There loan sharks however who charge high interest to those that avail them, resulting to people drowning in debt. He said that the livelihood project which was well received by the community and there were very happy about it. Through the project, people were able to receive livestocks like chicken, goats and pigs which if not for the project they could not have had.

What is more advantageous to them, he says, is that a local Peoples Organization is the one that manages the livelihood project and the small earnings from the 2% interest goes back to the community. These processes have given people the confidence that they could manage and implement projects arising from their initiatives. This confidence is necessary for empowerment.

The People’s Organization, Barangay Miatan Livelihood Association, has been eager to learn all that is needed in project management, attending seminars and

capability building activities. They are also represented in their Barangay Development Council and has established a good relationship with the barangay local government unit.

These are but bits and pieces of the stories from the GRP-RPMM Peace Process. Stories of communities struggling for development, families struggling everyday to have food on the table, farmers attending to their farms, children walking kilometers to go through school, horses carrying farm products to the market. The GRP-RPMM story has gone beyond the story of the two panels agreeing or disagreeing, it has become a mostly of the people's struggle, expectations, gratitude and hope. Some good things have come into their barangay because of the process but more is still being expected.

V. Access to Justice

Balay Mindanaw's Work on Access to Justice

Balay Mindanaw's work with the indigenous peoples focuses on helping the tribe utilize and enhance its existing indigenous conflict resolution, management and transformation mechanisms, and ensuring that their rights over their ancestral lands are respected and protected.

Among the key interventions are helping the tribe establish its own physical center for resolving conflicts, and helping them in the tedious process of securing their Certificates of Ancestral Domain Titles (CADTs). Most of the conflicts revolve around land boundaries, petty misunderstanding and serious offences like robbery and murder. The indigenous peoples believe that the best way to resolve conflict is for the affected parties to talk about it, and find a mutually acceptable settlement. Thus, they need a place where they could talk for hours, days and even weeks, a place they call "talugan" or "tulugan".

Through our project, local tribal leaders have been trained on mediation and conflict management. Emphasis is given to the utilization and enhancement of their existing indigenous practices and mechanisms.

Some Reflections on Justice Issues

Some people say that the reason why we have not moved forward as a country is because we have not dealt with our past properly. More specifically, we have not addressed the key historical injustices of 1521 and 1898 colonization and annexation, the 1972 to 1986 Martial Law human rights violations and corruption, and the continuing violation of the rights of peoples especially the poor and the marginalized Moro and tribal communities.

However, closure is often equated with punishing the perpetrators of the injustices. But how can we punish the Spaniards, Americans, British, Dutch and the Japanese who once occupied our country? How can we punish the Martial

Law implementers when most of them are dead? Or perhaps, the question is: Do we need to punish them so that we could achieve closure and move forward?

One of my most unforgettable experiences is a conversation I had with an ageing veteran non-state Communist combatant in one of the camps of RPMM. I could barely understand him as he talked. I found out later that he was once caught by government soldiers and was tortured by burning his tongue with gunpowder. Despite his difficulty in talking, he managed to tell me: **“When we began this armed struggle, we only had two options: win, or lose. Why is it that we now have a third? A Peace Process”**. Reflecting on that conversation, I am saddened to realize that most people still think of winning by beating the enemy. And that combatant had the right to feel and think that way.

I think closure is more of a deep personal process of “dealing with the past” atrocities than a process of society. Closure has to start somewhere, and it can start within. For how could Mandela forgive those of his jailers and torturers who made thirty years of his life inhuman and miserable? As the most powerful person in South Africa, he was in a position to punish the perpetrators. Instead he chose forgiveness, reconciliation and restoration.

Our work with the indigenous peoples has taught us that justice is not about punishment but about atonement and restoration.

The Inter-Connectedness of the Work for Land Rights, Justice, Development and Peace

Balay Mindanaw began its work with a conceptual framework which simplistically points out that the inequity in the ownership and control of the basic economic resources (land and fishing grounds) had caused the poverty of the majority. Our analysis was that since land is also a basic political and cultural resource, it has caused the marginalization and continuing powerlessness of the majority. These factors of continuing inequity, injustice and marginalization were therefore the main causes of the continuing unpeace and violent conflicts in Mindanao. Therefore, in order to bring about peace, the conditions of underdevelopment, poverty and marginalization caused by inequities had to be addressed.

Thus, Balay Mindanaw’s initial strategies and programs focused on land rights, access to justice and facilitating community development through participatory planning and implementation. When asked about its work for peace, Balay Mindanaw’s convenient response was: the work for justice and development is also (and already automatically) work for peace.

Balay Mindanaw went through a deep and serious collective discernment on the relevance and effectiveness of its programs and strategies as they relate to the pursuit of the word in its vision statement: Peace.

While the conceptual framework remains valid and applicable, two key clarifications or qualifications were made. **First, the work for equity,**

development and peace is not linear. Rather, it is cyclical. Second, the work for equity, justice and development is not “automatically” work for peace. A strategy for direct peace work has to be developed. Peace writ large.

Thus, it was concluded that Balay Mindanaw should develop and implement a distinct and separate peacebuilding program connected to its on-going programs for equity and development.

VI. Some Recommendations:

1. The work within transitional justice should always consider the final outcome that it seeks to arrive at. If this final outcome is just and sustainable peace, the means towards this should be inclusive rather than exclusive. The “enemies” and the perpetrators of injustice have to be won over, and not defeated. In the case of agrarian reform implementation, we should seek to combine the power of the state and the power of the poor. Everyone has a chance to win if landlessness of the majority is finally overcome. Principled agrarian reform partnerships should be promoted and strengthened.
2. The case of landlessness in the Philippines can be traced to the country’s colonial past. How then can we put closure to this historical injustice by dwelling in the past? Therefore, what is important is a collective moving on and moving forward with strong resolve of the people and strong political will of government in finally addressing this basic inequity caused by historical injustice.
3. If empowerment of peoples and communities is key in winning justice and peace, peaceful and righteous means are the only way to make the victory sustainable.
4. Political negotiations are important but these can also be complex and complicated. Peace processes should not be solely dependent on the agreement or disagreement of the top negotiators. Community empowerment and participation need not wait for and/or rely on the conclusion of political negotiations. There is therefore a need to re-examine critically the conventional “peace dividend model” which waits for a final peace agreement before dealing with the details of the problems and concerns of the communities. There are experiences of community-based authentic dialogue as the core of peace process.
5. The work for equity, development and peace is not linear. Rather, it is cyclical with each of the three intrinsically related to each other. Furthermore, the work for equity, justice and development is not “automatically” work for peace. A strategy for direct peace work has to be developed without abandoning any of the other concerns. Peace writ large.
6. The work for equity, justice, development and peace is a journey. Each moment of this journey is as important as the journey’s end. This journey can

be enriched and made more meaningful by continuing discernment and contemplation.

References:

Papers by:

1. Victor Gerardo Bulatao
2. Soliman Santos
3. Charlito Manlupig