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Hybrid Systems of Conflict Management and Community- Level Efforts to Improve Local Security in Mindanao

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ACRONYMS

| | |
|--------------|---|
| AFP | Armed Forces of the Philippines |
| ARMM | Autonomous Region of Muslim Mindanao |
| AUSAID | Australian Agency for International Development |
| CAFGU | Citizens Armed Forces Geographical Unit |
| CBCS | Consortium of Bangsamoro Civil Society |
| CIDA | Canadian International Development Agency |
| CMU | Conflict Management Unit |
| CVO | Civilian Volunteer Organizations |
| DFID | Department for International Development |
| DILG | Department of Interior and Local Government |
| GHP | Government of the Philippines |
| IDS | Integral Development Service |
| LGU | Local Government Unit |
| MILF | Moro Islamic Liberation Front |
| MLGU | Municipal Local Government Unit |
| MNLF | Moro National Liberation Front |
| NATULARAN MU | Nabalawag, Tugal, Lower Glad, Rangeban, Nes and Mudseng |
| NES | North East Sanunayan |
| PALMA | Pigcawayan, Aleosan, Libungan, Midsayap, and Alamada |
| PO | People's Organization |
| PPA | Program Partnership Agreement |
| TAF | The Asia Foundation |
| ToC | Theory of Change |
| UNYPAD | United Youth for Peace and Development |
| USAID | United States Agency for International Development |

Executive summary

Scope and purpose

- This paper offers a critical interrogation of a Theory of Change (ToC) on hybrid systems of conflict management, as formulated by The Asia Foundation (TAF) under DFID Component 5: 'Community-level efforts to improve local security in Mindanao'.
- The core focus of this paper is an empirical investigation of what specific components and interventions a hybrid approach of conflict management consists of and where the specific added values and constraints of this approach should be situated.
- As part of this exercise, the paper also locates this hybrid approach and its specific conceptual underpinnings within a longer discussion on state formation and governance in the Philippines; and Mindanao more specifically.

Methodology

- The Theory of Change was analysed by combining a review of relevant policy documents and academic literature with field-based empirical data through open and semi-structured interviews. More specifically, three groups of respondents have been selected: (i) TAF staff, (ii) a broad range of key informants actively involved in peace building and conflict management in Mindanao, (iii) Quick Response Teams as articulations of a particular hybrid strategy of conflict management, in one specific municipality: Midsayap, province of North Cotabato.
- For the actual fieldwork, three consecutive months have been spent in the Philippines from mid-February until mid-May 2013.

Key findings

- It is argued that the socio-political landscape in the municipality of Midsayap can be characterised as an exclusivist political order wherein local state institutions and officials play a pivotal role and where there exists a high degree of collusion between authoritative elite actors monopolising authority and boasting a coercive form of governance and socio-political control
- The effectiveness of TAF's hybrid coalition approach lies in its ability to identify local elite actors that defy distinctions between formal and informal and that are deployed within a coalition which puts pressure on warring parties to refrain from violence.
- However, the exclusivist nature of these political orders limits the reach of conflict mediation. These interventions raise important questions with regard to neutrality and inclusiveness as conflict management risks becoming just another instrument to cement elite rule.

Implications for further research/policy implications

- A suggestion is made to move away from an indistinct conceptualisation such as 'hybrid' to instead recognise the central role of state actors as representatives of the formal-democratic order, and as both the means and the end of conflict management interventions. This could benefit the inclusive and sustainable nature of these peace settlements and greatly enhance their sustainability.

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INTRODUCTION

CONFLICT MANAGEMENT, HYBRIDITY AND INFORMAL INSTITUTIONS

Over the last two decades, a large number of authors have argued that effective conflict management cannot be confined to formal state institutions and that there exists a need to involve non-state actors and informal institutions in successful conflict management and broader peace-building strategies.¹ This view is also shared by some prominent international organisations including the UN, the World Bank and USAID.² The arguments for this idea can be categorised into three broad streams. A first line stresses the restricted reach of conflict management initiatives within the formal state, as they solely reach elites through power-sharing initiatives. The best known proponent of this argument is John Paul Lederach who criticises “traditional statist diplomacy” and proposes a more holistic approach which puts human relations at the centre of the analysis.³ In his view, sustainable conflict management and peace building requires changing attitudes, beliefs and relationships through non-state actors and institutions that are firmly rooted within society. This approach is premised upon a long-term interpretation of peace-building paradigms, that is contrasted with programmes focused solely on short-term outcomes, by settling disputes through power-sharing initiatives. With this long-term, relational approach, Lederach inspired a whole range of peace-building initiatives all over the world working on programmes of reconciliation and peace education. A second line of explanation stresses the limited capacity of the formal state to deliver sustainable resolutions to disputes in conflict-affected regions. Therefore, as an alternative to - or in collaboration with - this weak state alternative and non-state conflict management institutions should be supported. For instance, a study by Ken Menkhaus describes how in a Northern Kenyan context characterised by weak state performance and chronic, low-intensity violence, an informal alliance sprang up, led by a women’s market group which was instrumental in settling disputes. In the longer term, this informal alliance merged with the formal state resulting in a “civic-governmental partnership”. This kind of partnership is a clear example of a hybrid political order wherein traditional and informal governance mechanisms merge with formal state institutions. According to Menkhaus, despite some shortcomings, the emergence of these sorts of hybrid political orders has resulted in “impressive gains in public security and conflict management”.⁴ A third line of arguments states that informal institutions of conflict

¹ Lederach, J. P. (1997). *Building Peace. Sustainable reconciliation in divided societies*. Washington DC: United States Institute of Peace; Anderson, M. B., L. Olson, and K. Doughty. 2003. *Confronting War: Critical Lessons for Peace Practitioners*. Cambridge, MA: The Collaborative for Development Action. For this paper, conflict management is understood as part of a broader strategy of peace building and which is particularly focused on different approaches and programmes aimed at containing violence during the actual high-intensity conflict. This distinguishes conflict management from other activities such as conflict prevention or post-conflict reconciliation. See: World Bank (2006). *Civil Society and Peacebuilding. Potential, Limitations and Critical Factors*. Washington: WB/Social Development Department.

² UN Secretary General (2001), *Prevention of Armed Conflicts*. NY: United Nations; World Bank (2006). Op. cit.; USAID. 2001. *The Effectiveness of Civil Society Initiatives in Controlling Violent Conflicts and Building Peace: A Study of Three Approaches in the Greater Horn of Africa*. Washington D.C.: USAID.

³ Lederach, J. P. (1997). Op. cit. See in particular chapters 5 and 6.

⁴ Menkhaus, K. (2008), The rise of a mediated state in northern Kenya: the Wajir story and its implications for state-building, *Afrika Focus*, 21(2): 23-38.

management are more socially embedded and therefore more flexible and easier to apply when compared to formal, state-led mechanisms. For this reason, it is more cost-efficient for international organisations to support informal dispute settlement mechanisms, instead of investing in formal institutions that is considered to be more costly and time-consuming. For instance, in the case of Somalia, Menkhaus looks at ‘organic’ sources of local governance from which practices of conflict management and dispute settlement can emerge; and contrasts this with ‘inorganic’ state-building processes which are highly artificial, top-down, time-consuming and ultimately bound to fail.⁵ In practice, this implies that a wide variety of local religious, customary, indigenous (etc.) practices of reconciliation are being supported for settling disputes and managing conflict. In many instances this line of argument harks back to Lederach’s relational approach; since these traditional institutions are also being activated for healing conflict-torn and fractured societies.⁶

Despite this diversity of arguments, these different authors and organisations have in common that they see huge potential in incorporating non-state institutions into a broader strategy aimed at effectively managing conflicts. This is no different in conflict-affected Mindanao, where different researchers and a range of NGOs and international organisations feel an urgent need to support non-state or informal practices of conflict management as a strategy to arrive at more sustainable solutions for conflict resolution. While there are very few people who doubt the importance of successful peace negotiations between armed belligerents and the Philippine state, it is argued that these national-level talks should be complemented with efforts to integrate different sections of Mindanao society in a holistic peace-building strategy. As is stated in the 2005 Philippine Human Development Report: “Peace talks by themselves are unlikely to prosper unless supported by a broad popular constituency that desires peace and is willing to undertake fundamental reforms to achieve it”.⁷ In a similar vein, different policy reports by the UNDP have stressed the need for a participatory peace process in which confidence among the public in general must be built by proactively involving actors such as pro-peace civil society organisations and private businesses.⁸ In an International Alert publication, Lara and

⁵ Menkhaus, K. (2006/2007), Governance without Government in Somalia. Spoilers, State Building and the Politics of Coping. *International Security* 31(3): 74-106.

⁶ Abu-Nimer, M. (2001), Conflict Resolution, Culture, and Religion: Towards a Training Model of Interreligious Peacebuilding. *Journal of Peace Research*, 38(6): 685-704; Bräuchler, B. (2008) Mobilizing culture and tradition for peace. Reconciliation in the Moluccas, in: B. Bräuchler (2008) Reconciling Indonesia. Grassroots agency for peace, pp. 97-119. For a critical evaluation on traditional forms of conflict resolution, see: Allen, T. (2007) The International Criminal Court and the invention of traditional justice in Northern Uganda, *Politique Africaine*, 3 (107): 147-166.

⁷ Human Development Network (2005), *Philippine Human Development Report 2005. Peace, Human Security and Human Development in the Philippines*, Manila: Human Development Network: 45.

⁸ Oquist, Paul (2000) *Options for a Win-Win Solution in Mindanao*. Multi-Donor Group Support for Peace and Development in Mindanao: Third Assessment Mission Report, Manila: UNDP (United Nations Development Programme); Oquist, Paul (2002) Mindanao and Beyond: Competing Policies, Protracted Conflict and Human Security. Multi-Donor Group Support for Peace and Development in Mindanao: Fifth Assessment Mission Report, Manila: UNDP (United Nations Development Programme); See also: Santos, Soliman M., Jr. 2005a. “Delays in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front: Causes and Prescriptions.” Working Paper 3. Washington, D.C.: East-West Center Washington. In his analysis of the numerous delays in the negotiations between the Philippine state and the MILF, Santos considers civil society participation in the peace process and the building of a true ‘peace constituency’ as conditional for a sustained peace. Importantly, both Oquist and Santos understand this civil society participation in relation to national-level efforts.

Chapman stress that peace building needs to be conducted at all levels of society since “managing conflict is the responsibility of many”.⁹ A similar argument is being put forward by the Swiss based Centre for Humanitarian Dialogue when they make a plea to actively involve civil society organisations in programmes of conflict prevention and dispute settlement.¹⁰ In many cases, this positive assessment of non-state actors and institutions is accompanied by a rather negative evaluation of the capacity of local state institutions. One example is the aforementioned UNDP report on peace and development in Mindanao which openly speaks about the “deficient implementation capacity” of local state institutions in the region.¹¹

INTRODUCTION TO THE THEORY OF CHANGE

The entry point for this paper is a critical interrogation of a specific Theory of Change (ToC) on conflict management, as formulated by The Asia Foundation (TAF) under DFID Component 5: “Community-level efforts to improve local security in Mindanao”. More specifically the ToC that will be elaborated upon is known as “Hybrid systems of Conflict Management”:

By supporting hybrid or mixed systems that combine formal and informal approaches to managing conflicts, we allow the different systems to draw strength from one another, strengthen the conflict resolution process, reduce violence, and eventually draw the informal working systems into the ambit of mainstream formal governance structures.

Two large claims are being put forward in this ToC. First, it is stated that combining formal and informal approaches of conflict management will help in successfully settling disputes. Based on a reading of a complex conflict ecology in Mindanao in which the causes of the violence often have a very localised character, combined with the observation that these local disputes have a potential to escalate into a wider violent conflict, TAF detects an immediate urge to quickly settle these disputes. However, considering the Philippine state has a limited capacity to tackle all these micro-level tensions, the argument is being put forward that local communities – and particularly informal mechanisms of conflict management within these communities – must be supported in mitigating localised disputes. These informal mechanisms can include a diversity of institutions ranging from councils of elders, the Ulama or the church, youth groups or other civil society groups. Within this approach, TAF places a particular emphasis on the building of coalitions, acting as platforms supporting peaceful dispute settlement. The second large claim being put forward in this ToC is

⁹ Lara, Francisco and Champain, Phil (2009) *Inclusive Peace in Muslim Mindanao: Revisiting the Dynamics of Conflict and Exclusion*, London: International Alert, p. 23.

¹⁰ Centre for Humanitarian Dialogue (2011) *Armed Violence in Mindanao. Militia and Private Armies*, Geneva: The Institute of Bangsamoro Studies and the Centre for Humanitarian Dialogue, p. 54. The importance of informal institutions for effective conflict management is also stressed by Philippine research institutes. For instance, a local research institute such as ‘The institute for Autonomy and Governance’, at the Notre Dame University in Cotabato city considers community-based conflict resolution and inter-faith dialogue, particularly through moderate Church based organizations as pivotal for a sustainable peace in Mindanao: Bacani, Benedicto and Mercado, Elisio (2009) *The Southern Mindanao Context of Church’s Peacebuilding Efforts, Autonomy and Peace Review*, 5:2; For a similar argument on the role of non-state institutions and organizations in conflict management, see: Mendoza, Merlie B. (2010) *Humanitarianism in Complex Areas*, in: Merlie B. Mendoza and Victor M. Taylor (eds.) *Challenges to Human Security in Complex Situations. The Case of Conflict in the Southern Philippines*, Kuala Lumpur: Asia Disaster Reduction and Response Network, p. 85.

¹¹ Oquist, Paul (2000), *op.cit*, pp. 5-6.

the argument that combining formal and informal approaches of conflict management will reinforce these informal approaches by drawing them into the ambit of mainstream formal governance structures. A particular manifestation of this hybrid approach lies in the attempts to enforce cooperation between communities (informal) and security forces (formal). This is being put forward in the second ToC formulated under the DFID PPA Component 5, known as “Community-led Efforts to Improve Local Security”:

By supporting community-led efforts to improve relations with security forces, violent incidents will be less common and severe. Improved relations between conflict-affected communities and security forces (and within communities themselves) will reduce the risk of tensions and incidents that result from poor communication.

Although this paper is not immediately focused on this second ToC, both ToCs can only be understood in relation to each other; with the ToC on “Community-led Efforts to Improve Local Security” representing one of the most pertinent manifestations of a hybrid approach in which a combination of formal and informal institutions of conflict management is being put forward. It is obvious, therefore, that the relationship between security forces and communities has been one of the central points of interest for our research in order to elaborate deeper on ToC 1 in which all possible types of interactions and collaborations between formal and informal mechanisms of conflict management have been studied.

An initial reading of these ToCs immediately reveals that their underlying rationale corresponds closely with the arguments for the inclusion of informal organisations and institutions in conflict management as identified above. However, as noted by an influential World Bank report, despite the often overtly positive reading of involving informal institutions in conflict management, in-depth empirical studies on the conditions under which such initiatives are effective remain scarce.¹² This also goes for Mindanao where the necessity to include non-state institutions in successful conflict management has become a sort of ‘truism’, while in fact there is little evidence on the particular outcomes of such an approach. Moreover, existing knowledge reveals a serious lack of in-depth understanding about the social legitimacy that alternative systems for conflict management command, how they are embedded within broader authority structures, and whether and how they are being instrumentalised by certain elites or other social groups. This resonates with a broader academic critique of the hybrid governance literature, which fails to pay due attention to the social legitimacy that non-state forms of governance command, and how this (il)legitimacy has historically come into being. Indirectly, this critique implies that the developmental and state-building potential often attributed to these hybrid arrangements might in fact be slightly overestimated.¹³

OUTLINE OF THE PAPER

Taking this fundamental criticism *vis-à-vis* hybrid governance approaches to heart, we seek to critically interrogate the claims set forward in the ToCs as developed by TAF’s conflict management unit. After a brief elaboration on the methodology of the

¹² World Bank, op.cit., p. 2.

¹³ Meagher, K. (2012), The Strength of Weak States? Non-State Security Forces and Hybrid Governance in Africa, *Development and Change*, 43(5): 1073–1101.

research in part two of the paper, in part three we aim to provide the reader with a concise but critical introduction to the socio-political landscape wherein TAF's interventions in the field of conflict management take place. On the basis of an historical overview of the evolution in local authority structures in Mindanao, it will be argued that the socio-political landscape can be characterised as a 'limited access order' wherein local state institutions and local state officials play a pivotal role in upholding this exclusivist order and where there is no clear separation between formal and informal sources of authority.

The fourth part of the paper will provide an overview of current conflict management practices. It will provide an understanding of how these practices are severely conditioned by the over-arching authority relations, which are intimately linked to control over the local executive and the coercive mechanisms of the Philippine state. This is not only the case for formal justice mechanisms but also goes for informal mechanisms of conflict management, wherein elected officials play a pivotal role. These observations lead us to identify particular challenges and constraints with regard to conflict management in limited access orders, which will serve as the basis for our critical interrogation of actual TAF interventions in the next section.

In section five we first try to understand the intellectual history underlying the ToCs, i.e. how and why have they emerged; and how far do they build on existing evidence and programming experience? It will be argued that the ToC as it stands today represents a logical confirmation and further entrenchment of a highly flexible coalition approach that TAF has developed organically through years of experience with conflict management. After a brief elaboration on how the ToC has impacted on the daily workings of TAF and its partners, wherein we illustrate how it has opened a space for critical self-reflection about the outcomes and outputs of conflict mediation programs, we provide an assessment of the daily workings of Quick Response Teams as a specific articulation of the hybrid coalition approach. It will be argued that the coalition approach allows for a flexible, efficient and quick way of mitigating disputes at the micro-level of society. On the other hand, based on the observation that ToCs allow for a critical reflection on the long-term impacts and changes in programming, some questions will be put forward about 1) the sustainability of some of these interventions and 2) the kind of change that is brought about. More general, it will be argued that the strategy for effectively building informal mechanisms of conflict mediation into formal governance structures remains largely unclear.

Therefore, in its sixth and final part, the paper will conclude with a request for a renewed and critical reflection about how the state can be approached as an instrument not merely for the institutionalisation of the relational and institutional output of the coalition approach, but also as a guarantor of the participatory and inclusive character of public service delivery, in this case sustainable peace.

METHODOLOGY

This ToC was analysed by combining primary fieldwork data with a review of relevant policy documents and academic literature. For the actual fieldwork, three consecutive months were spent in the Philippines by one researcher from mid-

February until mid-May 2013. This three-month visit was complemented by additional visits from two other researchers, each totalling about 5 to 6 weeks. Over the three months, one local researcher provided further assistance, facilitation and orientation. The fieldwork was mainly conducted in and around Cotabato City, capital of the Autonomous Region of Muslim Mindanao (ARMM) on the southern island of Mindanao. Considering the explorative character of this study, a decision was made for a qualitative approach focused on gathering data through open and semi-structured interviews. More specifically, three groups of respondents were selected. A first group consisted of the actual TAF staff, given that they were the ones formulating and implementing this ToC in everyday programming. Focus group discussions with TAF staff were organised in three workshops in Manila at the beginning, the middle and the end of the fieldwork. These workshops were complemented by open interviews with individual TAF staff, both in Manila and Cotabato. A second group consisted of key informants who provided general background about the regional socio-political landscape, with a particular emphasis on dynamics of conflict management and mediation. A third and last group consisted of the respondents in our actual field visits. In order to empirically test the basic claims laid out in the ToC on 'Hybrid Systems of Conflict Management', an in-depth case study was conducted in the municipalities of Midsayap and Aleosan, situated in the province of North Cotabato. These field visits focused on the daily workings of Quick Response Teams as articulations of this particular hybrid strategy of conflict management deployed by TAF. More specifically, two partner NGOs of TAF were studied: United Youth for Peace and Development, Inc. (UNYPAD) and Magungaya for PALMA, Inc.¹⁴ These two NGOs acted as the central nodes in the establishment of QRTs in this region. A decision was made to focus on the province of North Cotabato for reasons of accessibility and the fact that this region harbors a multitude of different actors and groups, all involved in a complex conflict ecology. Rather than opting for a strategy in which different regions all over the island would be researched in a more general manner, this locality case study allowed for more in-depth evidence concerning complex power constellations and social relationships, and the different ways in which a hybrid approach to conflict management plays into this. On the other hand, due to this specific micro-oriented focus, research findings cannot simply be extrapolated for all regions within Mindanao.

Based on our reading of the actual ToC, fieldwork in North Cotabato focused on three sets of questions. A first set of questions concerned the way in which the daily workings of the QRTs were informed by the ToC. Questions were put forward about whether the ToC was actually known, and by whom, and how the formulation of this ToC caused fundamental changes within daily workings of the QRTs. A second set of questions focused on the ways in which informal and formal approaches were supported and how far this specific hybrid approach was successful in settling disputes. This forced us to collect basic data about what sorts of informal and formal mechanisms of conflict management were actually present in this area and how these have transformed over time, to make a baseline study on the major disputes in the area and finally to analyse how far these mechanisms were effective in settling or solving these disputes. The last set of questions targeted the claim about the ways in which informal mechanisms of conflict management were actually drawn in the ambit of mainstream formal governance structures. In order to answer this last question, a more general analysis about the broader socio-political landscape in Midsayap and

¹⁴ Magungaya stands for 'Concern'.

Aleoson was conducted, including questions aimed at understanding how far informal and formal authority structures could be separated from each other, whether elite constellations attempted to control mechanisms of conflict management, and the ways in which informal grassroots initiatives of conflict management interacted, conflicted or coexisted with broader elite interests.

Table 1: breakdown of respondents

| Respondents | | Number Persons | of Total hours |
|------------------------|-----------------------------------|-------------------|----------------------|
| TAF staff: | Manila | 7 | 5h30 |
| | Cotabato | 2 | 4h |
| Key Informants: | | | |
| | Academics | 7 | 8h30 |
| | Partner organisation TAF | 22 | 21h10 |
| | Other civil society organisations | 8 | 9h30 |
| | Government officials | 4 | 5h |
| | Local government officials | 21 | 12h15 |
| | Police | 3 | 1h30 |
| | AFP | 3 | 3h |
| | MILF officials | 1 | 1h30 |
| QRT members: | UNYPAD | 16 | 11h30 |
| | Magungaya | 11 | 7h |
| Total: | | 77 | 99h25 |

This primary fieldwork data was complemented by a systematic literature review, consisting of two major parts. In the first part, a systematic reading of policy documents published by TAF Philippines was undertaken in order to understand how this ToC builds on previous programming, ideas and arguments circulating within the organisation. These policy reports were then complemented by a reading of more academic literature on state-society interactions in the Philippines and the conflict in Mindanao.

RESEARCH CONTEXT

The conflict-affected areas in central and western Mindanao are often presented as areas where state power is weak, contested, or at least existing alongside alternative, non-state authority structures. Traditional (clan-) and religious authorities and rebel movements in particular are often seen as informal bearers of public authority. In this section we seek to delve deeper into this matter by providing a basic understanding of local authority structures in Mindanao, more particularly in North Cotabato. The

central aim is to provide the reader with a better understanding of how local authority constellations have historically evolved in interaction with broader processes of post-colonial state formation, state contestation and economic modernisation. On the basis of this historical overview it is suggested (1) that state power is not necessarily as weak or contested as often assumed; and (2) that there exists a high degree of overlap and collusion between supposedly distinct (formal and informal) sources of authority.

NEGOTIATED STATE FORMATION AND THE FUSION OF TRADITIONAL AND FORMAL STATE AUTHORITY

Colonial and post-colonial processes of state formation in the Philippines have relied strongly on a process of negotiation with local strongmen, with the latter maintaining a great degree of autonomy over their dealings vis-à-vis the central state apparatus in Manila.¹⁵ Hence, rather than opposing and emasculating state authority, strongmen autonomy should be understood as an integral part of broader strategies geared towards maintaining state stability. Muslim Mindanao's integration in the colonial state framework started relatively late, as the Spaniards never really gained a foothold in Mindanao. American colonialism, starting in the late 19th century, would duly succeed in making inroads in Mindanao by integrating traditional Muslim elites, so-called *datus*, in the state administration.¹⁶ Within these embryonic state structures in the Mindanao 'frontier', traditional Muslim authorities would henceforth assume a crucial position as gatekeepers and as guarantors of colonial statehood. Their role consisted in pacifying the locality and preventing the rise of symbolical or physical opposition to the colonial state. At the same time, their increased involvement in the colonial state-building exercise (either as appointed lower- or middle-ranking administrator or as elected official in a highly restrictive electoral democracy) significantly reinforced their local power, which now hinged on a fusion of traditional and formal-legal state authority. This authority was typically passed on from one generation to the next, thereby providing fertile ground for the emergence of true political dynasties similar to those found elsewhere in the Philippines.¹⁷ In short, processes of colonial state formation privileged a form of 'decentralized despotism'¹⁸ whereby local powerbrokers were granted a high degree of autonomy in return for the maintenance of a social order. This practice of negotiated state formation persisted after formal independence in 1946. *Datus* were further integrated in a nascent national mass democracy through alliances with national-level powerbrokers entrenched in national political parties.¹⁹ As such politics in Muslim Mindanao increasingly came to resemble 'politics as usual' in the rest of the Philippines, with the further entrenchment of political dynasties rooted in the 'traditional' clan system.²⁰ At least in the first decades after independence the legitimacy of the Philippine nation-state was

¹⁵ Sidel, J. T. (1999). *Capital, Coercion and Crime: Bossism in the Philippines*. Stanford: Stanford University Press.; Abinales, P. N. (2000). *Making Mindanao: Cotabato and Davao in the Formation of the Philippine Nation-State*. Manila: Ateneo de Manila University Press.; Hutchcroft, P. D. (2000). Colonial Masters, National Politicos, and Provincial Lords: Central Authority and Local Autonomy in the American Philippines, 1900-1913. *The Journal of Asian Studies*, 59(2), 277-306.

¹⁶ McKenna, T. M. (1998). *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines*. Berkeley: University of California Press: pp. 85-103.

¹⁷ Abinales, P. N. (2000). Op. cit.

¹⁸ Mamdani, M. (1996). *Citizen and Subject: Contemporary Africa and the Legacy of late Colonialism*. New Jersey: Princeton University Press.

¹⁹ McKenna (1998). Op.cit, p. 6.

²⁰ Kreuzer, P. (2005) 'Political Clans and Violence in the Southern Philippines'. Peace Research Institute Frankfurt, Report No. 71, <http://hsfk.de/downloads/PRIF-71.pdf>.

hardly questioned in Muslim Mindanao, which was instead marked by a relatively high degree of stability.²¹

FISSURES IN STATE STABILITY: THE MUSLIM REBELLIONS

From the late 1960s onwards this acceptance of the dominance of the Philippine nation-state made room for increased dissatisfaction among significant segments of the Muslim population. Since the 1950s there had been a strong influx of Christian settlers from the north of the country, resulting in the dispossession of large parts of the native Muslim communities. In the late 1960s this dispossession increasingly took on a violent character, as Muslim communities were chased by Christian vigilante groups known as *Ilaga* (rats).²² Simultaneously, the influx of Christian settlers went hand in hand with the rise of Christian politicians representing settler interests, to the detriment of the different Moro clans and politicians.²³ These developments left different sections of the Moro population – from dispossessed farmers to Muslim elites who had become accustomed to the privileges associated with statehood – with a strong sense of marginalisation. These emerging tensions transcended the locality with the establishment of the MNLF in 1969 and the subsequent declaration of open war against the MNLF by the Marcos regime. Following the proclamation of martial law in 1972 – partly because of the increasingly virulent Muslim rebellion – emerging fissures in Mindanao came to a head. Marcos aptly capitalised on existing and emerging political cleavages in Mindanao by appointing people loyal to the martial law regime, which was widely perceived by Muslims to work at the behest of the Christian settlers. On an analytical level, the traditional mechanism of social stability, i.e. a high degree of autonomy for local strongmen who in return pacify the locality, was increasingly being undermined by local elite competition, the emergence of new competitors in the form of rebel movements, and a regime determined to establish centralised control.²⁴ As a result, subsequent decades witnessed large parts of western and central Mindanao being confronted with recurrent waves of violent conflict between Muslim rebels and the Philippine state. After years of high-intensity warfare, peace negotiations between the government of the Philippines and the MNLF resulted in the 1976 Tripoli Agreement.²⁵ Yet, it was only after the fall of Marcos in 1986 that serious talks for the installation of an autonomous Muslim entity resumed. These talks between the Aquino administration and the MNLF resulted in the creation of the ARMM in 1989. Ultimately it would take until 1996 before all details were settled and a final peace agreement between the MNLF and the government of the Philippines (GPH) was installed. This peace agreement led to a notable reduction in actual fighting between the MNLF and the Armed Forces of the Philippines (AFP) but did not result in a total ceasefire, as the MNLF retained a visible armed presence on the ground. Moreover, already in 1977, different leaders within the MNLF were disappointed with what they considered to be a half-hearted solution. As a result, a

²¹ Abinales, op.cit.; Rizal G. Buendia (2005), The State-Moro Armed Conflict in the Philippines. Unresolved National Question or Question of Governance. *Asian Journal of Political Science*, 13 (1), p. 114.

²² Jennifer C. Franco (2001) Elections and Democratization in the Philippines, London & NY Routledge, p. 223

²³ McKenna, op.cit.

²⁴ Abinales, op.cit.

²⁵ Jacques Bertrand, 'Peace and Conflict in the Southern Philippines: Why the 1996 Peace Agreement is Fragile', *Pacific Affairs*, 73, pp. 37-54.

considerable faction seceded from the MNLF and established the MILF.²⁶ Only as recently as October 2012 a GPH-MILF peace agreement was signed. Whereas the so-called 'Framework Agreement on the Bangsamoro' needs further fine-tuning, it has led to a considerable reduction in fighting and a 'normalisation' of relations between state structures and the MILF.

FISSURES IN LOCAL AUTHORITY STRUCTURES DURING MARTIAL LAW

The period of martial law had a notable impact on struggles over authority and political-territorial control, albeit one which has not received due attention in the literature. Hence, part of the following account is also based on our personal interviews in North Cotabato. A first important observation is that part of the reason for the rise of first the MNLF and later the MILF was the increased involvement of disgruntled Muslim political elites looking for venues to reassert their political authority.²⁷ Simultaneously, rebel movements provided opportunities for social mobility and for the emergence of new authoritative leaders in Muslim society. This social mobility did not necessarily take place within the movement as such, which is perhaps best understood as a coalition of 'commanders' retaining a high degree of autonomy. As the military logic took over, these 'commanders' came to occupy pivotal positions in local authority structures, allowing them to stake claims at political and territorial control. National government counterinsurgency efforts also offered opportunities for social mobility. They were not merely aimed at fighting the rebels but also involved attempts to integrate Muslim leaders to join the state apparatus. For example, under the '*balikbayan*' programme, scores of rebel commanders joined the state security sector, while local *datus* were recruited as official political representatives of the local community. Unsurprisingly this sparked animosity within the Muslim community, with some of its members siding with the 'Christian-dominated' state or the Muslim rebellion respectively.

Thus by the end of martial law, local authority structures in (Muslim) Mindanao were marked by increasingly complex, shifting and often counter-intuitive (i.e. over the ethnic divide) alliances involving commanders boasting new and militaristic forms of authority; traditional Muslim authorities now often with a history in state- and/or rebel politics; Christian politicians; and a state security sector that increasingly came to incorporate sections of the Muslim rebel movement. It is this history of secessionist rebellion, the resultant militarisation of local society, and last but not least, the multi-ethnic character of (Muslim) Mindanao which earned it the label of exceptionalism. In fact, what we seek to argue is that on the local level, despite notable peculiarities – not in the least the intersection between politics and ethnicity – North Cotabato is in fact (an admittedly extremely militarised) exemplification of 'politics as usual' in the Philippines.

²⁶ Syed S. Islam (1998), 'The Islamic Independence Movements in Patani of Thailand and Mindanao of the Philippines', *Asian Survey* 38/5, pp. 441-56 Islam 1998: 449-450, Rizal G. Buendia (2005) 'The State-Moro Armed Conflict in the Philippines. Unresolved National Question or Question of Governance', *Asian Journal of Political Science*, 13, 2005 pp. 109-38.

²⁷ Mckenna op. cit. Kreuzer op. cit.

POST-MARTIAL LAW: BACK TO POLITICS AS USUAL AND THE INCREASED PROMINENCE OF THE LOCAL EXECUTIVE

After the end of martial law Philippine state formation reverted back to its traditional pattern –temporarily but not entirely interrupted under martial law²⁸ – whereby local strongmen were granted a high degree of local autonomy in exchange for upholding the now formally democratic state framework.²⁹ We have already indicated how being part of the formal state hierarchy carries with it certain obligations, as local politicians are expected to secure electoral support for higher-ranking politicians, pay lip service to the formal democratic process, take part in the implementation of state policies, and confront organised opposition against the state. Meanwhile executive control over the local state also provides strongmen with important opportunities, which have significantly expanded in the wake of decentralisation³⁰ and economic modernisation. Local state institutions are no longer simply a source of formal-legal authority and resources for patronage and self-enrichment,³¹ but instead come to represent highly potent mechanisms for political-economic control. This is essentially the core proposition of Sidel's bossism thesis: while Philippine state institutions might be weak in terms of their ability to effectively and equitably deliver public goods, they simultaneously represent a potent set of predatory instruments which offer local elected officials the regulatory and coercive instruments necessary to enjoy near-monopolistic control over the locality.³² In the first instance the resource base of the local state has significantly expanded in the wake of decentralisation, which not only introduced internal revenue allotments (IRA) from the national government but also increased local fiscal-regulatory autonomy.³³ Secondly, local chief executives (i.e. the barangay captain, mayor and governor) came to act as economic and institutional gatekeepers dealing with outsiders seeking to intervene in the locality. Executive control over regulatory instruments such as zoning ordinances, building permits, franchise- and licensing procedures and agrarian reform implementation converted local politicians into leading economic brokers.³⁴ Furthermore, local government officials retain a high degree of discretion over the implementation of development projects – whether initiated by government or NGOs – and over who ultimately stands to benefit from them. The strong presence of a donor community in North Cotabato which typically works through the local state is noteworthy in this regard, and has been cited as one of the factors instigating political-electoral competition.³⁵ This role

²⁸ Hutchcroft, P. D. (1991). Oligarchs and Cronies in the Philippine State: The Politics of Patrimonial Plunder. *World politics*, 43(3): pp. 414-450, p. 443.

²⁹ Wong, P. K. (2006). Outline of an Anthropology of the Modern Philippine State: Political Decentralization, Internal Pacification, and the Strongmen as State Builders. *The Journal of Comparative Asian Development*, 5(2), 247–277.

³⁰ Decentralization was initiated with the Local Government Code that was passed by congress in 1991. It represented a significant shift of resources and political power (particularly over taxation and public sector recruitment) to Local Government Units (LGUs; in descending order the region, province, municipality and barangay). For a general discussion see Legaspi, P. E. (2001). The changing role of local government under a decentralised state: The case of the Philippines. *Public Management Review* 3(1), 131–139.

³¹ Magno, F. A. (1989). State, Patronage and Local Elites. *Kasarinlan* (1), 10-18.; Hutchcroft, P. D. (1991). Oligarchs and Cronies in the Philippine State: The Politics of Patrimonial Plunder. *World Politics*, 43(3).

³² Sidel, J. T. (1999). Op Cit.

³³ Legaspi, P. E. (2001). Op. cit.

³⁴ Sidel, J. T. (1999). Op. cit.

³⁵ The increased availability of donor funding has even been cited as one of the factors contributing to the Maguindanao massacre. See Lara, F. (2010). Rust never sleeps: the corrosive power of

as broker-implementer of policy interventions extends into the domain of counterinsurgency, as we have documented cases where local politicians have instrumentalised counterinsurgency operations to further their own and their allies' interests, for example by deploying army personnel in areas controlled by rival political-territorial alliances which were branded as enemies of the state. This fact points to a third important observation, namely that control over the state coercive apparatus is historically highly decentralised in the Philippines. This allows local politicians to rely on the state security sector to look after their and their allies' private interests.³⁶ In North Cotabato, access to the local executive enables politicians, often allied with local MILF- or MNLF-commanders, to tighten their grip over local coercive formations by bringing their private army under the broad umbrella of the state security sector. A first option is to transform them into Civilian Volunteer Organizations or CVOs, popularly known as barangay Tanods, who are supposedly unarmed auxiliaries of the PNP on the barangay level.³⁷ Typically the composition of the barangay Tanod will change after the election of a new barangay captain, who will bring along his own people. A second potential channel is the CAFGUs (Citizen Armed Force Geographical Unit). While supposedly under military command, in practice mayors and governors retain a high degree of discretion over the recruitment and deployment of CAFGUs. All in all, the high degree of collusion between local political elites and sections of the state security sector give the current executive a clear competitive advantage over his/her rivals in struggles for territorial control and the political and economic spoils that come with it. One specific illustration is the barangay outposts: erected by the barangay and usually manned by barangay Tanods, they essentially serve as a mechanism to define territorial boundaries and regulate mobility and security within these boundaries.

SUMMARY: HYBRID AUTHORITY IN A LIMITED ACCESS ORDER

On the basis of the overview above we can make some tentative conclusions about public authority in the areas under investigation. A first central observation is that local authority structures are not static, but stand in constant interaction with broader processes of state formation, state contestation, militarisation and economic modernisation. This changing macro-environment offers opportunities for the emergence of new actors staking (rival) claims to authority. It has simultaneously effectuated an increased blurring of boundaries between supposedly distinct sources of authority, as actors sought to diversify the basis of their authority, either individually or in coalition with other authoritative actors. This is epitomised by the emergence of indistinct and constantly shifting constellations of elite actors whose power is rooted in diverse sources of authority, be they individual-charismatic, traditional-religious, militaristic and/or formal-legal in nature. Furthermore, these local power constellations typically maintain a high degree of autonomy from the central state and the rebel movement. At the same time membership of these broader

Mindanao's warlord clans. *Autonomy and Peace Review* 6(1): pp. 60-77. Retrieved on 17/08/13 from http://www.kas.de/wf/doc/kas_20657-1522-1-30.pdf.

³⁶ The basic argument has been set out by Sidel, op.cit. It has later been elaborated upon in Hedman, E-L; Sidel, J. T. (2000). *Philippine Politics and Society in the Twentieth Century - Colonial legacies, post-colonial trajectories*. London: Routledge. See also Kreuzer, P. (2009). Private Political Violence and Boss-Rule in the Philippines. *Behemoth*, 2(1), 47-63.

³⁷ See also Banlaoi (2010). CAFGUs, CVOs and the Maguindanao massacre. *Autonomy and Peace Review* 6(1): pp.60-77. Retrieved on 17/08/13 from http://www.kas.de/wf/doc/kas_20657-1522-1-30.pdf.

structures provides local actors with opportunities to assert and legitimise their (coercive) authority. In combination with a strong proliferation of weapons in the region, this led to an overall militarisation of society and politics wherein coercion is a central feature of everyday modes of control and regulation. This can be seen as a more extreme expression of the already coercive character of political and social control observed elsewhere in the Philippines.

As such, local authority constellations in North Cotabato can be seen as a potent illustration of a 'limited access order'³⁸ wherein a dominant coalition of elite players purposefully limit access to political authority and coercive resources. In as far as these constellations represent hybrids, it is because they vary from one locality to another and typically defy distinctions between formal and informal, state and non-state, traditional and modern, bureaucratic and patrimonial, etc. Simultaneously however they are marked by a high degree of collusion between authoritative elite actors monopolising authority and boasting a coercive form of governance and socio-political control. In such a context serious questions can be raised with regards to the social legitimacy of these hybrid constellations. Yet despite the inherently hybrid nature of authority, state institutions have gradually come to play a pivotal role in legitimising and strengthening limited access orders, both in the provision of resources and as a source of formal-democratic legitimacy. This is no different in North Cotabato, where competition over access to the local state (together with land disputes) has become one of the main underlying reasons for conflict between rival and ever-shifting political-territorial coalitions. As the one presiding over state assets, local executives find themselves at the centre of local authority structures, although they will be compelled to negotiate with other authoritative actors.

After having sketched the anatomy of public authority in the region, whereby we suggest the existence of limited access orders with highly questionable credentials in terms of social legitimacy, we now turn to a discussion of existing practices for conflict management. As we will illustrate, conflict management inevitably reflect the machinations and limitations of these rather exclusivist authority constellations.

EXISTING MECHANISMS FOR CONFLICT MANAGEMENT

In what follows we provide a critical overview of existing conflict management practices, and try to understand how these are shaped and conditioned by the authority constellations we have outlined above.³⁹ A crucial observation is that despite a distinction between formal and informal mechanisms for dispute resolution (which was upheld both by TAF and most respondents) in reality these supposedly different mechanisms exhibit a high degree of similarity, both in terms of the actual mediation process and its outcomes. This can be related to the observation made above, namely that dominant actors in these resolution practices, as well as the authority

³⁸ North, D. C., Wallis, J. J. and Weingast, B. R. 2009. *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*. New York: Cambridge University Press.

³⁹ Here we are indebted to Dr. Maguid Makalingkang of Mindanao State University, who provided us with a rather exhaustive listing of existing mediation mechanisms and their relative strengths and weaknesses during two separate interviews in Cotabato on 02/03/2013 and 13/04/2013.

undergirding them, defy neat categorisation and are instead embedded in messy authority constellations characterised by a high degree of elite collusion.

IN-COURT DISPUTE PROCESSING

Claims about a governance wasteland notwithstanding, a variety of formal mechanisms do exist to manage local conflicts. A logical entrance point is the formal justice system. The municipal and regional trial (circuit) courts have jurisdiction over civil and criminal affairs as well as property disputes. Meanwhile PD1083 promulgated in 1977 mandated the creation of shari'a courts in Muslim areas.⁴⁰ However, their jurisdiction is limited and pertains primarily to family law. On the ground, the reach of the formal justice system is curtailed by a range of factors. First, formal adjudication is expensive; all the more so because judicial procedures are notoriously slow. Second, accessibility for ordinary citizens, particularly those in the countryside, is hampered by mobility constraints and geographical distance. Thirdly, the formal court system is said to lack legitimacy amongst the citizenry, particularly amongst Muslim Filipinos. There is a perceived cultural deficit, with local cultural norms and legal concepts considered at odds with the 'colonial' legal system, which is seen to be biased in favor of the legally literate and wealthy (Christian) elite.⁴¹

THE UBIQUITY OF 'TRADITIONAL' AMICABLE SETTLEMENT BY 'TRADITIONAL' AUTHORITIES

Due to these problems of inaccessibility, exclusivity and illegitimacy in the formal justice system, citizens in rural areas in particular have historically reverted to local, traditional methods for processing disputes. While there is a great degree of variation in 'traditional' settlement practices, they have become broadly known under the heading 'amicable settlement' – although in practice settlement is not always reached and the settlement process can be far from amicable and might instead involve a significant degree of coercion.⁴² Despite this significant degree of variation, on the basis of our own research some general observations can be made with regards to the mediation process.⁴³ Amicable settlement typically involves mediation by a third party that typically commands an authoritative position in the community. During the negotiations proper a high degree of confidentiality is observed so as not to risk degrading the honor of the warring parties. In terms of settlement and punishment, whereas some case studies mentioned more dramatic solutions such as lashing or even the death penalty,⁴⁴ the more common practice is the payment of some form of

⁴⁰ For full text of the presidential decree, see:

http://lawphil.net/statutes/presdecs/pd1977/pd_1083_1977.html.

⁴¹ Franco, J. C. (2008). Peripheral Justice? Rethinking Justice Sector Reform in the Philippines. *World Development*, 36(10), 1858–1873.

⁴² Machado (1979). Politics and Dispute-Processing in the Rural Philippines. *Pacific Affairs*, 52(2): 294–314.

⁴³ Here we can refer again to the case studies commissioned by TAF for its PPA (e.g. Latip, L. (2012). Conflict And Community-Security Sector Relations In Cotabato Province: A Case Study. Unpublished case study commissioned by TAF Philippines for the TAF Programme Partnership Agreement with DFID.; Libre, E.S.B. (2012). Rapid Response To Localized Violence In M'ranao Communities. Unpublished case study commissioned by TAF Philippines for the TAF Programme Partnership Agreement with DFID) but see also Torres, W.M. (2007). Rido: Clan Feuding and Conflict Management in Mindanao. Makati City: The Asia Foundation.

⁴⁴ See for example Montillo-Burton et al. (2007). Responses to Interkin Group Conflict in Northern Mindanao: pp. 127–164 in Torres (Ed.): *RIDO: Clan Feuding and Conflict Management in*

compensation by the offender. Where people have been killed in a dispute, this will typically be in the form of blood money, the actual amount of which hinges on a variety of factors – e.g. the nature of the dispute, the number of deaths, the socio-economic status of the offender – and is supposedly subject to negotiation. In some instances however the mediator dictates the amount that needs to be paid one-sidedly.

Traditional authorities, particularly the ‘council of elders’, are often imbued with a central role in amicable dispute settlement. They are referred to as a highly authoritative body rooted in the traditional clan system.⁴⁵ Given their authoritative position the scope of their interventions can and often does transcend small conflicts, since elders also deal with major issues such as rape and even murder. In addition to this traditional legitimacy, respondents claimed traditional mechanisms to be more accessible (lower cost and presence in the locality), more efficient (faster) and more transparent (they use local dialects) than formal mechanisms for dispute resolution. These strengths provide a rationale for TAF and several of its partners to support the reinforcement of traditional mechanisms for dispute resolution. However, defining traditional authority and distinguishing it from other authority structures is a difficult exercise. This was also apparent during our interviews, with respondents having difficulties distinguishing between traditional, clan and religious leaders. This is in line with our observations in the previous section, where we suggested that colonial and post-colonial state formation and economic modernisation have served to blur the boundaries between informal ‘traditional’ forms and modern forms of authority. Instead traditional elites have gravitated towards ‘politics as usual’, whether inside the state or the rebel movement. The growing reach of the formal state on informal mediation processes

The historical tradition of amicable settlement inspired former president Marcos to create the *Katarungan Pambarangay*, or barangay justice, through PD1508 in 1978. After the end of martial law, barangay justice was enshrined in the LGC, with minor modifications. Formally, mediation in barangay justice takes place under the administrative supervision of the Lupong, a body composed of 10-20 residents appointed by and presided over by the barangay captain. Any conflict lying within its jurisdiction should pass through the *Katarungan Pambarangay*, and it is only where it is incapable or not mandated to intervene that a dispute will be referred to the formal judiciary by the barangay captain. Any settlement reached is also binding upon the conflicting parties. PD1508 was meant to recognise and as such reinforce the process of amicable settlement, which could represent a flexible, culturally sensitive and discrete alternative for the slow and congested formal judiciary. Simultaneously PD1508 was clearly geared at integrating amicable settlement within formal state institutions, and the barangay captain came to occupy a pivotal position at the expense of other (traditional) political elites.⁴⁶ This did not mean that traditional-religious authority was completely sidelined. Instead there is often some kind of symbiosis –

Mindanao. Makati City: The Asia Foundation; Interview with Noraida, Senior Program Officer for ARMM Reform Project, TAF office Cotabato (20/03/2013).

⁴⁵ The authoritative position of (the council of) traditional elders was not just repeatedly referred to by respondents, but also in the locality case studies commissioned by TAF for its PPA: Latip, L. op. cit.; Libre, E.S.B. op.cit.

⁴⁶ Siliman, G.S. (1985). A Political Analysis of the Philippines’ Katarungan Pambarangay System of Informal Justice through Mediation. *Law & Society Review*, 19 (2): pp. 279-302.; Golub (2003). Non-State Justice Systems in Bangladesh and the Philippines. Draft paper prepared for DfID. Retrieved on 17/08/2013 from <http://www.gsdc.org/docs/open/DS34.pdf>.

often defined in terms of ‘mutual respect’ – between traditional authorities and formal state authorities. The common practice is for the barangay captain to ask the influential clans – or at least those supporting his/her administration – to endorse a representative(s) to the Lupong. Furthermore, many of today’s influential traditional leaders and elders are (former) politicians.⁴⁷

Another body first created by the Marcos regime through EO727, and subsequently reorganised by democratically elected governments, is the Peace and Order councils organised at different levels of government, including the municipal and barangay level (in the case of the barangay it is called the barangay Peace and Order *committee*). They are composed of the counterparts of government agencies operating at that respective government level⁴⁸ and chaired by the chief executive (the mayor or barangay captain). Significantly, there is also a mandatory representation of civil society. In theory the Municipal POC addresses issues of security that concern the entire barangay or that spill over the barangay borders. The legal mandate of the peace and order councils/committee (in its latest form i.e. EO773) is heavily informed by counterinsurgency concerns as these “provide a forum for inter-disciplinary dialogue and deliberation of major issues and problems affecting peace and order, including insurgency”.⁴⁹ This pre-occupation with counter-insurgency might hamper its work in terms of conflict resolution. People residing in the POC often lack sufficient knowledge and turn to the local executive for guidance. As such, the POC becomes a political instrument in the hands of the mayor, often referred to as part of the ‘divide and rule policy’ of the municipal executives.⁵⁰ The same goes for the barangay level where the effectiveness of the Peace and Order councils again hinges on the support of the local executive, who is by far the most powerful figure in the council.⁵¹ This tendency toward executive dominance is also apparent in the institutions set up by some LGUs in order to provide more room for informal (traditional) dispute resolution. One example is the mayor’s council in Upi, a tri-peoples council composed of two Muslim representatives, two Indigenous People representatives and two Christian representatives⁵². It was created per municipal ordinance by the mayor of Upi, and was meant to strengthen formal mediation through the recognition and incorporation of traditional, more culturally sensitive mechanisms for conflict mediation. Aside from questions related to the legality of the mayor’s council from the perspective of national law, as the name suggests, the local

⁴⁷ For a more general elaboration on the intersection between clan and politics see Kreuzer (2005). Political Clans and Violence in the Southern Philippines. PRIF-report No. 71. Frankfurt: Peace Research Institute Frankfurt.

⁴⁸ Important ones include the Department of Environment and Natural Resources (DENR), the National Commission on Indigenous People (NCIP), the Department of Agrarian Reform (DAR), and off course representatives of the state security sector (AFP, PNP).

⁴⁹ For full text of the executive order see

[http://www.lawphil.net/executive/execord/EO_773_2009.html](http://www.lawphil.net/executive/execord/eo2009/EO_773_2009.html).

⁵⁰ Interview with Sarra Guerrero, locality case study researcher for TAF on North Cotabato (10/04/2013); Interview with Bing Constantino, officer at the Peace and Conflict Resolution Network. (Illigan City, 20.02.13) ; Interview with Maks Mangadta, Mindanao Human Rights Action Center (16.04.2013)

⁵¹ Interview with Sarra Guerrero, locality case study researcher for TAF on North Cotabato (10/04/2013)

⁵² Husin, A.A. (2010). Healing Communities, Reclaiming Traditions: Legal Pluralism, Islamic Revivalism, and Emerging Ethno-Based Peace and Development Strategies in Mindanao. *Autonomy and Peace Review* 6(1): pp. 103-127. Retrieved on 14/08/13 from http://www.kas.de/wf/doc/kas_20657-1522-1-30.pdf.

executive in the person of the mayor retains a high degree of discretion over the mayor's council, and will be firmly in charge of the settlement process and the selection of council members. The Muslim and IP representatives will usually be traditional-religious leaders, while the Christians can be represented by (former) politicians, CAFGUs, leaders of farmers' cooperatives – in short, a cross-section of the rural Christian elite.⁵³

MEDIATION IN LIMITED ACCESS ORDERS: STRENGTHS AND LIMITATIONS

On the basis of this overview we can clearly confirm the existence of a variety of possible venues for conflict mediation and settlement, to the extent that some describe the situation in terms of legal pluralism, which is said to be rooted in the existence of distinct legal-normative orders.⁵⁴ What we have instead observed is that despite the existence of distinct venues for conflict management, this distinction stands in stark contrast with the indistinctness in terms of actual mediation and -settlement practices as well as in terms of the authority structures underlying mediation. In terms of actual conflict mediation practices, both supposedly formal (to some extent even the judiciary) and informal mediation is geared towards amicably settling disputes through third party mediation. Furthermore, in most if not all cases mediation is highly personalised and dominated by one or a few powerful individuals. An example is that of NATULARAN MU,⁵⁵ a dispute resolution mechanism founded in 2007 by Integral Development Services, inc. (IDS). This mechanism convenes the barangay captains of those villages in Midsayap, which are heavily affected by enduring violence. Tellingly, the first president of this body was the notorious commander Tubog Pulalon, Barangay captain of Tumbras. He dominated the entire area in his capacity as an armed commander and barangay captain by means of alliances, private goons and CAFGU's. Consequently he also dictated the venues for conflict mediation. Respondents emphasised that Tubog's consolidation of power enabled him to function accordingly as president of the alliance, hereby appeasing and preventing violent disputes.⁵⁶ This example also illustrates how actors in charge of mediation/settlement cannot be neatly categorized according to mainstream distinctions between formal/informal, civil/military, traditional/modern, state/non-state, etc. Instead there is often a high degree of collusion between elite actors combining different sources of authority, which can be formal-legal, but also personal-charismatic, rebel-militaristic, traditional-religious, etc. Whereas the formal-legal legitimacy and the various financial (e.g. the diversion of IRA for blood money) and coercive (e.g. the barangay Tanod) resources inherent to statehood have given the local executive a clear lead over other actors in the domain of conflict mediation; this does not make the local executive all-powerful. Instead he or she will have to take

⁵³ Interview with Abdullah 'Jun' Salik, former vice-mayor of Upi, current assistant regional secretary for department of Science and Technology, ARMM (26/02/2013).; Interview with Dr Makalingkang, Mindanao State University, (02/3/2013).

⁵⁴ Husin, A.A. (2010). Op. cit.; Dr. Makalingkang of Mindanao State University made a similar comment about legal pluralism and the possibility of 'forum shopping'.

⁵⁵ NATULARAN is an acronym which stands for the villages in Midsayap : Nabalawag, Tugal, Lower Glad, Rangeban, Nes and Mudseng. All these villages are represented in this body for dispute resolution.

⁵⁶ Interview with Djego Mangansakan, UNYPAD QRT coordinator in Barangay NES and Namdin Masulut, UNYPAD QRT member Barangay NES (Cotabato City, 14/03/2013); Focus group discussion with the Barangay Council of Lower Glad, Midsayap (28/03/2013); Focus group discussion with members of the UNYPAD QRT in Barangay Nabalawag, NES and Tugal (Cotabato City, 22/04/2013).

into account and negotiate with other authoritative actors. One illustration is the practice of clan representation in the Lupong, with the clan continuing to be an important and fairly effective mechanism of social control that cannot be sidelined by the local executive.⁵⁷

These observations about authority in conflict mediation being both indistinct and elitist are confirmed by our more general findings regarding the logic of authority in limited access orders. Clearly, limited access orders can be fairly effective at managing conflicts within their territorial influence sphere. For instance, this was the case in the village of Lower Glad where the barangay captain successfully managed conflict by equally distributing development projects in the barangay in order to appease conflicting parties. He also actively promoted intermarriage in the barangay as a means of sustainable conflict resolution.⁵⁸ This effectiveness can largely be attributed to the limited access order's ability to mono-/oligopolise the authority, as well as the coercive and financial resources required for conflict mediation, whereby the local executive plays a key role. At the same time the exclusivist nature of limited access orders limits the reach of conflict mediation, both internally and externally. Internally, conflict management in limited access orders raises important questions with regards to neutrality and inclusiveness as conflict management risks becoming just another instrument to cement elite rule.⁵⁹ This danger becomes particularly salient where the executive, his family or one of his close allies (or enemies) has an interest in the outcome of the mediation process. While it is supposedly the job of the DILG (Department of Interior and Local Government) to monitor LGUs and local executives, it is under-resourced and often overruled by the same local executive it is supposed to monitor. Despite the due existence – at least where state-sanctioned mechanisms are concerned – of provisions to guarantee the neutrality, inclusivity and participatory nature of mediation and settlement, in practice these provisions have to yield for the far more secretive and indistinct practice of amicable settlement. This observation becomes all the more disturbing when considering that third-party mediators often go beyond their supposed jurisdiction by mediating and amicably settling cases involving rape or even murder, which are often settled through the payment of blood money.

Whereas limited access orders may be fairly effective at managing conflict within their influence sphere, persistent intra-elite conflicts may be more difficult to solve given the lack of an effective platform for negotiation, and also because of their complex ties with the bigger conflict.⁶⁰ Often, these intra-elite conflicts form part of a continuous struggle between competing alliances, disputing control over elected office (i.e. political-electoral disputes) and territory (i.e. land conflicts). It is this kind of conflict that qualifies as 'celebrated *rido*', targeted by TAF through its interventions, which will be subjected to a critical interrogation in the next section.

⁵⁷ Kreuzer, P. (2005). op. cit.

⁵⁸ Focus group discussion with the Barangay Council of Lower Glad, Midsayap (28/03/2013).

⁵⁹ Luckham, R. & Kirk, T. (2012). Security in Hybrid Political Contexts: an End-User Approach. JSRP paper 2. For the Philippines see Golub, op. cit.; Siliman, G.S. (1985). Op. cit. A Political Analysis of the Philippines' Katarungan Pambarangay System of Informal Justice through Mediation. Law & Society Review, 19 (2): pp. 279-302

⁶⁰ In Torres (ed.) *Rido: Clan Feuding and Conflict Management in Mindanao*. Makati City: The Asia Foundation.

THE EMERGENCE OF A HYBRID COALITION APPROACH

In this section we will attempt to gain a deeper understanding of TAF's conflict management interventions, understood as the practical translation of the ToCs which form the core focus of this paper. First, we situate the current interventions and the theories of change undergirding them within a longer history of programming and primary research conducted by TAF. This institutional history has given rise to a particular reading of conflict in the region, which in turn provides the rationale for a particular type of interventions, centered around a highly flexible coalition approach. We then turn to an empirical investigation of the Quick Response Teams as the institutional fall-out on the local level of this hybrid coalition approach, whereby central attention is paid to the way in which they interact with existing authority structures. In a final part we briefly outline what we see as the main strengths and challenges of the current interventions of TAF's conflict management unit.

THEORY AND PRAXIS FEEDING INTO THE COALITION APPROACH

i. Primary research on conflict in Mindanao

When DFID introduced Theory of Change as a new paradigm for communication, monitoring and evaluation, the Conflict Management Unit was the first unit within TAF to engage with this new instrument. It forced them to articulate their objectives, output and outcomes in order to see what had actually been achieved and to what extent their projects had contributed to these achievements. In that sense it represented a shift away from the traditional logframe which tends to be more focused on short-term and tangible outcomes. The theories were formulated by TAF in 2011 and introduced to its partners in September 2012. As such, their usage is still in an embryonic phase. The ToCs did not appear out of the blue however and instead represent a logical choice, informed by a much longer tradition of programmes and interventions under TAF's Conflict Management Program. Therefore, we will start by tracing back the intellectual history of the ToC to the inception of the Conflict Management Unit (CMU) in 2002. In this year, TAF concluded a household survey on citizens' perceptions of conflict, funded by the William and Flora Hewlett Foundation.⁶¹ This survey aimed to uncover the root causes of conflict in the Autonomous Region of Muslim Mindanao (ARMM) and adjacent areas such as Lanao del Norte, Cotabato City and Zamboanga City. It concluded that localised clan feuding, or *rido*, complicated by separatism, banditry and military involvement, was perceived by respondents as the most imminent threat to their daily lives.⁶² Based on a proposal informed by these results, TAF received funding from USAID under the Conflict Mitigation and Management Project 2004 to set up a Conflict Management Unit. Its first objective was to conduct research in order to help better understand clan feuding, what appeared to be the most pertinent cause of local conflict. In turn this would feed into the development of "strategic interventions that enable communities and government agencies to prevent the escalation of conflicts".⁶³ Understanding

⁶¹ Dayag-Laylo C.C. *Exploring Conflict Management in the Autonomous Region of Muslim Mindanao*. Paper presented at the 4th Asian Regional Conference of the World Association for Public Opinion Research (WAPOR) at the Asian Institute of Management Conference Center Makati, Manila. February 23-24 2004. Retrieved on 27/05/13 from <http://asiafoundation.org/publications/pdf/186>.

⁶² The Asia Foundation. A survey on conflict management in the autonomous region of Muslim Mindanao and adjacent areas. Unpublished document.

⁶³ TAF, Timeline: the Rido project, The Asia Foundation. p. 1. Retrieved on 27/05/13 from <http://www.asiafoundation.org/resources/pdfs/PHridotimeline.pdf>

TAF's conceptualisation of *rido* is vital to understand programming by the Conflict Management Unit. This conceptualisation of local conflict was further determined by the results of the extensive *rido* research conducted in 2005 by partner organisations⁶⁴ and local research centres.⁶⁵ The study was mainly empirically oriented, and its framing in academic (conflict) research was limited. It concluded that: “*Rido* refers to a state of recurring hostilities between families and kinship groups characterized by a series of retaliatory acts of violence carried out to avenge a perceived affront or injustice”.⁶⁶ *Rido* is a generic term used to cover a variety of local conflicts such as land disputes, political rivalries, crimes, resource and business related disputes or family issues. For TAF the common denominators in all these conflicts are the kinship ties between principal actors in the feuds, basically the clans or families and the cyclic nature of violence based on vengeance. At the same time TAF also relates the ubiquity of local conflict to weak governance and problematic law enforcement: “*rido* is a consequence of the inefficiency and ineffectiveness of the justice system. It also results from the lack of law and order (such as the proliferation of guns, or non-visibility of law enforcers)”.⁶⁷

It is this particular conceptualisation of local conflict – as feuding between clans as primordial social institutions, aggravated by a weakness of state institutions that blatantly fail to rein in powerful societal actors – that would come to form the key focus of the CMU's future interventions in the region. With regard to the form these interventions should take, the *rido* study had identified best practices on conflict management, including the Joint Ulama Municipal Peace and Order Council in Barira, Maguindanao, the *Walay na Bitiara* in Sultan Kudarat municipality in Maguindanao and the Mayor's Council “tri-people” conflict resolution body in North Upi, Maguindanao. The success of these initiatives hinged on the incorporation – through municipal or provincial ordinance – of traditional mechanisms for conflict resolution within formal government structures. This argument was strengthened by references to the resolution of clan feuding in other countries, which also involved cooperation between traditional leaders and government officials. These best practices provided the rationale for TAF to center its interventions around supporting formal-informal cooperation as a flexible method adapted to the cultural distinctness of disputing parties and at the same time strengthened by the recognition of formal institutions.⁶⁸ As such, TAF's intellectual rationale to support a hybrid approach to conflict management is more or less in line with the arguments pro hybridity presented in the introduction. TAF sees hybridity as a logical solution in a context where state power is contested. Furthermore, while formal systems are perceived as ill-equipped and illegitimate to accommodate traditional (Muslim) values, hybrid systems can combine traditional mechanisms and activate ‘local champions’ that are widely respected by local people and therefore better-placed to address local grievances.

ii. Lessons learned from previous interventions

⁶⁴ Mainly UNYPAD and CBCS.

⁶⁵ Amongst others: Institute for Bangsamoro Studies, Mindanao State University, Research Institute for Mindanao Culture.

⁶⁶ Torres, W.M. (2007). *Rido: Clan Feuding and Conflict Management in Mindanao*. Makati City: The Asia Foundation.p12.

⁶⁷ Torres, op. cit., p. 24.

⁶⁸ Torres, op. cit.

Parallel to the research project on *Rido*, in 2004 and with funding from USAID, TAF initiated an action component to fund interventions on the ground. The outcomes of the *Rido* studies were translated into recommendations for TAF partners that prioritised a continuous dialogue in conflict-affected communities wherein a variety of stakeholders are involved. In 2005, TAF also started capacity building sessions and trainings in conflict resolution for partners. During these trainings TAF emphasised the importance of understanding the local cultural context of conflicts and the value of traditional resolution mechanisms as a powerful tool in addressing local problems. A pivotal moment for programming in the CMU was a fact-finding mission in Sulu in 2005 funded by TAF and conducted by the Mindanao peaceweavers and the CBCS.⁶⁹ It examined the escalation of a conflict in which a family affiliated with MNLF killed one lieutenant-colonel of the AFP, after one of their family members had been accidentally killed by the AFP. A dialogue was set up between the AFP and the family in question in which local CBCS-members figured as “neutral and respected third party”.⁷⁰ First, the data from the fact-finding mission were shared with the conflicting parties, which resulted in a reduction of the tensions. Subsequently, several other stakeholders were drawn into the mediation effort, including community members, the military, paramilitary groups and local government officials. This approach ultimately proved effective in preventing a further escalation of the violence, which made the CMU realise two important things. First, that community members are well-positioned to act as bridging figures between warring families, and with adequate financial support they could become effective at preventing conflict from arising in the first place. Second, “If you want to achieve something in conflict resolution you need a collective effort”.⁷¹ This intervention represented a first experience with what would later become known under the generic term ‘coalition approach’. This ‘coalition approach’ would be further applied and refined in the following settlements, this time funded by USAID. In 2007 UNYPAD intervened in the long lasting rivalry between the Tayuan and the Mangansakan clan, one of the so-called “celebrated cases of *rido*”.⁷² This *Rido* had flared up in 2006 after the killing of a Mangansakan leader had led to a series of violent encounters in and around the municipality of Shariff Aguak. This mediation effort contributed significantly to ending a conflict which had lasted for some 21 years. A second important intervention, again funded by USAID, took place during the MOA-AD fall-out in 2008. UNYPAD initiated a successful dialogue between local leaders to prevent escalations between Muslim and Christian settlers in the village of Bulacaon, municipality of Pigkawayan, North Cotabato. In both cases UNYPAD’s method consisted of 1) conducting research on the conflict dynamics, 2) identifying bridging figures who could bring the feuding parties together and 3) employing traditional conflict resolution practices involving amongst others the payment of blood money and the celebration of the

⁶⁹ Mindanao Peaceweavers (2005) *Sulu state of war calls for peace. Report of the Sulu Peace and Solidarity Mission of the Mindanao Peaceweavers*. March 27- 31, 2005.

⁷⁰ Interview with Rommel Dela Rosa, Project Officer Conflict Management Unit TAF (Cotabato, 20/03/2013).

⁷¹ Willy Torres, in the discussion with the Conflict Management Unit during the midterm workshop (Manila, 02/03/2013).

⁷² Celebrated cases of *Rido* are long standing feuds between well-known families. The involvement of supporting actors, such as members from rebel groups, the army or local politicians, adds to the high degree of violence and disruption these cases are associated with. For a more detailed account of these cases see: United Peace and Development (2007) *The Celebrated Cases of Rido in Magindanao and North Cotabato*. In Torres (Ed.) *Rido Clan Feuding and Conflict Management in Mindanao*. pp. 291-303.

settlement with a ‘*kanduli*’ (traditional celebration) during which the reconciled parties signed a peace covenant.

In 2008 the coalition approach, which we now understand as having gradually emerged from a combination of primary conflict research and practical interventions in the field, would culminate in the establishment of Quick/Rapid Response Teams (QRT). The logic behind these QRTs is in line with the broader coalition approach, in that they form a community-level component of a broader network of civil society organisations and respected community-based leaders that can quickly, and in varying constellations, respond to outbreaks of hostilities. We will return to these QRTs in more detail below.

iii. The actual ToCs: what are they about?

It is this intellectual and institutional history and the resultant coalition approach, which fed into the ToC on ‘Hybrid Systems of Conflict Management’. In 2011, TAF’s Conflict Management Program received funding from the UK’s Department for International Development (DFID), a collaboration which was institutionalised in a Programme Partnership Agreement (PPA). Under PPA Component 5, TAF seeks to strengthen community-level efforts to improve local security in Mindanao. This translated into two main objectives around which the ToCs are built, namely 1) the reduction of violence in the Southern Philippines and 2) the improvement of community-security sector relations.⁷³ More specifically the following Theories of Change were formulated:

ToC 1: Community-led Efforts to Improve Local Security. *By supporting community-led efforts to improve relations with security forces, violent incidents will be less common and less severe. Improved relations between conflict-affected communities and security forces (and within communities themselves) will reduce the risk of tensions and incidents that result from poor communication.*

ToC 2: Hybrid Systems of Conflict Management. *By supporting hybrid or mixed systems that combine formal and informal approaches to managing conflicts, we allow the different systems to draw strength from one another, strengthen the conflict resolution process, reduce violence, and eventually draw the informal working systems into the ambit of mainstream formal governance structures.*

Basically, the claim made under ToC 1 is that better relations between the security forces and conflict-affected communities lead to improved communication and reduced misunderstandings, eliminating a common cause of conflict between the AFP and armed groups and their supporters. However, the outcome of this ToC is not limited to reducing violence between the security forces and communities. Rather, by improving relations with the AFP, it can become a trusted partner that can be engaged in local coalitions or security arrangements geared towards the prevention, management and resolution of conflict. Therefore ToC 1 further expands the coalition approach with a specific focus on the security sector and is in that capacity closely linked to ToC 2. TAF’s partners confirmed that the flexibility and openness of DFID

⁷³ TAF Philippines (2012). *PPA Year 1 Annual Component Report. Component 5 : Community-level Efforts to Improve Local Security in Mindanao*. p. 3. Unpublished document.

towards the involvement of the security sector had opened up new opportunities: whereas before they were hesitant to cooperate with the state security sector, many partners have now established a de facto partnership with the AFP. However it is also important to bear in mind that this rapprochement has also been made possible due to changes within the military, particularly the AFP's new Internal Peace and Security Plan 'Bayanihan' which promotes communication and cooperation with local communities as part of a more holistic peace-building strategy.⁷⁴ With this new approach the army is expected to leave its barracks and pro-actively engage in community development and reconstruction, provision of medical aid, or even amicable sports games. This strategic shift towards 'winning the peace' can best be understood as an attempt to 'normalise' relations between the army and MILF and MNLF communities.⁷⁵ By and large, these efforts of the army run in parallel with those put forward in ToC 1.

The second ToC on 'Hybrid Systems of Conflict Management' meanwhile is more abstract, with the term 'hybrid' being perceived by TAF-partners as vague and indistinct. Within the CMU as well there was no uniform definition of what this comprises. Instead the choice for 'hybrid' seems to represent a legitimisation and further institutionalisation of TAF's highly flexible coalition approach to conflict management, which prioritises above all the quick resolution of conflict. In that sense the configuration of coalitions is highly context specific, and the local champions in question can emanate from different 'sectors' (e.g. the local executive, AFP, MILF, MNLF, traditional and religious authorities). TAF's partner NGOs play a crucial role in identifying and communicating with local champions and in that capacity they become an integral part of the coalition. TAF employs no strict qualification requirements for these champions, except for them being 'trusted, credible community members that can quickly respond to an escalating conflict through personal efforts to mediate'⁷⁶ and that are ultimately able to legitimately broker a settlement. There are certain limits to flexibility however: Abu Sayyaf has no place in TAF interventions; and following ToC 1 TAF seeks the explicit involvement of the state security sector.

All in all, the actual formulation of the ToCs was a top-down exercise completed by the CMU in the Manila office with little input from partner organisations. Moreover, as indicated above, rather than a radical re-casting of its approach, the ToCs represented a confirmation and a further institutionalisation of TAF's highly flexible coalition approach as it had gradually emerged over the years. On the other hand, DFID's requirement for Theories of Change obliged TAF to assess the rationale behind its interventions and illuminate the assumptions driving its programmes. As different TAF staff acknowledged, ToCs opened up space for critical discussions about the specific outputs and outcomes of certain programs and how and why change is actually brought about. As was mentioned by TAF: "Peace building and State-

⁷⁴ Interview with Colonel Hermoso (Cotabato City, 05/04/2013); Interview with Colonel Galido (Midsayap, 10/04/13). See also Armed Forces of the Philippines (2010) *Internal Peace and Security Plan 'bayanihan' Quezon city*: General headquarters of the Armed Forces of the Philippines. p. v-vi. Retrieved on 06/06/13 from http://www.army.mil.ph/pdf_files/bayanihan.pdf.

⁷⁵ Interview with Colonel Hermoso, Division Inspector General 6th Infantry Division (Cotabato City, 05/04/2013); Interview with Colonel Galido, 40th Infantry Battalion, 6th Infantry Division (Midsayap, 10/04/13).

⁷⁶ TAF Philippines (2012). PPA Year 1 Annual Component Report – PPA component 5: Community-level efforts to improve local security in Mindanao. Manila: The Asia Foundation Philippines: p. 23.

building are complex social and political processes, which makes traditional monitoring and evaluation that is focused on attribution highly problematic”.⁷⁷ For many staff within the organisation, a traditional logframe approach was considered incapable of truly grasping these social and political processes while it was acknowledged that ToCs allow for a more thorough elaboration on the specific attributions/contributions to change envisioned by different TAF programmes. On the other hand, many questions about the use of ToCs remained unanswered, not least regarding conceptual tools being able to measure change and different long-term outcomes of certain programmes.⁷⁸

In September 2012 both theories were presented to the partners in an outcome-mapping workshop. In interviews conducted with several of these partner-NGOs in question, most indicated that ToC 1 on the security forces was useful as it provided them with clear objectives and guidelines. ToC 2 meanwhile was perceived as far more complex and abstract, and many respondents had never even heard of the term ‘hybrid’. When asked more generally about a ‘change in approach’, however, partners did indicate that the involvement of a broad range of stakeholders had now become more systematic, a ‘standard operating procedure’, where before such broad involvement had been more ad hoc.

HYBRID COALITION-BUILDING ON THE GROUND: THE QUICK RESPONSE TEAMS

As already indicated above, the coalition approach fed into the idea of forming Quick or Rapid Response Teams (QRT/RRT) which would be trained specifically for the purpose of community-driven conflict management. With reference to ToC 2, the objective of the QRTs is to train local community actors and non-state actors to rapidly respond in order to prevent escalations of localised violence and to eventually contribute to conflict mediation and -settlement. Essentially, “the QRTs are the early warning. If there is a potential flare-up, they act as a referee, to stop. They might not be able to resolve right away, but to bring the two conflicting parties to talk. Basically facilitating negotiation”.⁷⁹ As such (dixit the CMU) we should not understand the

⁷⁷ The Asia Foundation. ‘Program Partnership Agreement: UK – Department for International Development Improving State Society Relations’ power point presented in Davao City, 02.10.2012. Unpublished Document.

⁷⁸ TAF Philippines has now started formulating ToCs for programmes funded by other donors, namely the AUSAID Coalitions for Change and the USAID ‘People to People’ programme, while this was not explicitly required by the respective donors. The People to People programme funded by USAID aims at reducing localised violence through the improvement of relations between influential community leaders, including traditional, religious and women’s leaders. The programme puts local leaders at the center of peace building and restoring inter-community relations as they can fill the gaps where formal mediation fails. Hence it takes the same approach as formulated in the ToCs under DFID’s PPA, especially with regard to the importance of local leaders and strong social relations in resolving conflict. Obviously, different programs are not designed in a vacuum but interact with each other. This allows TAF to maintain a certain continuity in the rationale of its work in conflict management and the broader scope of TAF’s programmes, see: The Asia Foundation. Transforming Conflicts in Sulu and Basilan through People-to-People Engagement (P2P Project). Unpublished Document.

⁷⁹ Interview with Rommel Dela Rosa, Conflict Management Officer (Cotabato City, 17/03/2013)

QRTs as hybrid institutions, but rather as *ad hoc* responses to a certain problems.⁸⁰ TAF points out that the QRTs come in where the formal mechanisms of conflict resolution fail to aptly respond to conflict or are even the cause of conflict. The formation of the QRTs, the coordination of their operations and the communication between QRTs and other stakeholders are dominated by the partner NGOs, which have taken slightly different approaches. In what follows we will focus on the QRTs currently active in the municipalities of Midsayap in the province of North Cotabato.

In 2008 the UNYPAD-QRTs were created with TAF funding granted under the USAID Conflict Mitigation and Management Project. Before the inception of the QRTs, UNYPAD already had a youth peace watch initiated with the support of the Canadian International Development Agency (CIDA) and composed of local government officials and youth coming together to monitor *rido* disputes. UNYPAD has opted to organise one QRT at the municipal level, with its 22 members selected from four conflict-affected barangays (Tumbras, Nabalawag, NES and Tugal). These QRTs are described as the “arm of UNYPAD in the communities”.⁸¹ Their main task is to identify and mediate in local conflicts in order to prevent their further escalation. In the case of larger conflicts, the QRT will make an assessment of the case and then forward this to the UNYPAD leadership in the central Cotabato City Office. In the case of Magungaya meanwhile the QRTs were a spin-off from the Barangay Development and Security Planning (BDSP) project, also funded under the Conflict Mitigation and Management Project of USAID in 2008.⁸² Magungaya focuses particularly on the interaction of the QRTs with the military as a key to ameliorating the security situation in the barangays, consistent with what TAF has formulated in ToC 1. At the time of the fieldwork, Magungaya had QRTs in seventeen, mostly Muslim and MNLF dominated, barangays in the municipality of Midsayap. Each QRT consisted of 43 trained members, although only twenty to twenty-five are active.⁸³ Whereas the Magungaya-QRTs were trained to address natural and man-made disasters, they are also involved in livelihood projects such as the maintenance of fishponds. Only a minority of the Magungaya members however were engaged in actual conflict mediation.⁸⁴

With regards to membership requirements, in both cases candidates had to be able to read and write and be respected in the community. In addition, in the case of UNYPAD, members could not be involved in *rido* cases. In addition, Magungaya is

⁸⁰ Willy Torres, Conflict Management Unit, in the discussion of the closing workshop (Manila, 25/04/2013)

⁸¹ Focus group with Rahib Kuoto, UNYPAD president, Mr. Anwar Saluwang, UNYPAD Executive Director and Tu Alfonso, UNYPAD Vice-President (Cotabato City, 04/03/13).

⁸² The programme is an example of TAF’s efforts in social preparation that aims to identify the needs of communities. This enables TAF to provide projects that are most beneficial for the communities. In addition, the BDSP urged the Barangay officials to plan the expenses of the Internal Revenue Allotment (IRA) in a participatory exercise that includes different ‘sectors’ in the community, such as the woman or youth (Here Magungaya takes over the role of the DILG).

⁸³ The QRTs convene only twice a year to discuss issues in the Barangay.

⁸⁴ Meaning that they are sympathetic to their respective cause but have not direct relation with the rebel organizations. Interview with Junalyn Sumlay, the Executive Director of Magungaya (North East Sanunayan, 12/04/2013). She explained why QRT were necessary, also in barangays that had not known conflict in 40 years “the QRT is more than only security. They are also involved in the implementation of projects because the Barangay Council has a limited capacity”.

widely perceived as being MNLF-leaning, and UNYPAD as MILF-leaning.⁸⁵ This has an impact on the constituency of the partner organization, with UNYPAD being active mainly in MILF territory whereas Magungaya focuses on MNLF communities. This bias is also reflected in QRT-membership. In barangays with a significant presence of both MILF and MNLF there is a co-existence of UNYPAD- and Magungaya-QRTs, with little communication taking place between them. This is the case in Barangay Tugal, Nabalawag and North East Sanunayan (NES).⁸⁶ This observation already suggests some important questions regarding the supposedly inclusive and hybrid character of the QRTs. Whereas both UNYPAD and Magungaya claim that their QRTs reflect a wide spectrum of societal groups, such as women, youth and other peoples organizations, the teams are actually dominated by a few, mostly elder male members, often firmly embedded in local authority structures.

Both Magungaya as well as UNYPAD perceived a strong need to seek local executive approval for the creation of the QRTs. The barangay captain was given significant discretion over the identification and selection of QRT-members, resulting in a high degree of overlap in membership between formal barangay-sanctioned mediation mechanisms and the QRTs. In the case of Magungaya the QRT-president is invariably also the head of the Lupong, whereas many QRT-members in both UNYPAD- and Magungaya-QRTs are (former) barangay officials or members of the Barangay tanod. One QRT member recognised that “The QRT and the Barangay Peace and Order Council, it is basically the same, they are intertwined because it’s the same people”.⁸⁷ This overlap in membership is widely perceived as vital for the coordination between the QRT and the barangay. Moreover, many of the QRT-respondents admitted that a failure to coordinate with the local executive would render their work impossible. In the case of barangay Kadigasan for example, a dispute between the QRT-director and the barangay captain paralysed the QRT for five months. Finally an agreement was reached, allowing the Barangay captain to make suggestions for a new QRT-director, who was in turn elected by QRT-members and Barangay officials. All this serves to illustrate the firm grip that local executives hold over the QRTs.⁸⁸ In this regard it is telling that QRT-members defined their role in terms of “strengthening the barangay”, “lessening the burden of the barangay” or “the arm of the barangay”.⁸⁹ Inevitably this interlacing between the barangay and the QRT, while it might indeed strengthen the mediation capacity of both the barangay and the QRT, risks duplicating the same

⁸⁵ Interview with Junalyn Sumlay, the Executive Director of Magungaya (North East Sanunayan, 12/04/2013); Interview with Mors Husain, Volunteer at UNYPAD (Catabato City; 22/02/2013).

⁸⁶ Focus group discussion with members of the UNYPAD QRT in Barangay Tugal (Cotabato City, 12.03.2013) ; Focus group discussion with members of the UNYPAD QRT in Barangay Nabalawag, NES and Tugal (Cotabato City, 22.04.2013)

⁸⁷ Interview with Djego Mangansakan, UNYPAD QRT coordinator in Barangay NES and Namdin Masulut, UNYPAD QRT member Barangay NES (Cotabato City, 14.03.2013).

⁸⁸ A similar observation was made in TAF’s locality case study on M’ranao communities in Lanao: “inclusion of the local government functionaries in the RRT is necessary because local conflict resolution is the legitimate concern of the LGU and it might create suspicion on their side if they are excluded from the RRT”. Further it is stated that “It would be difficult for the RRT to effectively work without cooperating with the LGU” see: Libre, E.S.B. (2012) Rapid Response to Localized Violence in M’ranao communities: a Case Study. Unpublished study conducted for the Asia Foundation Program Partnership Agreement (PPA) with the UK Department for International Development. p.2.

⁸⁹ Focus group discussion with the members of the Magungaya QRT in Barangay Lower Glad (Lower Glad, 28.03.2013); Interview with Saidi Gunanga, UNYPAD QRT member of Barangay Tumbras (Midsayap, 06.04.2013).

problems and limitations with regards to politicization and territorial reach that we have identified in the existing conflict management institutions. It also implies that the QRT will be dependent on the goodwill of other barangay officials when a conflict transcends the borders of their barangay. On the other hand it should also be pointed out that in case of a strained relationship with the local executive, there is at least some room to manoeuvre. For instance, by the time Magungaya created its QRTs it had a difficult relationship with the mayor. Because the municipality refused to provide counterparts, a sum the NGO had to present in order to receive funding from the Office of the Presidential Adviser on the Peace Process (OPPAP) for the PAMANA project that supports livelihood projects for the QRT members, Magungaya decided to directly approach the governor of North Cotabato, who arranged financial support.

Turning our attention to the mediation process proper, most respondents stressed the centrality of traditional dispute resolution. Whereas a great degree of local variation exists in traditional mediation mechanisms, some kind of generic form of ‘traditional’ settlement has seemingly taken the upper hand.⁹⁰ In this process the QRTs function as facilitators mediating between the warring parties and stakeholders. In a first, exploratory phase a willingness to talk is carefully probed. Once this willingness is present, conflicting parties have to nominate representatives who will then meet in a neutral venue where negotiations take place under the supervision of a mediator acceptable to both sides. Ideally this mediator has an authoritative position in the community, while kinship ties to both conflicting parties is considered an additional advantage. In some cases the mediator is also affiliated to members of the QRT, which increases their capacity to act. In practice the mediator will be a local elder and/or a politician, but in the case of more ‘high-profile’ conflicts it can also be an MILF- or AFP-commander on friendly terms with both parties. It is during this first, exploratory phase in which the added value of the QRTs becomes apparent. Because of their low-profile position they can discretely work towards establishing a willingness to talk. Moreover, their local embeddedness is a benefit for the identification of potential mediators. During the negotiations proper, a high degree of confidentiality is observed, so as not to risk degrading the honor of the warring parties. This is particularly important when it involves sensitive issues such as rape. Whereas QRTs might still play a role in this phase, they are merely facilitating and the mediator, as well as the warring parties, will take centre stage.⁹¹ Settlement will typically involve compensation by the offender, usually in the form of blood money. The actual amount of blood money hinges on a variety of factors – e.g. the nature of the dispute, the number of deaths, the socio-economic status of the offender – and is supposedly subject to negotiation. While TAF does not contribute directly to the payment of blood money, it has no problem with the mediator asking third parties to do so. In several instances local executives (by diverting IRA-funds) and to a lesser extent also MILF-commanders have been known to sponsor the redemption sum. For example, while TAF provided funds for the celebration during the settlement of the conflict between the Dandua and Dalandas clans in Aleosan, the MILF political

⁹⁰ e.g. Libre, E.S.B. (2012). Rapid response to localized violence in m'ranao communities. Unpublished case study commissioned by TAF Philippines for the TAF Program Partnership Agreement with DFID.; Torres, W.M. (2007). *RIDO: Clan Feuding and Conflict Management in Mindanao*. Makati City: The Asia Foundation.; United Youth for Peace and Development, Inc. (2012). *Mitigating Local Conflict in Midsayap, Cotabato*. Terminal Report. Unpublished Document.

⁹¹ While at all stages TAF is funding the interventions of the local partners, TAF is not directly involved in the mediation process as such.

committees of Aleosan and Pikit II, provided an amount of P25,000 as blood money for the losses of the Dandua family.⁹² After a settlement has been reached, it is typically consolidated through the signing of a peace covenant and a traditional celebration (Kanduli). During this final phase, the active involvement of a broad range of authoritative actors is actively pursued. These actors commonly include local executives (particularly the mayor and barangay captains relevant to the conflict); the state security sector (PNP and AFP); NGOs (including TAF-representatives); but also representatives of the rebel forces (MILF and MNLF). The main reason for their involvement is not so much their constructive contribution to the mediation process, although several amongst them might have played an active part in it. Rather, their participation as witnesses is instrumental to imbue the settlement process with public legitimacy, making it difficult for the actors involved to renege on the terms of the settlement. TAF explicitly recognises that this legitimating exercise is a crucial step in the settlement process: “it means so much for local actors to have big people around when they are reconciling” (...) “during the reconciliation that is when the little people melt away and make room for the bigger people, it is the public aspect, it gives more prestige”⁹³. It should not come as a surprise then that the ‘legitimation phase’ and the Kanduli in particular absorb the major part of the budget it allocates to its partners.

To further illustrate the machinations of the mediation process and the role of the QRTs therein, we will now briefly elaborate on two interventions in which UNYPAD-QRTs have played an important part. The first one followed a series of conflicts in barangay Nabalawag between the Masgal family on the one hand and the Salim and Adam families on the other. Conflict revolved around land disputes that escalated as part of a broader power struggle between two barangay captains who were simultaneously acting as commanders in the area. Killings and land grabbing by both sides had widened the gap between the families. QRT members, who were also Barangay officials, cleared the ground for negotiations between the two parties by approaching the family elders and -commanders to hear their demands. Hereafter, the QRT met with the barangay captain in order to establish a strategy for further negotiations between the parties; and different stakeholders such as the Barangay officials, the municipal Mayor, the MILF and AFP all were drawn together to push the parties towards an agreement.⁹⁴ Eventually the settlement was sealed by intermarriage between the Masgal and Adam family. Two enabling factors played a crucial role in the successful intervention of the QRT. First, the fact that QRT members were part of the Barangay council reinforced their position as mediators. Second, the recognition and approval of the QRT’s work by the MLGU and the security sector added to the credibility and respectability of the mediation effort.⁹⁵

Whereas this case demonstrates how the involvement of local executives can be crucial for the QRT in resolving conflict, the conflict between the Sugod-Mangadta versus the Namil-Musa families in barangay Mudseng illustrates how a failure of

⁹² Moro Women Development and Cultural Center, Inc. (September 2011 – November 2012) Conflict Mitigation Program: The Case Of Dandua & Dalandas Clans, Barangay Luanan, Aleosan, Cotabato. p. 2.

⁹³ Willy Torres, coordinator conflict management unit, during the discussion of the closing workshop (Manila, 25.04.2013)

⁹⁴ United Youth for Peace and Development, Inc. (2012). Op. cit.

⁹⁵ In case of the municipality, an event was organised to present the QRT members to the Mayor of Midsayap, to seek approval for the QRT’s work from his part.

local executive support can hamper the mediation process. These families have a history of disputes that can be traced back to the early '90s and mostly revolved around land. Both families were allied to different commanders in Mudseng struggling for political-economic control. In 2011, barangay elections drove the conflict to its climax. The incumbent Barangay Captain, an MNLF-supporter allied to the Mangadta family was challenged by an ally of the Namil family, supported by the MILF. The barangay captain deployed armed CAFGU's and CVO's, which led to a notable escalation of the conflict. When inhabitants of Mudseng fled the violence, the QRT attempted to negotiate with the barangay captain over the return of these civilians. However, this negotiation was unsuccessful. According to the Magungaya QRT-members the failure was due to extensive violence that hampered human mobility; but more fundamentally also to the lack of capacity and legitimacy they have as a QRT towards the local executive, who in this case was involved in the conflict. Ultimately, the Joint Ceasefire Monitoring Post⁹⁶ of Mudseng had to intervene in order to facilitate a dialogue between the families, whereby the Magungaya QRT together with LGU politicians, MILF and MNLF commanders, and AFP commanders acted as mediators. Such a coalition was perceived as vital to give more weight to 'impartial mediators' such as the QRT members, who in their own capacity have little resources, legitimacy and influence to intervene in the conflict. The QRT members in Mudseng recognised that "the QRT is an option for mediating conflicts, but this has to happen in cooperation with other legitimate organizations. On its own, the QRT has too little capacity and influence over the families".⁹⁷

To conclude, the QRT's main objective lies in facilitating conflict mediation and settlement by establishing lines of communication between warring parties. Their method relies on gathering support and forging coalitions that involve all relevant stakeholders in the conflict but also within the community. This coalition can then pressure the parties to settle the conflict and give weight and legitimacy to the final resolution. However; the examples above also clearly illustrate that, as was the case with the other conflict management mechanisms discussed in the former section, the local executive usually maintains a critical position in the mediation process,⁹⁸ and this inevitably has an impact on the kind of conflict that can be dealt with and on the outcome of the mediation process. Where the local executive himself/herself is involved solving a conflict becomes particularly difficult.

THE HYBRID COALITION APPROACH: STRENGTHS AND CHALLENGES

The CMU's number one priority is to pacify the locality and prevent the escalation of conflict. TAF's coalition approach is fairly effective at resolving specific disputes, as illustrated by the resolution of 'celebrated' *rido* cases.⁹⁹ A first important factor in accounting for this success is TAF's ability to mobilise authoritative actors in

⁹⁶ Joint Ceasefire Monitoring Post are part of the ceasefire mechanism and consist of both AFP and MILF members. Their local staff monitors and mitigates outbreaks of violence.

⁹⁷ Interview with Alex Montani, QRT member of Magungaya in Barangay Mudseng and Nurredine Musa, QRT member of Magungaya in barangay Mudseng (Cotabato City, 19.03.2013).

⁹⁸ This argument is also confirmed in TAF's latest locality case study on conflict mediation in North Cotabato. See Corpuz-Guerrero, S. (2013) *PPA Locality Case Study, Province of North Cotabato*. Study issued by TAF for the DFID 2nd round of case study. Unpublished Document.

⁹⁹ United Peace and Development (2007) *The Celebrated Cases of Rido in Magindanao and North Cotabato*. In Torres (Ed.) *Rido Clan Feuding and Conflict Management in Mindanao*. pp. 291-303

conflict-affected areas on a flexible and *ad hoc* basis. The precise configuration of its coalitions depends on the specificities of the conflict at hand. In this regard there is also a remarkable discrepancy between the institutionalised nature of QRTs on the ground (usually a PO-structure) and the way they were presented by the CMU: as *ad hoc* groupings that are convened every time there is a conflict management intervention. As such, even the supposedly most institutionalised part of the coalition is subservient to the flexibility of the coalition approach. This prioritisation of flexibility raises important questions with regards to long-term sustainability: how can – and should – TAF’s approach towards conflict management be institutionalised without jeopardising its ability to respond to specific conflicts?

A second important factor accounting for the effectiveness of TAF’s hybrid coalition approach is its ability to identify (through its partners) and its willingness to engage with local elite actors. The CMU, despite a rhetorical commitment to building ‘inclusive coalitions’, simultaneously acknowledges its explicit choice to work through authoritative ‘community leaders’ or what they call ‘local champions’. On a more analytical level, it might be argued that TAF’s conflict management approach is fairly effective precisely because of its flexibility – notwithstanding its reluctance to work with ASG and its preference towards the state security sector – in working with limited access orders on the local level. While potential partner organisations are carefully scrutinised through consultation with key informants in the field, standard guidelines for the selection of partners organisations seemed to be lacking. Where necessary, particularly in the case of conflicts rooted in persistent elite divisions, TAF tries to ‘mend’ or expand the limited access order by encouraging rapprochement between elite players. The settlement of the celebrated *Rido* between the Tayuan and Mangansakan families illustrates how broken alliances can be mended for a renewed political engagement. During the conflict, tracts of land owned by the warring parties were taken over by Christian settlers. As a consequence, the two parties were open to a settlement brokered by UNYPAD whereby both parties would form an electoral alliance against the Christians. A member of the Tayuan family became mayor and a member of the Mangansakan family became vice-mayor in Pikit.¹⁰⁰ TAF’s focus is also reflected in the QRTs. Despite their instrumentality in (1) identifying local champions at both sides of the MILF/MNLF divide and (2) paving the way for an initial rapprochement between warring parties; their added value in terms of inclusivity was not immediately apparent. Instead their membership was heavily informed by local authority structures, particularly the local executive. Ultimately there seems to be a looming trade-off between effectiveness on the one hand and equity on the other. Through its direct engagement with local elites, TAF leaves the exclusivist basis of political authority and associated political-territorial control untouched, despite the observation by different leading scholars that this highly elitist nature of the local political economy lies at the root of persistent conflict in the first place.¹⁰¹

¹⁰⁰ Interview with Maks Mangadta, Mindanao Human Rights Action Center (16.04.2013)

¹⁰¹ Eric Gutierrez and Saturnino M. Borras (2004). *The Moro Conflict: Landlessness and Misdirected State Policies*. Washington: East-West Center.; Sietze Vellema, Saturnino M. Borras and Francisco Lara, (2011) ‘The Agrarian Roots of Contemporary Violent Conflict in Mindanao, Southern Philippines’, *Journal of Agrarian Change* 11(3) pp. 298-320, Kreuzer, P. (2009). Private Political Violence and Boss-Rule in the Philippines. *Behemoth*, 2(1), 47-63.

THE WAY FORWARD: VENUES FOR A CONSTRUCTIVE ENGAGEMENT WITH FORMAL STATE STRUCTURES

We suggest that part of the solution for the looming trade-offs between flexibility/effectiveness and sustainability/inclusiveness lies in a more sustained engagement with formal state institutions at the local level. Throughout this paper we have emphasised that local state institutions command both the formal-democratic mandate and legitimacy, as well as the coercive and financial resources required for successful conflict management. At the same time we duly acknowledge the often problematic character of local government. For TAF, ‘bad governance’ by ‘warlord-politicians’ – who in their capacity as elected officials form an integral part of the formal state system – is one of the main reasons to support hybrid forms of conflict mediation, in which informal mechanisms of conflict management are put at the forefront. Nevertheless, a constructive engagement with formally democratic state structures is perhaps the only viable way forward to guarantee the long-term sustainability of conflict management. In what follows, we will first try to provide a synthesis of how TAF interventions currently deal with the question of the state, after which we make some suggestions about how such an engagement might feed into more sustainable and more inclusive conflict management.

TAF INTERVENTIONS: A RHETORICAL COMMITMENT TO THE FORMAL VERSUS HIGHLY PRAGMATIC REALITY

Through its ToC, TAF explicitly commits itself to “draw the informal working systems into the ambit of formal governance structures”. Different stakeholders operating at different levels¹⁰² confirmed this necessity to institutionalise existing interventions in order to guarantee their sustainability. At the same time, the vague formulation “into the ambit of formal governance structures” leaves many questions unanswered with regards to the precise modalities through which such an engagement could and should happen. Within TAF-Philippines as well as between TAF and its partners, big differences could be discerned both in terms of their normative perspective on, and their practical interaction with the state.

Where the conflict management unit is concerned, in line with its first ToC it attaches great importance to the systematic involvement of the AFP in its interventions. Meanwhile its engagement with other (local) state actors is far less systematic, and is dictated by its flexible and pragmatic coalition approach. It is mainly geared towards tapping the personal authority, legitimacy and resources of the local executive in an *ad hoc* manner. As far as reference was made to a more or less predictable strategy to deal with the local executive, it was geared towards encouraging an organic rapprochement and a spontaneous learning process between formal and informal practices. Supposedly this would then contribute to a behavioral change on the part of local politicians. Hereby the CMU seeks to capitalize on the opportunist nature of local politicians who are always on the lookout for ways to enhance their visibility. It is expected that successful conflict management initiatives and the ‘photo ops’ that come with it could serve as bait to involve local politicians seeking to boost their popularity. Although this may seem plausible, real evidence supporting this hypothesis could not be found.

¹⁰² This includes people within TAF-Manila and TAF-Cotabato as well as those within partner organisations and within the QRTs.

We try to draw in the state actors, so slowly the locals will see that the state is helping them. Slowly but surely they will converge.¹⁰³

If the state supports local conflict resolution systems seen as legitimate by the local population in contested areas, the state will be perceived as functioning in terms of providing security and justice to its citizens, resulting in more buy-in from the locals and more opportunities to re-establish governance and security via a bottom-up approach, which will eventually feed into mainstream governance and strengthen the formal system.¹⁰⁴

Meanwhile the partner NGOs, and to a lesser extent the TAF office in Cotabato, are confronted with the ubiquitous presence of the local state on an everyday basis. The CMU's focus on improving relations between the AFP and the local community has clearly trickled down and was clearly felt as an important step forward by the partners. Partly, this is due to the straight formulation of this ToC and the clear communication to the partners. ToC 2 about hybrid systems of conflict management however was perceived as complex and vague as it provides no clear recommendations or guidelines with regards to how partner organisations should deal with local state institutions. In practice, the NGO partners retain a high degree of discretion in shaping this interaction. Unsurprisingly this results in a high degree of local variation, which crystallises in the relationship between the QRTs and local state institutions:

Interfacing between RRT/QRT traditional mediators and mainstream institutions (i.e. the LGUs, local prosecutors' offices, public attorney's office, the PNP and AFP as well as LGU-recognized bodies such as the MPOCs and Council of Elders) could involve coordination, cooperation, collaboration, information-sharing, and perhaps even some form of institutional partnership – the specific arrangements of which would depend on each locality's situation.¹⁰⁵

In North Cotabato, Magungaya as well as UNYPAD have taken different approaches towards their engagement with the local state. Where UNYPAD rhetorically commits itself to safeguarding its political independence, Magungaya sees nothing wrong in a close coordination with the local executive. As we have explained in our discussion on the QRTs, most NGO interventions hinge on some form of local executive support. Partner-NGOs have no choice but to engage with the local executive and to some extent comply with his/her demands, which usually form part of broader political-electoral strategies. We do not suggest that this high degree of involvement with the local state is wrong a priori. However, we do perceive an urgent need for TAF to not only explicitly recognise the central position of the local state and executive, but also to reflect about how it can make use of the formal-democratic provisions and resources inherent to state power in a more systematic manner.

On a more theoretical level this suggestion resonates with the critique being raised against Sidel's rather fatalistic bossism thesis, which depicts local state institutions

¹⁰³ Willy Torres, Coordinator Conflict Management Unit, in the discussion of the closing workshop (Manila, 25.04.2013).

¹⁰⁴ TAF Philippines (2012). PPA Year 1 Annual Component Report – PPA component 5: Community-level efforts to improve local security in Mindanao. Manila: The Asia Foundation Philippines: p. 23.

The two citations above were recorded during our discussions with the CMU in Manila.

¹⁰⁵ Libre, E.S.B. (2012). *Op. cit.* p. 10.

and the behaviour of local politicians as immune to change.¹⁰⁶ In doing this it glosses over important vectors for transformation in local politics. First, under the right set of circumstances (local) elections, even where ‘less-than-democratic’, can be defining moments with real transformative potential.¹⁰⁷ Amenable circumstances include 1) elite divisions on the local-regional level, 2) a united democratic opposition, and 3) the existence of an alternative outreach network outside established elite structures. Secondly, the post-martial law era has witnessed the increased entry of (civil society) reformists in the state who seek to make use of new democratic spaces.¹⁰⁸ The presence of these reformists, in combination with what is considered a highly progressive constitutional framework, provides opportunities for civil society engagement with the state, either through existing or through newly-created linkages. Such a “symbiotic interaction between autonomous societal groups from below and strategically placed state reformists from above” has proven particularly fruitful in land reform implementation, where recalcitrant local landowners and politicians have been ‘sandwiched’ by forces from above and below.¹⁰⁹ Finally, the good governance agenda with its rhetoric of accountability and transparency which has been making leeway in recent decades is not an empty shell, and can have a genuine impact on the machinations of local politics.¹¹⁰ More generally, whereas the Philippine polity continues to exhibit authoritarian features, the transition from martial law to a formal democratic system and subsequent decentralisation efforts have opened up democratic spaces which provide civil society with significant opportunities to push for popular empowerment.¹¹¹ On the basis of these and our own observations, in what follows we suggest some possible pathways for a critical engagement with state actors. Such an engagement should be aimed first and foremost at empowering those within limited access orders that are – for whichever reason – inclined to work towards enlarging these democratic spaces, as the basis for a more profound effort to transform the machinations of politics.

A MORE CRITICAL SELECTION OF LOCAL CHAMPIONS

A first suggestion is that TAF and its partners should reflect more profoundly about the criteria it applies in selecting its local champions, particularly where elected officials are concerned. As indicated earlier, aside from a reluctance to engage with Abu Sayyaf and a strong predisposition towards the AFP, the CMU sets no real qualifications for local champions, and instead allows its local partners significant leeway in their selection. Unsurprisingly, most of the ‘champions for peace’ who ultimately become involved in TAF interventions form a constitutive part of what we have earlier designated as limited access orders. Whereas these orders and the actors involved may be highly effective in containing and limiting local violence because of their ability to monopolise coercive capacity and authority, they are often questionable in terms of their participatory and inclusive character. Where the CMU involves state officials –and they usually do– it is as one amongst several in a

¹⁰⁶ Sidel, J. T. (1999). Op. Cit.

¹⁰⁷ Franco, J. (2005). *Elections and democratization in the Philippines*. New York: Routledge.

¹⁰⁸ Lewis, D. (2013). Sideways Strategies: Civil Society-State Reformist Crossover Activities in the Philippines 1986-2010. *Contemporary Southeast Asia*, 35(1): pp. 27-55.

¹⁰⁹ Borras J. (2001). State-Society Relations in Land Reform Implementation in the Philippines. *Development and Change*, 32(3), pp. 545-575.

¹¹⁰ Kawanaka, T. (2007). The Robredo Style: Philippine Local Politics in Transition. *Kasarinlan*, 13(3), pp.5-36.

¹¹¹ Quimpo, N. G. (2008). *Contested Democracy and the left in the Philippines after Marcos*. Manila: Ateneo de Manila University Press.

‘coalition of champions’. We would like to make two suggestions here. First, TAF could pressure its partners to more closely scrutinise the kind of champions it engages with, and be more pro-active in identifying and supporting those champions that are ‘true’ champions in the sense that they are genuinely committed to a more institutionalised, participatory and long-term approach towards conflict management. Secondly, to move away from somewhat indistinct conceptualisations such as ‘hybrid’ and ‘the ambit of the formal’ and to recognise instead the central role of state actors as representatives of the formal-democratic order. This implies that central attention must be paid to working with local politicians and state officials, particularly those willing to openly tolerate, or even support, conflict management. Clearly such an approach implies an active learning process and continuous pressure on state actors in order to ensure their commitment. While we duly understand the difficulties for TAF and its partners to openly engage with electoral politics, it may also be important to (discretely) secure the commitment of those politicians who are currently not holding power.

THE QRT AS AN INCLUSIVE FORCE FROM BELOW

While TAF and its partners are well-placed to identify and monitor ‘reform-minded’ actors within the state, a second suggestion would be to pay more attention to the role of QRTs – which are currently being treated in an instrumental manner within the broader coalition approach – as bottom-up and inclusive forces for change. Whereas the QRTs were often presented to us as apolitical and as transcending the tumult of local politics, such political autonomy is illusory; in reality political-electoral strategies conditioned the scope and machinations of QRT-interventions. Instead of approaching this politicisation as a problem, it might instead be interesting to look for ways in which it can represent a venue for change in local politics. Existing linkages to politicians – whether institutional (e.g. through the NGO or barangay council) or otherwise – might be nurtured to feed into a process of consultation and participation in conflict management. Without underestimating the power of traditional strategies of socio-political control, which often involve coercion and patronage, there exists an added value in the selective use of electoral strategies as part of a critical engagement approach. QRT-members and their relatives could support those politicians closely involved in conflict management. Hereby they could also attempt to capitalise on existing divisions within local-regional political elites, as Magungaya did when it skipped the municipal level and sought the direct support of the governor for its interventions. Finally, aside from supporting those actors within limited access orders willing to support QRT action, the involvement of several QRT members in electoral politics (particularly on the level of the barangay) can also be an important opportunity to imbue the local state with a more open-minded and inclusive approach to conflict management. Moreover, the QRTs themselves are not immune to the trappings of ‘traditional politics’ and attention needs to be paid to safeguarding their democratic character in order for them to be genuinely ‘community-led’. Inclusivity might also benefit from closer and perhaps institutionalised connections with other QRTs –and in an ideal scenario with other civil society actors – which in the case of Midsayap reflected the kind of persistent elite divisions (i.e. MI/MN and associated politicians) TAF is seeking to mend in the first place. Finally, the sustainability and effectiveness of QRT-interventions in conflict management ultimately hinges on external support, both intellectual-moral and financial in nature. TAF, through its partners, clearly has a role to play in generating such support and building the resilience of the QRTs.

CLAIMING THE DEMOCRATIC GOVERNANCE SPACE

Ultimately the longer-term sustainability of TAF's interventions in conflict management hinges on some kind of institutionalisation through a critical engagement with formal state structures. In this regard the penultimate strategy for such a critical engagement is to claim the democratic space created by progressive and participatory provisions that exist in the legal framework. TAF duly realises this and a lot of its work in the Philippines is actually focused on providing assistance to local governments in order to strengthen their capacity, transparency and inclusiveness.¹¹² Two important observations are in place however. First, in geographical terms, TAF's governance agenda is much less prominent in the areas of central- and eastern Mindanao, where its focus lies mainly on conflict management. Secondly, and perhaps somewhat more disturbing, TAF formally separates conflict management and by extension the enforcement of peace and order from its local governance agenda; although we must add that not all TAF-staff assented to this choice. Within the organization, there is not only a clear separation but also a lack of coordination between the local government unit and the conflict management unit. Yet our research has demonstrated precisely that local governance and conflict dynamics are inextricably intertwined and should be understood in close relation to each other. Part of the reason for this relative reluctance to deal with local governance in central- and eastern Mindanao might be its supposed 'exceptionalism', with political dynamics on the local level being perceived as culturally inappropriate and militarised following decades of conflict. Moreover, an open (and selective) engagement with local state actors could be considered too sensitive considering the politicised nature of the peace negotiations and the institutional uncertainty underlying them.

Earlier in this paper, we pointed out that supposedly 'weak' state actors actually fulfill important roles in existing conflict management efforts (including those supported by TAF) within their legal mandate under the local government code. Institutions like the barangay justice and to a lesser extent the peace and order councils existing at different LGU levels represent potential entrance points for advocacy and reform, all the more because they have formal provisions that guarantee their inclusive and participatory character. Furthermore, LGUs are known to be quite inventive and willing to capitalise upon their mandate under the LGC through the promulgation of local ordinances and executive orders. In the domain of conflict management, this was illustrated by the creation of institutions like the 'mayor's council' in Upi. The LGC also includes provisions for the LGU to enter into joint ventures with - and offer financial support to people's organisations, which represents opportunities for the institutionalisation of the QRTs. In this regard the BDSP process started by Magungaya is an interesting experiment, not just because it envisions a broader mandate for the QRTs (including both security and development planning) but also because it seeks to explicitly integrate the QRT in the LGU-structure.¹¹³

¹¹² The Asia Foundation (2010). Local Governance Programs. Retrieved on 12/06/13 from <http://asiafoundation.org/resources/pdfs/LocalGovernance4Pager8.5x11.pdf>.

¹¹³ In fact, BDSP can be instrumental in the implementation of opportunities, provided the LGU code to further integrate the QRT's at the barangay level. After all, the code foresees a compulsory representation of civil society of minimum 25% and maximum 50% in the Barangay Development Council. The representation of the QRT at the Barangay can then be formalised with a resolution of the council. Interview with Rommel Dela Rosa, Program Officer Conflict Management (Cotabato City, 20.03.2013).

SUMMARY OF MAIN FINDINGS

In conclusion, this paper we will provide a summary of its main findings and the suggestions we have made to take the theory forward.

1. The socio-political environment wherein TAF seeks to intervene is characterised by the existence of ‘limited access orders’. These orders are dominated by constantly shifting coalitions of elite actors seeking (and often succeeding) to monopolise access to authority and to coercive resources. Despite the hybrid nature of these coalitions and the authority undergirding them, which defy clear-cut categorisation for example in terms of formal/informal, (local) state institutions fulfill a pivotal role in upholding and legitimising this order.
2. Because of their ability to monopolise authority and coercive resources, limited access orders may be fairly effective at containing conflict and violence within their respective influence sphere. However, conflict management in limited access orders has its limitations. Given the often coercive and exclusivist nature of political authority in the Philippines, these limited access orders have highly questionable democratic credentials.
3. The conflict management unit’s approach can best be summarised as a highly flexible ‘hybrid coalition approach’. It aims at establishing coalitions of ‘local champions’ in an ad hoc manner i.e. depending on the specificities of the conflict at hand; although in recent years the Quick Response Teams have imbued the conflict management process with at least some degree of predictability. It is this approach which has formed the rationale for TAF’s ToC ‘hybrid systems of conflict management’, which in turn formed the entrance point for this paper.
4. TAF’s coalition approach has been judged fairly effective in solving specific conflicts. The main factors contributing to this success are 1) the flexibility of its approach, allowing TAF to mobilise ‘local champions’ on an ad hoc basis; and 2) the CMU’s pragmatism in working with local elite actors. These strengths simultaneously point at the weaknesses of the coalition approach as it stands today. First, its flexibility risks jeopardising the long-term sustainability of the coalition approach. Second, pragmatism in working with elite actors risks legitimising those elite actors with highly questionable democratic credentials.
5. It has been suggested that an important part of the solution for these looming trade-offs lies in a more constructive and simultaneously critical engagement with state actors. In the first instance TAF should more closely scrutinise the kind of ‘local champions’ it engages with, particularly where (elected) state officials are concerned. On the longer term however we invite TAF to move away from somewhat indistinct conceptualisations such as ‘hybrid’ and ‘the ambit of the formal’ to instead recognise the central role of state actors as representatives of the formal-democratic order, and as both the means and the end of its conflict management interventions. This implies that central attention must be paid to working with local politicians and state officials, particularly those willing to openly tolerate or even support conflict management, so as to ultimately guarantee the democratic and inclusive nature of a sustainable peace.

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